



Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004

No. 123, 2004

**An Act to amend the law relating to elections and
referendums, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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**An Act to amend the law relating to elections and
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[Assented to 16 August 2004]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Electoral and Referendum
Amendment (Prisoner Voting and Other Measures) Act 2004*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	16 August 2004
2. Schedule 1, item 1	Immediately after the commencement of item 6 of Schedule 1 to the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004
3. Schedule 1, item 2	Immediately after the commencement of item 7 of Schedule 1 to the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004
4. Schedule 1, item 3	Immediately after the commencement of item 46 of Schedule 1 to the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004
5. Schedule 1, item 4	Immediately after the commencement of item 71 of Schedule 1 to the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004
6. Schedule 1, item 5	Immediately after the commencement of item 95 of Schedule 1 to the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004
7. Schedule 1, item 6	Immediately after the commencement of item 126 of Schedule 1 to the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
8. Schedule 2	Immediately after the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> received the Royal Assent.	13 July 2004
9. Schedule 3	Immediately after the commencement of item 132A of the <i>Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004</i> .	10 August 2004

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments relating to prisoner voting

Commonwealth Electoral Act 1918

1 Paragraph 93(8)(b)

Repeal the paragraph, substitute:

- (b) is serving a sentence of 3 years or longer for an offence against the law of the Commonwealth or of a State or Territory; or

2 Subsection 93(8AA)

Repeal the subsection, substitute:

- (8AA) Paragraph (8)(b) applies whether the person started serving the sentence before, on or after the commencement of Schedule 1 to the *Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004*.

3 Section 109

Omit “imprisonment (within the meaning of subsection 93(8))”, substitute “3 years or longer”.

4 Paragraph 184A(2)(d)

Omit “but not serving a sentence of imprisonment (within the meaning of subsection 93(8))”.

5 Clause 9 of Schedule 2

Omit “under detention, but not serving a sentence of imprisonment (within the meaning of subsection 93(8))”, substitute “serving a sentence of imprisonment or otherwise under detention”.

Referendum (Machinery Provisions) Act 1984

6 Clause 9 of Schedule 3

Omit “under detention, but not serving a sentence of imprisonment (within the meaning of subsection 93(8) of the *Commonwealth Electoral Act 1918*)”, substitute “serving a sentence of imprisonment or otherwise under detention”.

Schedule 2—Amendments relating to close of rolls

Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004

1 Subsection 2(1) (table item 28)

Repeal the item.

2 Items 107 and 108 of Schedule 1

Repeal the items.

Schedule 3—Amendments relating to proof of identity and address on enrolment

Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004

1 Subsection 2(1) (table item 14)

Omit “item 19”, substitute “items 18A and 19”.

2 Item 132A of Schedule 1

Repeal the item, substitute:

132A Transitional—sunset of provisions for evidentiary requirements for enrolment

Items 18A, 19 and 42 of Schedule 1 cease to have effect on the third anniversary of the day on which item 19 of Schedule 1 commences.

132B Transitional—review of provisions for evidentiary requirements for enrolment

- (1) On the first business day after the second anniversary of the day on which item 19 of Schedule 1 commences, the Electoral Commission must start a review of the operation of the provisions of the *Commonwealth Electoral Act 1918* that relate to the evidentiary requirements for enrolment (including section 98AA, paragraph 98(2)(d) and subsections 105(1B), (1C) and (1D) of that Act).
- (2) In undertaking the review, the Electoral Commission must consider:
 - (a) those requirements, particularly as they relate to the integrity of the electoral roll; and
 - (b) the effect (if any) of those provisions on enrolment and enrolment procedures.
- (3) Within 6 months after starting the review, the Electoral Commission must give copies of a written report of the review, including any recommendations, to the Minister and the Joint Standing Committee on Electoral Matters. The Minister and the Joint Standing Committee on Electoral Matters must be given their copies of the report at the same time.

*[Minister's second reading speech made in—
House of Representatives on 5 August 2004
Senate on 11 August 2004]*

(148/04)