

EXPLANATORY STATEMENT

Select Legislative Instrument 2008 No. 70

Commonwealth Electoral Act 1918
Referendum (Machinery Provisions) Act 1984

Electoral and Referendum Amendment Regulations 2008 (No. 2)

Section 395 of the *Commonwealth Electoral Act 1918* (the Electoral Act) provides, in part, that the Governor-General may make regulations, not inconsistent with that Act, prescribing matters which by that Act are required or permitted to be prescribed, or necessary or convenient to be prescribed for giving effect to that Act.

In addition, section 144 of the *Referendum (Machinery Provisions) Act 1984* (the Referendum Act) provides, in part, that the Governor-General may make regulations, not inconsistent with that Act, prescribing matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The purpose of the Regulations is to prescribe that Betfair Pty Limited may be given electoral roll information for the purposes of the *Financial Transaction Reports Act 1988* and the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

The *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* amended the Electoral Act to allow the provision of electoral roll information to prescribed persons or organisations that verify, or contribute to the verification of, the identity of persons for the purposes of the *Financial Transaction Reports Act 1988*.

In addition, the *Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006* amended the Electoral Act to allow the provision of electoral roll information to prescribed persons or organisations that carry out customer identification procedures under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

Betfair Pty Limited applied to become prescribed as a person or organisation that may be given electoral roll information under the relevant items in the Electoral Act.

Details of the Regulations are set out in the Attachment.

The Regulations commence on the day after registration.

Betfair Pty Limited was consulted in the preparation of these Regulations.

Authority: Section 395 of the
Commonwealth Electoral Act 1918 and section 144
of the *Referendum (Machinery Provisions) Act 1984*

Details of the Electoral and Referendum Amendment Regulations 2008 (No. 2)

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Electoral and Referendum Amendment Regulations 2008 (No. 2)*.

Regulation 2 – Commencement

This regulation provides that the Regulations commence on the day after registration.

Regulation 3 – Amendment of Electoral and Referendum Regulations 1940

This regulation provides that the *Electoral and Referendum Regulations 1940* are amended as set out in Schedule 1.

Schedule 1 – Amendment

[1] – Subregulation 7 (1), table, items 2 and 3

This substitutes items 2 and 3 in the table in subregulation 7 (1) by which persons or organisations were specified for the purposes of items 5 and 7 of the table in subsection 90B(4) of the Electoral Act. The amendment also adds a new list of persons or organisations specified for the purposes of item 6 of the table in subsection 90B(4) of the Electoral Act.

The new item 2 prescribes Betfair Pty Limited as a person or organisation that may be provided with electoral roll information under item 5 of the table in subsection 90B(4) of the Electoral Act for the purposes of the *Financial Transaction Reports Act 1988* as specified in subsection 91A(2C) of the Electoral Act. The other persons or organisations in the revised list, for item 5 of the table in subsection 90B(4) of the Electoral Act, were already prescribed in the table.

The new item 3 also prescribes Betfair Pty Limited as a person or organisation that may be provided with electoral roll information under item 6 of the table in subsection 90B(4) of the Electoral Act for the purposes of carrying out customer identification procedures under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* as specified in subsection 91A(2D) of the Electoral Act. There were no persons or organisations previously listed in the Principal Regulations for the purposes of item 6 of the table in subsection 90B(4) of the Electoral Act.

The persons and organisations specified for the purposes of item 7 of the table in subsection 90B(4) of the Electoral Act, were already prescribed in the table under item 3. They are now listed under item 4 as a consequence of the insertion of new item 3.