

Introduced by Mr A R G Fraser, MP

First print



New South Wales

Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Parliamentary Electorates and Elections Act 1912* to provide for the re-enrolment of all voters in New South Wales and to require voters to prove their identity both when they enrol to vote and when they cast a vote.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on the date of assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the *Parliamentary Electorates and Elections Act 1912*.

Schedule 1 Amendments

Identification of voters

Schedule 1 [4]–[17] require a person to provide proof of his or her identity:

- (a) before the person's name is entered into the roll of electors, and
- (b) each time the person votes in an election.

Any person who wishes to enrol to vote must produce an identification reference, which is a written reference provided by an acceptable referee stating that the person is known to the referee by a particular name and that the referee has seen identification documents in that name.

When an election is called each person whose name appears on the roll will be issued with a voter identification card in respect of that election only.

Any person who claims the right to vote in an election must hand over his or her voter identification card (or show some other satisfactory identification) to the returning officer or deputy in order to be allowed to vote in the name shown on the roll.

Schedule 1 [1] inserts relevant definitions.

Information shown on the roll

Schedule 1 [2] provides for a person's date of birth to be entered on the electoral roll in addition to the other information listed about the person.

Replacement of rolls

Schedule 1 [3] requires new rolls to be prepared for every electoral district. Every person entitled to vote will be required to make a claim for re-enrolment. A person will not be enrolled to vote unless he or she produces an identification reference.

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The new rolls must be prepared as soon as possible after the Bill is assented to. If an election (including a by-election) is held before that process has been completed, the roll in force on the date of the issue of the writ for the election will be the applicable roll (see proposed section 26A (4) (b), and existing section 50, of the *Parliamentary Electorates and Elections Act 1912*).



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New South Wales

Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 2000

No. , 2000

A Bill for

An Act to amend the *Parliamentary Electorates and Elections Act 1912* in respect of the preparation of rolls of electors and the identification of persons entitled to vote, and in other respects.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Act 2000</i> .	3 4
2 Commencement	5
This Act commences on the date of assent.	6
3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41	7
The <i>Parliamentary Electorates and Elections Act 1912</i> is amended as set out in Schedule 1.	8 9

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 3 Definitions	3
	Insert in alphabetical order in section 3 (1):	4
	<i>identification reference</i> for a person means a reference for the person prepared in accordance with section 32A.	5 6
	<i>primary identification document</i> for a person in a particular name means:	7
	(a) a certified copy, or an extract, of a birth certificate of the person that shows that name as the person's name, or	8 9 10
	(b) a certified copy of a citizenship certificate of the person that shows that name as the person's name, or	11 12
	(c) a current passport for the person that shows that name as the person's name, or	13 14
	(d) an expired passport for the person that shows that name as the person's name, being a passport that was not cancelled and that was current within the preceding 2 years.	15 16 17 18
	<i>secondary identification document</i> for a person in a particular name means a document (other than a primary identification document) that establishes the identity of the person in that name.	19 20 21 22
	<i>voter identification card</i> for an election means a voter identification card issued under section 50A in respect of that election.	23 24 25
[2]	Section 26 Rolls for districts and subdivisions	26
	Omit "(or other prescribed particulars)" from section 26 (4) (b).	27
	Insert instead ", date of birth".	28

[3] Section 26A	1
Insert after section 26:	2
26A Replacement of rolls	3
(1) A new roll must be prepared for each district as soon as practicable after the commencement of the amending Act.	4 5
(2) Every person entitled to enrolment must make a claim for enrolment on the new roll in accordance with section 32. Sections 33, 33A, 34 and 35 apply to each such person as if his or her name was not on the roll on the date of commencement of the amending Act.	6 7 8 9 10
(3) The rolls are to be prepared under a system of compulsory enrolment.	11 12
(4) This section:	13
(a) does not affect the operation of any arrangement with the Commonwealth as to rolls, made under section 21B, to the extent that the arrangement is consistent with this Act, as amended by the amending Act, and	14 15 16 17
(b) does not affect the operation of section 50 in relation to any election in any district if the roll required to be prepared under this section has not, as at the day of issue of the writ for the election, been prepared under this section, and	18 19 20 21 22
(c) does not affect the power of the Governor to make proclamations under section 27 (1).	23 24
(5) In this section, <i>amending Act</i> means the <i>Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Act 2000</i> .	25 26 27
[4] Section 32 Addition of names to rolls	28
Omit section 32 (2) (c). Insert instead:	29
(c) be accompanied by an identification reference for the claimant.	30 31

[5] Section 32A	1
Insert after section 32:	2
32A Identification references	3
(1) An identification reference for a person is a written reference by an acceptable referee, signed by the referee and setting out the name used by the person and stating that:	4
(a) the referee has known the person for the period specified in the reference, and	5
(b) during the whole of that period, or for so much of that period as is specified in the reference, the person has been commonly known by that name, and	6
(c) the referee has examined:	7
(i) a specified primary identification document for the person in that name, or	8
(ii) a specified secondary identification document for the person in that name and a specified primary identification document for the person in a former name of the person, or	9
(iii) only a specified secondary identification document for the person in that name.	10
(2) An identification reference for a person by an acceptable referee must also set out:	11
(a) the name, address and occupation of the referee and the basis on which the referee claims to be an acceptable referee, and	12
(b) if the reference states that the referee examined a primary identification document for the person in a name different from the name in which the person's claim for enrolment is made—the explanation that the person gave the referee for the difference in names, and	13
(c) if the reference states that the referee examined only a secondary identification document for the person—the explanation that the person gave the referee for the failure to produce a primary identification document, and	14
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- (d) the required details of the identification document or documents examined by the referee. 1
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- (3) An identification reference for a person by an acceptable referee must be signed by the person in the presence of the referee and must contain a statement by the referee to the effect that the reference was so signed. 3
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- (4) An acceptable referee, or any other person, must not, knowingly or recklessly: 7
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- (a) make a statement in an identification reference that is false or misleading in a material particular, or 9
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- (b) omit from an identification reference any matter or thing without which the reference is misleading in a material particular. 11
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- Maximum penalty: 10 penalty units. 14
- (5) For the purposes of this Act, a failure by a person to produce a primary identification document is not to be taken to be sufficiently explained merely by the assertion that a primary identification document is not presently available to the person if the person could obtain a primary identification document within a reasonable time if the person took reasonable steps to obtain it. 15
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- (6) In this section: 22
- acceptable referee*** means a person: 23
- (a) in a class of persons declared by the Commonwealth Minister administering the *Financial Transaction Reports Act 1988* of the Commonwealth to be acceptable referees for the purposes of the definition of ***acceptable referee*** in section 3 of that Act, and 24
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- (b) who is entitled to have his or her name placed on a roll. 29
- required details***, in relation to an identification document, means: 30
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- (a) in the case of a birth certificate—the name and date of birth of the person in respect of whose birth the certificate is given and the date and office of issue of the certificate, and 32
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(b)	in the case of a citizenship certificate—the name and date of birth of the person in respect of whom the certificate is issued, the date of issue of the certificate and the name of the person who issued the certificate, and	1 2 3 4 5
(c)	in the case of a passport—the name and date of birth of the person to whom the passport is issued and the country and date of issue and the number of the passport, and	6 7 8 9
(d)	in the case of a secondary identification document—the name shown in the document as the name of the person to whom or in respect of whom the document was issued, the date of birth of that person (if shown), the address of the person (if shown), the kind of document, the person who or the authority that issued the document, the identifying number (if any) of the document and the date of issue or expiry (if any) of the document.	10 11 12 13 14 15 16 17 18
[6]	Part 4, Division 7A	19
	Insert after Division 7 of Part 4:	20
	Division 7A Voter identification cards	21
	50A Voter identification cards	22
(1)	The State returning officer for a district must, as soon as possible after receiving a printed copy of the roll in accordance with section 50, prepare a voter identification card in respect of each person whose name appears on the roll.	23 24 25 26
(2)	The voter identification card must be in the form set out in Schedule 2.	27 28
(3)	A voter identification card must be sent to each person whose name appears on the roll, at the address that appears on the roll for that person, at least 14 days before the day for taking the poll.	29 30 31 32

(4) A voter identification card for a person is valid for identification purposes only in respect of the election (or elections) for which it is prepared and issued.	1 2 3
[7] Section 99 Questions to be put to voter	4
Insert after section 99 (1) (c):	5
(d) Will you give me your voter identification card in respect of this election? <i>or</i> Will you give me your voter identification card in respect of these elections? (as the case requires)	6 7 8 9
[8] Section 99 (4A)	10
Insert after section 99 (4):	11
(4A) Where, in response to the question specified in subsection (1) (d), the person fails to give the returning officer or deputy a voter identification card in the name and address given in answer to the questions specified in subsections (1) (a) and (b), the returning officer must ask the following question:	12 13 14 15 16
Will you show me any other identification documents that you have with you?	17 18
[9] Section 99 (5)	19
Omit “section 99A”. Insert instead “sections 99A and 106 (2A)”.	20
[10] Section 99 (5) (a1)	21
Insert after section 99 (5) (a):	22
(a1) fails to show satisfactory identification in the name given in answer to the question specified in subsection (1) (a),	23 24 25
[11] Section 99 (5A)	26
Insert after section 99 (5):	27
(5A) For the purpose of this section, a person shows satisfactory identification in the name given if the person produces:	28 29

(a)	a voter identification card in that name, in respect of the election in which the person claims to vote, or	1 2
(b)	a primary identification document for the person in that name, or	3 4
(c)	a secondary identification document for the person in that name and a primary identification document for the person in a former name of the person.	5 6 7
(6)	The returning officer is entitled to keep any voter identification card given to the returning officer for the purposes of this section.	8 9 10
[12]	Section 100 Questions to be put if voter challenged	11
	Insert after section 100 (1) (a):	12
(a1)	Is the document that you have shown to prove your identity a valid identification document?	13 14
[13]	Section 106 Disputed vote	15
	Insert after section 106 (2):	16
(2A)	If a person claims to be entitled to vote and their claim would otherwise be rejected by virtue of section 99 (5) (a1) (for failure to show satisfactory identification) the person may, subject to this Act and the regulations, be permitted to vote if the person makes a declaration that the person is entitled to vote. The regulations may prescribe a form of declaration.	17 18 19 20 21 22
[14]	Section 114A Application for a postal vote certificate and postal ballot-paper	23 24
	Insert after section 114A (2) (a):	25
(a1)	be accompanied by a voter identification card (in respect of the election to which the application relates) in the name of the elector or by an identification reference for the elector,	26 27 28 29

[15] Section 114P Application for permission to vote before polling day	1
Insert after section 114P (2) (a):	2
(a1) be accompanied by a voter identification card (in respect of the election to which the application relates) in the name of the elector or by an identification reference for the elector,	3 4 5 6
[16] Section 114ZA Application for a postal vote certificate and postal ballot-paper	7 8
Insert after section 114ZA (2) (a):	9
(a1) be accompanied by a voter identification card (in respect of the election to which the application relates) in the name of the elector or by an identification reference for the elector,	10 11 12 13
[17] Schedule 2	14
Insert after Schedule 1:	15
Schedule 2 Voter identification card	16
(Section 50A)	17
Voter identification card	18
(Parliamentary Electorates and Elections Act 1912)	19
Name of elector:	20
Address of elector:	21
An election is to be held for the electoral district of	22
The election will be held on	23
Your name and residence appears on the roll for that electoral district.	24

VOTING IS COMPULSORY.	1
You must present this voter identification card when you attend the polling-booth to vote in the election.	2 3
You must leave this voter identification card with the returning officer at the polling-booth where you have voted.	4 5
If you intend to make an application for a pre-poll vote, or for a postal vote certificate and postal ballot-paper, you must attach this card to your application.	6 7 8