

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.

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.

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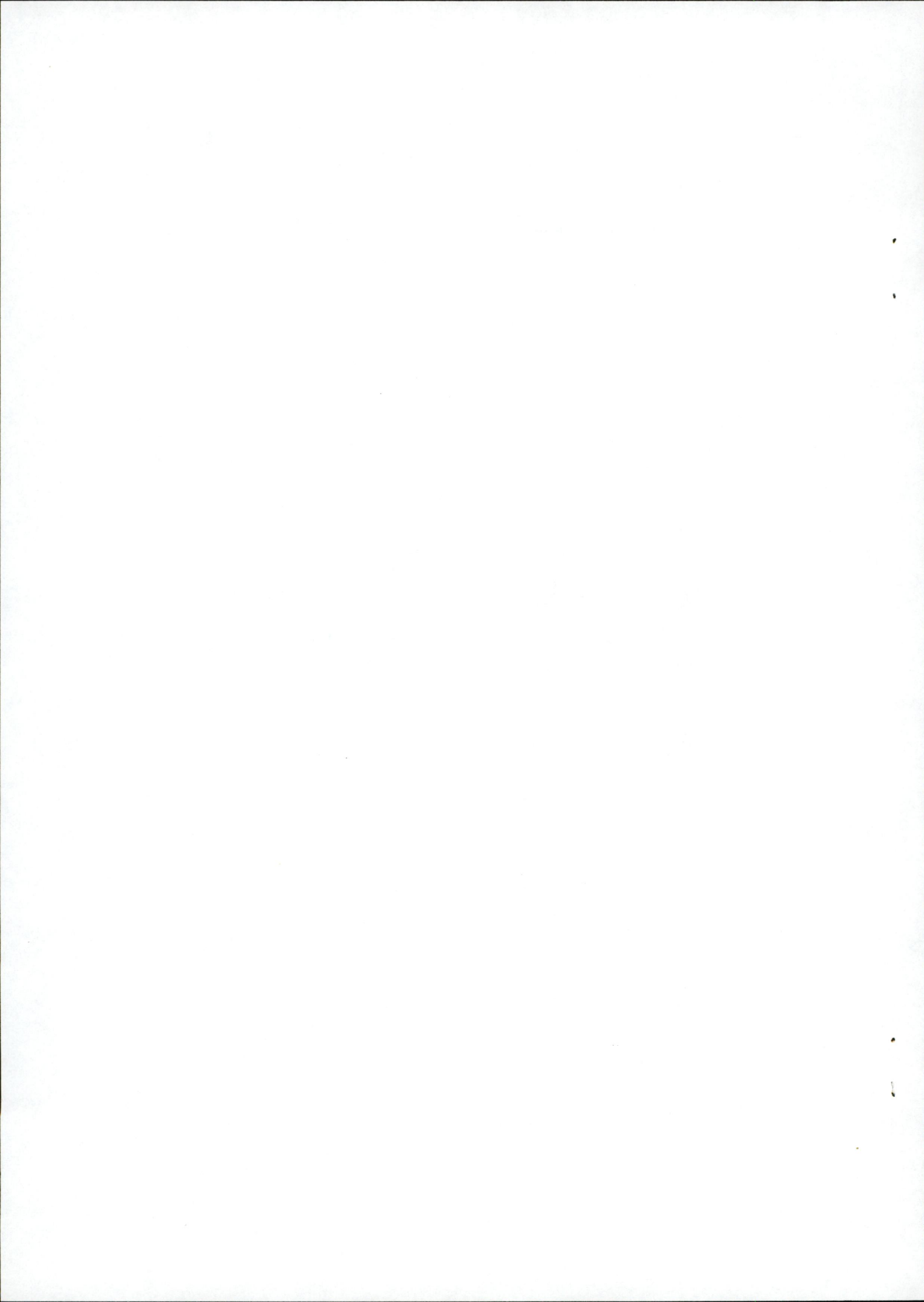


New South Wales

Parliamentary Electorates and Elections Amendment (Voter Identification) Bill 1995

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Parliamentary Electorates and Elections Act 1912 No 41	2
Schedule 1 Amendments	3





New South Wales

Parliamentary Electorates and Elections Amendment (Voter Identification) Bill 1995

No. , 1995

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.

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

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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), 35

Schedule 1 Amendments

- (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)".

[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
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[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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