EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 79

Commonwealth Electoral Act 1918

Electoral and Referendum Amendment Regulations 2010 (No. 1)

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

Item 4 of the table in subsection 90B(4) of the Electoral Act provides that a prescribed authority may be given any information on the electoral roll if authorised by the regulations. Regulations 5A, 7, 8 of, and Schedule 1 to the *Electoral and Referendum Regulations 1940* operate to permit the provision of electoral roll information to specified Commonwealth agencies for specified purposes.

The purpose of the Regulations is to prescribe the Federal Court of Australia (the Federal Court) as a new prescribed authority that may be given electoral roll information along with the purposes for which that information may be used.

The Federal Court will be entitled to use roll information for the purpose of establishing a list of people who are eligible for jury selection for a jury district. The Federal Court will also use roll information to determine if a person on a jury list is not qualified to serve as a juror or should be excused from serving as a juror.

The Federal Court will be entitled to use roll information for two further purposes. First, roll information may be provided to the Australian Federal Police (AFP) so that the AFP can provide the Federal Court with information about the criminal history (if any) of potential jurors. Second, the Federal Court may provide state and territory counterparts with information of recent federal jurors to consider whether to summons a person for jury service in a state or territory court immediately following jury service for the Federal Court.

Details of the Regulations are set out in the Attachment.

The Regulations commence on the day after registration on the Federal Register of Legislative Instruments.

The Federal Court and the Department of Finance and Deregulation were consulted in the preparation of the Regulations.

Details of the *Electoral and Referendum Amendment Regulations 2010 (No. 1)*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Electoral and Referendum Amendment Regulations 2010 (No. 1)*.

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* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1] – Schedule 1, after item 21

This item prescribes the Federal Court as a Commonwealth agency that may be provided with electoral roll information and also specifies the purposes for which this information may be used.

The changes to the regulation relate to access to the electoral roll for the purposes of establishing a list of people who are eligible for jury selection for a jury district. The Federal Court will also use the roll information to determine if a person on a jury list is not qualified to serve as a juror or should be excused from serving as a juror.

The Federal Court will be permitted to use roll information for two further purposes. First, roll information may be provided to the Australian Federal Police (AFP) so that the AFP can provide the Federal Court with information about the criminal history (if any) of potential jurors. Second, the Federal Court may provide state and territory courts with information relating to recent federal jurors to enable the courts to consider whether to summons a person for jury service in a state or territory court immediately following jury service for the Federal Court.