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Electoral and Referendum Amendment Regulations 2001 (No. 1)¹

Statutory Rules 2001 No. 1²

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I, PETER JOHN HOLLINGWORTH, Governor-General of the
 Commonwealth of Australia, acting with the advice of the
 Federal Executive Council, make the following Regulations
 under the *Commonwealth Electoral Act 1918*.

Dated 13 SEP 2001 2001

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

ERIC ABETZ
 Special Minister of State

1 Name of Regulations

These Regulations are the *Electoral and Referendum Amendment Regulations 2001* (No. 2).

2 Commencement

These Regulations commence on the commencement of items 10, 11 and 12 of Schedule 1 to the *Electoral and Referendum Amendment Act (No. 1) 1999*.

3 Amendment of *Electoral and Referendum Regulations 1940*

Schedule 1 amends the *Electoral and Referendum Regulations 1940*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 5

substitute

5 Definitions

In these Regulations:

Act means the *Commonwealth Electoral Act 1918*.

claim for enrolment means a claim or application for enrolment or for transfer of enrolment under Part VII or VIII of the Act.

prescribed authority means the Agency Head of an Agency referred to in regulation 8 or the Chief Executive Officer of an Authority referred to in regulation 9.

referendum has the same meaning as in the *Referendum (Machinery Provisions) Act 1984*.

[2] After regulation 10

insert

11 Electors who may attest claims for enrolment (Act s 98)

- (1) For paragraph 98 (2) (c) of the Act, an elector is in a prescribed class of electors if the elector is a person mentioned in Schedule 4.
- (2) For paragraph 98 (2) (c) of the Act, an elector who is not a person mentioned in Schedule 4 is in a prescribed class of electors if:
 - (a) a person makes a claim for enrolment; and
 - (b) there is no person mentioned in Schedule 4 available to attest the claim; and
 - (c) the elector:
 - (i) is not related to the person making the claim by birth or marriage; and
 - (ii) is approved for the purposes of the particular claim by the Australian Electoral Officer for the State or Territory in which the claim is made or by the DRO for the Division in which the claim is made.
- (3) If an elector mentioned in subregulation (1) or (2) is a person whose address has been omitted from the Roll in accordance with section 104 of the Act, the elector:
 - (a) is not required to provide his or her address when attesting a claim for enrolment; and
 - (b) must write the words 'silent elector' in the space provided on the claim for enrolment form for his or her address.

**12 Verification of identity — original documents
(Act s 98)**

- (1) For subsection 98 (2A) of the Act, the identity of a person making a claim for enrolment must be verified by:
 - (a) providing the Electoral Commission with the original of at least 1 document mentioned in Schedule 5; or
 - (b) showing to a person mentioned in Schedule 4 a document mentioned in Schedule 5 and obtaining the person's written statement on the claim for enrolment form that the person is satisfied about the identity of the person making the claim.
- (2) However, the identity of a person is not required to be verified in accordance with subregulation (1) if:
 - (a) the person's identity is verified by the Department of Immigration and Multicultural Affairs for the purposes of granting Australian citizenship; and
 - (b) the claim for enrolment by the person is in a form supplied to him or her by that Department.
- (3) If a document is posted to an Australian Electoral Officer or a DRO, the Australian Electoral Officer or DRO must return the document to the person by registered post unless he or she agrees to its return by other means.
- (4) If a document is handed to an Australian Electoral Officer or a DRO, the Australian Electoral Officer or DRO must hand the document back to the person unless he or she agrees to its return by other means.

**13 Verification of identity — written references
(Act s 98)**

- (1) This regulation applies to a person making a claim for enrolment who is unable to verify his or her identity in accordance with regulation 12.

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- (2) The identity of the person must be verified by a written reference given to the Australian Electoral Officer for the State or Territory in which the claim is made or to the DRO for the Division in which the claim is made.
 - (3) The person giving the reference (the *referee*) must be:
 - (a) an elector who has personally known the person making the claim for at least 1 month; and
 - (b) an elector:
 - (i) who is a person mentioned in Schedule 4; or
 - (ii) who the Australian Electoral Officer or DRO is satisfied is a community leader or representative of a community organisation; or
 - (iii) who is approved in writing by the Australian Electoral Officer, or the DRO, as a referee for the purposes of the particular claim.
 - (4) The reference must contain:
 - (a) the referee's name and address; and
 - (b) if the referee is a person mentioned in Schedule 4, the class of persons mentioned in that Schedule to which the referee belongs; and
 - (c) if subparagraph (3) (b) (ii) applies to the referee, evidence that the referee is a community leader or representative of a community organisation; and
 - (d) if subparagraph (3) (b) (iii) applies to the referee, evidence of the approval of the referee by the Australian Electoral Officer or DRO; and
 - (e) a statement that the referee has known the person making the claim for at least 1 month.
 - (5) The Australian Electoral Officer or DRO to whom the reference is given is not required to return the reference to the person.

14 Verification of Australian citizenship (Act s 98)

- (1) For subsection 98 (2C) of the Act, a person's Australian citizenship must be verified in accordance with subregulation (2), (3) or (4).
- (2) A person may verify his or her Australian citizenship to the Electoral Commission by:
 - (a) writing the number of his or her certificate of Australian citizenship, or the date of grant of the certificate to the person, on the claim for enrolment; or
 - (b) providing one of the following:
 - (i) his or her certificate of Australian citizenship;
 - (ii) an electoral enrolment form completed in respect of the person that is identifiable as an enrolment form provided to the person when he or she was granted Australian citizenship; or
 - (c) giving to the Electoral Commission such information about the person as is necessary to allow the Commission to verify the person's Australian citizenship.
- (3) A person may also verify his or her Australian citizenship to the Electoral Commission by providing his or her current Australian passport.
- (4) A person's Australian citizenship may also be verified by an annotation on the Commission's enrolment database indicating that the person's Australian citizenship has previously been verified.
- (5) The Electoral Commission must seek confirmation by the Department of Immigration and Multicultural Affairs of a verification of the person's Australian citizenship under subregulation (2).
- (6) If a person's Australian citizenship is not confirmed in accordance with subregulation (5), the Electoral

Commission may treat his or her citizenship as not having been verified under subregulation (2).

15 Prescribed persons (Act s 99AA)

For section 99AA of the Act, a member of the staff of an electoral authority mentioned in Schedule 6 is a prescribed person.

[3] Subregulations 81 (1) and 83 (1)

omit each mention of

Referendum (Machinery Provisions) Act

insert

Referendum (Machinery Provisions) Act 1984

[4] After Schedule 3

insert

Schedule 4 Persons who can attest claims for enrolment

(regulations 11, 12 and 13)

Item	Persons
401	Accountant who is a registered tax agent
402	Bank officer, except the manager of a bank travel centre
403	Building society officer
404	Chartered professional engineer
405	Clerk, sheriff or bailiff of a court
406	Commissioner for Affidavits of a State or Territory
407	Commissioner for Declarations of a State or Territory
408	Commissioner for Oaths of a State or Territory
409	Credit union officer

Item	Persons
410	Diplomatic or consular officer, except an honorary consular officer, of an Australian embassy, high commission, or consulate
411	Employee of a community, ethnic or remote resource centre who counsels or assists clients as part of the employee's duties
412	Employee of a women's refuge, or of a crisis and counselling service, who counsels or assists victims of domestic violence, sexual assault or sexual abuse as part of the employee's duties
413	Fellow of the Association of Taxation and Management Accountants
414	Finance company officer
415	Full-time or permanent part-time employee of the Commonwealth, or a State or Territory, or a Commonwealth, State or Territory authority
416	Full-time or permanent part-time teacher currently employed at a school or tertiary institution
417	Holder of a current liquor licence or his or her nominee
418	Holder of a current pilot's licence
419	Holder of a statutory office for which an annual salary is payable
420	Leader of an Aboriginal or Torres Strait Islander community
421	Licensed or registered real estate agent
422	Manager of a building society or credit union
423	Marriage celebrant within the meaning of the <i>Marriage Act 1961</i>
424	Marriage counsellor within the meaning of the <i>Family Law Act 1975</i>
425	Master of a merchant vessel
426	Member of an Aboriginal and Torres Strait Islander Community Council or Regional Council
427	Member of the Association of Consulting Engineers

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Item	Persons
428	Member of the Defence Force
429	Member of the ground staff of an airline that operates a regular passenger service
430	Member of the Institute of Company Secretaries of Australia
431	Member of the non-teaching or non-academic staff of a primary or secondary school or tertiary education institution
432	Member of the staff of a person who is a member of: <ul style="list-style-type: none"> (a) the parliament of the Commonwealth or a State; or (b) the legislature of a Territory; or (c) a local government authority of a State or Territory
433	Member of the staff of a State or Territory electoral authority
434	Member of the staff of the Australian Electoral Commission
435	Minister of religion within the meaning of the <i>Marriage Act 1961</i>
436	Person employed as a remote resource centre visitor
437	Police aide
438	Postal manager or other permanent Australia Post employee
439	Prison officer
440	Registered nurse or enrolled nurse
441	A person who is not described in a preceding item in this Schedule who is authorised in writing by at least 3 persons described in items in the Schedule
442	A person who is not described in a preceding item in this Schedule before whom statutory declarations may be made under a law of the Commonwealth, a State or a Territory

Schedule 5 Original documents

(regulation 12)

Item	Original documents
501	Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old
502	Australian Defence Force discharge document
503	Australian marriage certificate
504	Certificate of Australian citizenship
505	Current Australian driver's licence or learner driver's licence
506	Current Australian passport
507	Current Australian photographic student identification card
508	Current concession card issued by the Department of Veterans' Affairs
509	Current identity card showing the signature and photograph of the card holder, issued by his or her employer
510	Current pension concession card issued by the Department of Family and Community Services
511	Current proof of age card issued by a State or Territory authority
512	Decree <i>nisi</i> or a certificate of a decree absolute made or granted by the Family Court of Australia
513	Document of appointment as an Australian Justice of the Peace
514	A document not mentioned in a preceding item in this Schedule that is accepted by the Electoral Commission as evidence of the identity of a person

Schedule 6 Electoral authorities

(regulation 15)

Item	Electoral authorities
601	Australian Electoral Commission
602	Electoral authority of a State or Territory

Notes

1. These Regulations amend Statutory Rules 1940 No. 163, as amended by 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140; 1973 No. 62; 1974 No. 44; 1980 No. 241; 1981 Nos. 80 and 84; 1983 Nos. 114, 153, 176, 181, 235, 274 and 313; 1984 No. 287; 1987 Nos. 118 and 119; 1988 Nos. 182 and 339; 1989 No. 32; 1990 Nos. 33 and 334; 1992 No. 422; 1993 Nos. 28 and 356; 1995 Nos. 21, 190 and 322; 1997 No. 411; 1998 Nos. 57 and 296; 2000 Nos. 47, 196 and 355.

2. Notified in the *Commonwealth of Australia Gazette* on / 2001. 14 September