

2013

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

ELECTORAL AMENDMENT REGULATION 2013 (No 1)

SL2013—13

EXPLANATORY STATEMENT

Presented by
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OUTLINE

The purpose of these amendments to the *Electoral Regulation 1993* is to allow the Electoral Commissioner to provide information from the Electoral Roll to the ACT Health Directorate and the Public Trustee of the ACT for specific purposes.

This amendment will authorise the ACT Health Directorate to obtain information from the ACT Electoral Roll for the purpose of contacting women to offer them breast cancer screening and prevention programs as well as for the purpose of contacting people aged 45-49 to promote health check programs.

This amendment will also authorise the Public Trustee of the ACT to obtain extracts of the ACT Electoral Roll for the purpose of administering deceased estates.

Section 36(1)(b) of the *Legislation Act 2001* states that a regulatory impact statement is not required for matters that do not adversely affect people's rights or impose liabilities. This amending regulation is a regulation of this type and as such a regulatory impact statement has not been prepared.

The provisions in this regulation engage the right to privacy under the *Human Rights Act 2004*. The use of the register for the limited purposes specified in the legislation is a reasonable limitation on the right to privacy given the benefits that flow to the health and wellbeing of those people. Further, within the community, there is an expectation that people will be contacted for the purposes specified by the amending regulation.

NOTES ON CLAUSES

Clause 1 Name of regulation

States that the name of the regulation is the *Electoral Amendment Regulation 2013 (No 1)*.

Clause 2 Commencement

States that the regulation commences on the day after its notification day.

Clause 3 Legislation amended

States that the regulation amends the *Electoral Regulation 1993*.

Clause 4 Section 4

A new section 4 replaces the existing provision (which permitted the use of the roll by the chief health officer to maintain a cancer register), with a new provision that includes the existing purpose and two new purposes (contacting women to offer breast screening and prevention services and contacting people aged 45-49 to offer health assessments).

A new heading for section 4 omits a specific reference to the cancer register and provides a more general heading concerning public health.

Clause 4(1) provides that the chief health officer is a prescribed authority.

Clause 4(2) lists the 3 prescribed purposes as:

- maintaining the cancer register under the *Public Health Regulation 2000*, section 46;
- contacting women to offer breast screening and prevention services; and
- contacting people aged 45-49 for health assessment.

Clause 4(3) prescribes the limited circumstances in which the chief health officer may give out roll information to another person or entity.

Clause 4(4) prescribes that a person who is given information under subsection (3) may only use it for a prescribed purpose under section 4.

Clause 5 New section 4AA

This clause inserts new section 4AA 'Use of roll information – deceased estates – Act, s65.

Clause 4AA(1) makes the public trustee a prescribed authority.

Clause 4AA(2) makes the administration of deceased estates a prescribed purpose.

Clause 4AA(3) provides that the public trustee may give roll information to another person or entity only if the use of the information authorised by the public trustee is to administer a deceased estate.

Clause 4AA(4) provides that a person or entity given roll information under subsection (3) may only use the information for a prescribed purpose.

Clause 6 Dictionary, note 2

This clause inserts the term 'public trustee' into the dictionary, note 2.