



Electoral and Referendum Regulations 1940

Statutory Rules 1940 No. 163 as amended

made under the

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

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Contents

Part I Preliminary

1	Name of Regulations [see Note 1]	7
3	Repeal	7
5	Interpretation	7
5A	Prescribed authorities	7

Part II Electoral

Division 1 Enrolment

6	Form of Roll	8
7	Information on Rolls and certified lists of voters to be provided to particular people and organisations	9
8	Permitted purposes for use of information: prescribed authorities	9
8A	Permitted purposes for use of information: Australian Red Cross Blood Service	10
9	Permitted purposes for use of information: other persons or organisations	10
11A	Evidence of Identity (paragraphs 94A (2) (e) and 95 (2) (d) of the Act)	11
12	Evidence of Identity (paragraphs 96 (2) (d), 98 (2) (d) and 99A (4) (e) of the Act)	11
13	Prescribed electors (subparagraph 99B (4) (b) (i) and subsection 99B (6) of the Act, and subparagraph 38 (4) (b) (i) and subsection 38 (6) of the Referendum (Machinery Provisions) Act)	13

Part III Electoral and Referendum

Division 1 Conduct of Elections and Referendums

38A	Nomination forms	14
39	Ballot paper — Senate	15
39A	Ballot-paper — House of Representatives	16
39B	Evidence of identity (subsection 235 (1B) of the Act and subsection 37 (1B) of the Referendum (Machinery Provisions) Act)	18

	Page
39C Prescribed classes of electors (subparagraph 6 (cb) (ii) of Schedule 3 to the Act and subparagraph 6 (cb) (ii) of Schedule 4 to the Referendum (Machinery Provisions) Act)	19
40 State referendum or vote (Act, s 394)	19
Division 2	
Trial of electronically assisted voting — sight-impaired people	
41 Definitions for Division 2	20
42 Application of Division 2 (subsection 202AB (1) of the Act and subsections 73M (1) and (2) of the Referendum (Machinery Provisions) Act)	21
43 Availability of electronically assisted voting	21
44 Use by sight-impaired person of electronically assisted voting method (subparagraph 202AB (2) (a) (iv) of the Act and subparagraph 73M (3) (a) (iv) of the Referendum (Machinery Provisions) Act)	21
45 Officer to assist elector with electronically assisted voting (subparagraph 202AB (2) (a) (ii) of the Act and subparagraph 73M (3) (a) (ii) of the Referendum (Machinery Provisions) Act)	22
46 Electronically assisted voting to be cast in private (subparagraph 202AB (2) (a) (ii) of the Act and subparagraph 73M (3) (a) (ii) of the Referendum (Machinery Provisions) Act)	22
47 Electronically assisted voting method (subparagraph 202AB (2) (a) (i) of the Act and subparagraph 73M (3) (a) (i) of the Referendum (Machinery Provisions) Act)	23
48 What is done after a person uses the electronically assisted voting method (subsection 202AD (2) of the Act and subsection 73P (2) of the Referendum (Machinery Provisions) Act)	24
49 Record of each person who has voted using the electronically assisted voting method (section 202AC of the Act and section 73N of the Referendum (Machinery Provisions) Act)	24
50 Printed vote record (subsection 202AD (1) of the Act and subsection 73P (1) of the Referendum (Machinery Provisions) Act)	25
51 Role for scrutineers (paragraph 202AB (2) (c) of the Act and paragraph 73M (3) (c) of the Referendum (Machinery Provisions) Act)	26

	Page
52	Opening a declaration envelope that contains a printed vote record (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act) 27
53	Persons present when electronically assisted vote is cast (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act) 27
54	Communication about an elector's vote (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act) 27
55	Interference with an elector's vote (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act) 28
56	Knowledge of an elector's vote (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act) 28
57	Protection of electronic voting hardware or software (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act) 28
Division 3	Trial of remote electronic voting for defence personnel serving outside Australia
58	Definitions for Division 3 29
59	Application of Division 3 (subsection 202AH (1) of the Act and subsections 73S (1) and (2) of the Referendum (Machinery Provisions) Act) 29
60	Register for remote electronic voting — defence civilians and defence members (section 202AI of the Act) 30
61	Application to register as a remote electronic voter (section 202AI of the Act) 30
62	Removal of an elector from the register of remote electronic voters (section 202AI of the Act) 31
63	Availability of remote electronic voting 31
64	Remote electronic vote to be cast in private (subparagraph 202AH (2) (a) (iii) of the Act and subparagraph 73S (3) (a) (iii) of the Referendum (Machinery Provisions) Act) 31
65	Remote electronic voting method (subparagraph 202AH (2) (a) (i) of the Act and subparagraph

	Page
	31
66	32
67	32
68	34
69	34
70	34
71	34
72	35
Division 4	
	35
Division 7	
81	36
83	36
87	37

	Page	
Schedule 1	Prescribed authorities and permitted purposes for use of information	38
Schedule 2	Prescribed electors	45
Schedule 3	Prescribed documents	48
Schedule 4	Prescribed documents	49
Notes		50

Part I Preliminary

1 Name of Regulations [see Note 1]

These Regulations are the *Electoral and Referendum Regulations 1940*.

3 Repeal

The Electoral and Referendum Regulations (being Statutory Rules 1928, No. 80, as amended by Statutory Rules 1928, Nos. 107 and 117, and 1934, No. 100) are repealed.

5 Interpretation

- (1) In these Regulations, unless the contrary intention appears:
referendum has the same meaning as in the Referendum (Machinery Provisions) Act.
Referendum (Machinery Provisions) Act means the *Referendum (Machinery Provisions) Act 1984*.
The Act means the *Commonwealth Electoral Act 1918*.
- (3) A reference in these Regulations to an elector or a person qualified to be an elector of the Commonwealth shall be read as a reference to a person whose name appears on a Roll of electors under the Act or a person entitled to be enrolled on such a roll.

5A Prescribed authorities

For the definition of *prescribed authority* in subsection 4 (1) of the Act, the Agencies and authorities of the Commonwealth mentioned in Schedule 1 are specified.

Regulation 6

Part II Electoral

Division 1 Enrolment

6 Form of Roll

(2) Where:

(a) the Roll is a joint roll prepared in pursuance of an arrangement entered into by the Governor-General and the Governor of a State under subsection 84 (1) of the Act; and

(b) a person whose name is on the Roll is not enrolled on that Roll as a Commonwealth elector;

his name shall be preceded in the Roll by a circle (o).

(3) Anything done, or any roll or other document prepared, in accordance with, or for the purposes of, a provision of the repealed Regulations shall, on and after the commencement of this subregulation, be deemed, for all purposes, to have been done or prepared in accordance with, or for the purposes of, the provision of these Regulations that corresponds to the provision of the repealed Regulations under which, or for the purposes of which, the thing was done or the roll or other document was prepared.

(4) In subregulation (3), *the repealed Regulations* means:

(a) the Joint Electoral (Commonwealth and New South Wales) Regulations, being Statutory Rules 1930 No. 82;

(b) the *Joint Electoral (Commonwealth and South Australia) Regulations*, comprising Statutory Rules 1921 No. 32 and 1929 No. 57;

(c) the *Joint Electoral (Commonwealth and Tasmania) Regulations*, comprising Statutory Rules 1922 No. 61 and 1929 No. 78; and

(d) the *Joint Electoral (Commonwealth and Victoria) Regulations*, being Statutory Rules 1930 No. 10.

7 Information on Rolls and certified lists of voters to be provided to particular people and organisations

- (1) The organisations and persons specified in the following table are prescribed for the provisions of subsection 90B (4) of the Act specified in the following table:

Item	For this provision ...	these organisations and persons are prescribed ...
1	item 4 of the table in subsection 90B (4)	a prescribed authority
2	item 5 of the table in subsection 90B (4)	ACXIOM Australia Pty Limited Perceptive Communication Pty Ltd The Global Data Company Pty. Ltd. Veda Advantage Information Services and Solutions Limited
3	item 7 of the table in subsection 90B (4)	ACXIOM Australia Pty Limited Experian Asia Pacific Pty. Ltd. Perceptive Communication Pty Ltd The Global Data Company Pty. Ltd. Veda Advantage Information Services and Solutions Limited

- (2) For item 4 of the table in subsection 90B (4) of the Act, the provision to a prescribed authority of the information mentioned in that item is authorised.

8 Permitted purposes for use of information: prescribed authorities

For paragraph 91A (2AA) (b) of the Act, the purposes mentioned in an item of Schedule 1 are permitted purposes for the prescribed authority mentioned in the item.

Regulation 8A

8A Permitted purposes for use of information: Australian Red Cross Blood Service

For paragraph 91A (2A) (c) of the Act, the following purposes are prescribed for the Australian Red Cross Blood Service:

- (a) contacting any blood donor who has tested positive for a blood-borne infection;
- (b) contacting any person who has received a transfusion of blood donated by a person mentioned in paragraph (a);
- (c) contacting any donor whose blood was transfused to a person who has since tested positive for a blood-borne infection;
- (d) contacting any donor whose blood was transfused to a person who has had a suspected adverse reaction to the blood.

9 Permitted purposes for use of information: other persons or organisations

For paragraph 91A (2A) (c) of the Act, the following purposes are prescribed for a person or organisation that conducts medical research or provides a health screening program:

- (a) the conduct of medical research in accordance with the Guidelines for the Protection of Privacy in the Conduct of Medical Research:
 - (i) issued by the National Health and Medical Research Council under subsection 95 (1) of the *Privacy Act 1988*; and
 - (ii) published in the *Gazette* on 22 March 2000;
- (b) the provision of a public health screening program:
 - (i) approved by the Secretary of the Department of Health and Aged Care; and
 - (ii) 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:
 - (A) issued by the Department of Human Services and Health; and

(B) published in the *Gazette* on 1 December 1993.

11A Evidence of Identity (paragraphs 94A (2) (e) and 95 (2) (d) of the Act)

- (1) Subject to subregulation (2), a person making an application under section 94A or 95 of the Act must provide:
 - (a) his or her driver's licence number and the Australian State or Territory in which the licence was issued; or
 - (b) his or her Australian passport number.
- (2) If an applicant does not hold a driver's licence issued by an Australian State or Territory, and does not hold an Australian passport:
 - (a) the applicant must show to a person in a class of electors set out in Schedule 2 an original document, of a kind listed in item 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of Schedule 3, that identifies the applicant; and
 - (b) the person must complete the declaration on the enrolment form, stating that the person:
 - (i) is on the roll of electors; and
 - (ii) has sighted the original of one of the documents listed in item 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of Schedule 3.
- (3) If an applicant is unable to comply with subregulation (1) or (2), the applicant must have his or her application signed by 2 electors, who are able:
 - (a) to confirm the applicant's name; and
 - (b) to confirm that they have known the applicant for at least 1 month.

12 Evidence of Identity (paragraphs 96 (2) (d), 98 (2) (d) and 99A (4) (e) of the Act)

- (1) Subject to subregulations (2) and (3), a person making an application under section 96, and a person making a claim under section 98 or 99A of the Act must provide details of:
 - (a) his or her driver's licence number; and

Regulation 12

- (b) the Australian State or Territory in which the licence was issued.
- (2) If an applicant or claimant does not hold a driver's licence issued by an Australian State or Territory:
- (a) the applicant or claimant must show to a person in a class of electors set out in Schedule 2 an original document, of a kind set out in Schedule 3, that identifies the applicant or claimant; and
 - (b) the person must complete the declaration on the enrolment form, stating that the person:
 - (i) is on the roll of electors; and
 - (ii) has sighted the original of one of the documents in Schedule 3.
- (3) If a claimant under section 98 of the Act who has also made an application under section 99B of the Act, does not hold a driver's licence issued by an Australian State or Territory:
- (a) the claimant must show to a person in a class of electors set out in Schedule 2, an original document of a kind set out in Schedule 4, that identifies the claimant; and
 - (b) the person must complete the declaration on the enrolment form, stating that the person:
 - (i) is on the roll of electors; and
 - (ii) has sighted the original of one of the documents in Schedule 4.
- (4) If an applicant or claimant is unable to comply with subregulation (1), (2) or (3), the applicant or claimant must have his or her application or claim signed by 2 electors, who are able to:
- (a) confirm the applicant's or claimant's name; and
 - (b) confirm that they have known the applicant or claimant for at least 1 month.

13 Prescribed electors (subparagraph 99B (4) (b) (i) and subsection 99B (6) of the Act, and subparagraph 38 (4) (b) (i) and subsection 38 (6) of the Referendum (Machinery Provisions) Act)

- (1) The classes of electors to whom:
 - (a) an original of an applicant's notification of Australian citizenship from the Immigration Department; or
 - (b) a copy of an applicant's notification of Australian citizenship from the Immigration Department;can be shown are set out in Schedule 2.
- (2) The classes of electors who can attest that they:
 - (a) have sighted:
 - (i) an applicant's notification of Australian citizenship from the Immigration Department; or
 - (ii) a copy of an applicant's notification of Australian citizenship from the Immigration Department; and
 - (b) are satisfied that the notification relates to the applicant;are set out in Schedule 2.
- (3) The classes of electors who can attest to a copy of an applicant's certificate of Australian citizenship are set out in Schedule 2.
- (4) Subregulation (3) ceases to have effect on the commencement of section 3 of the *Australian Citizenship Act 2006*.

Regulation 38A

Part III Electoral and Referendum

Division 1 Conduct of Elections and Referendums

38A Nomination forms

- (1) Forms C and CA, in Schedule 1 to the Act are altered by omitting:

“I, the candidate named above, declare that:”

and substituting:

“I, the candidate named above, state that:

Please tick []

- I am an Australian citizen Yes [] No []
- I am at least 18 years of age Yes [] No []
- I am an elector or qualified to be an elector Yes [] No []
- I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator Yes [] No []

and I declare that:”.

- (2) Forms CB and CC in Schedule 1 to the Act are altered by omitting:

“Each of the candidates named below declares as follows:”

and substituting

“Each of the candidates named below, states that:

Please tick []

- I am an Australian citizen Yes [] No []
- I am at least 18 years of age Yes [] No []
- I am an elector or qualified to be an elector Yes [] No []

Regulation 39

- I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator
and declares as follows:” Yes [] No []
- (3) Forms D and DA in Schedule 1 to the Act are altered by omitting:
“I, the candidate named above, declare that:”
and substituting:
“I, the candidate named above, state that:
- Please tick []
- I am an Australian citizen Yes [] No []
 - I am at least 18 years of age Yes [] No []
 - I am an elector or qualified to be an elector Yes [] No []
 - I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a member of the House of Representatives Yes [] No []
- and I declare that:”.

39 Ballot paper — Senate

- (1) Form E in Schedule 1 to the Act is altered:
- (a) by omitting:
“BALLOT PAPER COMMONWEALTH OF AUSTRALIA
(5) Election of 6 senators”
and substituting both the Commonwealth Arms and:
“SENATE BALLOT PAPER
(5)
ELECTION OF (6) SENATORS”;
- and
- (b) by omitting “the numbers 1 to 7” and substituting “the numbers 1 to (7)”; and

Regulation 39A

- (c) by omitting the figure “1” wherever occurring in the Form (other than in the instructions at the left-hand side of the Form) and the footnotes to the Form and substituting “(1)”; and
 - (d) by omitting the figure “2”, “3” or “4” wherever occurring in the Form and the footnotes to the Form and substituting that figure in parentheses; and
 - (e) by omitting:
 - “5 Here insert name of State or Territory”from the footnotes to the Form and substituting:
 - “(5) Here insert name of State or Territory and year of election”;and
 - (f) by omitting “6” from the footnotes to the Form and substituting “(6)”.
- (2) If more than 26 groups are required to appear on a ballot paper, Form E in Schedule 1 to the Act is altered so that columns for the groups beyond the 26th group are headed “AA”, “AB”, and so on up to “AZ”, then “BA”, “BB” and so on up to “BZ”, and so on up to “ZZ”, above and below the line.

39A Ballot-paper — House of Representatives

- (1) Form F in Schedule 1 to the Act is altered:
- (a) by omitting:

“Ballot-paper

COMMONWEALTH OF AUSTRALIA

[State/Territory] of [*here insert name of State or Territory*].”

And substituting:

“BALLOT PAPER

HOUSE OF REPRESENTATIVES

[*here insert name of State or Territory as appropriate*]”;

- (b) by omitting:

“Election of one Member of the House of Representatives.

Directions. — Mark your vote on this ballot-paper by placing the numbers [*here insert ‘1 and 2’ where there are two*

Regulation 39A

candidates, ‘1, 2 and 3’ where there are three candidates, ‘1, 2, 3 and 4’ where there are four candidates, and so on as the case requires] in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.”;

and substituting:

“Number the boxes from 1 to (*here insert number of candidates*) in the order of your choice”; and

(c) by omitting:

“CANDIDATES

- CRANE, JASON.¹
- WILSON, BENJAMIN.¹
- BROOKMAN, DANIEL.¹
- FRENCH, SARAH.¹
- LOPEZ, KATH.¹

[¹*Here insert, if appropriate, the name of a registered political party, or the word ‘Independent’*];

and substituting:

- “ 1
2 [1 *Here insert name of a candidate*
- 1
2 [2 *Here insert name of registered political party or ‘Independent’ if to be printed.*]
- 1
2
- 1
2

[*Here insert, in the case of a ballot paper other than a ballot paper issued in accordance with subsection 209 (7) ‘Remember . . . number every box to make your vote count.’*].”

- (2) If there are more than 30 candidates for a Division, Form F in Schedule 1 to the Act is altered so that the names of the candidates are set out:
- (a) in vertical columns that are as nearly as possible of equal length; and

Regulation 39B

- (b) in the order required by section 212 of the Act so that each column after the first commences with the name of the candidate next succeeding that of the candidate whose name appears last in the immediately preceding column.

39B Evidence of identity (subsection 235 (1B) of the Act and subsection 37 (1B) of the Referendum (Machinery Provisions) Act)

- (1) A person who wishes to cast a provisional vote on polling day or voting day must:
 - (a) at the time the provisional vote is cast, show to an officer:
 - (i) the original of his or her driver's licence; or
 - (ii) an original document of a kind set out in Schedule 3; or
 - (b) by close of business on the first Friday following the polling day or voting day, show to an officer:
 - (i) an original or attested copy of his or her driver's licence; or
 - (ii) an original or attested copy of a document of a kind set out in Schedule 3.
- (2) A provisional vote cast in accordance with paragraph (1) (b) is taken not to be valid unless the person shows to an officer:
 - (a) an original or attested copy of his or her driver's licence; or
 - (b) an original or attested copy of a document of a kind set out in Schedule 3;by close of business on the first Friday following the polling day or voting day.
- (3) The classes of electors who can attest to a copy of:
 - (a) a person's driver's licence; or
 - (b) a document of a kind set out in Schedule 3;are set out in Schedule 2.

39C Prescribed classes of electors (subparagraph 6 (cb) (ii) of Schedule 3 to the Act and subparagraph 6 (cb) (ii) of Schedule 4 to the Referendum (Machinery Provisions) Act)

- (1) The classes of electors who can attest to a copy of the applicant's certificate of Australian citizenship are set out in Schedule 2.
- (2) Subregulation (1) ceases to have effect on the commencement of section 3 of the *Australian Citizenship Act 2006*.

40 State referendum or vote (Act, s 394)

- (1) This regulation applies if:
 - (a) the Governor-General has authorised a State vote to be held or taken on the day appointed as polling day for a Commonwealth vote; and
 - (b) there is an arrangement between the Electoral Commission and the electoral authority of the State for the Electoral Commission to conduct the State vote.
- (2) An officer who performs functions in relation to the Commonwealth vote may perform functions in relation to the State vote.
- (3) Polling booths, ballot boxes and other facilities provided, and machinery or arrangements established, for the Commonwealth vote may be used for the State vote.
- (4) Ballot papers for declaration votes in the State vote may be put in the envelopes used for ballot papers for declaration votes in the Commonwealth vote.
- (5) Ballot papers used for the State vote may be placed in the ballot boxes used for the Commonwealth vote.
- (6) In this regulation:

Commonwealth vote means:

 - (a) an election of the Senate; or

Regulation 41

- (b) a general election of the House of Representatives; or
- (c) a by-election to elect a member of the House of Representatives; or
- (d) a referendum held under the *Referendum (Machinery Provisions) Act 1984*.

State has the meaning given by section 394 of the Act.

State vote means an election, referendum or vote of the electors of a State or part of a State to be held or taken under a law of the State.

Division 2 Trial of electronically assisted voting — sight-impaired people

41 Definitions for Division 2

In this Division:

declaration envelope means an envelope bearing a declaration in accordance with subsection 202AD (2) of the Act and subsection 73P (2) of the Referendum (Machinery Provisions) Act.

electronically assisted vote means a vote cast using the electronically assisted voting method.

electronically assisted voting means the casting of an electronically assisted vote.

electronically assisted voting method means the method determined by regulation 47.

Electronic voting machine means an electronic device that is used to:

- (a) facilitate the casting of an electronically assisted vote; and
- (b) cause a vote record to be printed.

issuing officer means an officer assisting an elector under regulation 45.

Regulation 44

42 Application of Division 2 (subsection 202AB (1) of the Act and subsections 73M (1) and (2) of the Referendum (Machinery Provisions) Act)

Subject to subregulation 44 (2), an elector who is a sight-impaired person may:

- (a) cast an electronically assisted vote at:
 - (i) the first general election; and
 - (ii) the first Senate election;held after the commencement of section 202AB of the Act; and
- (b) cast an electronically assisted vote at the first referendum held:
 - (i) after the commencement of section 73M of the Referendum (Machinery Provisions) Act; and
 - (ii) on the same day as an election mentioned in paragraph (a).

43 Availability of electronically assisted voting

For subparagraph 202AB (2) (a) (iii) of the Act and subparagraph 73M (3) (a) (iii) of the Referendum (Machinery Provisions) Act, the Electoral Commissioner may, by notice in the *Gazette*, determine:

- (a) the polling places or pre-poll voting offices at which electronically assisted voting is available; and
- (b) specific days, and hours, of operation for electronically assisted voting.

44 Use by sight-impaired person of electronically assisted voting method (subparagraph 202AB (2) (a) (iv) of the Act and subparagraph 73M (3) (a) (iv) of the Referendum (Machinery Provisions) Act)

- (1) On arrival at a polling place or pre-poll voting office at which electronically assisted voting is available, an elector may ask an officer to assist him or her to cast a vote by using the electronic voting machine.

Regulation 45

- (2) If the officer is satisfied that the elector is a sight-impaired person, the officer (the *issuing officer*) must assist the elector in accordance with subregulations 45 (1) and (2).
- (3) The Electoral Commissioner may give directions to presiding officers in relation to requests to use the electronically assisted voting method.

45 Officer to assist elector with electronically assisted voting (subparagraph 202AB (2) (a) (ii) of the Act and subparagraph 73M (3) (a) (ii) of the Referendum (Machinery Provisions) Act)

- (1) For subregulation 44 (2), the assistance that must be given to an elector includes:
 - (a) explaining the declaration required by regulation 47 to the elector; and
 - (b) explaining the electronically assisted voting method to the elector; and
 - (c) preparing the electronic voting machine to enable the elector to vote in the Division for which the elector is enrolled.
- (2) The issuing officer must advise the elector that, at any time before the printed vote record or records have been sealed in a declaration envelope under regulation 48, the elector may choose to vote by completing the printed ballot papers according to Part XVA or XVI of the Act, or Part III or IVA of the Referendum (Machinery Provisions) Act.
- (3) The issuing officer may assist the elector by conducting a practice session of the electronic voting machine with the elector.

46 Electronically assisted voting to be cast in private (subparagraph 202AB (2) (a) (ii) of the Act and subparagraph 73M (3) (a) (ii) of the Referendum (Machinery Provisions) Act)

The elector must cast his or her vote in private, unless subregulation 47 (5) applies to the elector.

47 Electronically assisted voting method (subparagraph 202AB (2) (a) (i) of the Act and subparagraph 73M (3) (a) (i) of the Referendum (Machinery Provisions) Act)

- (1) The issuing officer must issue the elector with a declaration envelope.
- (2) Subject to subregulation (5), the elector must complete and sign the declaration envelope in the presence of the issuing officer.
- (3) The issuing officer must then sign the declaration envelope as witness, adding the date.
- (4) Subject to subregulations (5) and (7), the elector must:
 - (a) cast his or her vote or votes using the electronic voting machine by entering the vote using a keyboard or keypad, and following audio prompts, onscreen prompts or the instructions of an officer; and
 - (b) remove from the printer connected to the electronic voting machine the printed vote record for as many of the following as are applicable:
 - (i) the Senate;
 - (ii) the House of Representatives;
 - (iii) the referendum; and
 - (c) return each printed vote record to the issuing officer.
- (5) A person, including an officer, who is chosen by the elector, may, in accordance with the directions of the elector, do any of the following:
 - (a) complete the declaration envelope;
 - (b) read the declaration envelope to the elector;
 - (c) assist the elector to sign the declaration envelope;
 - (d) cast the elector's vote or votes using the electronic voting machine by entering the vote using a keyboard or keypad, and following voice prompts, onscreen prompts or the instructions of an officer;

Regulation 48

- (e) remove from the printer connected to the electronic voting machine the printed vote record for each of the following, as applicable:
 - (i) the Senate;
 - (ii) the House of Representatives;
 - (iii) the referendum;
 - (f) return each printed vote record to the issuing officer.
- (6) Directions under subregulation (5) may be given by reference to 1 or more how-to-vote cards.
- (7) At any time before the printed vote record or records are sealed in the declaration envelope, the elector may decide not to vote by casting an electronically assisted vote.
- (8) If, before the printed vote record or records are sealed in the declaration envelope, the elector decides not to vote using the electronically assisted voting method:
- (a) the elector must complete printed ballot papers in accordance with Part XVA or XVI of the Act, or Part III or IVA of the Referendum (Machinery Provisions) Act, as appropriate; and
 - (b) an officer must destroy any printed vote record or records in relation to the elector.

48 What is done after a person uses the electronically assisted voting method (subsection 202AD (2) of the Act and subsection 73P (2) of the Referendum (Machinery Provisions) Act)

The issuing officer must immediately place the printed vote record or records in the declaration envelope, seal the envelope, and place the envelope in a ballot-box.

49 Record of each person who has voted using the electronically assisted voting method (section 202AC of the Act and section 73N of the Referendum (Machinery Provisions) Act)

- (1) The Electoral Commission must make a record of each person who has voted using the electronically assisted voting method.

Regulation 50

- (2) The record must contain:
 - (a) the name of the person who has voted using the electronically assisted voting method; and
 - (b) the name of the Division for which the person is enrolled; and
 - (c) the date on which the person's vote was cast.

50 Printed vote record (subsection 202AD (1) of the Act and subsection 73P (1) of the Referendum (Machinery Provisions) Act)

- (1) For each vote cast by a person using the electronically assisted voting method, the electronic voting machine must print a record of the vote the person has cast.
- (2) The printed vote record:
 - (a) must consist of a barcode; and
 - (b) must not contain any means of identifying the person who cast the vote.
- (3) Subject to subregulation (4), when a declaration envelope containing a printed vote record or records is opened in accordance with Part XVIII of the Act or Part VI of the Referendum (Machinery Provisions) Act, the printed vote record or records must be decoded at the place at which the declaration envelope is opened.
- (4) If a printed vote record cannot be decoded at the place at which the declaration envelopes containing the records are opened, the printed vote record must be dealt with as follows:
 - (a) the officer in charge of the count must secure the printed vote records in an envelope or box with seals and send the records to the office of the DRO;
 - (b) the officer in charge of the count must record the number of printed vote records being sent to the DRO;
 - (c) the DRO who receives an envelope or box containing a printed vote record or records must confirm the number of printed vote records received;
 - (d) the DRO must then decode the printed vote records;

Regulation 51

- (e) the DRO must then secure the printed vote records and the decoded printouts of the records in an envelope or box with seals and send the envelope or box to the place from which the records were originally sent;
 - (f) the DRO must then record the number of printed vote records sent;
 - (g) after receiving the printed vote records in accordance with paragraph (e), the officer in charge of the count must confirm that the correct number of printed vote records and corresponding decoded printouts have been returned;
 - (h) after receiving the printed vote records, the officer in charge must include the decoded printouts of the vote records in the count.
- (5) Each printed vote record must be attached to its decoded printout, and treated as a pre-poll ballot paper for the purposes of Part XVIII of the Act or Part VI of the Referendum (Machinery Provisions) Act.

51 Role for scrutineers (paragraph 202AB (2) (c) of the Act and paragraph 73M (3) (c) of the Referendum (Machinery Provisions) Act)

- (1) A scrutineer appointed under section 200DA or 217 of the Act may perform any function authorised by the Act for electronically assisted voting as if the person using the electronically assisted voting method were casting a pre-poll vote or a vote on polling day.
- (2) Subregulation (1) does not apply to a person to whom section 234A of the Act applies.
- (3) A scrutineer appointed under section 27 or 73CA of the Referendum (Machinery Provisions) Act may perform any function authorised by that Act for electronically assisted voting as if a person using the electronically assisted voting method was casting a pre-poll vote or a vote on polling day.
- (4) Subregulation (3) does not apply to a person to whom section 36A of the Referendum (Machinery Provisions) Act applies.

52 Opening a declaration envelope that contains a printed vote record (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not open a declaration envelope that contains a printed vote record.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to the DRO for the Division in respect of which a printed vote record has been issued, or an officer acting at the direction of the DRO.

- (3) Strict liability applies to an offence against subregulation (1).

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

53 Persons present when electronically assisted vote is cast (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)

A person who is present when an elector is casting an electronically assisted vote must obey all directions of an officer.

Penalty: 10 penalty units.

54 Communication about an elector's vote (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not make any communication to an elector in relation to the elector's vote.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to:

- (a) an officer providing assistance to the elector under regulation 45; or
(b) an officer or other person assisting the elector, at the request of the elector, under subregulation 47 (5).

Regulation 55

55 Interference with an elector's vote (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not interfere with an elector in relation to the elector's vote.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to:
- (a) an officer providing assistance to the elector under regulation 45; or
 - (b) an officer or other person assisting the elector, at the request of the elector, under subregulation 47 (5).

56 Knowledge of an elector's vote (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not do anything to find out how an elector voted.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to:
- (a) an officer providing assistance to the elector under regulation 45; or
 - (b) an officer or other person assisting the elector, at the request of the elector, under subregulation 47 (5).

57 Protection of electronic voting hardware or software (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)

- (1) A person commits an offence if he or she destroys or interferes with:
- (a) a computer program; or
 - (b) a data file; or
 - (c) an electronic device;

that is used, or intended to be used, for or in connection with electronically assisted voting.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply to an officer acting in the course of his or her duties.

Division 3 Trial of remote electronic voting for defence personnel serving outside Australia

58 Definitions for Division 3

In this Division:

remote electronic vote means a vote that has been cast using the remote electronic voting method by a defence civilian or defence member serving outside Australia.

remote electronic voter means an elector who is on the Electoral Commission's register for remote electronic voting.

remote electronic voting means the casting of a remote electronic vote.

remote electronic voting machine means a remote electronic voting device used to:

- (a) facilitate the casting of a remote electronic vote; and
- (b) transmit a remote electronic vote.

remote electronic voting method means the method prescribed by subregulation 65 (1).

59 Application of Division 3 (subsection 202AH (1) of the Act and subsections 73S (1) and (2) of the Referendum (Machinery Provisions) Act)

Subject to subregulation 61 (1), an elector who is a defence civilian or defence member serving outside Australia may:

- (a) cast a remote electronic vote at:
 - (i) the first general election; and
 - (ii) the first Senate election;

Regulation 60

held after the commencement of section 202AH of the Act; and

- (b) cast a remote electronic vote at the first referendum held:
 - (i) after the commencement of section 73S of the Referendum (Machinery Provisions) Act; and
 - (ii) on the same day as an election mentioned in paragraph (a).

60 Register for remote electronic voting — defence civilians and defence members (section 202AI of the Act)

- (1) The Electoral Commission must maintain a register of remote electronic voters.
- (2) The Electoral Commissioner may:
 - (a) determine the form in which the register of remote electronic voters is to be maintained; and
 - (b) issue directions to a DRO in respect of an application made under regulation 61.

61 Application to register as a remote electronic voter (section 202AI of the Act)

- (1) A defence civilian or defence member must be registered as a remote electronic voter by the Electoral Commission to cast a remote electronic vote.
- (2) A defence civilian or defence member may apply to register as a remote electronic voter if the civilian or member:
 - (a) is an elector; and
 - (b) is serving, or may serve, outside Australia at the time of:
 - (i) the first general election; and
 - (ii) the first Senate election;held after the commencement of section 202AH of the Act.

62 Removal of an elector from the register of remote electronic voters (section 202AI of the Act)

If a DRO becomes aware that an elector, who is registered as a remote electronic voter:

- (a) is in Australia at the time at which the writs for an election are issued; or
- (b) has returned to Australia on a permanent basis;

the DRO must cause the elector to be removed from the register of remote electronic voters.

63 Availability of remote electronic voting

For subparagraph 202AH (2) (a) (iv) of the Act and subparagraph 70S (3) (a) (iv) of the Referendum (Machinery Provisions) Act, the Electoral Commissioner may, by notice in the *Gazette*, determine the countries where remote electronic voting is to be available.

64 Remote electronic vote to be cast in private (subparagraph 202AH (2) (a) (iii) of the Act and subparagraph 73S (3) (a) (iii) of the Referendum (Machinery Provisions) Act)

- (1) Subject to subregulation (2), an elector who is using the remote electronic voting machine to cast his or her vote must do so in private.
- (2) The elector may ask any person to provide any assistance that the elector requires.

65 Remote electronic voting method (subparagraph 202AH (2) (a) (i) of the Act and subparagraph 73S (3) (a) (i) of the Referendum (Machinery Provisions) Act)

- (1) To cast a remote electronic vote the elector must:
 - (a) use a login and password provided by the Electoral Commission, following registration as a remote electronic voter; and

Regulation 66

- (b) cast his or her vote using the remote electronic voting machine by entering the vote using a keyboard or mouse, and following the onscreen prompts.
- (2) An elector who is a registered remote electronic voter may decide not to vote by casting a remote electronic vote, at any time before completing the process of casting his or her vote.
- (3) If the elector decides not to vote by the remote electronic voting method:
 - (a) the elector must vote in accordance with Part XV of the Act, or Part IV of the Referendum (Machinery Provisions) Act, as appropriate; and
 - (b) the electronic voting machine must not keep any record of the preferences cast using the remote electronic voting method.

66 Record of each person who has voted using the remote electronic voting method (subsection 202AK (1) of the Act and section 73U of the Referendum (Machinery Provisions) Act)

- (1) The Electoral Commission must make a record of each person who has voted using the remote electronic voting method.
- (2) This record must contain:
 - (a) the full name of the person who has voted using the remote electronic voting method; and
 - (b) the name of the Division for which the person is enrolled; and
 - (c) the login allocated by the Electoral Commission to the person after registering as a remote electronic voter; and
 - (d) the person's date of birth.

67 Storage and transmission of remote electronic vote records (section 202AK of the Act and section 73U of the Referendum (Machinery Provisions) Act)

- (1) The Electoral Commissioner must ensure that each remote electronic vote record is:

Regulation 67

- (a) securely kept until transmitted; and
 - (b) securely transmitted to the Electoral Commission; and
 - (c) securely stored by the Electoral Commission until printed.
- (2) For each remote electronic vote record transmitted to the Electoral Commission:
 - (a) a printed record of each remote electronic vote must be produced; and
 - (b) the printed record must not contain any means of identifying the person who cast the vote.
- (3) The Electoral Commissioner must also ensure that:
 - (a) remote electronic vote records must be printed and bundled according to the Divisions in which remote electronic voters are enrolled; and
 - (b) the remote electronic vote records for each Division must be sealed in an envelope marked with the name of that Division and the number of printed remote electronic vote records enclosed in the envelope.
- (4) After the remote electronic vote records for each Division have been printed and sealed in envelopes in accordance with subregulation (3), the Electoral Commissioner must ensure that:
 - (a) a list of the names of the people who cast a remote electronic vote is printed for each Division; and
 - (b) the list of names for each Division is sealed, with the envelope containing the printed remote electronic vote records for that Division, in another envelope marked with the name of the Division.
- (5) The envelopes must then be sent to the relevant offices of the DRO.
- (6) The DRO who receives the envelopes must confirm that the envelopes have been received.
- (7) The DRO must deal with the envelopes in accordance with Part XVIII of the Act or Part VI of the Referendum (Machinery Provisions) Act.

Regulation 68

68 Role for scrutineers (section 264 of the Act and section 89 of the Referendum (Machinery Provisions) Act)

A scrutineer appointed under section 264 of the Act or section 89 of the Referendum (Machinery Provisions) Act may observe the printing of the remote electronic vote record or records and the bundling of those vote records for distribution to the relevant DRO office.

69 Communication about an elector's vote (subsection 202AH (4) of the Act and subsection 73S (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not make any communication to an elector in relation to the elector's vote.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person assisting the elector, at the request of the elector, under subregulation 64 (2).

70 Interference with an elector's vote (subsection 202AH (4) of the Act and subsection 73S (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not interfere with an elector in relation to the elector's vote.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who is assisting an elector, at the request of the elector, under subregulation 64 (2).

71 Knowledge of an elector's vote (subsection 202AH (4) of the Act and subsection 73S (5) of the Referendum (Machinery Provisions) Act)

- (1) A person must not do anything to find out how an elector voted.

Penalty: 10 penalty units.

Regulation 73

- (2) Subregulation (1) does not apply to a person who is assisting an elector, at the request of the elector, under subregulation 64 (2).

72 Protection of electronic voting hardware or software (subsection 202AH (4) of the Act and subsection 73S (5) of the Referendum (Machinery Provisions) Act)

- (1) A person commits an offence if the person destroys or interferes with:
- (a) a computer program; or
 - (b) a data file; or
 - (c) an electronic device;
- that is used, or intended to be used, for or in connection with remote electronic voting.
- Penalty: 50 penalty units.
- (2) Subregulation (1) does not apply to an officer acting in the course of his or her duties.

Division 4 Functions of Electoral Commissioner for Divisions 2 and 3

73 Functions of Electoral Commissioner (paragraph 7 (1) (g) of the Act and section 144 of the Referendum (Machinery Provisions) Act)

It is a function of the Electoral Commissioner to give advice or instructions to a person for the purpose of assisting the person to comply with Division 2 or 3.

Regulation 81

Division 7 Enforcement of law in relation to compulsory voting

81 Proceedings in Court on failure of elector to vote

- (1) In proceedings which are instituted in a Court of summary jurisdiction against an elector for a contravention of subsection 245 (15) of the Act or subsection 45 (14) of the Referendum (Machinery Provisions) Act, the Divisional Returning Officer must send to the Court the elector's reply (if any) under subparagraph 245 (5) (c) (i) or (ii) of the Act or subparagraph 45 (5) (c) (i) or (ii) of the Referendum (Machinery Provisions) Act.
- (2) The Court shall, whether the defendant is present or not, consider the contents of the reply as if it were given in evidence before the Court.

83 Evidence in Court of summary jurisdiction

- (1) If, in a prosecution in a Court of summary jurisdiction against an elector for a contravention of subsection 245 (15) or (15C) of the Act or subsection 45 (14) or (14C) of the Referendum (Machinery Provisions) Act, the prosecuting officer lodges with the Court a statutory declaration and a certified extract in the approved form, the officer is not required to attend the hearing.
- (2) Where a statutory declaration and certified extract have been lodged as provided by this regulation, and the prosecuting officer is not present at the hearing, the Court shall proceed with the hearing and determination of the case in his absence, and shall consider the statutory declaration and certified extract as if the matter set out therein had been given in evidence before it, and shall, notwithstanding the absence of the prosecuting officer, permit evidence to be given for the prosecution of any witness who is summoned by, or attends on behalf of, the prosecuting officer.

Regulation 87

- (3) For the purposes of this regulation, any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signatures thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

87 Classes of articles for the purposes of paragraph 328 (3) (b) of the Act

The following classes of articles are prescribed for the purposes of paragraph 328 (3) (b) of the Act:

- (a) business or visiting cards that promote the candidacy of any person in an election for the Parliament;
- (b) letters and cards:
 - (i) that bear the name and address (not being a post-office box) of the sender; and
 - (ii) that do not contain a representation or purported representation of a ballot-paper for use in an election for the Parliament.

Schedule 1 Prescribed authorities and permitted purposes for use of information

(regulations 5A and 8)

Item	Agency or authority	Purpose
1	Australia Post	Investigating postal and criminal offences committed against the Commonwealth under the <i>Australian Postal Corporation Act 1989</i> or the <i>Crimes Act 1914</i>
1A	Australian Commission for Law Enforcement Integrity	<p>(a) Identifying or locating offenders, suspects or witnesses in relation to the investigation of, or reporting on, a corruption issue within the meaning of the <i>Law Enforcement Integrity Commissioner Act 2006</i> (the LEIC Act)</p> <p>(b) Collecting, correlating, analysing or disseminating information or intelligence in relation to:</p> <p>(i) corruption generally in a law enforcement agency within the meaning of the LEIC Act (a LEIC agency); or</p> <p>(ii) the integrity of a staff member of a LEIC agency</p> <p>(c) Collecting, correlating, analysing or disseminating information or intelligence in relation to corruption generally in, or the integrity of a staff member of, a Commonwealth government agency (other than a LEIC agency) that has a law</p>

Item	Agency or authority	Purpose
		enforcement function within the meaning of the LEIC Act
		(d) Security vetting of employees or potential employees
2	Australian Communications and Media Authority	Identifying offences relating to interference with radiocommunications or telecommunications
3	Australian Competition and Consumer Commission	(a) Identifying or locating offenders, suspects or witnesses (b) Verifying the identity of individuals for enforcement of the criminal law or of a law imposing a pecuniary penalty in relation to the <i>Trade Practices Act 1974</i>
4	Australian Crime Commission	(a) Collecting, correlating, analysing and disseminating criminal information and intelligence (b) Undertaking intelligence operations (c) Investigating matters relating to relevant criminal activity (d) Assembling or analysing evidence about offences and suspected offences (e) Conducting criminal and operational investigations to support authorised national security functions (f) Security vetting of employees or potential employees
5	Australian Customs Service (Customs)	(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
6	Australian Federal Police (AFP)	<ul style="list-style-type: none"> (c) Investigating criminal offences and offences against legislation administered by Customs (d) Checking the accuracy of information given to Customs (e) Verifying the identity of individuals on behalf of: <ul style="list-style-type: none"> (i) the government of another country; or (ii) a law enforcement administration under an international agreement or arrangement (f) Surveillance purposes (a) Identifying or locating offenders, suspects or witnesses (b) Deciding whether suspects can be eliminated from an investigation (c) Target development (d) Intelligence checks (e) Protecting the safety of officers, staff members, AFP employees and special members (f) Law enforcement (g) Surveillance (h) Identification of potential or actual disaster victims, and notification of victims' families (i) Security vetting of AFP officers or potential AFP officers
7	Australian Securities and Investments Commission	<ul style="list-style-type: none"> (a) Identifying or locating suspects or witnesses (b) Surveillance (c) Law enforcement

Item	Agency or authority	Purpose
8	Australian Security Intelligence Organisation	(a) Confirming the identity of Australian citizens to determine whether or not they are of security interest (b) Security vetting of employees or potential employees
9	Australian Taxation Office (the Statutory Agency consisting of the Commissioner of Taxation and staff)	(a) Identifying or locating taxpayers (b) Preventing, detecting or investigating taxation fraud
10	Australian Transactions Reports and Analysis Centre	Conducting investigations in relation to the enforcement of: (a) the criminal law; or (b) a law imposing a pecuniary penalty regarding the <i>Financial Transaction Reports Act 1988</i>
11	Centrelink	(a) Preventing and detecting fraud relating to identity or incorrect payments (b) Locating persons who owe a debt to the Commonwealth
12	ComSuper (the Statutory Agency consisting of the Commissioner for Superannuation and staff)	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
13	Department of Agriculture, Fisheries and Forestry	Identifying individuals suspected of breaching legislation administered by the Australian Quarantine and Inspection Service

Item	Agency or authority	Purpose
14	Department of Defence	<p>(a) Identifying or locating an individual suspected of fraud or another criminal offence under:</p> <p>(i) a law of the Commonwealth administered by the Department of Defence; or</p> <p>(ii) another law of the Commonwealth, or a law of a State or Territory, that is connected with:</p> <p>(A) the defence of Australia; or</p> <p>(B) the operations or activities of the Department of Defence</p> <p>(b) Security vetting of employees or potential employees</p>
15	Department of Education, Science and Training	Preventing, detecting or investigating fraud and other criminal offences in relation to the Department's programs and public money managed by the Department
16	Department of Employment and Workplace Relations	Identifying or locating suspects, debtors or witnesses in relation to criminal investigations
16A	Department of the Environment and Water Resources	Verifying the principal place of residence of applicants under the Photovoltaic Rebate Programme and the Solar Hot Water Rebate Programme
17	Department of Foreign Affairs and Trade	<p>(a) Confirming the identity of passport applicants or identifiers of documents</p> <p>(b) Verifying information relating to a passport or an application for a passport</p>

Item	Agency or authority	Purpose
		<ul style="list-style-type: none"> (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
18	Department of Human Services	Identifying or locating clients for debt management, determination or correction purposes
19	Department of Immigration and Citizenship	<ul style="list-style-type: none"> (a) Facilitating travel to Australia, or entry to Australia, for an Australian citizen who may have lost his or her passport (b) Enabling airport officers to identify travellers and confirm their status (c) Assisting investigations and compliance staff in the detection of persons suspected of: <ul style="list-style-type: none"> (i) being in Australia unlawfully; or (ii) working without authority; or (iii) being involved in people smuggling; or (iv) committing offences against legislation administered by the Department
20	Department of Veterans' Affairs	<ul style="list-style-type: none"> (a) Undertaking reviews of, or research into, the health of former members of the Defence Force (b) Protection of the public revenue in relation to reviews of entitlement to benefit

Item	Agency or authority	Purpose
21	Director of Public Prosecutions	Verifying the identity of, or locating, persons of interest in relation to property ownership matters conducted under the <i>Proceeds of Crime Act 2002</i>
22	Insolvency and Trustee Service of Australia	(a) Locating and investigating bankrupts and their associates in relation to obligations under the <i>Bankruptcy Act 1966</i> (b) Conducting criminal investigations in relation to the <i>Bankruptcy Act 1966</i> (c) Investigating identity fraud
23	Medicare Australia	(a) Undertaking compliance, investigation or enforcement activities related to the provision of Commonwealth services within the meaning of the <i>Medicare Australia Act 1973</i> (b) Recovering overpayments or other amounts due to the Commonwealth in connection with the provision of Commonwealth services within the meaning of that Act

Schedule 2 Prescribed electors

(paragraphs 12 (2) (a) and (b), subregulations 13 (1), (2) and (3), subregulation 39B (3) and subregulation 39C (1))

Item	Class of elector
1	Accountant who is a registered tax agent
2	Bank officer, except the manager of a bank travel centre
3	Building society officer
4	Chairperson or Committee member of an incorporated Aboriginal and/or Torres Strait Islander organisation
5	Chartered professional engineer
6	Clerk, sheriff or bailiff of a court
7	Commissioner for Affidavits of a State or Territory
8	Commissioner for Declarations of a State or Territory
9	Commissioner for Oaths of a State or Territory
10	Credit union officer
11	Diplomatic or consular officer, except an honorary consular officer, of an Australian embassy, high commission, or consulate
12	Finance company officer, where the company borrows or lends or otherwise deals in finance as its principal or characteristic activity
13	Full-time or permanent part-time employee of the Commonwealth, or a State or Territory, or a Commonwealth, State or Territory authority
14	Full-time or permanent part-time teacher currently employed at a school or tertiary institution
15	Holder of a current liquor licence
16	Holder of a current pilot's licence
17	Holder of a statutory office for which an annual salary is payable
18	Licensed or registered real estate agent
19	Manager of a building society or credit union
20	Manager of a community, ethnic or remote resource centre

Item	Class of elector
21	Manager of a women's refuge, or of a crisis and counselling service that provides counselling or assistance to victims of domestic violence, sexual assault or sexual abuse
22	Marriage celebrant within the meaning of the <i>Marriage Act 1961</i>
23	Marriage counsellor within the meaning of the <i>Family Law Act 1975</i>
24	Master of a merchant vessel
25	Member of the Association of Consulting Engineers
26	Member of the Association of Taxation and Management Accountants
27	Member of the Australian Defence Force
28	Member of the ground staff of an airline that operates a regular passenger service
29	Member of the Institute of Company Secretaries of Australia
30	Member of the staff of a person who is a member of: (a) the parliament of the Commonwealth or a State; or (b) the legislature of a Territory; or (c) a local government authority of a State or Territory
31	Member of the staff of a State or Territory electoral authority
32	Member of the staff of the Australian Electoral Commission
33	Minister of religion within the meaning of the <i>Marriage Act 1961</i>
34	Person employed as a remote resource centre visitor
35	Police aide
36	Postal manager or other permanent Australia Post employee
37	Prison officer
38	Registered dentist
39	Registered medical practitioner
40	Registered nurse or enrolled nurse
41	Registered or licensed surveyor

Item	Class of elector
42	Registered pharmacist
43	Registered physiotherapist
44	A person who is not described in a preceding item in this Schedule before whom statutory declarations may be made under a law of the Commonwealth, a State or a Territory

Schedule 3 Prescribed documents

(paragraphs 12 (2) (a) and (b), subparagraph 13 (1) (a) (ii), subparagraph 13 (1) (b) (ii) and paragraphs 39B (2) (b) and 39B (3) (b))

Item	Document
1	Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old
2	Australian Defence Force discharge document
3	Certificate of Australian citizenship
4	Current Australian passport
5	Current Australian photographic student identification card
6	Card issued by, or under the authority of, a State or Territory government the principal purpose of which (or one of the principal purposes of which) is to prove a person's age
7	Current concession card issued by Centrelink
8	Current concession card issued by the Department of Veterans' Affairs
9	Current credit card or bank account card
10	Decree <i>nisi</i> or a certificate of a decree absolute made or granted by the Family Court of Australia
11	Document of appointment as an Australian Justice of the Peace
12	Current firearms licence (with photograph and signature)
13	Current identity card showing the signature and photograph of the card holder, issued by his or her employer
14	Marriage certificate registered with an Australian State or Territory Registry of Births, Deaths and Marriages, or equivalent
15	Medicare card
16	Current security guard or crowd control licence

Schedule 4 Prescribed documents

(paragraph 12 (3) (a), subparagraph 12 (3) (b) (ii))

Item	Document
1	Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old
2	Australian Defence Force discharge document
3	Certificate of Australian citizenship
4	Current Australian passport
5	Current Australian photographic student identification card
6	Card issued by, or under the authority of, a State or Territory government the principal purpose of which (or one of the principal purposes of which) is to prove a person's age
7	Current concession card issued by Centrelink
8	Current concession card issued by the Department of Veterans' Affairs
9	Current credit card or bank account card
10	Decree <i>nisi</i> or a certificate of a decree absolute made or granted by the Family Court of Australia
11	Document issued by the Australian Government notifying a person of eligibility for Australian citizenship
12	Document of appointment as an Australian Justice of the Peace
13	Current firearms licence (with photograph and signature)
14	Current foreign passport and current Australian visa
15	Current identity card showing the signature and photograph of the card holder, issued by his or her employer
16	Marriage certificate registered with an Australian State or Territory Registry of Births, Deaths and Marriages, or equivalent
17	Medicare card
18	Current security guard or crowd control licence
19	Current travel document and current Australian visa

Table of Instruments

Notes to the *Electoral and Referendum Regulations 1940***Note 1**

The *Electoral and Referendum Regulations 1940* (in force under the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984*) as shown in this compilation comprise Statutory Rules 1940 No. 163 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Year and number	Date of notification in Gazette or FRLI registration	Date of commencement	Application, saving or transitional provisions
1940 No. 163 (a)	15 Aug 1940	15 Aug 1940	
1949 No. 62 (a)	15 Sept 1949	15 Sept 1949	—
1954 No. 27 (a)	8 Apr 1954	8 Apr 1954	—
1961 No. 103 (a)	10 Aug 1961	10 Aug 1961	—
1966 No. 140 (a)	13 Oct 1966	13 Oct 1966	—
1973 No. 62 (a)	21 Mar 1973	21 Mar 1973	—
1974 No. 44 (a)	9 Apr 1974	9 Apr 1974	—
1980 No. 241 (b)	27 Aug 1980	27 Aug 1980	—
1981 No. 80 (a)	6 May 1981	6 May 1981	—
1981 No. 84 (a)	6 May 1981	6 May 1981	—
1983 No. 114 (a)	29 July 1983	29 July 1983	—
1983 No. 153 (a)	1 Sept 1983	1 Sept 1983	R. 5
1983 No. 176 (a)	22 Sept 1983	22 Sept 1983	—
1983 No. 181 (a)	22 Sept 1983	22 Sept 1983	—
1983 No. 235 (a)	28 Oct 1983	28 Oct 1983	—
1983 No. 274 (a)	18 Nov 1983	18 Nov 1983	—
1983 No. 313 (a)	16 Dec 1983	26 Jan 1984	—
1984 No. 287	18 Oct 1984	18 Oct 1984	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1987 No. 118	15 June 1987	15 June 1987	—
1987 No. 119	15 June 1987	15 June 1987	—
1988 No. 182	25 July 1988	25 July 1988	—
1988 No. 339 (b)	21 Dec 1988	21 Dec 1988	—
1989 No. 32 (b)	13 Mar 1989	13 Mar 1989	—
1990 No. 33 (b)	19 Feb 1990	19 Feb 1990	—
1990 No. 334 (b)	18 Oct 1990	18 Oct 1990	—
1992 No. 422	24 Dec 1992	24 Dec 1992	—
1993 No. 28	12 Feb 1993	12 Feb 1993	—
1993 No. 356	23 Dec 1993	23 Dec 1993	—
1995 No. 21 (b)	28 Feb 1995	28 Feb 1995	—
1995 No. 190	30 June 1995	1 July 1995	—
1995 No. 322	3 Nov 1995	6 Nov 1995 (see r. 1 and <i>Gazette</i> 1995, No. S423)	—
1997 No. 411 (b)	24 Dec 1997	24 Dec 1997	—
1998 No. 57 (b)	8 Apr 1998	8 Apr 1998	—
1998 No. 296	7 Sept 1998	7 Sept 1998	—
2000 No. 47	19 Apr 2000	19 Apr 2000	—
2000 No. 196 (b)	25 July 2000	25 July 2000	—
2000 No. 355 (b)	20 Dec 2000	20 Dec 2000	—
2001 No. 248 (c)	14 Sept 2001	(see r. 2)	—
2001 No. 340	21 Dec 2001	21 Dec 2001	—
2002 No. 117	14 June 2002	14 June 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (see r. 3)	—
2003 No. 188	24 July 2003	24 July 2003	—
2004 No. 299	7 Sept 2004	7 Sept 2004	—
2005 No. 125	17 June 2005 (see F2005L01468)	18 June 2005	—
2005 No. 319	19 Dec 2005 (see F2005L04017)	20 Dec 2005	—
2006 No. 350	15 Dec 2006 (see F2006L03833)	16 Apr 2007	—
2007 No. 83	13 Apr 2007 (see F2007L01003)	16 Apr 2007	—
2007 No. 251	24 Aug 2007 (see F2007L02598)	25 Aug 2007	—
2007 No. 270	11 Sept 2007 (see F2007L03545)	1 Aug 2007 (see r. 2)	—

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2007 No. 271	11 Sept 2007 (see F2007L03546)	12 Sept 2007	—
2007 No. 254	19 Oct 2007 (see F2007L04094)	20 Oct 2007	—
2008 No. 3	30 Jan 2008 (see F2008L00187)	31 Jan 2008	—

(a) Section 145 and Schedule 2 of the *Referendum (Machinery Provisions) Act 1984* provide as follows:

- (1) The Acts specified in Schedule 2 are repealed.
- (2) Notwithstanding the repeal effected by subsection (1), the regulations that were, immediately before the commencement of this Act, in force under the *Commonwealth Electoral Act 1918* and the *Referendum (Constitution Alteration) Act 1906* shall, in so far as those regulations relate to referendums, continue in force, to the extent to which they are consistent with this Act, as if:
 - (a) those regulations had been made under that first-mentioned Act and under this Act;
 - (b) a reference in those regulations to a State, in relation to a referendum, included a reference to the Australian Capital Territory and the Northern Territory;
 - (c) a reference in those regulations to the Australian Electoral Officer for a State, in relation to a referendum, included a reference to the Australian Electoral Officers for the Territories;
 - (d) a reference in those regulations to a Division, in relation to a referendum, included a reference to an Electoral Division of the Australian Capital Territory and to the Northern Territory; and
 - (e) a reference in those regulations to the *Referendum (Constitution Alteration) Act 1906* or to a particular provision of that Act were a reference to this Act or to the corresponding provision (if any) of this Act, as the case may be.
- (3) Nothing in subsection (2) prevents the making of regulations under this Act or under the *Commonwealth Electoral Act 1918* and under this Act to repeal or amend the regulations that are continued in force by that subsection.

Schedule 2

(section 145)

REPEALED ACTS*Referendum (Constitution Alteration) Act 1906**Referendum (Constitution Alteration) Act 1909**Referendum (Constitution Alteration) Act 1910**Referendum (Constitution Alteration) Act 1912**Referendum (Constitution Alteration) Act 1912 (No. 2)**Referendum (Constitution Alteration) Act 1915*

Table of Instruments

Referendum (Constitution Alteration) Act 1919
Referendum (Constitution Alteration) Act 1926
Referendum (Constitution Alteration) Act 1928
Referendum (Constitution Alteration) Act 1936
Referendum (Constitution Alteration) Act 1965
Referendum (Constitution Alteration) Act (No. 2) 1965
Referendum (Constitution Alteration) Modification Act 1977

Statutory Rules 1940 No. 163; 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140; 1973 No. 62; 1974 No. 44; 1981 Nos. 80 and 84; 1983 Nos. 114, 153, 176, 181, 235, 274 and 313 were made under the *Commonwealth Electoral Act 1918* and the *Referendum (Constitution Alteration) Act 1906*.

- (b) Statutory Rules 1980 No. 241; 1988 No. 339; 1989 No. 32; 1990 Nos. 33 and 334; 1995 No. 21; 1997 No. 411; 1998 No. 57 and 2000 Nos. 196 and 355 were made under the *Commonwealth Electoral Act 1918*.
- (c) Statutory Rules 2001 No. 248 was disallowed by the Senate on 15 May 2002.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
R. 1	rs. 1998 No. 296
R. 2	rs. 1966 No. 140 rep. 1984 No. 287
R. 4	rep. 1983 No. 235
R. 4A.....	ad. 1973 No. 62 rep. 1984 No. 287
R. 5	am. 1966 No. 140; 1981 No. 80; 1984 No. 287; 1990 No. 334; 1992 No. 422; 2000 No. 196; 2005 No. 125
R.5A.....	ad. 2005 No. 125
Part II	
Division 1	
R. 6	am. 1983 No. 235; 1984 No. 287; 2007 No. 271
R. 7	rs. 1954 No. 27; 1966 No. 140 am. 1981 No. 84; 1983 No. 176 rep. 1984 No. 287 ad. 1990 No. 334 am. 1997 No. 411; 2000 No. 196 rs. 2005 No. 125; 2007 No. 251 am. 2007 No. 271; 2008 No. 3
Heading to r. 8	rs. 2000 No. 196
R. 8	rep. 1984 No. 287 ad. 1990 No. 334 am. 2000 No. 355 rs. 2005 No. 125
R. 8A.....	ad. 2007 No. 354
Heading to r. 9	rs. 2000 No. 196
R. 9	am. 1949 No. 62 rep. 1984 No. 287 ad. 1990 No. 334 rs. 2005 No. 125
R. 10	rep. 1984 No. 287 ad. 1993 No. 356 am. 1995 No. 190; 2000 Nos. 47 and 196; 2001 No. 340; 2003 No. 188 rep. 2005 No. 125
R. 11	rep. 1984 No. 287 ad. 2004 No. 299 rep. 2007 No. 271
R. 11A.....	ad. 2007 No. 83

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Heading to r. 12	rs. 2007 No. 83
R. 12	rep. 1984 No. 287 ad. 2006 No. 350 am. 2007 No. 83
R. 13	rep. 1984 No. 287 ad 2006 No. 350
Rr. 14–16	rep. 1984 No. 287
Div. 2 of Part II	rep. 1984 No. 287
Rr. 17–20	rep. 1984 No. 287
R. 21	am. 1966 No. 140 rep. 1984 No. 287
Rr. 22–25	rep. 1984 No. 287
Div. 3 of Part II	rep. 1990 No. 334
R. 26	am. 1984 No. 287 rep. 1990 No. 334
R. 27	am. 1983 No. 153 rep. 1984 No. 287
R. 28	rep. 1983 No. 153
Rr. 29, 30	am. 1984 No. 287 rep. 1990 No. 334
R. 31	rep. 1984 No. 287
Div. 4 of Part II	rep. 1984 No. 287
Rr. 32, 33	rep. 1984 No. 287
R. 34	am. 1966 No. 140 rs. 1984 No. 287 rep. 1990 No. 334
R. 35	am. 1966 No. 140 rep. 1984 No. 287
R. 36	am. 1984 No. 287 rep. 1990 No. 334
R. 37	rs. 1984 No. 287 rep. 1990 No. 334
R. 38	rep. 1990 No. 334
Part III	
Division 1	
R. 38A	ad. 1988 No. 339 am. 1995 No. 21
R. 39	rep. 1949 No. 62 ad. 1984 No. 287 rep. 1990 No. 334 ad. 1995 No. 21
R. 39A	ad. 1989 No. 32 am. 1992 No. 422; 1993 No. 28; 1995 No. 21

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 39B.....	ad. 2006 No. 350
R. 39C.....	ad. 2006 No. 350
R. 40	ad. 1998 No. 296
Division 2	
Div. 2 of Part III	ad. 2007 No. 270
R. 41	ad. 2007 No. 270
R. 42	ad. 2007 No. 270
R. 43	ad. 2007 No. 270
R. 44	ad. 2007 No. 270
R. 45	ad. 2007 No. 270
R. 46	ad. 2007 No. 270
R. 47	ad. 2007 No. 270
R. 48	ad. 2007 No. 270
R. 49	ad. 2007 No. 270
R. 50	ad. 2007 No. 270
R. 51	ad. 2007 No. 270
R. 52	ad. 2007 No. 270
R. 53	ad. 2007 No. 270
R. 54	ad. 2007 No. 270
R. 55	ad. 2007 No. 270
R. 56	ad. 2007 No. 270
R. 57	ad. 2007 No. 270
Division 3	
Div. 3 of Part III	ad. 2007 No. 270
R. 58	ad. 2007 No. 270
R. 59	ad. 2007 No. 270
R. 60	ad. 2007 No. 270
R. 61	ad. 2007 No. 270
R. 62	ad. 2007 No. 270
R. 63	ad. 2007 No. 270
R. 64	ad. 2007 No. 270
R. 65	ad. 2007 No. 270
R. 66	ad. 2007 No. 270
R. 67	ad. 2007 No. 270
R. 78	ad. 2007 No. 270
R. 69	ad. 2007 No. 270
R. 70	ad. 2007 No. 270
R. 71	ad. 2007 No. 270
R. 72	ad. 2007 No. 270

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 4	
Div. 4 of Part III	ad. 2007 No. 270
R. 73	ad. 2007 No. 270
Div. 2 of Part III	rep. 1990 No. 334
R. 40	am. 1949 No. 62; 1954 No. 27; 1961 No. 103 rs. 1966 No. 140 am. 1973 No. 62 rs. 1984 No. 287 rep. 1990 No. 334
Rr. 40A–40C	ad. 1984 No. 287 rep. 1990 No. 334
R. 41	am. 1954 No. 27 rep. 1990 No. 334
R. 42	am. 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140 rs. 1984 No. 287 rep. 1990 No. 334
R. 43	am. 1949 No. 62; 1961 No. 103 rep. 1984 No. 287
R. 44	rep. 1990 No. 334
R. 45	am. 1954 No. 27; 1981 No. 80; 1984 No. 287 rs. 1987 No. 118 rep. 1990 No. 334
R. 46	am. 1984 No. 287 rep. 1990 No. 334
R. 47	am. 1954 No. 27; 1981 No. 80; 1984 No. 287 rep. 1987 No. 118
R. 48	am. 1949 No. 62; 1966 No. 140 rep. 1987 No. 118
R. 49	rs. 1984 No. 287 rep. 1990 No. 334
R. 50	ad. 1984 No. 287 rep. 1990 No. 334
Div. 3 of Part III	rep. 1984 No. 287
R. 50	am. 1966 No. 140; 1983 No. 313 rep. 1984 No. 287
Rr. 51–52	rep. 1984 No. 287
R. 53	am. 1966 No. 140 rep. 1984 No. 287
Rr. 54, 55	rep. 1984 No. 287
R. 56	am. 1954 No. 27; 1981 No. 80 rep. 1984 No. 287
Rr. 57, 58	rep. 1984 No. 287

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 59	am. 1966 No. 140; 1981 No. 80 rep. 1984 No. 287
R. 60	rep. 1984 No. 287
R. 61	am. 1966 No. 140 rep. 1984 No. 287
Rr. 62–66	rep. 1984 No. 287
Heading to Div. 4 of Part III.	rs. 1984 No. 287 rep. 1990 No. 324
Div. 4 of Part III	rep. 1990 No. 334
Rr. 67, 68	rs. 1984 No. 287 rep. 1990 No. 334
R. 69	am. 1984 No. 287 rep. 1987 No. 118
R. 70	am. 1954 No. 27; 1981 No. 80; 1984 No. 287 rep. 1987 No. 118
Rr. 71, 72	rs. 1984 No. 287 rep. 1990 No. 334
R. 72A.....	ad. 1984 No. 287 rep. 1990 No. 334
Div. 5 of Part III	rep. 1990 No. 334
R. 73	am. 1984 No. 287; 1987 No. 118 rep. 1990 No. 334
Div. 6 of Part III	rep. 1990 No. 334
R. 74	am. 1984 No. 287 rep. 1990 No. 334
R. 75	rs. 1984 No. 287 rep. 1987 No. 118
R. 76	am. 1966 No. 140; 1984 No. 287 rep. 1992 No. 422
R. 77	am. 1984 No. 287 rep. 1992 No. 422
R. 78	am. 1966 No. 140; 1984 No. 287; 1987 No. 119 rep. 1992 No. 422
Rr. 79, 80	am. 1984 No. 287 rep. 1992 No. 422
Division 7	
R. 81	am. 1984 No. 287; 1992 No. 422; 2002 No. 117
R. 82	am. 1984 No. 287 rep. 1992 No. 422
R. 83	am. 1984 No. 287; 1992 No. 422; 2002 No. 117
Rr. 84, 85	rep. 1990 No. 334

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 86	rs. 1966 No. 140 rep. 1980 No. 241 ad. 1983 No. 114 rep. 1990 No. 334
R. 87	rs. 1966 No. 140 rep. 1980 No. 241 ad. 1990 No. 33
R. 88	rep. 1980 No. 241
R. 89	am. 1966 No. 140 rep. 1984 No. 287
Rr. 90, 91	rep. 1984 No. 287
R. 92	rep. 1961 No. 103
R. 93	am. 1966 No. 140; 1984 No. 287 rep. 1990 No. 334
R. 94	rep. 1984 No. 287
R. 95	rep. 1961 No. 103
R. 96	rep. 1990 No. 334
R. 97	rep. 1961 No. 103
R. 98A.....	ad. 1974 No. 44 rs. 1983 No. 274 rep. 1984 No. 287
Part IV.....	rep. 1990 No. 334
Rr. 98, 99.....	rep. 1990 No. 334
R. 100	am. 1984 No. 287 rep. 1990 No. 334
R. 101	am. 1966 No. 140 rep. 1984 No. 287
R. 102	rep. 1984 No. 287
R. 103	am. 1966 No. 140 rep. 1984 No. 287
The Schedule.....	am. 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140; 1973 No. 62; 1974 No. 44; 1980 No. 241; 1983 Nos. 153, 181, 235, 274 and 313 rep. 1984 No. 287
Heading to Schedule.....	rep. 1990 No. 334
Schedule 1	
Heading to Schedule 1.....	ad. 1990 No. 334 rep. 1992 No. 422
Schedule.....	ad. 1984 No. 287 am. 1987 No. 118; 1988 No. 182

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Schedule 1	am. 1990 No. 334 rep. 1992 No. 422 ad. 2005 No. 125 am. 2005 No. 319; 2007 Nos. 271 and 254
Schedule 2	
Heading to Schedule 2.....	rs. 2000 No. 196 rep. 2005 No. 125
Schedule 2	ad. 1990 No. 334 am. 1992 No. 422; 1995 No. 322; 1997 No. 411; 1998 No. 57 rs. 2000 No. 47 am. 2000 Nos. 196 and 355; 2002 No. 326; 2003 No. 188 rep. 2005 No. 125 ad. 2006 No. 350
Schedule 3	ad. 2000 No. 196 am. 2000 No. 355; 2002 No. 326; 2003 No. 188 rep. 2005 No. 125 ad. 2006 No. 350
Schedule 4	ad. 2006 No. 350