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Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Conduct of the 2007 federal election and matters related thereto

MONDAY, 11 MAY 2009

CANBERRA

BY AUTHORITY OF THE PARLIAMENT

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JOINT STANDING
COMMITTEE ON ELECTORAL MATTERS

Monday, 11 May 2009

Members: Mr Melham (*Chair*), Mr Morrison (*Deputy Chair*), Senators Birmingham, Bob Brown, Carol Brown, Hutchins and Ronaldson and Mr Danby, Mr Bruce Scott and Mr Sullivan

Members in attendance: Senators Birmingham, Carol Brown, and Hutchins and Mr Danby, Mr Melham, Mr Morrison, Mr Bruce Scott and Mr Sullivan

Terms of reference for the inquiry:

To inquire into and report on:

The conduct of the 2007 federal election and matters related thereto, including the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008, with particular reference to:

- a. the level of donations, income and expenditure received by political parties, associated entities and third parties at recent local, state and federal elections;
- b. the extent to which political fundraising and expenditure by third parties is conducted in concert with registered political parties;
- c. the take up, by whom and by what groups, of current provisions for tax deductibility for political donations as well as other groups with tax deductibility that involve themselves in the political process without disclosing that tax deductible funds are being used;
- d. the provisions of the Act that relate to disclosure and the activities of associated entities, and third parties not covered by the disclosure provisions;
- e. the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections;
- f. the availability and efficacy of 'free time' provided to political parties in relation to federal elections in print and electronic media at local, state and national levels;
- g. the public funding of candidates whose eligibility is questionable before, during and after an election with the view to ensuring public confidence in the public funding system;
- h. the relationship between public funding and campaign expenditure; and
- i. the harmonisation of state and federal laws that relate to political donations, gifts and expenditure.

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Committee met at 4.26 pm

CHAIR (Mr Melham)—I declare open this public hearing of the Joint Standing Committee on Electoral Matters, the inquiry into the conduct of the 2007 federal election. In today's hearing we will hear from the Australian Electoral Commission. This is the fourth and final time that the commission will appear before the committee in this inquiry. This is also going to be our final hearing, and we hope to table our report on Monday, 22 June, if things proceed as we anticipate.

The committee has just authorised the publication of four submissions from the commission, and the purpose of this hearing is to provide an opportunity for the committee to obtain further details on the issues raised in these submissions where required. The Australian Electoral Commission has suggested that the committee consider a number of changes to electoral law and administration, including options to facilitate electronic transactions by electors, such as updating enrolment details and postal voting applications, and enabling greater flexibility in the use of mobile polling to allow the Australian Electoral Commission to provide electoral services in a broader range of situations. The committee may also cover issues raised in a review conducted by the Australian Electoral Commission of the decision by the Court of Disputed Returns on disputed ballot papers in the division of McEwen.

The committee see some merit in accepting the review conducted by Mr Alan Henderson PSM during 2008 as an exhibit to the inquiry and publishing it on the committee's website. While we are on that, could I have a resolution to that effect—that we have received the report of Alan Henderson dated October 2008, titled *Review of ballot paper formality: guidelines and recount policy*, as an exhibit into our inquiry.

Mr DANBY—I so move.

CHAIR—I declare the motion carried. I think the importance of that is that it obviously has come up as an issue before the inquiry. I think that is the most transparent way in which to do it. I would also like to thank today's witnesses for appearing, and I now welcome representatives from the Australian Electoral Commission to today's hearing.

[4.29 pm]

DACEY, Mr Paul, Acting Electoral Commissioner, Australian Electoral Commission

DAVIS, Ms Barbara, Acting Deputy Electoral Commissioner, Australian Electoral Commission

MITCHELL, Ms Kathy, Acting Assistant Commissioner, Communication and Information Strategy, Australian Electoral Commission

ROGERS, Mr Tom, Acting First Assistant Commissioner, Australian Electoral Commission

SHELLEY, Ms Bronwyn, Acting Chief Legal Officer, Australian Electoral Commission

CHAIR—As you know, the committee does not require you to give evidence on oath, but I should advise you again that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses.

We have received a number of submissions from the AEC covering a range of matters. Are there any other submissions that you want to place before the committee?

Mr Dacey—We have no other submissions.

CHAIR—Would you like to make an opening statement?

Mr Dacey—Yes, I would be quite pleased to. Thank you. We would like to thank the committee for this opportunity to appear today. In this statement I will be touching on roll integrity, highlighting some key examples from our submission and providing some clarifying information concerning the degree of change in the electoral roll.

Firstly, on roll integrity, public engagement is the lifeblood of the AEC. Our reputation is based on the integrity of the electoral roll. Roll integrity is just as important to us as it is to other stakeholders in the system including, of course, the parliament. Without ensuring integrity in our enrolment process, we would be risking our reputation as the agency charged with maintaining an accurate and complete electoral roll. This is something that would be untenable for the AEC. What is of concern to us is the trend over time showing that in non-election periods it is difficult to effectively maintain enrolment participation rates. Our submission suggests some modern options which we believe would be contemporary ways of ensuring participation remains high without any loss of integrity. We need to increase public engagement but, quite frankly, the system as it currently stands is proving to be an obstacle to many people who are reluctant to engage with government agencies in the traditional paper based way.

Chair, you mentioned the possibility of electronic transactions for the roll, which we call 'e-enrolment'. E-enrolment update is essentially a different input source by which we receive data. It does not replace or compromise the crucial role that paper based data plays in enrolment

processes. With our proposal, electors will not be able to make the updates themselves. They are merely electronically providing the data to facilitate the process. Once that data is input by the elector, the AEC will continue to carry out the same rigorous checks we currently do with information provided on paper. No record would be updated until we were confident and satisfied that all our integrity checks had been met. We see such a system as being not just a simpler option for many Australians wishing to update their enrolment details but also one with the potential to return significant savings in both postage and data input costs.

In respect of postal voting and the provision of postal vote applications online, for the 2008 ACT Legislative Assembly election the facility of postal voting online was available. It has the potential to ensure that postal voters living in areas with limited mail services have a much better chance of maintaining their franchise. While an online process would necessarily remove the requirement for applicant and witness signatures on the application, in our submission we have suggested a way forward while maintaining the integrity of the process. In that submission we talk about the election to provide a secret word. Of course, we would still seek the signature of the applicant and witness on the postal vote declaration envelope that contains the completed ballot papers. As is the case with the current system, where voters are challenged or if there is any doubt, we can compare the elector's signature to that on the original enrolment form.

There has also been a suggestion throughout the hearings of the complexity of the postal vote application form. If the necessity for a witness's signature was removed from the application form itself, that would reduce the size of the current application form by one panel, so it would shorten the form. It is our view that the benefits would be significant to those in rural and regional Australia and also those overseas who may not be able to access our diplomatic posts. Importantly, it would not replace the current system, but simply provide a more contemporary service delivery model for those who might otherwise be disadvantaged by distance and poor mail services.

An important statistic to point out is that at the 2007 election 50,000 postal vote applications had to be returned to electors because they were defective in some way. Approximately 70 per cent of those defective applications were because of problems with witnessing. There were about 35,000 postal vote applications that had to be returned because there were problems with witnessing, there was no signature or the date of the witness's signature was different to the date of the signature of the elector. Of course, returning defective applications in this way adds several more days to the postal voting process.

One of the other areas we have pursued is sharing enrolment processes across our divisions. Changing the act to provide point-of-receipt processing by any AEC office within a state or territory has the potential to enhance timeliness of our operations. It will also result in better service delivery by providing electors with a higher level of customer service through reduced handling time. The act currently provides for this process to be in place during election periods, so it seems logical to provide the same service to electors at all times.

Just to make a brief comment on the living nature of the electoral roll, we have noted some recent commentary about the error rate in the roll. These comments appear to be the result of information provided to the parliament by the AEC on changes to the roll from 1 July 2008 to 31 March 2009. The information provided demonstrates that the roll, because of natural and ongoing life events, is constantly changing. During this period the AEC undertook its usual

program of continuous roll update, involving both mailouts and doorknocking. As the committee would know, some electors are proactive in updating their enrolment. Others require a reminder, or sometimes two or three reminders. It is at those who need reminding that the AEC's continuous roll update program is directed, and it is from this group that the reported updates to the electoral roll have occurred. These activities directly resulted in new enrolments, updates and deletions to the roll, and are consistent with the usual degree of changes to the roll. In no way does this outcome mean that there are errors on the roll. Rather, they are a reflection of the dynamic nature of the electorate and the lag time associated with electors enrolling for the first time or updating their enrolled address.

If electors had more modern options to them, these lag times could be significantly reduced. This would potentially increase the currency of the role at any point in time. However, despite considerable effort, the AEC is making little inroad, except close to an election, in reducing the numbers of those who are eligible but not enrolled or those who are enrolled but have not changed their address. We believe that in the current environment the means that hold the best hope of reducing these numbers is to offer electors alternatives that embrace current and widely accepted technology.

Chair, I hope my remarks will facilitate the important discussions required on these issues. We firmly believe that some of the more modern alternatives we are suggesting will help the AEC maintain and hopefully increase our excellent levels of elector compliance. We also believe our proposals will in no way reduce the integrity of the well-established processes we have had in place for many years.

CHAIR—Thank you, Mr Dacey. There is one point I want to clarify with you and ask a few questions on. It is to do with the postal vote application. My understanding was that the commission was seeking to remove the witness requirement for written postal vote applications.

Mr Dacey—It is for online postal vote applications and written postal vote applications in order to overcome that defective application issue. We are also of the view that, if we remove it for one class of elector, such as an elector who deals with us electronically, why should we then require that witnessing provision for people who do not have access to electronic means?

CHAIR—In other parts of your opening statement you quoted the 70 per cent of the 50,000 postal votes that were returned as being attributable to a problem with the signature of the witness.

Mr Dacey—It is with the signature of the witness or the date of witnessing.

CHAIR—If you have a figure for the postal votes that are returned, how many are late aside of as a result of a defective signature by the witness—in terms of the dates not matching up or whatever? I am correct on that, aren't I?

Mr Dacey—I do not have those figures.

CHAIR—However, there is a requirement for a witness signature when the actual postal vote—

Mr Dacey—I have actual figures of defectives, but a lot of those defectives may have been remedied if there was sufficient time to get out to them with another one.

CHAIR—Yes, I understand that. What is the figure?

Mr Dacey—For those not witnessed at all, it was 2,580. For those with the witness date missing, it is 7,158. For those with different dates between the witness and the applicant, it was 24,636, which is quite a significant number.

CHAIR—What I am thinking is: why do we really need a witness's signature both in an application for a postal vote and in a returned postal vote in an election campaign when the commission has the capacity, as I understand it—correct me if I am wrong—to compare the actual signature of the person applying for a postal vote or, indeed, on their postal vote form that they have returned with their vote with the original signature, or a copy of the signature, that they might have on file? Isn't that the real comparison that you currently do during election campaigns and during voting?

Mr Dacey—We would do that if votes were challenged or if there were any doubt; we can always go back to the source documentation, which is the original enrolment application form.

CHAIR—But there is no checking of the validity of the witnessing signature or anything like that.

Mr Dacey—None whatsoever.

CHAIR—So, if there were actually a challenge to the vote, in deciding whether it might not be the person what you would compare is the signature on the application and the signature on the returned postal vote. You also have a signature from when that person first enrolled.

Mr Dacey—When they first enrolled to vote or from their latest electoral enrolment.

CHAIR—If you removed the witnessing signature, that would bring more votes into the count, would it not?

Mr Dacey—It would reduce the number of defectives, looking at last election's figures, by 35,000.

CHAIR—And it would reduce a lot of the processing—the 70 per cent of it that relates to a problem with witnessing in the actual election.

Mr Dacey—Correct.

CHAIR—Does it diminish the integrity? Removing the need for a witness's signature does not—

Mr Dacey—Only on the application. We are still suggesting that we have a witness's signature on the actual postal vote certificate.

CHAIR—So that is what you are saying.

Mr Dacey—Correct.

CHAIR—Keep it on the postal vote certificate, which is the actual vote—

Mr Dacey—Correct.

CHAIR—but not on the application.

Mr Dacey—Correct.

CHAIR—I am just trying to understand the commission's position. So it is not taking it off every stage of the process—just the application process, for which you say you have the original signatures of the applicant anyway if there is a question. You then keep it on the actual vote.

Mr Dacey—Yes, the postal vote certificate.

CHAIR—The certificate that is returned for the actual voting.

Mr MORRISON—But the returned one still has the witness's signature. The witness's signature is still on the returned ballot.

Mr Dacey—Correct.

Mr MORRISON—That is what I am clarifying.

Mr BRUCE SCOTT—I would just like to clarify the reference to 35,000. Can you explain that number again. You had 50,000—

Mr Dacey—Thirty-five thousand postal vote applications were defective because of some problem with the witnessing of those applications.

Mr BRUCE SCOTT—Where did the 50,000 come from?

Mr Dacey—That is the total number of defectives. Seventy per cent of the total number of defectives were due to a problem with witnessing, either mismatch of dates of the elector and the witness, no witness or whatever.

Mr BRUCE SCOTT—And what were the other 15,000?

Mr Dacey—Dates left off, not being signed by the elector or whatever.

Mr BRUCE SCOTT—But the witnessing accounted for 35,000.

Mr Dacey—Correct.

Mr MORRISON—Could you tell me—and this would require going back in time—why there is a requirement for a witness on the form?

Mr Dacey—To be quite frank, we asked ourselves that question today and we are not quite sure. There may have been issues many tens of years ago with alleged roting of postal voting.

Mr MORRISON—You are not taking them off postal votes; you are only dealing with that side.

Mr Dacey—Why it is there for the application I am not too sure.

Mr MORRISON—Why is it there on contractual documents? Why is it there when you are buying a home? Why is there a requirement to witness any document under our legal system?

Mr Dacey—Someone is declaring that they have seen someone make that vote or sign the form.

Mr MORRISON—You would agree that it therefore adds a certain integrity to the process?

Mr Dacey—I would, but I think that that it is important to maintain that integrity at the time of the vote, not necessarily at the time of the application for the vote.

Mr MORRISON—So you do not think being enrolled to vote—being qualified to cast a vote—requires the same level of integrity as casting a vote?

Mr Dacey—No. If I apply for an absentee vote I do not have to have a witness, for example. If I apply for a prepoll vote, I do not—

Mr MORRISON—But I am talking about the enrolment. Shouldn't we have the highest standards of determining whether someone is eligible to be on the roll? This is the fundamental—

Mr Dacey—We do have high standards.

Mr MORRISON—You are suggesting that we remove one of those standards, the requirement for a witness.

Mr Dacey—Only for an application for a postal vote, not for enrolment. It is when someone applies for a postal vote.

Mr MORRISON—Have I got this confused, Chair?

CHAIR—You still have it on enrolment.

Mr MORRISON—So when you enrol you will keep the witness?

Mr Dacey—No, because under POI currently we do not need a witness except in those states where there is still a need to match state law—Victoria and WA—to have a witness.

Mr MORRISON—So where are you proposing to abolish the requirement for a witness?

Mr Dacey—From the application for a postal vote, when a person makes application. They are already enrolled. They give us their date of birth. They give us their full name. They give us their address.

CHAIR—They give you their signature.

Mr Dacey—They give us a signature, which we can match. They also, under this proposal—

Mr MORRISON—So again you are actually removing a point of integrity in the process.

Mr Dacey—Yes, we are but I would suggest that it adds to the franchise because of the extra number of votes we could get into the system.

Mr MORRISON—So you think there is a positive trade-off by lowering the standard to enable the witness requirement—

Mr Dacey—I would not be suggesting that not having a witness on a postal vote application lowers the standard.

Mr MORRISON—You do not think it does?

Mr Dacey—I do not think it does.

Mr MORRISON—If that were challenged in court and you were not then able to call, as a witness, the witness you do not think that would lower the standard?

Mr Dacey—This has never been challenged in court yet.

CHAIR—Can I cut in on this. You would actually call in as the witness the witness to the actual casting of the vote, wouldn't you? So there is actually a witness in relation to the—

Mr Dacey—The witness to the elector casting the vote.

CHAIR—You also have a comparison of the signature—

Mr Dacey—We do.

CHAIR—which you can also compare to something that you retain.

Mr Dacey—Interestingly, and we have looked at this, there is no requirement under the act for us to check the bona fides of any witnessing that occurs.

Mr MORRISON—No, but all this can be challenged. All of these documents can be pulled up. If it is a tight election and all these things are under scrutiny and if someone were found to have inappropriately applied for a postal vote and it was not theirs but it was someone else's signature, we are basically removing one of the tests that help establish the veracity of that application.

Mr Dacey—That could be, but you still have the signature of the elector and of a witness on the actual vote itself.

Mr MORRISON—Sure, but I am saying all of these things are points of challenge.

Mr Dacey—But it is what you are challenging. You are not challenging an application for a postal vote; in an election situation you would be actually challenging the actual vote. Many people apply for postal votes and do not even have a postal vote. They choose to vote at a pre-poll centre and have an ordinary vote.

Mr MORRISON—Sure. But if you wish to follow the chain in any form of proceedings this will remove a point of veracity.

Mr Dacey—I do not necessarily share the view that it reduces the integrity of the system.

Mr MORRISON—If we are going to do it I think we should be clear about it. We are going to make a lower test. We are going to lower the bar.

Mr Dacey—I would not suggest we are lowering the bar, because we do not currently check the veracity of that witnessing anyway on the application.

Mr DANBY—It is done in the ACT.

CHAIR—It is really used in many ways to delay a process for people to have a postal vote. So with people who legitimately want a postal vote, if there is a stuff up—let us put it frankly—in terms of their witnessing procedures, because the dates are not the same, it delays the ability of the commission to send them a postal vote in an election and they could miss out.

Ms Davis—That is right. Even if one were to accept the argument or the proposition that that was removing a standard—the commission certainly does not see it like that—I think that the discussion should be centred around, as I think you were pointing out, the costs and the benefits. It is really straightforward in terms of the potential disenfranchisement of a significant number of electors. We feel that by taking a step such as this we can really assist—

CHAIR—But there is sufficient left in the system. Firstly, you have got a signature that you have got anyway from that voter.

Ms Davis—Absolutely.

CHAIR—You have got a signature when applying for a postal vote, you have got a signature when the vote is returned and a witness's signature when the vote is returned.

Mr Dacey—And we are also suggesting what we call a secret word—

CHAIR—Okay.

Mr Dacey—if we are successful in what we are suggesting for those that apply online. Currently, you apply for a postal vote and we receive the postal vote application and when we subsequently receive the postal vote we check that the signature on the application matches the signature on the certificate. What we are suggesting is that if people give a secret word on the application we match the secret word on the certificate.

Mr BRUCE SCOTT—Is there any technology that will scan someone's signature and get the tick that this is someone's signature? You might say that our fingerprint is our signature. Is there any technology that will scan that these days?

Mr Dacey—You can electronically scan it into a system, but it is not necessarily digitised, no.

Senator HUTCHINS—Your signature is all over the place, like mine is and like everybody else's here. All you would have to do is trace it, if you wanted to.

Mr BRUCE SCOTT—With an electorate that has probably the most postal votes, we get many calls during election time in relation to applications and people living alone or in remote communities where they have to go and search out someone to witness their signature; they often just send it back as it is. That is one of the contributing factors. I think we had 14,000 postal voters in the last election. How many came back, I do not know, but an awful lot. I know this has been an issue for a number of elections. We have had some other problems with postal votes, but the biggest problem on this application side was that witnessing and the date.

Ms Davis—It is very encouraging in one sense, isn't it, that your constituents come to you because they regard this as a significant issue for them in being able to exercise their vote?

CHAIR—Mr Dacey, how long have you been with the commission?

Mr Dacey—I am showing my age, Chair—25 years.

CHAIR—So you have been involved in a number of elections. You have also been an observer in a lot of elections.

Mr Dacey—Every one since 1984.

CHAIR—Has it been an issue in any election that you know of—

Mr Dacey—No, it hasn't.

CHAIR—where there has been a scale of fraud in terms of signing or witnessing on postal votes that has created a problem?

Mr Dacey—No.

CHAIR—In your professional opinion, if the committee were to pick up this particular suggestion, do you say that it would not reduce the integrity of the vote?

Mr Dacey—Yes, I stand by my view. I am hearing what Mr Morrison is saying. Yes, asking for a witness's signature on anything I guess—

CHAIR—Helps.

Mr Dacey—might be window-dressing in some ways in terms of integrity, but in this process, when it is only applying for a postal vote and not action in making the vote, I—

CHAIR—So you say that this is not a vital part of this process of postal votes?

Mr Dacey—No, I do not think it reduces the integrity.

Mr MORRISON—I accept what you are saying. I accept the integrity of what you are trying to achieve, too, by the way. Would you countenance, though, the removal of the witness signature from the ballot or the enrolment in the future?

Mr Dacey—We currently do not get one on the enrolment because of the proof of identity. It is a driver's licence only.

Mr MORRISON—Okay. On the ballot?

Mr Dacey—I am not suggesting—

Mr MORRISON—You are not advocating that?

Mr Dacey—Not at all.

Mr MORRISON—Can you just take me through this, then. I go to paragraph 2.5 of your submission. Assist me if I have misunderstood. If we are talking about the electronic enrolment process—

Mr Dacey—Sorry, now we are back to enrolment and not postal voting?

Mr MORRISON—Page 3.

Mr SULLIVAN—I want to stay on what we have been talking about.

CHAIR—Okay, we will do that. Then we will go back to Mr Morrison. I know Mr Danby has some questions, too, to finish that issue.

Mr SULLIVAN—I have two issues: one from what you have told us and one just following on from it. The 50,000 defective postal votes logically puts you up for something in the area of \$80,000 to \$100,000 in postal costs. I do not know what your contract with Australia Post is.

Mr Dacey—Probably not that much. Well, out and back, yes.

Mr SULLIVAN—Do you track what happens to those defectives? Do we know how many of those 50,000 that were returned turned into votes?

Mr Dacey—We would have that information, but not with us.

Mr SULLIVAN—I wonder if you could supply that?

Mr Dacey—We expect so. I cannot confirm. We will go back to the office and check.

Mr SULLIVAN—The other figure I would be interested in, because I was quite astounded by the quantum that you told us about, is how many ballot papers are subsequently ruled out because of defective witness signatures or dates or the like?

Mr Dacey—We do code them. We do not have that, but we would be happy to take that on notice. We can provide you by a code as to the reason why the ballot was not counted.

Mr DANBY—Mr Dacey, I want to go back to your opening remarks about a new system of enrolment. How would this electronic enrolment system work? What are the kinds of things that you would—

Mr Dacey—If I can make it clear: we are not talking about first-time enrolment. We are not suggesting that people enrol electronically or be able to update anything with us if they have not enrolled at all. So we still want a hard copy, a signature and with POI for first-time enrollees.

CHAIR—That is critical if you are going to have integrity in the system.

Mr Dacey—We need to store the signature—

CHAIR—To compare it at later elections.

Mr Dacey—It is because a signature can be so critical in terms of disputed votes.

Mr DANBY—How would it work for people who are changing their address and who want to advise you electronically? What are the kinds of measures of integrity that you would use as a sort of fail-safe, even with that system?

Mr Dacey—We are suggesting basically two systems. One is where the elector provides us with their new details online. They would go into a website and there would be what is called ‘a smart form’, and that would lead the electors through the process. We would ask for all the information that we normally get on paper from an elector. So an elector would basically do the data entry for us. That would be name, address, date of birth, previous name, previous address and drivers licence number—all those sorts of things. When we get that information we will perform the same integrity checks on it that we currently do on a paper based form. If the electronic application fulfils all the integrity checks that we currently perform and our officers are satisfied that the elector applying to have their details updated is the same as the elector who is already enrolled, they will then hit the button to update the enrolment details of that elector.

Following that, we would send, as we do with the current system, what we call ‘an acknowledgment’ to that elector by post, saying: ‘We have updated your roll for this address. Please contact us if those details are not correct.’ That is a further integrity check, because if something comes back as ‘Return to sender’ or ‘Not at this address’, we would then follow-up to make sure that it was a bona fide enrolment, as we currently do with the paper system.

Mr DANBY—Would that electronic enrolment include, as Mr Scott suggested, a scan signature, which you would then crosscheck with the original signature?

Mr Dacey—They could. If they want to scan the signature that would mean the elector themselves would have to print off the form and post it to us. This is just to do it electronically. Do not forget: we are only suggesting change of address details. We are not suggesting this for first-time or new enrolments.

CHAIR—There is a provision in the act that—as I read the submissions on change of address within a division—means your having obtained legal advice that the provisions—

Mr Dacey—Recent legal advice is that someone can now change their address with written advice rather than on an actual form, within division.

CHAIR—That is in one of your submissions.

Mr DANBY—In the 2007 election, you received over 2.8 million declaration envelopes containing data about the same number of electors. Is it the case that, prior to the 2006 amendments, the AEC could use the information provided by electors on those envelopes to update the electoral roll but that it cannot now?

Mr Dacey—If they were within the same division, we could use the information from declaration envelopes prior to the amendments to update a person’s enrolled address details.

CHAIR—That is just division. People within division were treated differently from people moving outside the division. There is a higher element involved in transferring outside your division.

Mr Dacey—That is correct. Mr Danby, we are also looking at people being able to change their address online and the AEC being able to change people’s addresses by information that might be provided by trusted agencies. For example, we currently get information from Centrelink. Centrelink customers have been through a POI process. As with people changing information online or by a hard copy form, all the details that we currently require on the hard copy form would still be required before we were satisfied to change the enrolment address, except for their signature.

Senator CAROL BROWN—In your submission, you actually print a copy of an email that you received, which had an interesting PS to it. How many of those emails would you receive? Leading up to the 2007 election, how many changes of address would you have received by email?

Mr Dacey—I suppose it is continuing. It is fairly anecdotal. Because we send out so many letters—well in excess of a million and sometimes over two million letters—a year, a lot of responses to those letters are phone calls to our divisional officers. People say—and it is anecdotal; I have not got the numbers, but people are saying it more and more—‘You know I’ve moved to that address. You’ve just sent me a letter there. Why can’t you just change my address? I can do it with the Taxation Office. I can do it with the motor vehicle registry office or whatever. But you want me to fill out this form and send it back.’ So it is a growing phenomenon.

Senator CAROL BROWN—You do not keep any details or data. You obviously send out a change of address form, or an enrolment form, when someone emails, rings or writes.

Mr Dacey—Only in the low 20 per cents return them. That is the problem. We are suggesting that if we had more modern ways for people to update their address, our success rates might be much better in getting people to respond. Rather than our relying on people filling out a whole new form and signing it and posting it, they could just go online.

Senator CAROL BROWN—Obviously that would be advantageous. Have you had a look at the cost reduction? If someone does not return it, you would probably try again, so—

Mr Dacey—We have not in detail. I would suggest that it would be significant in two areas. One is obviously postage. Just sending two million letters a year—if we look at in and out postage—costs \$2 million-plus a year. The other big saving for us is not necessarily a saving to budget but a saving to the AEC budget. We could put money into other areas. Currently, most of the work in our divisional offices is data entry when people send forms in to change their address, or new forms. If people could do that data entry for us on a website, it would just be a matter of verifying that it is all there, and not of data entry.

Senator BIRMINGHAM—Back to the PVAs for a moment: have you ever, in recent elections, had cause to undertake any sort of process of checking or utilising witness information on either the application or the returned postal vote?

Mr Dacey—Not to my knowledge—not at all. There has been no alleged fraud concerning postal voting where we have had to go as far as checking any witnessing information.

Senator BIRMINGHAM—Just to be clear, you said that you check the voter’s signature on the returned postal vote against the voter’s signature on the application in all instances?

Mr Dacey—Currently, yes.

Senator BIRMINGHAM—I understand why this may have been very difficult historically, but, in the future, would there be a potential for looking at checking all of those signatures on the returned postal votes against their original enrolment?

Mr Dacey—It is possible. We are suggesting that we would do that where there is a dispute, where a vote is challenged or where there is some doubt as to the validity of the postal vote certificate. But we would not be advocating doing it in all cases, just because of system issues with linking back the archive system.

Mr SULLIVAN—How long does it take to check each vote, if you have to check?

Mr Dacey—You would have to pull up the image from the archive system, which is run as a separate system from ours, so it could slow the process down. We would not want to slow down the preliminary scrutiny of postal voting because of this change.

Senator BIRMINGHAM—I understand that, where somebody who has been living at the same address for 50 years and so on is concerned, there are some hassles for you in terms of—

Mr Dacey—Signatures mature over time. I have not changed my enrolment for 35 years because I have not moved house but, if I pulled up my original application for enrolment, my signature might not bear any resemblance to the signature I have now. I am not sure. I must have a look at it one day.

Senator BIRMINGHAM—However, as a longer term goal, it is something that could actually take some years for you to start working on—

Mr Dacey—Yes, and as we look at the merits of digitising signatures or PKI, public key encryption—those sorts of things.

CHAIR—The point is: if there is challenge or if there is doubt—

Mr Dacey—If there is challenge or doubt, we will go back.

CHAIR—there is capacity to do it.

Mr Dacey—There is.

CHAIR—So, in terms of the integrity of questioning the identity of a particular voter, there is sufficient material there for you as a result of what is deposited in your repositories to check those signatures. It is just that to do it automatically for every signature would add to—

Mr Dacey—In fact, we would not support doing it for everyone's.

Senator BIRMINGHAM—I understand that you would not support that—

Mr Dacey—In the future, quite possibly.

Senator BIRMINGHAM—In the long term, it would be an improvement to overall integrity, would it not?

Mr Dacey—It could be, yes, depending on how signatures are matured.

Senator BIRMINGHAM—Recognising that it may give rise to the need for some further verification, going back to check against the original enrolment source is far better verification than checking against somebody's application for a postal vote.

Mr Dacey—Correct.

Senator BIRMINGHAM—So, as a long-term goal, it would take some years of funding, I imagine, for you to migrate systems to achieve something that would ensure—

Mr Dacey—It is just maturity of system development.

Senator BIRMINGHAM—It is just a case of thinking beyond the one-term electoral cycle and that perhaps sometimes recommendations might be limited to—

CHAIR—What you are doing is capturing signatures, anyway, because it is a more mobile population. I know in the seat of Banks, for instance, in the '86 census, we were the most stable electorate in the country. We are now about eighth. So in terms of the changes that are occurring, that is making it easier for you to capture recent signatures, isn't it? You would not in this process—within the review.

Mr Dacey—No, not with this, but under the current processes.

CHAIR—Under the current processes. But, Senator Birmingham, over time with technological change—

Ms Davis—We could also refer to other agencies and their capture—our other trusted sources—that may have much more interaction with our electors through the very nature of their business.

Mr Dacey—For example, e-tax. You can lodge your taxation return now online without a signature.

CHAIR—But the real integrity is in the actual signature of the voter or the applicant themselves, because the truth is that you could have someone attesting falsely as a witness. It is not the comparison of the witness's signature that is going to give you—

Mr Dacey—No, but you can have a different witness.

CHAIR—It is the novel belief that they would not—no system is perfect; I am not attempting to say it is.

Senator BIRMINGHAM—What are the rigorous checks that are undertaken when someone changes their enrolment?

Mr Dacey—They are basically outlined in our submission.

CHAIR—Which page of the submission are they at?

Mr Dacey—It is the section headed 'Options for electronic enrolment' on pages 2 through to 8. I think last time we were here Mr Morrison talked about doing a risk assessment. Based on the risk assessment we have done, we have outlined the checks that we would undertake under the heading 'Paper and electronic model considerations' at paragraphs 2.20 to 2.22. What we are

saying is that, except for the signature which we currently receive on applications to change enrolment, every other data item that the elector currently provides us on paper would be checked, as it is now.

CHAIR—And that is the considered professional view of the commission as a whole, I take it. Is there any dispute on this sort of suggestion within the commission?

Mr Dacey—Not that I am aware of.

CHAIR—That is what I am asking. I think it is a matter for—

Mr MORRISON—I do not know if that is a fair question, Chair.

CHAIR—It is a fair question.

Mr Dacey—Not that I am aware of.

Mr MORRISON—If there is dissent within the AEC, I hardly think they would be airing it here.

CHAIR—No, but I think it is fair to say that in some areas there is discussion; there is a difference of opinion.

Mr Dacey—There is discussion.

CHAIR—I am interested as to whether there is a different view to this within the commission. I think that is a legitimate question to ask.

Mr Dacey—From my knowledge of the organisation and from travelling around the organisation, I would say that many people out there in the frontline in our divisional offices would say, 'Bring it on,' because they are the ones who are getting the complaints from the electors.

CHAIR—That is what I am interested in fleshing out, Mr Dacey—that this is something that divisional offices, as you understand, are interested in, and they believe it will also bring efficiency to the way they do business at a local level.

Mr MORRISON—But it would also be very efficient and easy, Chair, if you did not have to enrol at all and you could just turn up at the ballot box on the day and tick the box and go.

Mr Dacey—We are not suggesting that.

Mr MORRISON—I know you are not, but the debate here is about convenience and what price convenience.

CHAIR—Actually, it is not about convenience. It is about people being disenfranchised because certain requirements which are not necessary to proving their identity are resulting in votes being set aside. But that is another matter.

Mr Dacey—We are struggling to keep engagement with our agency up. We are really struggling, as I pointed out in my opening statement. I am just concerned, and I think my colleagues are concerned, that if we do not do something to modernise the process, we are going to have disengagement with the democratic process in Australia. It is costing us—and, Chair, you have talked at previous meetings about the \$30-odd million we spent at the last election. We cannot sustain that to advertise for people to change their enrolment. People are just not engaging with us through mail and doorknocks to the extent that they were, and we are suggesting that, through providing a more modern alternative—not a replacement system but a modern alternative for those people who want to engage with us that way—people should be able to engage with us that way provided we can guarantee the integrity. As I also said, we are as concerned about integrity as the parliament and anyone else is. We want to make sure that this is a system with integrity, and if there is any doubt, we will not be enrolling people. If people provide us with that information online, we are not updating their enrolment until we are satisfied.

Senator CAROL BROWN—Do you currently accept faxes of enrolment forms?

Mr Dacey—We do.

Senator CAROL BROWN—So if I printed out an enrolment form, filled it in, scanned it and then emailed to you, there would be no difference?

Mr Dacey—If you signed it.

Mr MORRISON—It is different, because if it is electronic, you are not required to sign it.

Mr Dacey—No, but it is a change to the enrolment; it is not a new enrolment. We are not suggesting it for new enrolments.

Mr MORRISON—Okay. I understand that.

Senator BIRMINGHAM—I just want to put this well and truly on the record. Why is it acceptable for changes in enrolment as against new enrolments?

Ms Davis—It is really probably a sense of the maturity in terms of the readiness of the Australian electorate, the readiness of the administrators, the readiness of a parliament—

Mr Dacey—I do not know if we are ready yet to accept first-time enrolment without a signature, because a—

CHAIR—But you are not arguing for that.

Mr Dacey—No, we are not, because a signature is still, until there is some technological solution, important when it comes to the other end of the process: when there are votes challenged.

Mr MORRISON—If it is true, though, that it is valid and required for the enrolment then why is a lesser standard required for a change of enrolment?

Mr Dacey—Because we already have captured that person's signature.

CHAIR—You have not only captured that person's signature; you already have the person. It is not an addition to the roll; it is a variation from the roll, so you are not—

Mr MORRISON—How can you be confident that the person changing their enrolment details electronically is the person who is seeking to do that?

Ms Davis—Because we will be returning that information through some sort of verification process to ensure that those details are actually those that have been provided. We still require a residential address to be provided. There are any number of variations—

Mr MORRISON—Maybe you could help by taking us through that.

Ms Davis—Okay.

Mr MORRISON—Let me just go through it. Someone wants to update their enrolment. They log on. They provide all the information. I am not quite sure how the secret word thing works, but you put that in—

Mr Dacey—That is for postal voting.

Mr MORRISON—For postal voting—forget the secret word. So you put this information in. It zips through. What do you do next?

Mr Dacey—In putting the information in, firstly, we require the same information that people now provide us on paper.

Mr MORRISON—I understand that.

Mr Dacey—So we get that information and we check it against what we have on file for that person to make sure it all matches.

Mr MORRISON—Date of birth?

Ms Davis—Date of birth. Perhaps drivers licence information.

Mr Dacey—We would be asking for a drivers licence number. We can also call up motor vehicles online, and if that person has changed their address to the address they are telling us they want to change to and it is the same address on their licence, that is another integrity

check—that they have provided the motor vehicle authority with the same update details as they have provided to us.

Mr MORRISON—Is that done in all cases?

Mr Dacey—It is not done now at all, because we are doing it—oh, sorry—

Mr MORRISON—So you are saying that if something comes in by paper, the same checks are done for paper as for electronic.

Mr Dacey—It is done for changes now, but if there is a mismatch, we can still update—

CHAIR—If we need to get someone else to come and give some evidence, we will take it from the table. This is important because it will hopefully rebut some myths. If you want to call someone on this point, Mr Dacey, that is fine. I think it is important that we get the evidence.

Mr MORRISON—I am not sure of the actual detail of what we currently do with paper forms and matching back to motor vehicle registrations.

Ms Davis—While we have our witness coming to the table, there are other options that we could introduce. At the moment we use drivers licences. There could be discussions about other forms of identification that are used, for instance, when we have to open a new bank account. We are not suggesting that we would be limited to what we are currently doing. In fact, we see the potential for actually seeking more, such as if an individual were to offer more forms of identification.

Mr MORRISON—This is where I am baulking, because new tests are being talked about here today. If there is a proposal to go and do this, personally I would like to see what all the tests and what all the checks are going to be. That is what should be assessed. It is sounding more and more like an idea and less and less like a concrete proposal.

Ms Davis—There would be at least as many checks as with paper based enrolment. That is what we would be suggesting.

Senator BIRMINGHAM—With regard to Mr Morrison's question, can we just step back to the paper based enrolment?

CHAIR—Let us go to that first. What happens now?

Ms Mitchell—For a change of address, currently an enrolment form is received in a divisional office. The information from the enrolment form is data entered into our roll management computer system. In the process of data entering the information into the roll management computer system, it then searches to see if we already know of the existence of the person. If we get an exact match-up, the system shows that there is an exact match. If there are several potential options, the operator then has to identify which of the several options that are presented is the correct option.

First of all it will check for the person. It will next check for whether the address is considered to be a valid address and so it goes and searches our database of addresses to determine whether or not it is a valid address. If it is not an address that we know of or it is an address that we have recorded as not being an enrollable address, the processing of the enrolment form ceases at that point and further checking is done on the address. It then moves onto the checking of proof of identity information that is provided, so it will run a check against the NEVDIS database to determine whether the licence that has been provided is for a person of the same name. Once that is undertaken, we then can determine whether or not we are satisfied that the identity of the person has been established.

CHAIR—In relation to the signature that is submitted, is it as of right that you check the signature on some other document that you might have in relation to that person or is that not part of the process that you have just described?

Ms Mitchell—It is not a part of the initial process.

CHAIR—If it is not a part of the initial process, what part does it play?

Ms Mitchell—It plays a part when we have some concern about the veracity of the information that has been provided to us.

CHAIR—In terms of the new process, how do you offset that?

Senator BIRMINGHAM—Before we jump to that, when you say you check the licence details provided, do you check that on some sort of database and check the new address in that process too or do you just check the licence number or the name? What is the point of checking there for a change of address application?

Ms Mitchell—It is the person's name. So it is the identity of the person that is being established. We are not doing a proof of residence check at that stage.

Senator BIRMINGHAM—So it is just a check that the name on the application form, the drivers licence number on the application form—

Ms Mitchell—And the date of birth.

Senator BIRMINGHAM—and the date of birth match the drivers licence number, name and date of birth on the database that contains their licence details?

Ms Mitchell—Yes.

Mr MORRISON—Can I just clarify this? What is on the form? On the form you have got the drivers licence, the name and the date of birth. What else have you got?

Ms Mitchell—On an enrolment form—

Mr MORRISON—This is for change of enrolment.

Ms Mitchell—It is the same information. It is the same form, whether you are enrolling for the first time, changing your name, changing your address or whatever. You have the name of the person, their date of birth, the address that they are living at now, their citizenship information, their previous name, their previous address and whatever proof of identity information has been provided, which is generally a drivers licence. If they are unable to provide a drivers licence, then the other sections of the form get completed, so the tier 2 and 3—

Mr MORRISON—I understand.

Senator BIRMINGHAM—Why don't you check the addresses?

Ms Mitchell—Because of the way the legislation is drafted and the agreement that we have with NEVDIS for the provision of the data.

Mr Dacey—It is proof of identity, not proof of residence, that is required at the moment.

Mr SULLIVAN—So this could be the first time it has changed. They could change this before they change the drivers licence address.

Mr MORRISON—They probably should not, because that is against the law.

Mr SULLIVAN—They should not.

Senator BIRMINGHAM—They have longer legally to do this by.

Mr SULLIVAN—Yes, but it does not mean to say they will not do it on the first day, because there is an election coming up.

Ms Mitchell—The other thing that I forgot is that the currency of the database is also checked at the time that we are processing, so we are looking for currency of information.

Mr MORRISON—Okay. So, with the electronic format, you would get the same information?

Ms Mitchell—Yes.

Mr MORRISON—And then you would run those same checks, as I understand it.

Ms Mitchell—Exactly.

Mr MORRISON—The only thing that is different is that at this stage you cannot be 100 per cent sure that the person who has logged on and given you that information is actually the person seeking to change their enrolment.

Ms Mitchell—I am not actually sure that there is any difference with a form at that stage in time.

Mr MORRISON—There is a signature on one; there is not on the other.

Mr Dacey—But, unless we had doubt on the previous one, we would not necessarily have checked the signature.

Mr MORRISON—No, but that can also be challenged.

Mr Dacey—It can be challenged.

Mr MORRISON—Under this, there is no way of knowing that the person who is seeking to change the enrolment addresses of an individual is the actual person.

Mr DANBY—There is every way of knowing.

Mr MORRISON—How?

Mr DANBY—You are checking their licence, their previous address—

Mr MORRISON—Hang on, let's—

Mr DANBY—their birth date—

Mr MORRISON—Let me finish.

Senator BIRMINGHAM—I give my drivers licence to the video store when I rent a DVD.

CHAIR—Relax.

Mr MORRISON—This is the mischief that I am concerned about—

CHAIR—No, no relax. Let us go to the next step first. It does not stop there. You are worrying about not knowing the person. Then I will come back to you. I am not going to stop you. I just want to proceed on the assumption that, okay, we do not have a signature. But that is not where the commission's inquiries end, is it? I got the impression from something you said earlier that you can actually follow this up with the elector.

Mr Dacey—We do follow up for every change of enrolment.

CHAIR—Now, please tell us what is done. And then I will come back to you, Mr Morrison.

Mr Dacey—Within a short period following a change to enrolment, we produce what is called an acknowledgement letter to that elector, which is addressed to the elector at the postal address that they have given us. That letter is along the lines of: 'We have recently updated your enrolment details to this address. You are in the federal division of whatever and the state district of whatever. If there is any issue with this, let us know.'

Mr DANBY—You propose to do the same with the electronic one?

Mr Dacey—Yes. Absolutely.

Mr DANBY—Well, that is what I am suggesting.

Mr MORRISON—This is the issue: any candidate for an election can walk down any street, doorknocking in the lead-up to an election or over the period of time, and basically offer a registration service. You give me your details, they will all go back into head office and there will be people sitting in campaign rooms, punching in people's updated information. I guarantee you that type of practice will eventuate.

Mr Dacey—That can be done now, Mr Morrison.

Mr MORRISON—No, you have got to sign the form. That is the difference. The person has to actually sign it.

Mr Dacey—The person may not have to actually sign it. Someone can forge a signature.

Mr MORRISON—Well, if they did that, there are all sorts of penalties associated.

Mr Dacey—Obviously—if we catch them.

Mr MORRISON—What penalties are you suggesting for people who seek to change others' enrolment details?

Mr Dacey—We have not looked in detail at the current penalties that are enforced now.

CHAIR—Okay, can I—

Mr MORRISON—Hang on, Chair; this is an important question. I am trying to highlight this as an issue for concern, which I think your proposal should encompass, because you will get brokering of registrations.

Ms Davis—If your concern is again related to how we would reaffirm the veracity of the individual's information, I can tell you that one of the things—which I think has probably been discussed at committee before—is us using different mechanisms to contact electors. At the moment, we post out our acknowledgement forms, but again—

Mr MORRISON—They will say okay at the end.

Ms Davis—Yes, but that is increasing the—

Mr Rogers—That is the point about whether that is—are you saying brokering fraudulent enrolments?

Mr MORRISON—Well, I do not know. Some people may provide these details themselves. Others may be a candidate, just talking, saying, 'Are you up for it? Well, I can take care of that

for you. Here's the form. I will punch all that in back at the campaign office, and this will happen.' If that is something you are wanting to encourage—I do not think it is, but—

Ms Davis—Mr Morrison, the Electoral Commission has not had instances where there has ever been proven allegations of that behaviour—

Mr MORRISON—But you have not had this system. This is a very easy system to do this in.

Mr Dacey—No, we have not—

Ms Davis—Yes.

CHAIR—Well, listen, let's—

Senator BIRMINGHAM—The difficulty is that by requiring a proof of residence as part of it—so we establish before you have a proof of identification—

Mr DANBY—How do you know this is—

CHAIR—He is entitled to ask his question.

Senator BIRMINGHAM—with the application—

Mr DANBY—That is a terrible thing to say—

CHAIR—Michael, excuse me. Hang on.

Senator BIRMINGHAM—what difficulties would be encountered by requiring a proof of residence at the same time.

Ms Davis—It depends on what sort of proof you are seeking. We do think that one of our core problems is getting people to respond to us through the post. We might be able to use people responding to us through text messages on their mobile phone. We would have probably significant success doing that. But, if that proof is not to be done through the background work that Ms Mitchell has just been describing in terms of data matching with other entities that have address details, then I think that we will still find ourselves at the table in three or five years time having a discussion.

CHAIR—Isn't it the situation that, if you have got doubt, you can also do home visits?

Ms Davis—Absolutely.

CHAIR—This is one of the benefits of having divisional returning officers. Isn't this form about getting access for young people through the electronic mail—

Ms Davis—Absolutely.

CHAIR—in terms of changes of address—and a whole range of other people. My understanding is that the form is very similar, apart from the signature, and gives you other independent sources you can go to. But, if you have got doubt, your divisional returning officers can do checks at people's homes in relation to these matters.

Ms Davis—We could do random checks, certainly, or targeted checks.

Mr Dacey—As they do now. If we have got doubt, we do not push the button on the current system to update someone's enrolment until we are satisfied and we have made whatever inquiries.

Mr MORRISON—With the electronic system, would you consider saying, 'Because it's electronic and we don't have the signature, we might want to increase the point requirements to require not only drivers licence but maybe something else'? That would raise the bar a bit higher to say, 'If it's coming electronically, we can't be 100 per cent sure, so we will add a couple of extra additional requirements.'

Ms Mitchell—I think one of the important things to remember is that one of the pieces of information that we use to check the validity of a change of enrolment is the previous details. Whilst it might be that people go down the street doorknocking and find the person's current details—and I am probably just giving the secret away—unless they are cluey enough to know that they are going to need to get the person's previous enrolment details—

Mr MORRISON—They will be cluey enough, I can assure you.

Ms Mitchell—That needs to match as well, for us to be satisfied.

Mr Dacey—They will need to know the person's previous address and their date of birth.

Mr MORRISON—They will ask for that too.

Mr DANBY—They will need to know their new house. It is very complicated.

CHAIR—Michael, it is legitimate to test this.

Mr Dacey—Chair and Mr Morrison, we will have a look to see if there are any other sorts of integrity checks we could build into the system that might satisfy you.

CHAIR—That would allow electronic—

Mr Dacey—As I said, we are as keen on integrity as the next person.

Mr SULLIVAN—Can I make a suggestion? I bank online with the Commonwealth. In order to do a transaction online with the Commonwealth, I have to know my account number, my password, which I set up—

Mr Dacey—We do not have them in the AEC. We do not have account numbers.

Mr SULLIVAN—No, but you could. Why could you not? This is the point I am about to make. Before I can transfer money from my account, I get a code on my mobile phone and I have to actually feed it in to say, ‘Yes, this is me that has got it.’ So, in order for somebody to fraudulently use my bank account, they have to have the account number, the password and my mobile phone. To me, it is a very simple matter. A lot of people will want to deal with the AEC for a whole range of things as we go forward—not just changing enrolment details but a whole range of things. If there were an enrolment that took place that gave all the details that you currently get that was done by paper but then, through a visit to an AEC office, an elector could elect—

Mr MORRISON—You would have to have password access to effectively do this.

Mr SULLIVAN—Yes, but people could elect to go onto this system. They would be given the account number by the AEC, they would set up their password and then it would be, ‘Go for your life: apply for postal votes, actually postal vote online.’ For somebody to have those three things would be pretty tough.

Mr Rogers—We can investigate some measures that would make that more robust, but for most electors the frequency of their interaction with us is minimal and by the time they come round to interact with us again they would be saying: ‘What was my password? I have no idea what that password was.’

Mr SULLIVAN—There can be lost password provisions. The only real impediment will be lost mobile phone and change of SIM card.

Mr Dacey—We are happy to go back and have a look and see what else—

CHAIR—I am interested as to whether there is a level of information that could be required to be supplied that would not be so conducive to disenfranchising people. This is about getting people on the roll in a more difficult environment, a cynical environment—and also young people. That is the reality of it. I am a Neanderthal, I am from the past.

Mr MORRISON—Yes, but without compromising integrity, Chair, and that is the—

CHAIR—Yes, integrity is the stuff, and that is the idea of the points or whatever is required.

Mr Dacey—If there is something else that an elector could provide and we had access to verify that information.

Mr MORRISON—That password suggestion by Mr Sullivan is a good one.

Ms Davis—And if you are looking at the younger cohort then one possibility is student ID cards.

Mr Dacey—Right; then we have to have access to that information to be able to match it.

Ms Davis—Yes.

Mr DANBY—I might just suggest something similar. When you are doing the continuous roll update at the moment, you have access to a whole lot of different databases, not just the motor vehicle one—you have electricity, telephone et cetera—and you use all of those to find out, first base, whether there is a possibility that that voter has changed address, and then you have got to use snail mail to get it verified and sent back. We all understand that process. Perhaps one of the ways of handling this issue of integrity ought to be cross-referencing two electronic databases. So, if both the motor vehicle and the electricity records said that they lived at that address, it would not be information from just one agency. The information would be of a higher standard, verified by two databases.

Ms Mitchell—I think that is probably what we have been saying about an automatic update. Where we had trusted sources of information who confirmed that sort of data, we would probably want to be in the space of an automatic update in those situations. Where we have a couple of pieces of information coming in saying ‘this person has changed address’, we would hope to offer a service where they did not even have to interact with us; we could actually take the information from other agencies: ‘Two agencies here have said it’s okay, so we’ll just update the electronic record.’

Mr DANBY—I think that would be good, but we have got to get to the stage where we at least get all of these 1.2 million Australians who are not enrolled, and face the future where we are not having snail mail work successfully and face the first problem of getting all of these people at once in mail back, but who may do it electronically—and, at the same time, handling issues of integrity too.

CHAIR—Can I just do a couple of questions I want to make sure we ask before we finish. There was a correction, I think, in your additional submission 169.15, pointing out that 98 per cent of electors in the aged category were 70 or over. I wanted to highlight the amendment of that table, because I think the 98 per cent was wrongly attributed to the whole of that category.

Mr Dacey—Yes, it was after we had given evidence before, and I just wanted to clarify that.

CHAIR—That is okay. I do not know whether we have raised this aspect of your submission, and I think we should: certified lists in polling places and pre-poll voting centres. Is that something you are pushing for?

Mr Dacey—Not to have them mandated as electronic but to have the option. For example, if our proposal that pre-poll votes be ordinary votes in their own division were agreed, in pre-poll voting centres we might have online certified lists. Another example would be in the large what we call superbooths in each capital city, like Sydney Town Hall and Brisbane City Hall, those sorts of instances, where it would be much more convenient for the elector to walk up anywhere and get issued with a ballot paper.

CHAIR—And, obviously, there is a backup in relation to those systems. You are looking at systems—

Mr Dacey—There is always a hard copy there.

CHAIR—Okay. Mobile polling flexibility—you wanted an amendment to section 227 so that—

Mr Dacey—Currently, we are allowed into special hospitals, nursing homes, prisons and remote areas. For example, if we found out there was a need for mobile polling or a short time polling at a homeless shelter in Sydney, we could not do it because it is not ‘remote’. So we want to have the flexibility to be able to mobile-poll if we see there is a demand for it in certain areas.

CHAIR—Okay. Also you would want to remove the reference to remote divisions—

Mr Dacey—That is correct.

CHAIR—in terms of the need for gazetting them.

Mr Dacey—Yes.

CHAIR—So I take it the practice would be that, once you indicated that this was where it was going to occur, there would not be any late changes. One of the queries is—

Ms Mitchell—There would still be appropriate notification to the parties and candidates, yes.

Mr Dacey—We got notified on the Friday before polling day that there was, for example, a football carnival in Dubbo or somewhere and we wanted to poll there for two hours; it might be that late, but we would certainly let every candidate know.

Mr SULLIVAN—What about not nursing homes but places where elderly people congregate, like retirement villages?

Mr Dacey—We have put that in a previous submission as a suggestion to lift that restriction so that we can take votes from the whole complex.

CHAIR—I think that in effect, and I am reiterating, you want to enable updates to the electoral rolls directly as a result of the receipt of data from trusted agencies, like Centrelink, I assume, and other agencies.

Mr Dacey—Yes, that is Mr Danby’s suggestion that Ms Mitchell was talking about before. It is other agencies where the identity of the person has been established by that agency.

Mr DANBY—What about automatic enrolments of new citizens, because there are signatures and all of that?

Mr Dacey—It is a possibility that we have flagged. Because they have been through the process with the department of immigration, it may be possible to get them on the first time. It would be the only instance where we would be saying ‘first-time enrolment automatically’.

CHAIR—I refer to above-the-line voting, which is something we are looking at. I am wanting to ask you whether there are any resource implications if you conduct a Senate count with the proposed above-the-line voting requirements.

Mr Dacey—Significant resource implications because more people will vote. Sorry, it would not simply be a matter of just counting the ones above the line. We would have to do a full preferential count above the line.

CHAIR—And that would result in a delay in declaration?

Mr Dacey—Well—

CHAIR—Or could?

Mr Dacey—Could, but there could be more costs associated with it if we had to data-enter those ballot papers because of the number of ballot papers involved.

CHAIR—I will ask you to look at some statistics. These are in attachment B, ‘Changes to the roll made as a result of written advice from electors’. Obviously, the method of written advice has changed in February 2005, according to your attachment B. Do you want to go to that?

Mr DANBY—What page is that, Daryl?

CHAIR—It is on the back of the letter by Mr Forster, electoral commissioner, dated 1 May. It is in attachment B. There are changes from 2003, 2004 and 2005 where you go from 37,115 to 44,261 and to 44,916 and then it is only 706 and 1,044. Do you want to flesh that out for us? What is that table saying?

Mr Dacey—That table is saying that since the repeal of section 105(1)(ba) and until we had the recent legal advice which we pointed out to the committee we were not acting on written changes of address within divisions.

CHAIR—So what will happen, now that have got the legal advice or if we also recommend changes, and I note you do not want to go back to the specific—

Mr Dacey—We do not want to go back to full reinstatement.

CHAIR—I am interested in what you want.

Mr Dacey—But we would expect that those figures would then kick up to match, although I am not sure whether they will exactly match—

CHAIR—They will not exactly match. What staggers me is again a situation where there is a lot of red tape with changes to provisions and you are being hampered.

Mr Dacey—If you look at 2005 we had 45,000.

CHAIR—In 2007 it was 706.

Mr Dacey—That means that there are 44,000 now that we have got to chase up.

CHAIR—So that is what happens—

Mr Dacey—with a form, rather than a written advice.

CHAIR—Right, so tell me what that means then for the commission in terms of resources, although you are going back, I take it, to the original position now that you have got legal advice.

Mr Dacey—Correct.

CHAIR—But what used to happen with 44,000 and all of that? What did you do?

Mr Dacey—If we had written advice we had to write to that elector and say, ‘Sorry, we can’t accept that advice. Here is a form. Fill it in and send it back to us.’ Then we got into that situation of 20-odd per cent responding.

CHAIR—As to what used to happen, you used to say, ‘Thank you for notifying us of your change.’

Mr Dacey—And I think it makes us look silly: ‘You have notified us of a change of address but we cannot change your address because we haven’t got a form.’

CHAIR—All right, so that is what that means.

Mr DANBY—Can you explain the point you are making about ‘inside an electorate and outside an electorate’? I do not follow that.

Ms Mitchell—The legislation previously provided that if you were changing your address within a division you were simply required to give us written notification. You did not have to complete a full enrolment form in order for us to change your details on the electoral roll. When the changes were made in 2006 we understood that to mean that all of those provisions were repealed. Subsequent recent legal advice has indicated that perhaps not all the provisions we thought had been repealed were in fact repealed, so we are now in a position to start acting again on written notification from people where they are moving within the same electoral division.

Mr Rogers—It may also credit another class of elector—I am looking to my colleagues here because, from a state perspective, that written notice may still have been valid and sufficient to actually cause an enrolment for state purposes—

Mr Dacey—And not federal.

Mr Rogers—That is right. So we were actually recording—

Mr Dacey—Interestingly, going back to Mr Morrison’s point, prior to that change, if a person advised us by email that they had changed address within division we could legally do it without a signature.

CHAIR—Your submission of 13 April 2009 deals with alternative voting methods of people who are blind or who have low vision. Something is missing, something is not quite right in paragraph 5.2, the last sentence, ‘Over time it would be expected that the distribution of electronic voting ... increase to ensure sufficient spread to five ... most of these voters access ...’

Mr Dacey—‘give’ not ‘five’—a ‘g’ rather than an ‘f’.

CHAIR—Thank you. That amendment can be made to the submission. Finally, I do not know whether you have addressed this, but there was some publicity recently—I think Senator Ronaldson got an answer from the Special Minister of State regarding error rates in relation to the roll. Do you know anything about that?

Mr Dacey—I do not specifically, but I addressed the living nature of the role in my opening statement.

CHAIR—So that is covered?

Mr Dacey—Yes.

CHAIR—Mr Morrison, do you have any questions?

Mr MORRISON—I have a couple of questions not so much about your submission but, given it is your last time with us, about some matters relating to the last election. I understand it is required that if you change your address you need to enrol at your new address. That is a requirement in the act?

Mr Dacey—Yes.

Mr MORRISON—How long do you have to live at a particular address before there is a requirement for you to change—

Mr Dacey—Thirty days at the address and then another three weeks following that 30 days to notify us. One month, sorry.

Mr MORRISON—Are there any exceptions in terms of the pattern of someone’s residence if they are away a lot or in different places? How do you start determining where the bulk of someone’s time is spent? They might be in two locations, for example.

Mr Dacey—It is really up to the elector to choose what they deem to be their place of residence. Many people have a holiday house, a city house—

Mr MORRISON—So you rely on people to be honest about where they live, where their home is?

Mr Dacey—Basically, yes.

Mr MORRISON—Currently, does the act have anything in it which has any penalties or deals with people who may seek to mislead the AEC in terms of their place of residence?

Mr Dacey—False statements; also misleading statements.

Ms Shelley—Currently, the state of the law on ‘reside’ is very difficult, because some people claim two places of residence. So it is very much a test of fact. The act is clear that you have to live somewhere for one month. It does not even say ‘principal place of residence’ or anything like that. We have to rely on the declaration, on signing the declaration, and take it at face value. But there are penalties in the Criminal Code for providing false and misleading information on a Commonwealth document.

Mr MORRISON—Does the AEC investigate any of these matters when they are brought to their attention?

Ms Shelley—We have to refer them to the Federal Police because we do not have any power for investigating those particular offences in our own act. It is up to the Federal Police to take those forward and investigate them. Obviously, it is a question of resources.

Mr MORRISON—Have you made any such referrals from the last election?

Ms Shelley—On actual fraudulent enrolment?

Mr MORRISON—Yes.

Mr Dacey—Not that I am aware of.

Ms Shelley—Not on fraudulent enrolment as such.

Mr Dacey—Occasionally, we do carry out our own preliminary investigations if someone objects, in the formal sense of the act, to someone’s enrolment being at a particular place.

Mr MORRISON—So if it was brought to your attention, the normal process would be to refer it to the Federal Police?

Mr Dacey—The normal process, yes.

Ms Shelley—The act says ‘real place of living’; it is not just ‘living’.

CHAIR—Mr Danby, you are shaking your head.

Mr DANBY—Since we are talking about the Federal Police I want to confirm that there were only 10 cases as a result not of enrolment but of multiple voting referred to the Federal Police in 2007.

Mr Dacey—That is correct.

Mr DANBY—Out of about 18,000 or 19,000 suspected cases of multiple voting, most of it related to clerical errors, then we had a small category of confused voters and then, finally, we got down to 10 people.

Mr Dacey—Ten, who, in our view, needed to be referred.

Mr MORRISON—What process does the AEC follow with regard to investigating failure to disclose donations?

Mr Dacey—We have investigatory powers under our act in terms of disclosure, so we have compliance investigations.

Mr MORRISON—If you are aware of such a case which may be in the public domain, do you take it upon yourselves to investigate those matters?

Mr Dacey—In most cases, if it is in the public domain, we will.

Mr MORRISON—Are there any current cases that are in the public domain, in particular, cases regarding the member for Dobell, which are under consideration?

Mr Dacey—We are keeping a watching brief on that issue at this stage.

Mr MORRISON—Have you referred any of those matters to the Federal Police?

Mr Dacey—Not as yet.

Mr MORRISON—Is that a potential step?

Mr Dacey—It really depends what comes from our watching brief on the issue.

CHAIR—I just want to clarify the issue of permitted official marks and the removal of obstacles to on demand printing of ballot papers. In that part of your submission you seek flexibility in the printing of ballot papers. I just wonder how restrictive the current provisions are and why it is necessary?

Mr Dacey—It is restrictive because of the legal interpretation of the word ‘overprint’. What we have done, to some extent, may not have been strictly legal in terms of the act but we need the flexibility. It is just the wording in that section of the act. For example, we need the flexibility when we print ballot papers from files sent overseas before they actually get ballot papers or if we print ballot—

CHAIR—Just tell us what the wording is? At the same time, I am interested in whether any amendment would result in lesser or greater integrity of ballot paper security, especially—

Mr Dacey—Not at all. It is really more of a technical issue.

Ms Shelley—The current section in 209A, paragraph (b), says:

(b) an overprinting of the paper in a particular manner, and using words, a design or a logo, approved by the Electoral Commission

CHAIR—What do you want in there?

Mr Dacey—The AEC recommends that paragraph 209A(b) of the CEA be amended so that it refers simply to a feature approved by the Electoral Commission, rather than it use the word ‘overprint’.

Mr DANBY—What is an ‘overprint’?

Mr Dacey—An overprint, as advised by AGS—

Ms Shelley—As being ‘to print additional material or another colour on a formal sheet previously—

CHAIR—You will have to come back to us on one or two other matters. I am a bit anal and a lawyer; can you tell us how you want the section to read?

Mr Dacey—We have words here; they are also in the submission.

CHAIR—Where are they?

Mr Dacey—In 7.5: ‘A feature approved by the Electoral Commission’ rather than ‘overprint’.

CHAIR—But how will the whole clause read? Instead of ‘overprint’? ‘A feature’—that is what threw me a bit. How will the whole of paragraph (b) read?

Ms Shelley—I will explain the reading of it with the new words. Section 209A: ‘The official mark for the authentication of ballot papers is either (a), as it stands, or (b) a feature approved by the Electoral Commission.’

CHAIR—By replacing those other words?

Ms Shelley—That is exactly right. ‘Overprint’ was the offending word.

Mr MORRISON—Just one last follow-up question to your earlier answers. Can you explain to me the difference between a watching brief and an investigation?

Mr Dacey—A watching brief is where we are watching the issues that emerge to see whether we think there is anything in there that would require investigation.

Mr MORRISON—Are you awaiting further information to be presented to you?

Mr Dacey—We certainly are proactive in seeking information and we also readily accept further information if that becomes available.

CHAIR—In an admissible form of course, obviously?

Mr Dacey—In admissible form.

CHAIR—I thank you for your attendance here today. As I said earlier, this will be the last hearing of the committee in terms of the reference to us by the minister as well as the referral of the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008. I particularly want to thank the commission and all the officers within the commission. The detail that you have supplied to the committee as a result of obviously numerous requests from me and others has given us a wealth of information to make some cogent recommendations to the parliament. I thank you for that.

Resolved (on motion by **Mr Morrison**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 5.50 pm