



Electoral Commissioner

Our Ref: 17/709

Ms Julia Agostino
Committee Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2614

Dear Ms Agostino

Joint Standing Committee on Electoral Matters Inquiry into matters relating to Section 44 of the Constitution – Questions on Notice

Thank you for the opportunity to meet with the Committee on 8 December. Please find attached responses to Questions on Notice raised during the Committee's discussion.

I look forward to assisting the Committee in its future deliberations.

Yours sincerely

Tom Rogers

20 December 2017

Attachment A

**Response to Questions on Notice from the public hearing in
Canberra 8 December 2017**

1. Mr Giles asked when the declaration on the nomination form was amended. [Proof Hansard page 2]

AEC response

The last legislative change to the declaration on the nomination form was made by the *Commonwealth Electoral Amendment Act 1987*, section 19.

2. Mr Giles and Senator Rhiannon asked how many candidates attended candidate briefings and whether candidates could participate in briefings via Skype. [Proof Hansard page 4]

AEC response

The AEC routinely holds briefings for political parties and candidates prior to electoral events. Briefings are held at national, state and division (local) levels. Invitations are sent to registered political parties and briefings are advertised in a range of places. Ultimately it is a decision for parties and candidates whether they attend briefings.

National level briefings

After the announcement of an election, all senior staff of nationally registered political parties are generally invited to attend a briefing session held by the Electoral Commissioner in Canberra. The briefings cover election specific information including nominations, political authorisation requirements, and any new procedures and processes such as Senate scanning of ballot papers, and changes to processes for scrutineers. Representatives of the nationally registered political parties attended these sessions for the 2016 federal election. Thirteen invitations were sent to nationally registered political parties, seven representatives attended and two, who were unable to attend the national sessions, attended state briefings instead.

State level briefings

For the 2016 federal election, the AEC conducted briefing sessions in all states and territories for candidates and state registered political parties. Briefings were held in all capital cities. Information provided at these sessions was aligned with the information provided at the National Office briefings.

Divisional level briefings

Divisional Returning Officers conducted briefing sessions for House of Representative candidates following the declaration of nominations for the 2016 federal election. Candidates and/or representatives were invited to briefings where they were provided with a candidate's kit which contained the Candidate Handbook

and other election relevant AEC information resources. Candidates who did not attend were sent their materials by post.

Briefings attendance summary

| State/Territory | State/territory level Election briefings (political parties and candidates) | Divisional level Election briefings (candidates) |
|------------------------------------|--|--|
| New South Wales (including ACT) | Approx. 24 attendees | 188 attendees |
| Victoria | Approx. 40 attendees | Approx. 111 attendees |
| Queensland | Approx. 50 attendees | Approx. 65 attendees |
| West Australia | Six attendees | Approx. 20 attendees |
| South Australia | 15 to 20 attendees | Approx. seven attendees |
| Tasmania | Approx. 15 attendees | Approx. 10 attendees |
| Northern Territory | Approx. four attendees | |

Note: Divisional level election briefings were conducted for each division; the divisional figures in the table are a total for each state and territory.

Skype

The AEC did not use Skype at the 2016 federal election. Options for candidates to participate in briefings remotely, including via video or teleconferencing, can be explored for the next federal electoral event.

3. Mr Morton asked the AEC to update the committee on the status of GetUp! as a third party or an associated entity. [Proof Hansard page 9]

AEC response

The AEC's consideration of GetUp!'s status remains under review. In line with standard practice, the AEC does not comment on these matters.

4. The Chair asked if the proposed self-assessment checklist tool could link to a DFAT source, or a single portal, for information about citizenship renunciation. [Proof Hansard page 9]

AEC response

As outlined in the Commissioner's opening statement, it may be possible for the AEC to develop a comprehensive online self-assessment tool or checklist to assist potential candidates to determine whether they should make relevant inquiries to clarify their qualification under section 44 of the Constitution. The checklist would

need to be developed in cooperation with relevant Commonwealth agencies, noting that the AEC does not have expertise in these matters.

In developing such a tool, the AEC would need to investigate the possibility or feasibility of linking to information provided by other federal government agencies such as the Attorney-General's Department and the Department of Foreign Affairs and Trade. It may also be possible to provide links to citizenship checking facilities provided by foreign governments, for example, in the United Kingdom, New Zealand and Ireland.

We would anticipate that the online self-assessment checklist would be available on the AEC website for potential candidates to use at any time, not just in the lead up to an election. This would allow potential candidates to make relevant inquiries and, if necessary, take remedial action to ensure that they are not disqualified by the operation of section 44 of the Constitution prior to lodging a candidate nomination with the AEC during an election period. It is important to note that the AEC is not currently funded to develop this online facility.



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