

# Electoral and Referendum Amendment Regulations 2000 (No. 1) 2000 No. 47

## EXPLANATORY STATEMENT

### Statutory Rules 2000 No. 47

Issued by the authority of the Special Minister of State

*Commonwealth Electoral Act 1918*

Electoral and Referendum Amendment Regulations 2000 (No. 1)

Section 395 of the *Commonwealth Electoral Act 1918* (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Sections 91 and 91A of the Act provide, among other things, that in relation to electoral rolls and habitation indexes, the Regulations may prescribe the purposes for which the information may be disclosed and the authorities to whom disclosure may be made.

The Regulations amend the *Electoral and Referendum Regulations 1940* to update references to the purposes for which and the authorities to whom information can be disclosed for the purposes of Sections 91 and 91A of the Act.

Regulation 10 prescribes:

\* medical research conducted in accordance with the National Health and Medical Research Council's *Guidelines for the Protection of Privacy in the Conduct of Medical Research*, issued under section 95(1) of the *Privacy Act 1988*, and,

\* public health screening programs, conducted in accordance with the *Guidelines for the Conduct of Public Health Screening Programs with particular reference to Privacy and the Management of Personal Information* issued by the Department of Human Services and Health,

as permitted purposes under subsections 91(4A)(e), 91A(1) and 91A(2A) of the Act for the provision and use of electoral information on tape or disk.

A review of the *Guidelines for the Protection of Privacy in the Conduct of Medical Research* has recently been completed and the revised guidelines were gazetted on 22 March 2000.

Regulation 10(a)(ii) specifies the gazettal date of the *Guidelines for the Protection of Privacy in the Conduct of Medical Research* as 21 June 1995 and therefore required amendment to delete the gazettal date of the superseded guidelines and replace it with the gazettal date of the revised guidelines.

In Regulation 10(b)(i), "approved by the Secretary to the Department of Human Services and Health" required amendment to "approved by the Secretary of the Department of Health and Aged Care" to reflect section 11 of the *Public Employment (Consequential And Transitional) Amendment Act 1999*. Under section 11, the title of each Secretary of a core Department was changed from 'Secretary to' to 'Secretary of'. The amendment also reflects the current name of the department.

Schedule 2 lists the Commonwealth Departments and Authorities that are entitled to receive information which discloses the particulars of occupations, gender or dates of birth of electors for the purposes of 91(10) and 91(11) of the Act.

The amendments to Schedule 2 in general reflect changes to the names of specified departments and authorities and the transfer of functions between certain specified departments.

The Regulations commenced on gazettal.