

AUSTRALIAN ELECTORAL COMMISSION

SUPPLEMENTARY SUBMISSION

**TO THE JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS' INQUIRY INTO THE 2001 FEDERAL ELECTION**

**SIXTH SUBMISSION IN RESPONSE TO QUESTIONS ON
NOTICE**

Canberra

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Recommendation

Recommendation 1

That the JSCEM recommend that the terms 'frivolous' and 'fictitious' be removed from section 98A of the Act.

SIXTH SUBMISSION TO QUESTIONS ON NOTICE

1. Introduction

1.1 This submission by the Australian Electoral Commission (AEC) is presented to the Joint Standing Committee on Electoral Matters (JSCEM) in response to its 'inquiry into the conduct of the 2001 federal election', as advertised in the national press on 25 May 2002.

1.2 The submission details AEC responses to questions on notice provided by the JSCEM in April 2003.

1.3 At the time of publishing, the AEC was preparing responses to other questions on notice provided in April and May 2003, and anticipates that further questions will be provided by the JSCEM. The AEC will respond to these questions in later submissions.

1.4 The AEC has on previous occasions commented on issues similar to those responded to here. Where this has occurred, the submission provides references to those previous comments.

2. Aboriginal and Torres Strait Islander Electoral Information Service (ATSIEIS)

2.1 In 1991, the JSCEM tabled a report on the Aboriginal and Torres Strait Islander Information Service, entitled *Aboriginal and Islander Electoral Information Service: Report from the Joint Standing Committee on Electoral Matters*.¹ As part of the current inquiry, the JSCEM asked the AEC what changes this report brought about in ATSIEIS.

2.2 ATSIEIS' forerunner, the Aboriginal Electoral Education Program (AEEP), was initiated in 1979 after a specialised program, the Kimberley Voting Procedures Course, was conducted as part of a by-election for the WA state division of Kimberley, held in 1977. The AEEP started in Western Australia and South Australia, and was introduced into the Northern Territory in 1981. The emphasis of the AEEP was the delivery of information and education programs to remote communities.²

2.3 Changes to the *Commonwealth Electoral Act 1918* (the Act) in 1984 resulted in the extension of compulsory enrolment provisions to Indigenous Australians. This coincided with an internal review of the AEEP that resulted in an overhaul of the educational materials and the delivery systems. Field officers would train local residents in Aboriginal communities to become Aboriginal Electoral Assistants. These Assistants would be trained to deliver the education programs locally. At this stage, roll maintenance was added to information and education as a function of the program.³

¹ 1991. Joint Standing Committee on Electoral Matters. *Aboriginal and Islander Electoral Information Service: Report from the Joint Standing Committee on Electoral Matters*. Canberra: AGPS. 71p.

² 1988. Loveday, P et al. *The Aboriginal Electoral Information Service: Report of the Review 1987-88*. Darwin: North Australia Research Unit. p13. This report is commonly called the NARU report.

³ 1988. Loveday, P et al. *The Aboriginal Electoral Information Service: Report of the Review 1987-88*. Darwin: North Australia Research Unit. p15.

2.4 In 1988, the renamed Aboriginal and Islander Electoral Information Service (AIEIS) was reviewed by the North Australia Research Unit of the Australian National University. This review is commonly referred to as the NARU report. The review made a number of findings, including:

- there was a weak central support and coordination mechanism for the service;
- AIEIS did not operate at all in two states or in urban areas; and
- there were a number of difficulties balancing the enrolment aspects of the program with the information and education aspects of the program.

2.5 Consequently, the review recommended greater centralised control of the program, the expansion of the program to urban areas, and a reduction of the emphasis on enrolment in the delivery of the program.⁴

2.6 In March 1988, the then Minister for Home Affairs, Senator the Hon Robert Ray referred the findings of the NARU report to the JSCEM for inquiry and report. This resulted in the 1991 JSCEM report referred to above. That report quotes the objectives of the AIEIS as:

- (i) to encourage Aboriginal Communities to accept responsibility for local electoral affairs
- (ii) to ensure that Aboriginal and Islander communities and organisations are able to inform and educate their members on electoral rights and responsibilities and have the necessary resource materials
- (iii) to facilitate, directly or through Aboriginal and Islander communities and organisations, the enrolment of Aboriginal and Islander people and the maintenance of electoral rolls...⁵

2.7 The JSCEM's report made a number of recommendations that were similar to those made by the NARU report, principally:

- that the AIES program be extended into metropolitan and urban communities;
- that an unambiguous priority be given to information and education work relative to enrolment work; and
- that there be increased centralised coordination of the program.⁶

2.8 Another recommendation of the report was that the program's name be changed to Aboriginal and Torres Strait Islander Electoral Information Service (ATSIEIS).

2.9 By 1994, the objectives of the ATSIEIS program had changed to reflect the recommendations of the 1991 JSCEM report, including an increased emphasis on education and information, a decreased emphasis on enrolment, and the inclusion

⁴ 1988. Loveday, P et al. *The Aboriginal Electoral Information Service: Report of the Review 1987-88*. Darwin: North Australia Research Unit. pp 134-136.

⁵ 1991. Joint Standing Committee on Electoral Matters. *Aboriginal and Islander Electoral Information Service: Report from the Joint Standing Committee on Electoral Matters*. Canberra: AGPS. p7.

⁶ 1991. Joint Standing Committee on Electoral Matters. *Aboriginal and Islander Electoral Information Service: Report from the Joint Standing Committee on Electoral Matters*. Canberra: AGPS. pvii.

of mechanisms for reaching urban Indigenous populations, such as targeting educational institutions and the print and electronic media. By 1994, the objectives of ATSIEIS were:

- to conduct an effective national electoral education and information program that meets the needs of Aboriginal and Torres Strait Islander people;
- to establish, promote and support where practical an information resource network of local Aboriginal and Torres Strait Islander people as Community Electoral Assistants (CEAs);
- to provide electoral information other than through the CEA networks to Aboriginal and Torres Strait Islander people;
- to undertake electoral education activities in educational institutions with a significant Aboriginal and or Torres Strait Islander student population;
- to promote an awareness of and participation in the electoral process through the electronic and print media; and
- to enrol Aboriginal and Torres Strait Islander electors and check existing enrolment during visits to relevant communities and groups.⁷

3. Privacy policy

3.1 Following a submission by Mr Perry Ballard,⁸ which included concerns about a perceived lack of focus on privacy by the AEC in the training of polling place staff and in the resources provided to polling booths, the JSCEM asked whether the AEC had a privacy policy, and whether privacy was taken into consideration during the training of polling place staff and in the resources provided to polling booths.

3.2 In relation to privacy, the AEC is required to comply with the Information Privacy Principles (IPPs) of the *Privacy Act 1988*, which govern how personal information is collected, stored, used and disclosed by Commonwealth agencies, when handling personal information that it has in its possession or control.

3.3 To ensure compliance with the Privacy Act, the AEC has an Access and Freedom of Information (FOI) Officer located in its Central Office.

3.4 In relation to privacy training for polling place staff, Mr Ballard made a similar suggestion about customer service training. The AEC responded to this suggestion in submission 174.⁹ The AEC's reasons for not directly addressing privacy issues in the training of polling place staff are the same as those relating to customer service.

3.5 Training and polling place procedure manuals for polling place staff need to focus on a polling official's core responsibilities. It is not practical for the AEC to include the IPPs in the manuals or in training.

3.6 It should be noted that all polling place staff are required to sign an *Acceptance of Offer and Undertaking of Political Neutrality*, which contains, amongst other things, the following clause:

⁷ 1994. Australian Electoral Commission. *Fact sheet No.21: Aboriginal and Torres Strait Islander Electoral Information Service (ATSIEIS)*. Canberra: AEC.

⁸ 2002. Mr Perry Ballard. *Submission 151*. p2.

⁹ 2002. Australian Electoral Commission. *Submission 174*. Paragraph 30.2.

I will not:

- disclose any official information acquired by me in the performance of my duties with respect to the vote of an elector in a manner that is likely to identify the elector;
- interfere with or either directly or indirectly attempt to influence the vote of an elector;
- communicate with any person in the polling place except so far as is necessary in the discharge of my functions.

and understand that to do so may be in breach of provisions of the *Commonwealth Electoral Act 1918*, the *Privacy Act 1988* and the *Crimes Act 1914*

4. Itinerant and overseas electors

4.1 Subsection 96(8) and 96(9) of the Act state:

(8) Subject to subsection (9), where a person who is being treated as an itinerant elector under this section resides in a Subdivision for a period of 1 month or longer, the person ceases to be eligible to be treated as an itinerant elector under this section on the expiration of that period of 1 month.

(9) A person ceases to be entitled to be treated as an itinerant elector under this section if:

- (a) while the person is being so treated, a general election is held at which the person neither votes nor applies for a postal vote;
- (b) the person ceases to be entitled to enrolment; or
- (c) the person departs from Australia and remains outside Australia for a period of 1 month or longer.

4.2 The JSCEM asked for the reason why a period of one month had been applied in these subsections.

4.3 It should be noted that this time period also applies to Eligible Overseas Electors (subsections 94(7), 94(12), 95(7), and 95(12) of the Act).

4.4 The reason Eligible Overseas Electors and itinerant electors cease to be eligible for these types of enrolment one month after they take up residence in a subdivision is that the Act errs on the side of ordinary enrolment. The Act compels people to enrol for a subdivision (effectively a Division, section 101 of the Act), once they have completed the required residency period of one month (section 99 of the Act).

4.5 In effect, a person who resides in a Division for one month or more is compelled to enrol for that Division. The one month time period applied in subsection 96(8) of the Act and the relevant subsections relating to Eligible Overseas Electors means that an elector cannot be both an ordinary elector and an itinerant or overseas elector at the same time.

4.6 In practice, the AEC will behave flexibly to accommodate the intent of the provision. An elector who is an itinerant or Eligible Overseas Elector will only be required to amend their enrolment if they intend to reside permanently at an address within a Division. They will not be required to amend their enrolment if they are temporarily located at an address within a Division.

4.7 For example, the enrolment of seasonal workers enrolled as itinerant electors are not amended when they reside in a particular Division for a season on the basis that they will move at the end of the season do not have an intent to reside.

4.8 A person to whom subsection 96(9)(c) of the Act applies, that is a person who has left Australia for a period of one month or more, cannot retain an entitlement to be an itinerant elector because they do not meet the first criteria for entitlement (section 96(1)(a) of the Act), that is, Australian residency.

4.9 Both overseas and itinerant electors may have their status revoked if they fail to vote or apply for a postal ballot (subsections 94(13)(c) and 95(13)(c), and subsection 96(9)(a) of the Act respectively). The JSCEM asked what the justification was for this arrangement.

4.10 Bearing in mind that itinerant and overseas enrolment is not compulsory, this is a roll cleansing mechanism allowing the AEC to remove from the roll itinerant and overseas electors when they no longer have an intention or eligibility to be enrolled in this way.

5. Campaigning

5.1 The JSCEM asked the AEC to address a number of allegations raised by Mr Ian Bowie, in his submission to the inquiry (submission 67). The first series of allegations relate to the activities of campaign workers at polling booths in the Division of Robertson. The activities of concern to Mr Bowie included:

...theft/removal of party advertising material, overt and covert intimidation of party workers (eg by threats and by jostling near entrances), intimidation of voters (eg by party workers physically obstructing entrances so as to get only their how-to-vote cards into voters' hands and also by obstructing footpaths forcing passersby/voters onto carriageways), reported payments to party workers, shouting of slogans and other electioneering.¹⁰

5.2 Mr Bowie's allegations have been referred to the Divisional Returning Officer (DRO) for Robertson for comment. The DRO for Robertson confirmed that all OICs were given appropriate direction on the use of the Electoral Offences poster and their role in ensuring appropriate access to polling places for electors.

5.3 The DRO has advised that, having reviewed the 2001 Polling Place returns, Polling Place Liaison Officer reports and returns, and his own Election Journal he received no complaints or reports of conduct of the type alleged on polling day.

5.4 In relation to the 'theft/removal of party advertising material', the DRO has advised of some instances of this prior polling day. All the incidents occurred on Monday 5 November 2001. The incidents were:

- an elector in Joalah Avenue, Kincumber phoned to advise that a candidate's sign in her front yard had been burnt;
- an elector from the Kincumber Hotel advised that a candidate's signs had been destroyed over the weekend; and
- an anonymous elector complained that a candidate's signs had had a sticker placed over the party logo.

5.5 The second allegation made by Mr Bowie that the JSCEM asked the AEC to address relates to Mr Bowie's desire for the AEC to provide unbiased information about candidates, parties and party directed preferences. Mr Bowie indicates that during the 2001 federal election this information was tucked away out of easy sight

¹⁰ 2002. Mr Ian Bowie. *Submission 67*. p3.

at a number of polling places he visited, and that the OIC was very reluctant to provide access to the material.¹¹

5.6 The only material the AEC produces that contains preference information is the Group Voting Ticket (GVT) booklet for the Senate. The AEC assumes this is the material Mr Bowie is referring to. The availability of the GVT booklet was previously discussed by the AEC in relation to the submission by the Electoral Reform Society of South Australia.¹² In submission 174, the AEC indicated that:

The 2001 federal election was the first election where the GVT booklet was used. The AEC is aware of some difficulties that arose in relation to the display of GVT booklets within some polling places, and will take the Electoral Reform Society of South Australia's comments into account when reviewing and revising procedures for the next federal election.¹³

5.7 Because only a small number of GVT booklets were provided to each polling place, the DRO for Robertson reported that OICs were likely to be concerned that electors only view the GVT booklet rather than be allowed to remove the booklet. This is the likely explanation for the difficulties experienced by Mr Bowie.

5.8 The JSCEM also asked the AEC to address concerns expressed by Mr Victor Lawther in submission 163. Mr Lawther asked the JSCEM to consider:

- a. placing a limit on the amount of advertising that each party is allowed to display at each location.
- b. any party wanting to display advertising material to pay a bond, not \$5 but a minimum of say \$500, and the bond not refunded until all advertising material is removed before 12 noon following day after the election.
- c. you appoint a suitable person to police the requirements.¹⁴

5.9 Mr Lawther's first proposal is analogous with the proposal to control polling booth noise in terms of the options available to implement such a proposal. The AEC discussed controlling excessive noise, such as political broadcasting, at polling booths in submission 190 to the JSCEM.¹⁵ Essentially, while it is possible to amend the Act to introduce regulation of the sort suggested by Mr Lawther, any amendment would have to be very carefully drafted so as not to offend the constitutional protection afforded to political communication.

5.10 Mr Lawther's second and third proposals place a substantial administrative responsibility onto the AEC and are not supported.

5.11 The provision was repealed in the *Commonwealth Electoral Legislation Amendment Act 1983*.

5.12 To illustrate the potential extent of this, outlined below are some of the requirements that may be needed to manage the suggested tasks.

5.13 The proposal would require the following:

- A large number of individual bond agreements being entered into, involving receipt of the bond application, payment and receipting of the bond money.

¹¹ 2002. Mr Ian Bowie. *Submission 67*. p3.

¹² 2002. Electoral Reform Society of South Australia. *Submission 97*. p2.

¹³ 2002. Australian Electoral Commission. *Submission 174*. Paragraph 13.4.

¹⁴ 2002. Mr Victor Lawther. *Submission 163*.

¹⁵ 2003. Australian Electoral Commission. *Submission 190*. Paragraph 4.1-4.5.

- The funds in trust would need to be managed pending repayment.
- Candidates would need to have the resources to pay this level of bond. This requirement might prevent some candidates from contesting an election.
- Coordination by the party or candidates to complete and submit the applications on time, and administration of this by the AEC in an already very busy period.
- On polling day, ensuring that advertising material for which a bond had not been paid was removed. This will require regular 'patrols' at entrances and the polling place surrounds, and possible confrontation with non compliant candidates' workers.
- Legislative change, with careful definition of 'polling place surrounds' to prevent signs being erected across the road, for example, with impunity. This leads to the bigger question of whether the notice of the removal of this material should apply to all candidates advertising material regardless of where it is placed, such as telegraph polls.
- Arrangements put in place to ensure inspection of all polling places on the Sunday following polling at noon, with associated staffing and administrative costs.
- Preparation of the majority of bond reimbursements.

6. Overseas voting

Delivery delays

6.1 The JSCEM asked about the different starting time for pre polling in Australia and at Australia's overseas posts. Pre poll voting in Australia commenced on Monday 22 October 2001 and commenced in overseas posts from Monday 29 October 2001. The reason for the difference in commencement time is related to the time required to coordinate national supplies of ballot papers in a central location, and pack them and freight them overseas.

6.2 Ballot paper production for overseas posts commenced in Australia on Saturday 20 October 2001, and appropriate quantities were provided to the central overseas despatch point in Canberra as quickly as possible after that time. Once received they had to be packed into appropriate quantities along with other election material for the overseas posts, and then delivered to the freight forwarder for despatch. The freight company collected materials from the AEC on Thursday 25 October 2001 for delivery to posts by Monday 29 October 2001.

6.3 As discussed in a previous submission,¹⁶ the AEC is considering electronic supply of ballot paper data to overseas posts for the next election to improve this timeframe. Progress on this possibility is discussed further below.

6.4 The JSCEM asked for further details about the delays experienced in the delivery of voting materials to overseas posts.

¹⁶ 2003. Australian Electoral Commission. *Submission 181*. Paragraphs 2.34-2.40.

6.5 The AEC previously discussed delays in the delivery of voting materials to overseas posts in relation to submission 27 from Mr Bryan Gaensler:

Postal voting material for overseas posts is delivered in two stages. Generic material for the 2001 election was dispatched on or about 15 October 2001, and ballot papers were dispatched on 25 October 2001.

It was not possible for the AEC to supply, or for posts to issue, ballot papers until after the close of nominations and the ballot draw, which was conducted on 19 October 2001...

Ordinarily, the ballot papers could have been dispatched from Australia and delivered to overseas posts in a much shorter timeframe than occurred in 2001 – probably by one week or more. For the 2001 election, courier deliveries within Australia and to all overseas posts were considerably delayed in the wake of the 'September 11' terrorist attacks in the US and the ensuing anthrax terrorism scares. Postal services within the US and Australia were likewise delayed.¹⁷

6.6 The Department of Foreign Affairs and Trade (DFAT) also discussed the delays during its appearance before the JSCEM on 2 December 2002. During this hearing, DFAT indicated that some of the delays were due to problems with the contracted courier, DHL.¹⁸

6.7 Delays in delivery attributable to DHL were due to DHL failing to dispatch all materials as scheduled on Thursday 25 October 2001. This was discovered on Monday 29 October 2001, when AEC staff attended the DFAT mailroom to hand deliver some supplementary materials requested by posts. At that time the AEC staff discovered some boxes of material that had been collected by DHL from the AEC on 25 October 2001 still in the DFAT mailroom.

6.8 The AEC worked actively to overcome all delays in the distribution to overseas posts where they became evident.

6.9 DHL International was the contracted external freight service provider for DFAT. Its services were engaged by the AEC on the advice of DFAT, based on the *Guidelines on Use of Unclassified Diplomatic Mail & Freight Services by Overseas Operating Agencies*, which was provided to AEC by DFAT.

Faxing and e-mailing ballot papers

6.10 The JSCEM asked what strategies the AEC adopts in circumstances where it is forced to either fax or e-mail ballot papers to overseas posts. In these circumstances, care is taken to ensure that all ballot papers emailed are acknowledged on receipt and all faxes were confirmed on dispatch and receipt.

6.11 The procedure accounting for ballot papers that are faxed, emailed or photocopied is the same as for ballot papers received by other means of delivery. Posts are provided with procedural manuals containing instructions for ballot paper accounting that incorporate this eventuality. Completed ballot papers need to be returned inside completed declaration vote certificate envelopes to be admitted to preliminary scrutiny, therefore the possible interception of blank ballot papers does not necessarily present a serious security problem in this circumstance.

6.12 The JSCEM also asked how consultations with DFAT over the electronic delivery of voting materials were progressing.

¹⁷ 2003. Australian Electoral Commission. *Submission 174*. Paragraphs 3.2–3.4.

¹⁸ 2002. JSCEM. *Committee Hansard*. Monday 2 December 2002. pEM280.

6.13 The AEC has met twice with DFAT to discuss arrangements for the next federal election.

6.14 At the meetings a range of options has been discussed to improve the access to voting materials at posts. These include placing House of Representatives ballot papers onto the DFAT internal website (Intranet) for local printing, and using a file transfer process for Senate ballot paper data to be printed in London. Printing ballot papers in London could enable the supply of posts in Europe as well as the UK at approximately the same time as AEC offices in Australia are supplied.

6.15 The agencies have also discussed providing materials other than ballot papers, for example declaration vote envelopes, forms, manuals, and polling equipment well in advance of the expected election date.

DFAT submission (submission 188)

6.16 In submission 188, DFAT answered a number of questions on notice from the JSCEM. The AEC would like to add some additional information to a number of the responses.

6.17 In relation to staff training and knowledge of electoral procedure,¹⁹ discussions with DFAT following the 2001 federal election explored the development of training programs to be delivered by AEC staff at DFAT Consular Training Sessions (in Canberra and in Hong Kong). The first in a series of scheduled training programs was delivered during April 2003. The AEC also provides web site addresses for the DFAT website to provide direct access for electors seeking information on enrolment and voting.

6.18 The AEC has previously discussed a number of training initiatives in relation to overseas voting.²⁰ A London-specific procedures manual has been drafted and an AEC staff member who is presenting a training session in Hong Kong in July 2003 will develop a Hong Kong manual. An Internet training program was developed prior to the 2001 election for staff in overseas posts. This will be further developed and provided to overseas posts well in advance of the expected date of the next election.

6.19 In relation to funding for posts for electoral events,²¹ a Summary of Overseas Posts Funding Requests is at **Attachment A**. This summary was compiled to monitor forecasts by posts, compare expenditure with the 1999 Referendum expenditure, and record the allocation and actual expenditure for each post.

6.20 Enhanced financial forecasting based on historical data will be introduced prior to the next federal election for all posts. This will assist posts to calculate estimates for the next electoral event.

6.21 In relation to information dissemination,²² the JSCEM asked DFAT whether it might be possible to improve the level of publicity about electoral events to Australians overseas.

6.22 The AEC is exploring ways to facilitate this, including using the DFAT Overseas Register for Australians to issue bulletins regarding elections, enrolment

¹⁹ 2003. Department of Foreign Affairs and Trade. *Submission 188*. p3.

²⁰ 2003. Australian Electoral Commission. *Submission 181*. Paragraph 2.16.

²¹ 2003. Department of Foreign Affairs and Trade. *Submission 188*. p5.

²² 2003. Department of Foreign Affairs and Trade. *Submission 188*. p8.

and voting. However, privacy issues need to be addressed initially, for example, at the point of registration, consent would be necessary to allow contact for this purpose.

7. Enrolment

7.1 The JSCEM asked at what point during an election period certified lists are sent for production. There is no set date for when certified lists are sent for production. This is usually about three days after the close of rolls. Because of the large number of certified lists required, it takes some time to produce all certified lists.

8. *Electoral and Referendum Amendment Regulations 2001 (No.1)*

8.1 The JSCEM asked for the AEC's opinion of the efficacy of the proof of identity proposals contained in the *Electoral and Referendum Amendment Regulations 2001 (No.1)*.

8.2 The JSCEM's report on the 1996 federal election made a number of recommendations intended to improve the integrity of the electoral roll. These included:

Recommendation 2:

that... the AEC nominate a prescribed class of persons eligible to complete the witnessing portion of the enrolment form if upgraded into a proof of identity declaration. The upgraded enrolment form should specify that a witness must be on the Commonwealth electoral roll (rather than merely eligible to be enrolled). Adequate provision should be made for identifiable groups of people who will face unusual difficulties in finding a witness.²³

Recommendation 3:

that the Electoral Act be amended to provide that an applicant for enrolment must produce at least one original item of documentary proof of identity, where such information has not been provided previously (that is, all enrolment transactions initially and new enrolments thereafter). Acceptable documents might include photographic drivers' licences, Birth Certificates or extracts, Social Security papers (such as notice or advice of a pension) or Veterans' Cards, Citizenship Certificates, passports, Medicare Cards, or a written reference for a limited range of clients unable to produce the above documentation.²⁴

Recommendation 5:

that the Electoral Act be amended to make clear that claims for enrolment from persons who state they have achieved citizenship through naturalisation under the *Australian Citizenship Act 1948*, but who do not

²³ 1997. Joint Standing Committee on Electoral Matters. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 federal election and matters related thereto*. Canberra: AGPS. p7.

²⁴ 1997. Joint Standing Committee on Electoral Matters. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 federal election and matters related thereto*. Canberra: AGPS. p9.

provide a date of naturalisation or citizenship number, will not be accepted until such information has been verified by the AEC...²⁵

8.3 The Government gave effect to these recommendations through the *Electoral and Referendum Amendment Act (No. 1) 1999*, which amongst other things amended the Act to provide for:

- restricted qualifications for witnesses to enrolment;
- proof of identity for first time electors; and
- proof of citizenship where an elector claims to have been granted citizenship.

8.4 The specifics of how these new enrolment mechanisms would work were to be provided through regulation, after which the relevant sections of the Act would be proclaimed.

8.5 The latest attempt to amend the *Electoral and Referendum Regulation 1940* to give effect to the new enrolment mechanisms was the *Electoral and Referendum Amendment Regulations 2001 (No. 1)*, tabled in the Senate on 18 September 2001 (**Attachment B**, hereafter referred to as the disallowed regulations).²⁶ Senator Faulkner moved a notice of disallowance in the Senate on 14 March 2002.²⁷

8.6 The disallowed regulations include a schedule (Schedule 4) of prescribed electors who could witness an enrolment form. In a situation where such a prescribed elector was unavailable to the person trying to enrol, an elector who was not related to them could attest to their enrolment claim, subject to DRO approval.

8.7 In addition, the disallowed regulations would have required that a person making a claim for enrolment produce at least one original document verifying their identity to either the witness to their enrolment form or to the AEC. Schedule 5 of the disallowed regulations contains a list of the acceptable documents. If a person claiming enrolment could not produce an original document proving identity, they would have to provide a reference from a person who was a prescribed elector from Schedule 4.

8.8 Finally, the disallowed regulations would have required a person who claims to be an Australian citizen by way of grant of citizenship to produce either their citizenship certificate, or their citizenship certificate number.

8.9 At the outset, it should be noted that as measures to protect the integrity of the roll, the disallowed regulations would have proved useless in preventing the sort of enrolment fraud attempted by Ms Karen Ehrmann and Mr Andy Kehoe in the Division of Herbert in 1996, as these attempts involved the fraudulent enrolment of real people, who would have been able to prove their identity to either the AEC or to the witness.

²⁵ 1997. Joint Standing Committee on Electoral Matters. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 federal election and matters related thereto*. Canberra: AGPS. p13.

²⁶ 2001. *Senate Hansard*. Tuesday 18 September 2001. p27319.

²⁷ 2002. *Senate Hansard*. Thursday 14 March 2002. p735.

8.10 The AEC has always held that a scheme of the sort envisioned by the disallowed regulations is possible.²⁸ However, the AEC assumes that, in order to uphold the franchise and enable people to comply with the law regarding compulsory enrolment, any scheme implemented should enable electors to enrol at no cost and minimum inconvenience.²⁹ In addition, the class of electors required for witnessing should be sufficiently wide to ensure that no person qualified to vote would be expected to face difficulties in finding a witness, and adequate provisions are made for identifiable groups of people who will face unusual difficulties in finding a witness.³⁰

8.11 In a number of ways, the disallowed regulations fail this test. Firstly, all new electors will be required to produce at least one form of original documentary proof of identity, or, if they cannot do so, provide a reference from a prescribed class of persons.

8.12 While the list of acceptable documents is extensive, some electors will still not be able to produce an original documentary proof of identity without having to pay for an original documentary proof of identity.

Any scheme which required the production by electors of documents such as birth certificates or passports could well constitute a very substantial imposition on the voters themselves... It is likely that such a scheme would be strongly – and validly – criticised as making people pay for the right to vote.³¹

8.13 The alternative mechanism provided for in the disallowed regulations, a reference from a prescribed class of persons, could in certain circumstances present a considerable inconvenience to electors, especially during the close of rolls.

8.14 Notwithstanding these issues, the most significant potential cost and inconvenience to electors posed by the disallowed regulations is the effect the disallowed regulations would have had on the management of the joint rolls.³²

8.15 The introduction of the disallowed regulations would require similar amendments to State and Territory enrolment legislation in order for joint rolls to be maintained, or at a minimum, new joint enrolment forms. A number of States, most notably Queensland and South Australia, have indicated a reluctance to introduce such measures because of the threat to the franchise such measures may pose.³³

8.16 If the disallowed regulations were to come into force, it may well be that the States and Territories, given their concerns about the effect on the franchise,

²⁸ 1996. Australian Electoral Commission. *Submission 98* to the Inquiry into the 1996 federal election. Paragraph 4.3.5.

²⁹ 1996. Australian Electoral Commission. *Submission 98* to the Inquiry into the 1996 federal election. Paragraph 6.4.1.

³⁰ 1996. Australian Electoral Commission. *Submission 98* to the Inquiry into the 1996 federal election. Paragraph 4.3.5.

³¹ 1996. Australian Electoral Commission. *Submission 98* to the Inquiry into the 1996 federal election. Paragraph 6.4.4.

³² 1993. Australian Electoral Commission. *Submission 5* to the Inquiry into the 1993 federal election. p2.

³³ 2001. Australian Electoral Commission. *Submission 66* to the Inquiry into the integrity of the electoral roll. Paragraph 4.11.

decide that they will move towards establishing their own separate State and Territory rolls.

8.17 The outcome could be a gradual transition towards nine separate rolls to cover the nine separate electoral jurisdictions. These separate rolls will inevitably move apart as dual compliance by electors becomes more inconvenient and costly. There will then be little agreement and increased legal disputation on which enrolment regime is the most accurate, and hence which elections best reflect the will of the electorate.³⁴

8.18 In addition to the accuracy issues related to the breakdown of the joint roll arrangements, there will be a significant increase in the cost of maintaining the roll as the Commonwealth inherits that part of the cost burden currently borne by the States and Territories.

9. Nominations

9.1 The JSCEM asked the AEC for its view on the issues surrounding the nomination of Ms Roslyn Dundas as a candidate for both the ACT Legislative Assembly election and the ACT Senate election in 2001.

9.2 Ms Dundas nominated as an Australian Democrats candidate for the electorate of Ginninderra for the 20 October 2001 ACT Legislative Assembly election, and as the second Australian Democrats candidate for the ACT Senate election at the 10 November 2001 federal election.

9.3 Provided Ms Dundas met all the other qualifications for nomination, the relevant section of the Act she could potentially have offended by her situation was section 164, which states:

A person who is, at the hour of nomination, a member of:

- (a) the Parliament of a State;
- (b) the Legislative Assembly of the Northern Territory of Australia; or
- (c) the Legislative Assembly for the Australian Capital Territory;

is not capable of being nominated as a Senator or as a Member of the House of Representatives.

9.4 As nominations closed for the federal election on 18 October 2001, before polling day for the ACT Legislative Assembly election, Ms Dundas was still only a candidate for the ACT Legislative Assembly when she nominated as a candidate for the Senate. In other words, Ms Dundas did not offend section 164 of the Act.

9.5 Anticipating that Ms Dundas might be elected to the ACT Legislative Assembly, the AEC sought legal advice as to whether the ACT Senate election could continue if Ms Dundas was elected to the ACT Legislative Assembly. On the basis of this advice, the AEC believes that Ms Dundas' election to the Legislative Assembly did not require any action in relation to the ACT Senate election.

9.6 Given Ms Dundas' position as the second Australian Democrats' candidate for the Senate election, the AEC did not request any advice on a course of action had Ms Dundas been elected to the Senate.

³⁴ 2001. Australian Electoral Commission. *Submission 66* to the Inquiry into the integrity of the electoral roll. Paragraphs 4.9-4.10.

10. Inappropriate names

10.1 The JSCEM asked for some specific proposals expanding on the AEC's recommendation 7 of submission 147 to the current inquiry, which recommends establishing a legislative definition of the terms 'frivolous' and 'fictitious' in relation to inappropriate names.

10.2 This recommendation arose as a result of a series of decisions by the Administrative Appeals Tribunal (AAT) that indicate that a name cannot be rejected as 'frivolous' or 'fictitious' if it is the person's legal name used for everyday purposes. A detailed explanation of the reasons behind this recommendation can be found at paragraphs 4.2.1-4.2.20 in submission 147, and the relevant decision of the AAT can be found at Attachment C of that submission.

10.3 After further analysis of the AAT decisions to determine an appropriate form of words for a legislative definition of 'frivolous' and 'fictitious', the AEC is now of the opinion that, regardless of definition, these terms are likely to be unenforceable. The AEC is now of the view that the most appropriate course of action would be to remove the terms 'frivolous' and 'fictitious' from the Act. On this basis, the AEC requests that the JSCEM substitute the following recommendation for recommendation 7 of submission 147.

Recommendation 1

That the JSCEM recommend that the terms 'frivolous' and 'fictitious' be removed from section 98A of the Act.

Attachment A

Overseas posts funding requests – 2001 federal election

POST	ITEM	AUD	(1999 Referendum)	ALLOCATION	SPENT
Athens	Salary & Admin	\$3,500.00			
	TOTAL	\$3,500.00	(\$1,250)	\$3,500	\$ 3,168.53
Atlanta	LES staffing	\$4,238.00			
	Postage	\$762.00			
	TOTAL	\$5,000.00		\$5,000	\$ 4,543.39
Auckland	LES Staffing	\$2,000.00			
	Postage & Stationery	\$500.00			
	Advertising	\$500.00			
	TOTAL	\$3,000.00	(\$1,785)	\$3,000	\$ 3,520.65
Beijing	LES Staffing	\$1,685.00			
	Advertising	\$1,250.00			
	TOTAL	\$2,935.00		\$1,685	\$ 1,684.96
Chicago	TOTAL			\$392	\$ 389.90
Columbia				\$0	\$ 189.42
Colombo	TOTAL			\$206	\$ 206.00
Dublin	Staffing	\$1,200.00			
	TOTAL	\$1,200.00	(\$1,300)	\$1,416	\$ 1,415.42
Frankfurt	Expenditure				
	TOTAL	\$1,300.00	(\$1,300)	\$1,300	\$ 1,123.00
Fukuoka City	Postage	\$832.00			
	Stationery	\$175.00			
	Advertising	\$433.00			
	TOTAL	\$1,440.00	(\$1,339)	\$1,440	\$ 557.39
Geneva	Staffing	\$2,000.00			
	TOTAL	\$2,000.00	(\$2,500)	\$2,000	\$ 182.98
Ho Chi Minh City	Staffing	\$1,041.00			
	TOTAL	\$1,041.00		\$1,265	\$ 1,265.00

Hong Kong	Other Costs	\$45,000.00			
	Walk through Metal Detector	\$6,400.00			
	Showroom hire	\$5,000.00			
	Security	\$2,000.00			
	TOTAL	\$58,400.00	(\$47,700)	\$48,138	\$ 45,571.46
Honiara	(1999 Ref) Advertising	\$250.00			
	TOTAL	\$250.00	(\$250)	\$1,200	\$250.00
Istanbul	Staff	\$500.00			
	TOTAL	\$500.00		\$500	\$ 500.00
Jakarta	Expenditure (less ad & staffing)	\$6,000.00			
	TOTAL	\$6,000.00	(\$2,800)	\$6,000	\$ 4,106.96
Kuala Lumpur	Other Costs	\$3,200.00			
	TOTAL	\$3,200.00	(\$1,950)	\$3,200	\$ 3,199.75
Lima	(1999 Ref) Postage & Courier	\$500.00			
	(1999 Ref) LES Wages	\$960.00			
	TOTAL	\$1,460.00	(\$1,460)	\$1,460	\$ -
London	Advertising	\$6,875.00			
	Post/Print/Stationery	\$28,593.00			
	LES Wages	\$142,187.00			
	Other Costs	\$12,968.00			
	TOTAL	\$190,623.00	(\$145,000)	\$180,623	\$135,346.57
Los Angeles	Expenditure	\$7,520.00			
	TOTAL	\$7,520.00	(\$2,800)	\$8,707	\$ 8,706.98
Malta	LES Wages	\$400.00			
	TOTAL	\$400.00		\$400	\$ 357.44
Manila	Advertising	\$2,000.00			
	Postage	\$500.00			
	Staffing	\$1,000.00			
	TOTAL	\$3,500.00	(\$2,500)	\$3,500	\$ 641.29
Mexico City				\$2,300	\$ 2,300.00
Milan	Staffing	\$800.00			
	Phone/Fax/Postage	\$600.00			
	TOTAL	\$1,400.00	Not Noted	\$1,400	\$ 1,399.72
Nagoya	Other Costs	\$3,464.00			
	TOTAL	\$3,464.00	(\$1,312)	\$3,464	\$ 1,562.37

New York	Expenditure		\$1,334.00			
		TOTAL	\$1,134.00	(\$1,160)	\$3,000	\$ 2,985.44
Osaka	Other Costs		\$520.00			
		TOTAL	\$520.00	(\$2,294)	\$520	\$ 1,593.44
Paris	Other Costs		\$6,000.00			
		TOTAL	\$6,000.00		\$3,000	\$ 2,366.25
Port Louis		TOTAL	\$0.00		\$0	\$ 152.73
Port Morseby	LES Wages		\$650.00			
		TOTAL	\$650.00		\$650	\$ 611.72
Port Villa	LES Wages		\$880.00			
	Hire of Premises		\$250.00			
		TOTAL	\$1,130.00		\$1,130	\$ 1,132.25
Riyadh	Courier (postage)		\$2,000.00			
		TOTAL	\$2,000.00	(\$2,350)	\$2,000	\$ 989.07
San Francisco	Expenditure		\$4,000.00			
		TOTAL	\$4,000.00	(\$3,000)	\$4,000	\$ 2,912.40
Sapporo	Other Costs		\$1,450.00			
		TOTAL	\$1,450.00	(\$1,450)	\$1,450	\$ 636.85
Sendai	Postage		\$831.00			
	Stationery/Phone Calls		\$173.00			
	Advertising		\$433.00			
		TOTAL	\$1,437.00	(\$1,450)	\$1,437	\$ 1,440.57
Shanghai		TOTAL	\$0.00		\$0	\$ 222.50
Singapore	Staffing		\$1,906.00			
	Advertising		\$1,500.00			
	Overtime		\$284.00			
	Security		\$110.00			
	Air-conditioning		\$1,680.00			
		TOTAL	\$5,480.00	Not Noted	\$5,480	\$ 5,179.13
Stockholm	Staffing		\$1,400.00			
	LES Staffing Overtime		\$250.00			
	Postage/Stationery		\$250.00			
		TOTAL	\$1,900.00	(\$1,900)	\$1,900	\$ 911.39
Suva					\$3,042	\$ 374.56
The Hague	Staffing, postage, phone		\$3,600.00			
		TOTAL	\$3,600.00	Not Noted	\$3,600	\$ 3,600.00

Tokyo	Staffing	\$8,327.00			
	Postage	\$2,500.00			
	Advertising	\$5,000.00			
	TOTAL	\$15,827.00		\$15,827	\$ 13,489.83
Toronto	Other Costs	\$2,289.00			
	TOTAL	\$2,289.00	(\$1,934)	\$2,289	\$ 2,160.73
Vancouver	Staffing	\$1,200.00			
	Premises Rental	\$500.00			
	Postage/Stationery/ Phone	\$500.00			
	TOTAL	\$2,200.00	(\$2,500)	\$2,200	\$ 2,020.53
Washington	Staffing	\$5,300.00			
	TOTAL	\$5,300.00	(\$3,000)	\$5,300	\$ -
Wellington	Staffing	\$920.00			
	TOTAL	\$920.00	(\$3,400)	\$2,089	\$ 2,088.68
Reserve		\$0.00		\$0	\$ -
	TOTAL FOR POSTS	\$345,615.00		\$341,010.00	\$267,057.25
DHL		\$50,000.00		\$ 50,000.00	\$ 62,594.61
	DFAT TOTAL	\$395,615.00		\$391,010.00	\$329,651.86
				BALANCE	\$61,358.14

Attachment B



**Electoral and Referendum
Amendment Regulations
2001 (No. 1)¹**

Statutory Rules 2001 No. ²

I, PETER JOHN HOLLINGWORTH, 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 2001

Governor-General

By His Excellency's Command

ERIC ABETZ

Special Minister of State

1 Name of Regulations

These Regulations are the *Electoral and Referendum Amendment Regulations 2001 (No. 1)*.

2 Commencement

These Regulations commence on the commencement of items 10, 11 and 12 of Schedule 1 to the *Electoral and Referendum Amendment Act (No. 1) 1999*.

3 Amendment of *Electoral and Referendum Regulations 1940*

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

Schedule 1 Amendments

(regulation 3)

[1] Regulation 5

substitute

5 Definitions

In these Regulations:

Act means the *Commonwealth Electoral Act 1918*.

claim for enrolment means a claim or application for enrolment or for transfer of enrolment under Part VII or VIII of the Act.

prescribed authority means the Agency Head of an Agency referred to in regulation 8 or the Chief Executive Officer of an Authority referred to in regulation 9.

referendum has the same meaning as in the *Referendum (Machinery Provisions) Act 1984*.

[2] After regulation 10

insert

11 Electors who may attest claims for enrolment (Act s 98)

- (1) For paragraph 98 (2) (c) of the Act, an elector is in a prescribed class of electors if the elector is a person mentioned in Schedule 4.
- (2) For paragraph 98 (2) (c) of the Act, an elector who is not a person mentioned in Schedule 4 is in a prescribed class of electors if:
 - (a) a person makes a claim for enrolment; and
 - (b) there is no person mentioned in Schedule 4 available to attest the claim; and
 - (c) the elector:
 - (i) is not related to the person making the claim by birth or marriage; and
 - (ii) is approved for the purposes of the particular claim by the Australian Electoral Officer for the State or Territory in which the claim is made or by the DRO for the Division in which the claim is made.
- (3) If an elector mentioned in subregulation (1) or (2) is a person whose address has been omitted from the Roll in accordance with section 104 of the Act, the elector:
 - (a) is not required to provide his or her address when attesting a claim for enrolment; and
 - (b) must write the words 'silent elector' in the space provided on the claim for enrolment form for his or her address.

**12 Verification of identity — original documents
(Act s 98)**

- (1) For subsection 98 (2A) of the Act, the identity of a person making a claim for enrolment must be verified by:
 - (a) providing the Electoral Commission with the original of at least 1 document mentioned in Schedule 5; or
 - (b) showing to a person mentioned in Schedule 4 a document mentioned in Schedule 5 and obtaining the person's written statement on the claim for enrolment form that the person is satisfied about the identity of the person making the claim.
- (2) However, the identity of a person is not required to be verified in accordance with subregulation (1) if:
 - (a) the person's identity is verified by the Department of Immigration and Multicultural Affairs for the purposes of granting Australian citizenship; and
 - (b) the claim for enrolment by the person is in a form supplied to him or her by that Department.
- (3) If a document is posted to an Australian Electoral Officer or a DRO, the Australian Electoral Officer or DRO must return the document to the person by registered post unless he or she agrees to its return by other means.
- (4) If a document is handed to an Australian Electoral Officer or a DRO, the Australian Electoral Officer or DRO must hand the document back to the person unless he or she agrees to its return by other means.

13 Verification of identity — written references (Act s 98)

- (1) This regulation applies to a person making a claim for enrolment who is unable to verify his or her identity in accordance with regulation 12.

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- (2) The identity of the person must be verified by a written reference given to the Australian Electoral Officer for the State or Territory in which the claim is made or to the DRO for the Division in which the claim is made.
- (3) The person giving the reference (the *referee*) must be:
- (a) an elector who has personally known the person making the claim for at least 1 month; and
 - (b) an elector:
 - (i) who is a person mentioned in Schedule 4; or
 - (ii) who the Australian Electoral Officer or DRO is satisfied is a community leader or representative of a community organisation; or
 - (iii) who is approved in writing by the Australian Electoral Officer, or the DRO, as a referee for the purposes of the particular claim.
- (4) The reference must contain:
- (a) the referee's name and address; and
 - (b) if the referee is a person mentioned in Schedule 4, the class of persons mentioned in that Schedule to which the referee belongs; and
 - (c) if subparagraph (3) (b) (ii) applies to the referee, evidence that the referee is a community leader or representative of a community organisation; and
 - (d) if subparagraph (3) (b) (iii) applies to the referee, evidence of the approval of the referee by the Australian Electoral Officer or DRO; and
 - (e) a statement that the referee has known the person making the claim for at least 1 month.
- (5) The Australian Electoral Officer or DRO to whom the reference is given is not required to return the reference to the person.

14 Verification of Australian citizenship (Act s 98)

- (1) For subsection 98 (2C) of the Act, a person's Australian citizenship must be verified in accordance with subregulation (2), (3) or (4).
- (2) A person may verify his or her Australian citizenship to the Electoral Commission by:
 - (a) writing the number of his or her certificate of Australian citizenship, or the date of grant of the certificate to the person, on the claim for enrolment; or
 - (b) providing one of the following:
 - (i) his or her certificate of Australian citizenship;
 - (ii) an electoral enrolment form completed in respect of the person that is identifiable as an enrolment form provided to the person when he or she was granted Australian citizenship; or
 - (c) giving to the Electoral Commission such information about the person as is necessary to allow the Commission to verify the person's Australian citizenship.
- (3) A person may also verify his or her Australian citizenship to the Electoral Commission by providing his or her current Australian passport.
- (4) A person's Australian citizenship may also be verified by an annotation on the Commission's enrolment database indicating that the person's Australian citizenship has previously been verified.
- (5) The Electoral Commission must seek confirmation by the Department of Immigration and Multicultural Affairs of a verification of the person's Australian citizenship under subregulation (2).
- (6) If a person's Australian citizenship is not confirmed in accordance with subregulation (5), the Electoral

Commission may treat his or her citizenship as not having been verified under subregulation (2).

15 Prescribed persons (Act s 99AA)

For section 99AA of the Act, a member of the staff of an electoral authority mentioned in Schedule 6 is a prescribed person.

[3] Subregulations 81 (1) and 83 (1)

omit each mention of

Referendum (Machinery Provisions) Act

insert

Referendum (Machinery Provisions) Act 1984

[4] After Schedule 3

insert

Schedule 4 Persons who can attest claims for enrolment

(regulations 11, 12 and 13)

Item	Persons
401	Accountant who is a registered tax agent
402	Bank officer, except the manager of a bank travel centre
403	Building society officer
404	Chartered professional engineer
405	Clerk, sheriff or bailiff of a court
406	Commissioner for Affidavits of a State or Territory
407	Commissioner for Declarations of a State or Territory
408	Commissioner for Oaths of a State or Territory
409	Credit union officer

Item	Persons
410	Diplomatic or consular officer, except an honorary consular officer, of an Australian embassy, high commission, or consulate
411	Employee of a community, ethnic or remote resource centre who counsels or assists clients as part of the employee's duties
412	Employee of a women's refuge, or of a crisis and counselling service, who counsels or assists victims of domestic violence, sexual assault or sexual abuse as part of the employee's duties
413	Fellow of the Association of Taxation and Management Accountants
414	Finance company officer
415	Full-time or permanent part-time employee of the Commonwealth, or a State or Territory, or a Commonwealth, State or Territory authority
416	Full-time or permanent part-time teacher currently employed at a school or tertiary institution
417	Holder of a current liquor licence or his or her nominee
418	Holder of a current pilot's licence
419	Holder of a statutory office for which an annual salary is payable
420	Leader of an Aboriginal or Torres Strait Islander community
421	Licensed or registered real estate agent
422	Manager of a building society or credit union
423	Marriage celebrant within the meaning of the <i>Marriage Act 1961</i>
424	Marriage counsellor within the meaning of the <i>Family Law Act 1975</i>
425	Master of a merchant vessel
426	Member of an Aboriginal and Torres Strait Islander Community Council or Regional Council
427	Member of the Association of Consulting Engineers

Item	Persons
428	Member of the Defence Force
429	Member of the ground staff of an airline that operates a regular passenger service
430	Member of the Institute of Company Secretaries of Australia
431	Member of the non-teaching or non-academic staff of a primary or secondary school or tertiary education institution
432	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
433	Member of the staff of a State or Territory electoral authority
434	Member of the staff of the Australian Electoral Commission
435	Minister of religion within the meaning of the <i>Marriage Act 1961</i>
436	Person employed as a remote resource centre visitor
437	Police aide
438	Postal manager or other permanent Australia Post employee
439	Prison officer
440	Registered nurse or enrolled nurse
441	A person who is not described in a preceding item in this Schedule who is authorised in writing by at least 3 persons described in items in the Schedule
442	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 5 Original documents

(regulation 12)

Item	Original documents
501	Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old
502	Australian Defence Force discharge document
503	Australian marriage certificate
504	Certificate of Australian citizenship
505	Current Australian driver's licence or learner driver's licence
506	Current Australian passport
507	Current Australian photographic student identification card
508	Current concession card issued by the Department of Veterans' Affairs
509	Current identity card showing the signature and photograph of the card holder, issued by his or her employer
510	Current pension concession card issued by the Department of Family and Community Services
511	Current proof of age card issued by a State or Territory authority
512	Decree <i>nisi</i> or a certificate of a decree absolute made or granted by the Family Court of Australia
513	Document of appointment as an Australian Justice of the Peace
514	A document not mentioned in a preceding item in this Schedule that is accepted by the Electoral Commission as evidence of the identity of a person

Schedule 6 Electoral authorities

(regulation 15)

Item	Electoral authorities
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601	Australian Electoral Commission
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602	Electoral authority of a State or Territory
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Notes

1. 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 Nos. 47, 196 and 355.
2. Notified in the *Commonwealth of Australia Gazette* on 2001.