

Electoral (Provision of Information on Electoral Rolls) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 14

Made under the

Electoral Act 1992

General Outline

Short Title

Electoral (*Provision of Information on Electoral Rolls*) Amendment Regulation 2021

Authorising law

Sections 61(2) and section 392 of the *Electoral Act 1992*

Policy objectives and the reasons for them

Section 61(2) of the *Electoral Act 1992* (Electoral Act) provides that the Electoral Commission of Queensland (ECQ) may give a copy, in electronic form, of the most recent version of the entire, or part of the, electoral roll for any electoral district, to an entity prescribed under a regulation that is a department or State public authority. This may occur on request, without charge and for a purpose prescribed under a regulation.

The Minister for Health and Ambulance Services requested that an amendment be made to the *Electoral Regulation 2013* (Electoral Regulation) to prescribe Queensland Health as an entity that the ECQ may give information from the electoral roll for an electoral district for the purpose of identifying and inviting people eligible for a COVID-19 vaccination to be offered this opportunity as part of the COVID-19 vaccination rollout.

The rollout of COVID-19 vaccinations will be guided by the Australian COVID-19 Vaccination Policy, which sets out the roles and responsibilities of the Australian Government and state and territory governments to implement a COVID-19 vaccine program in Australia from early 2021. The *Health (Drugs and Poisons) Regulation 1996* provides for the development of a COVID-19 vaccination code which will set out operational requirements for providing COVID-19 vaccination services.

The Amendment Regulation will allow electoral roll information to be provided by the ECQ to Queensland Health to be used for the purpose contacting persons in Queensland to invite them to receive a COVID-19 vaccine based on phases of the vaccine rollout strategy.

In view of the personal safety risks associated with electoral roll information related to silent electors, information relating to them is not to be provided to Queensland Health by the ECQ under the Amendment Regulation. The date of an elector's enrolment will also not be provided because it is not relevant to the purpose.

Achievement of policy objectives

The policy objective will be achieved by amending the Electoral Regulation to prescribe:

- Queensland Health, as the department in which the *Public Health Act 2005* is administered, as an entity that the ECQ may give a copy of the most recent version of the entire, or part of the electoral roll for any electoral district; and
- the purpose of contacting persons in Queensland in relation to the Australian COVID-19 vaccination arrangements, for the circumstances in which the information may be given to Queensland Health.

The Amendment Regulation also specifies that the relevant information that the ECQ may provide a copy of to Queensland Health is the entire electoral roll for each electoral district, other than the information that relates to a silent elector and the date each elector was enrolled on the electoral roll.

Consistency with policy objectives of authorising law

The Electoral Act requires the ECQ to keep electoral rolls containing information in relation to persons entitled to be enrolled each electoral district in Queensland. The Amendment Regulation is consistent with the policy objectives of section 61(2) of the Electoral Act, which provides that the ECQ may give stated information on the electoral roll to an entity prescribed under a regulation that is a department or State public authority for a prescribed purpose.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation. The Amendment Regulation limits the right to privacy and reputation (section 25 of the *Human Rights Act 2019*) but is considered compatible with human rights for the reasons outlined in the Human Rights Certificate for the Amendment Regulation.

Benefits and costs of implementation

The benefit of implementation of the Amendment Regulation is the facilitation of the provision of electoral roll information by the ECQ to Queensland Health. The use of this information by Queensland Health for the prescribed purpose will allow persons in Queensland to be invited to receive a COVID-19 vaccine. This will assist with the efficient rollout of the COVID-19 vaccination program and support individuals accessing COVID-19 vaccines and the public health outcomes supported by the COVID-19 vaccination.

The cost of implementation of the Amendment Regulation is the impact on the privacy of electors on the electoral roll for electoral districts in Queensland, although this is considered compatible with human rights. Any costs to the ECQ of providing information to Queensland Health will be met from within existing resourcing.

Consistency with fundamental legislative principles

The Amendment Regulation is potentially inconsistent with the fundamental legislative principles which, under section 4(2)(a) of the *Legislative Standards Act 1992*, include requiring that legislation has sufficient regard to rights and liberties of individuals. The Amendment Regulation impacts on the right to privacy of Queensland electors, other than silent electors, on the electoral roll by permitting the ECQ to provide this to Queensland Health for the prescribed purpose. The information that may be provided may include the entire electoral roll which incorporates personal information in the form of an elector's name, address (which may include residential and postal address), sex, occupation and date of birth.

The purpose of the limitation of the right to privacy and reputation, by allowing electoral roll information to be provided by the ECQ to Queensland Health for the prescribed purpose, is to enable persons in Queensland to be contacted in relation to COVID-19 vaccination arrangements. Identifying and communicating with persons to invite them to receive a COVID-19 vaccine, based on phases of the vaccine rollout strategy, will support the efficient administration of the vaccination program in a manner consistent with its rollout phases and increase the awareness of those contacted about the vaccination program. This will in turn support the COVID-19 vaccination program, which is intended to assist in keeping members of the community safe.

Safeguards have been incorporated into the Amendment Regulation to restrict the impact of the limitation. In particular, the proposal excludes information in relation to a silent elector being provided to Queensland Health to mitigate the personal safety risks associated with providing information about such electors. It also excludes the date an elector enrolled on the electoral roll, which is not necessary for the purpose of contacting persons in relation to the COVID-19 vaccine. Under the *Information Privacy Act 2009*, Queensland Health must comply with the National Privacy Principles which include specific limits on use or disclosure of personal information, including requirements to not use or disclose information about an individual for a purpose other than the primary purpose of collection unless stated circumstances apply, and to take reasonable steps to protect personal information held from misuse, loss and unauthorised access, modification or disclosure.

The purpose of enabling persons in Queensland to be contacted in relation to COVID-19 vaccination arrangements outweighs the negative impact that the disclosure required has on the right to privacy and reputation.

Consultation

Due to the urgency involved in the implementation of the vaccine rollout, no consultation with the community was undertaken in relation to the Amendment Regulation.

The Queensland Productivity Commission was consulted and approved an Office of Best Practice Regulation-assessed exclusion from regulatory impact analysis under

category (k) in the *Queensland Government Guide to Better Regulation* – regulatory proposals designed to reduce the burden of regulation, or that clearly do not add to the burden, and it is reasonably clear there are no significant adverse impacts.