

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument No. 218**

*Commonwealth Electoral Act 1918*  
*Referendum (Machinery Provisions) Act 1984*

*Electoral and Referendum Amendment Regulations 2011 (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 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.

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 the Referendum Act, prescribing matters required or permitted by the Referendum Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The provision and use of electoral Roll information is governed by the Electoral Act. Item 16 of the table in subsection 90B(1) of the Electoral Act permits the Australian Electoral Commission (AEC) to give electoral Roll information to an electoral authority of a State or Territory.

Subsection 91A(2B) specifies the permitted uses that can be made of the electoral Roll information by the relevant electoral authority in receipt of electoral Roll information. The permitted uses are:

- (a) Any purpose in connection with an election or referendum;
- (b) Monitoring the accuracy of information contained in a Roll; and
- (c) Any other purpose that is prescribed by regulations.

The Northern Territory will be holding a constitutional convention in 2012 and 2013. Delegates to the constitutional convention will assist in the drafting of a constitution to be put to the people of the Northern Territory to determine if the people support the Northern Territory becoming a state.

The *Electoral and Referendum Amendment Regulations 2011 (No. 2)* (the Amending Regulations) prescribe that the Northern Territory Electoral Commission can use electoral roll information for the purpose of the conduct of an election of delegates to the constitutional convention of 2012 and 2013.

Details of the Amending Regulations are set out in the [Attachment](#).

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

The Northern Territory Electoral Commission and the Parliament of the Northern Territory was consulted in the preparation of the Amending Regulations.

**Details of the *Electoral and Referendum Amendment Regulations 2011 (No. 2)***

**Regulation 1 – Name of Regulations**

This regulation provides that the title of the Amending Regulations is the *Electoral and Referendum Amendment Regulations 2011 (No. 2)*.

**Regulation 2 – Commencement**

This regulation provides that the Amending 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* (Principal Regulations) are amended as set out in Schedule 1.

**Schedule 1 – Amendments**

**Item [1] – Regulation 9**

Item 1 renumbers current regulation 9 of the Principal Regulations as new subregulation 9(1).

**Item [2] – Regulations 9**

Item 2 inserts a new subregulation 9(2).

Subregulation 9(2) prescribes that a permitted use of electoral roll information is conduct of the election of delegates to the Northern Territory Constitutional Convention of 2012 and 2013.