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Electoral and Referendum Amendment Regulations 2000 (No. 2)

Statutory Rules 2000 No. 2

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I, WILLIAM PATRICK DEANE, 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 24 JUL 2000 2000

WILLIAM DEANE

Governor-General

By His Excellency's Command

CHRIS ELLISON
Special Minister of State



Electoral and Referendum Amendment Regulations 2000 (No. 2)¹

Statutory Rules 2000 No. 2²

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made under the

Commonwealth Electoral Act 1918

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1 Name of Regulations

These Regulations are the *Electoral and Referendum Amendment Regulations 2000* (No. 2).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Electoral and Referendum Regulations 1940*

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

Schedule 1 Amendments

(regulation 3)

[1] **Subregulation 5 (1), before definition of *referendum***

insert

prescribed authority means an individual to whom subsection 91 (11) of the Act applies.

[2] **Regulation 7**

omit

an authority mentioned in Schedule 2

insert

a prescribed authority

[3] **Regulation 8, heading**

substitute

8 Agencies for the purposes of prescribed authorities (Act s 91 (11) (a))

[4] **Regulation 9, heading**

substitute

9 Authorities for the purposes of prescribed authorities (Act s 91 (11) (b))

[5] Regulation 10

omit

For the purposes of paragraph 91A (2A) (c) of the Act,

insert

(1) For paragraph 91A (2A) (c) of the Act,

[6] Regulation 10

insert

(2) For paragraph 91A (2A) (c) of the Act, Schedule 3 sets out purposes for which information that has been provided to a prescribed authority, under paragraph 91 (4A) (e) of the Act, may be used.

(3) Subregulation (2) and Schedule 3 cease to have effect at the end of the period of 18 months starting when subregulation (2) commences.

[7] Schedule 2, heading

substitute

Schedule 2 Agencies and authorities

(regulations 7, 8 and 9)

[8] Schedule 2, Part 1

omit

Attorney-General's Department

[9] Schedule 2, Part 1*after*

Department of the Environment and Heritage

insert

Department of Family and Community Services

[10] Schedule 2, Part 2*omit*

Australian Government Solicitor

[11] Schedule 2, Part 2*after*

Director of Public Prosecutions

insert

Insolvency and Trustee Service Australia

[12] After Schedule 2*insert***Schedule 3 Purposes for use of information**

(subregulation 10 (2))

Item	Agency or authority	Purpose
1	Australian Customs Service (ACS)	(a) Verifying the identity or status of travellers and consignees of cargo or postal articles (b) Verifying the identity and status of importers and exporters

Item	Agency or authority	Purpose
		<p>(c) Investigating criminal offences and offences against legislation administered by the ACS</p> <p>(d) Checking the accuracy of information given to the ACS</p> <p>(e) Verifying the identity of individuals on behalf of the government of another country, or on behalf of a law enforcement administration, under an international agreement or arrangement</p> <p>(f) Surveillance purposes</p> <p><i>Note</i> At the commencement of this Schedule, the following areas of the ACS will be using the information for these purposes:</p> <ul style="list-style-type: none"> • Border Division • Investigations Branch • Intelligence Branch • Commercial Division
2	Australian Federal Police (AFP)	<p>(a) Identifying or locating offenders, suspects or witnesses</p> <p>(b) Deciding whether suspects can be eliminated from an investigation</p> <p>(c) Target development</p> <p>(d) Intelligence checks</p>

Item	Agency or authority	Purpose
		<p>(e) Protecting the safety of officers, staff members, AFP employees and special members</p> <p>(f) Law enforcement</p> <p>(g) Surveillance</p> <p><i>Note</i> At the commencement of this Schedule, AFP Headquarters and each State and Territory Office of the AFP will be using the information for these purposes</p>
3	Australian Securities and Investments Commission (ASIC)	<p>(a) Identifying or locating suspects or witnesses</p> <p>(b) Surveillance</p> <p>(c) Law enforcement</p> <p><i>Note</i> At the commencement of this Schedule, the following areas of ASIC will be using the information for these purposes:</p> <ul style="list-style-type: none"> • Operational enforcement teams • National Intelligence and Analytical Service
4	Australian Taxation Office (ATO)	<p>(a) Identifying or locating taxpayers</p> <p>(b) Preventing, detecting or investigating taxation fraud</p> <p><i>Note</i> At the commencement of this Schedule, the following areas of the ATO will be using the information for these purposes:</p> <ul style="list-style-type: none"> • Individuals Non-Business Business Line • Small Business Business Line • Withholding Tax Section • GST Fraud Section

Item	Agency or authority	Purpose
5	Centrelink	<p>Preventing and detecting fraud relating to identity or incorrect payments</p> <p><i>Note</i> At the commencement of this Schedule, the Detection and Review Team of Centrelink will be using the information for this purpose</p>
6	ComSuper	<p>Locating members and former members for the purpose of protecting public revenue in relation to the payment of benefits, the recovery of overpayments and the review of entitlement to benefit</p> <p><i>Note</i> At the commencement of this Schedule, the Records Management Unit of ComSuper will be using the information for this purpose</p>
7	Department of Defence	<p>Identifying debtors in relation to the Department</p> <p><i>Note</i> At the commencement of this Schedule, the Accounting Operations unit of the Department will be using the information for this purpose</p>
8	Department of Education, Training and Youth Affairs	<p>Investigating criminal offences in relation to the Department's programs</p> <p><i>Note</i> At the commencement of this Schedule, the National Investigations Unit of the Department will be using the information for this purpose</p>

Item	Agency or authority	Purpose
9	Department of Employment, Workplace Relations and Small Business	Identifying or locating suspects, debtors or witnesses in relation to criminal investigations <i>Note</i> At the commencement of this Schedule, the Compliance, Investigations and Recoveries Team of the Department will be using the information for this purpose
10	Department of Family and Community Services	Identifying or locating clients for debt management, determination or correction purposes <i>Note</i> At the commencement of this Schedule, the Child Support Agency will be using the information for this purpose
11	Department of Foreign Affairs and Trade	(a) Confirming the identity of passport applicants or identifiers of documents (b) Verifying information relating to a passport or an application for a passport (c) Locating parents who have not lodged an application for a passport, in connection with seeking consent to issue a passport to a minor (d) Assisting in consular operations to locate next-of-kin in Australia <i>Note</i> At the commencement of this Schedule, the Passports Branch of the Department will be using the information for these purposes

Item	Agency or authority	Purpose
12	Department of Immigration and Multicultural Affairs	<p>(a) Facilitating travel to Australia, or entry to Australia, for an Australian citizen who may have lost his or her passport</p> <p>(b) Enabling airport officers to identify travellers and confirm their status</p> <p>(c) Assisting investigations and compliance staff in the detection of persons suspected of being in Australia unlawfully, or of working without authority, or of being involved in people smuggling</p> <p><i>Note</i> At the commencement of this Schedule, the Border Control and Compliance Division of the Department will be using the information for these purposes</p>
13	Department of Veterans' Affairs	<p>Undertaking reviews of, or research into, the health of former members of the Defence Force</p> <p><i>Note</i> At the commencement of this Schedule, the Disability Compensation Branch of the Department will be using the information for this purpose</p>
14	National Crime Authority (NCA)	<p>(a) Collecting, analysing or disseminating information or intelligence relating to relevant criminal activities</p>

Item	Agency or authority	Purpose
		(b) Investigating matters relating to relevant criminal activities
		(c) Assembling or analysing evidence about offences and suspected offences
		<i>Note</i> At the commencement of this Schedule, the General Manager, Operations, of the NCA will be using the information for these purposes

Notes

- 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 No. 47.
- Made by the Governor-General on the *Commonwealth of Australia Gazette* on 2000, and notified in 2000.

24 July
25 July