

First print



New South Wales

# **Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 1995**

## **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.

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## 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 (5)–(18)** 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 show a voter identification card (or 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) and (3)** provide for a person's age and occupation to be entered on the electoral roll in addition to the other information listed about the person.

### Replacement of rolls

**Schedule 1 (4)** inserts a provision which 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 they produce an identification reference.

Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 1995

Explanatory note

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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 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 1995**

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New South Wales

## **Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 1995**

No      , 1995

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### **A Bill for**

An Act to amend the *Parliamentary Electorates and Elections Act 1912* in relation to the identification of persons for enrolment as electors or for voting at elections.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Act 1995*.

**2 Commencement**

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This Act commences on the date of assent.

**3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41**

The *Parliamentary Electorates and Elections Act 1912* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

**Identification reference**, in relation to a person, means a reference for the person prepared in accordance with section 32A. 5

**Primary identification document**, in relation to a person, in a particular name, means:

- (a) a certified copy, or an extract, of a birth certificate of the person that shows that name as the person's name, or 10
- (b) a certified copy of a citizenship certificate of the person that shows that name as the person's name, or 15
- (c) a current passport for the person that shows that name as the person's name, or
- (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. 20

**Secondary identification document**, in relation to a person, in a particular name, means a document (other than a primary identification document) which establishes the identity of the person in that name. 25

**Voter identification card**, in relation to an election, means a voter identification card issued under section 50A in respect of that election.



Schedule 1 Amendments

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**[2] Section 26 Rolls for districts and subdivisions**

Omit "(or other prescribed particulars)" from section 26 (4) (b).  
Insert instead ", age".

**[3] Section 26 (6)**

Insert after section 26 (5):

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- (6) The age required to be shown on the roll is the age of the elector at the date when the roll was last printed.

**[4] Section 26A**

Insert after section 26:

**26A Replacement of rolls**

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- (1) A new roll must be prepared for each district as soon as practicable after the commencement of the amending Act.
- (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 those persons as if their names were not on the roll on the date of commencement of the amending Act. 15
- (3) The rolls are to be prepared under a system of compulsory enrolment. 20
- (4) This section:
- (a) is not to be taken as causing any arrangement with the Commonwealth as to rolls, made under section 21B, to cease to operate, and
- (b) does not affect the power of the Governor to make proclamations under section 27 (1). 25
- (5) In this section, *amending Act* means the *Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Act 1995*.

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**[5] Section 32 Addition of names to rolls**

Omit section 32 (2) (c). Insert instead:

- (c) be accompanied by an identification reference for the claimant.

**[6] Section 32A**

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Insert after section 32:

**32A Identification references**

- (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: 10
  - (a) the referee has known the person for the period specified in the reference, and
  - (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 15
  - (c) the referee has examined:
    - (i) a specified primary identification document for the person in that name, or 20
    - (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 25
    - (iii) only a specified secondary identification document for the person in that name.

Schedule 1 Amendments

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- (2) An identification reference for a person by an acceptable referee must also set out:
- (a) the name, address and occupation of the referee and the basis on which the referee claims to be an acceptable referee, and 5
  - (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 10
  - (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 15
  - (d) the required details of the identification document or documents examined by the referee.
- (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. 20
- (4) An acceptable referee, or any other person, must not, knowingly or recklessly:
- (a) make a statement in an identification reference that is false or misleading in a material particular, or 25
  - (b) omit from an identification reference any matter or thing without which the reference is misleading in a material particular. 30

Maximum penalty: 10 penalty units.



- (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. 5

- (6) In this section:

***acceptable referee*** means a person:

- (a) in a class of persons declared by a Commonwealth Minister to be acceptable referees for the purposes of the definition of ***acceptable referee*** in section 3 of the *Financial Transaction Reports Act 1988* of the Commonwealth, and 10
- (b) who is entitled to have his or her name placed on a roll. 15

***required details***, in relation to an identification document, means:

- (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 20
- (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 25
- (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 30
- (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 35

Schedule 1 Amendments

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identifying number (if any) of the document and the date of issue or expiry (if any) of the document.

**[7] Section 50A**

Insert after section 50: 5

*Voter identification cards*

**50A Voter identification cards**

- (1) The State returning officer 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. 10
- (2) The voter identification card must be in the form set out in Schedule 2.
- (3) A voter identification card must be sent to each person whose name appears on the roll, at the address which appears on the roll for that person, at least 14 days before the day for taking the poll. 15
- (4) A voter identification card is valid for identification purposes only in respect of the election (or elections) for which it is prepared and issued. 20

**[8] Section 99 Questions to be put to voter**

**Section 99 (1) (d)**

Insert after section 99 (1) (c):

- (d) Would you show me your voter identification card in respect of this election? *or* Would you show me your voter identification card in respect of these elections? (as the case requires) 25

**[9] Section 99 (4A)**

Insert after section 99 (4):

- (4A) Where, in response to the question specified in subsection (1) (d), the person fails to show the returning 30



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officer 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: Would you show me any other identification documents that you have with you?

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**[10] Section 99 (5)**

Omit "section 99A". Insert instead "sections 99A and 106 (2A)".

**[11] Section 99 (5) (a1)**

Insert after section 99 (5) (a):

- (a1) fails to show satisfactory identification in the name given in answer to the question specified in subsection (1) (a),

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**[12] Section 99 (5A)**

Insert after section 99 (5):

- (5A) For the purpose of this section, a person shows satisfactory identification in the name given if the person produces:

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- (a) a voter identification card in that name, in respect of the election in which the person claims to vote, or

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- (b) a primary identification document for the person in that name, or

- (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.

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- (6) The returning officer may require a person who has voted to surrender their voter identification card.

**[13] Section 100 Questions to be put if voter challenged**

Insert after section 100 (1) (a):

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- (a1) Is the document that you have shown to prove your identity a valid identification document?

**[14] Section 106 Disputed vote**

Insert after section 106 (2):

- (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. 5

**[15] Section 114A Application for a postal vote certificate and postal ballot-paper 10**

Insert after section 114A (2) (a):

- (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, 15

**[16] Section 114P Application for permission to vote before polling day**

Insert after section 114P (2) (a):

- (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, 20

**[17] Section 114ZA Application for a postal vote certificate and postal ballot-paper 25**

Insert after section 114ZA (2) (a):

- (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, 30

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**[18] Schedule 2**

Insert after Schedule 1:

**Schedule 2 Voter identification card**

(Section 50A)

**VOTER IDENTIFICATION CARD**

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*(Parliamentary Electorates and Elections Act 1912)*

Name of elector: .....

Address of elector: .....

An election is to be held for the electoral district of .....

The election will be held on ..... 10

Your name and residence appears on the roll for that electoral district.

**VOTING IS COMPULSORY.**

You must present this voter identification card when you attend the polling-booth to vote in the election. 15

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.



Introduced by Mr Barry O'Farrell, MP

First print



New South Wales

# **Parliamentary Electorates and Elections Amendment (Redistribution) Bill 1995**

## **Explanatory note**

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

## **Overview of Bill**

The object of this Bill is to require the Electoral Districts Commissioners, when carrying out a distribution of electoral districts, to take into account electoral fairness, so as to improve the likelihood that the party, or group of candidates, that receives the majority of votes at the next election wins sufficient seats to form a government.

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## 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** contains the amendments to give effect to the object stated above.

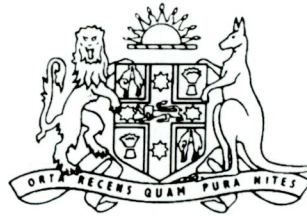
As a result of the amendments, the commissioners will have to take into account the following matters, in the following order, when carrying out a redistribution:

- (a) demographic trends in the State, so that if a general election were held at the expiry of the life of the current parliament, the number of voters in each electoral district would as far as practicable be equal, subject to a margin of 3 per cent more or less,
- (b) electoral fairness, so that if a general election were held at the expiry of the life of the current parliament, the party or group of candidates that obtained the highest number of votes would win sufficient seats to form a government,
- (c) certain physical and other characteristics of each electoral district.

The amendment does not detract from the commissioners' obligation to ensure equality of enrolment in electoral districts at the time of the distribution. (See section 28 of the *Constitution Act 1902*.)

Introduced by Mr Barry O'Farrell, MP

First print



New South Wales

# **Parliamentary Electorates and Elections Amendment (Redistribution) Bill 1995**

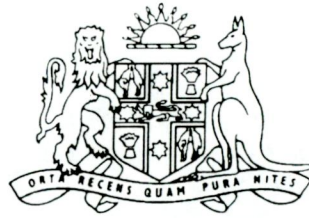
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New South Wales

# **Parliamentary Electorates and Elections Amendment (Redistribution) Bill 1995**

No. , 1995

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## **A Bill for**

An Act to amend the *Parliamentary Electorates and Elections Act 1912* in relation to the distribution of electoral districts.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Parliamentary Electorates and Elections Amendment (Redistribution) Act 1995*.

**2 Commencement**

5

This Act commences on the date of assent.

**3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41**

The *Parliamentary Electorates and Elections Act 1912* is amended in the manner set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 17A Criteria for distributions

Insert after section 17A (1) (a):

- (a1) subject to paragraph (a), have regard to such matters (such as recent voting patterns) as are relevant to determining a fair distribution to prospective groups of candidates and, as far as practicable, endeavour to ensure that the distribution is such that, at an election held at the relevant future time, candidates of a particular group attracting more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent) will be elected in sufficient numbers to enable them to form a government, and

### [2] Section 17A (1) (b)

Omit "paragraph (a)". Insert instead "paragraphs (a) and (a1)".

### [3] Section 17A (2)

Omit "subsection (1) (a)". Insert instead "subsection (1)".

**[4] Section 17A (3)**

Insert after section 17A (2):

- (3) In this section, a reference to a group of candidates includes not only candidates endorsed by the same party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government. 5

Introduced by Mr A R G Fraser, MP

First print



New South Wales

# **Parliamentary Electorates and Elections Amendment (Voter Identification) Bill 1995**

## **Explanatory note**

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

### **Overview of Bill**

The object of this Bill is to require every person who votes in a New South Wales election to first establish their identity.

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## Outline of provisions

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

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision giving effect to the amendments to the *Parliamentary Electorates and Elections Act 1912* set out in Schedule 1.

## Schedule 1 Amendments

**Schedule 1** amends the *Parliamentary Electorates and Elections Act 1912* so as to require a person to provide proof of his or her identity each time the person votes at a New South Wales election.

**Schedule 1 [1]** gives examples of the types of documents which will be enough to establish the identity of a voter. They include a passport, a driver's licence, a rates notice and a credit card.

**Schedule 1 [2]** provides for a voter to be asked to establish his or her identity before being permitted to vote.

**Schedule 1 [4]** provides that if a voter fails to establish their identity, their claim to vote is to be rejected.

**Schedule 1 [5]** empowers the returning officer to challenge any document provided by a voter for the purpose of establishing their identity.

**Schedule 1 [6]** provides for a person whose claim to vote would otherwise be rejected (because of failure to establish their identity) to make what is known as a "section vote". **Schedule 1 [3]** makes a consequential amendment.

**Schedule 1 [7]** provides for the identification of a voter who applies for a postal vote with a returning officer. This is achieved by requiring the person who witnesses an application for a postal vote to first inspect the applicant's identification documents.

**Schedule 1 [8]** provides for the identification of a voter who intends to make a pre-poll vote. The voter is required to show the returning officer or deputy returning officer some proof of their identity.

**Schedule 1 [9]** provides for the identification of a voter who intends to apply for a postal vote with a postal officer. The person who witnesses an application for a postal vote is required to first inspect the applicant's identification documents.



Introduced by Mr A R G Fraser, MP

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New South Wales

# **Parliamentary Electorates and Elections Amendment (Voter Identification) Bill 1995**

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New South Wales

## **Parliamentary Electorates and Elections Amendment (Voter Identification) Bill 1995**

No , 1995

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### **A Bill for**

An Act to amend the *Parliamentary Electorates and Elections Act 1912* to require voters to prove their identity before they vote in a New South Wales election; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Parliamentary Electorates and Elections Amendment (Voter Identification) Act 1995*.

**2 Commencement**

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This Act commences on the date of assent.

**3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41**

The *Parliamentary Electorates and Elections Act 1912* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Section 3)

### [1] Section 4

Insert after section 3:

#### 4 Identification documents 5

For the purpose of this Act, the following are examples of documents that may be used to establish the identity of a person:

- (a) a birth certificate or a certified copy, or an extract, of a birth certificate, 10
- (b) a citizenship certificate or a certified copy of a citizenship certificate,
- (c) a current passport,
- (d) an expired passport, being a passport that was not cancelled and that was current within the preceding 2 years, 15
- (e) a marriage certificate or a certified extract of a marriage certificate,
- (f) a divorce decree,
- (g) a deed poll, 20
- (h) evidence of electoral enrolment issued under this Act, or under any Commonwealth Act,
- (i) a current motor vehicle driver's or rider's licence or permit held by the person, being a licence or permit issued by the Roads and Traffic Authority or by the corresponding traffic authority of the Commonwealth, or of some other State or Territory, 25
- (j) a current Pensioner Health Benefits Card or Pensioner Transport Concession Card (issued on behalf of the Commonwealth Department of Human Services and Health by the Commonwealth Department of Social Security or the Commonwealth Department of Veteran's Affairs), 30  
35

Schedule 1 Amendments

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- (k) a current Medicare card (issued by the Commonwealth Department of Human Services and Health),
- (l) a current credit card, savings account card, passbook or statement issued by a bank or other financial institution, 5
- (m) a "proof of age" card, being a card issued by the Roads and Traffic Authority or by the corresponding traffic authority of the Commonwealth or of some other State or Territory, 10
- (n) the most recent income tax assessment issued in relation to the person,
- (o) a certificate of identification or discharge papers issued by a branch of the armed services of the Commonwealth, 15
- (p) a rate notice issued under the *Local Government Act 1993*,
- (q) a valuation notice issued under the *Valuation of Land Act 1916*. 20

**[2] Section 99 Questions to be put to voter**

Insert after section 99 (1) (c):

- (d) Would you show me some identification in the name shown on the roll for this election? *or* Would you show me some identification in the name shown on the roll for these elections? (as the case requires). 25

**[3] Section 99 (5)**

Omit "section 99A". Insert instead "sections 99A and 106 (2A)".



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**[4] Section 99 (5) (a1)**

Insert after section 99 (5) (a):

- (a1) fails to produce at least one document that establishes the identity of the person in the name given in answer to the question specified in subsection (1) (a) (section 4 gives examples of documents that may be used to establish the identity of a person), or 5

**[5] Section 100 Questions to be put if voter challenged**

Insert after section 100 (1) (a): 10

- (a1) Is the document that you have shown to establish your identity a genuine document?

**[6] Section 106 Disputed vote**

Insert after section 106 (2):

- (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 establish their identity) 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. 15  
20

**[7] Section 114C Duty of witnesses**

Insert after section 114C (2):

- (3) For the purposes of this section, an authorised witness satisfies themselves as to the identity of a person by inspecting at least one document that establishes the identity of the person in the name in which the application is made. (Section 4 gives examples of documents that may be used to establish the identity of a person.) 25  
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**[8] Section 114P Application for permission to vote before polling day**

Insert after section 114P (2):

- (2A) An application under this section is not validly made unless the applicant shows the returning officer or deputy returning officer at least one document that establishes the identity of the person in the name in which the application is made. (Section 4 gives examples of documents that may be used to establish the identity of a person.)
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**[9] Section 114ZA Application for a postal vote certificate and postal ballot-paper**

Insert after section 114ZA (7):

- (8) For the purposes of this section, an authorised witness satisfies themselves as to the identity of a person by inspecting at least one document that establishes the identity of the person in the name in which the application is made. (Section 4 gives examples of documents that may be used to establish the identity of a person.)
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20