



JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Final report released on the 2013 federal election

The Joint Standing Committee on Electoral Matters has today released its final report into the conduct of the 2013 federal election. The result of a thorough analysis of the events of the election, the report pays special attention to the events that led to the loss of 1 370 Senate ballot papers in Western Australia, resulting in a costly and eventful re-run Senate election in that state.

The Committee's report makes 24 recommendations relating to a range of matters including ballot paper management; the structure, management, accountability and culture of the Australian Electoral Commission (AEC); election preparation; election day and the count; and election cycle issues.

Committee Chair Tony Smith MP said that 'the Committee received over 200 submissions and extensive evidence from many parties during its inquiry. The Committee has considered all the evidence and has targeted its recommendations to help ensure that future federal electoral processes can continue with confidence, integrity and security'.

'The Committee's recommendations complement the 2013 Keelty Report into the WA Senate election debacle, as well as taking into account the extensive reform work undertaken by the AEC since 2014', said Mr Smith. 'The report also builds on the Committee's two interim reports on Senate voting practices and electronic voting options released in 2014.'

A copy of Mr Smith's foreword to the report is attached.

The full report, along with the two interim reports, is available at www.aph.gov.au/em

Media inquiries: contact Andrew Hallam on 0404 043 764 (Office of Tony Smith MP).

For information on the inquiry: contact the Secretariat on (02) 6277 2374, email em@aph.gov.au or visit the Committee website at <http://www.aph.gov.au/em>

Foreword

The 2013 federal election will long be remembered for the loss of 1 370 Senate votes in Western Australia.

It was the greatest failure in the history of the Australian Electoral Commission, leading to the resignation of both the then Electoral Commissioner, Mr Ed Killesteyn PSM, and the state manager for Western Australia.

It was caused by multiple failures at multiple levels within the Australian Electoral Commission (AEC) at both a state level in Western Australia as well as nationally.

The consequences included the necessity for a re-run of the Senate election in Western Australia at a cost of over \$21 million and unprecedented damage to the reputation of, and confidence in, the AEC.

This Report outlines the failings that contributed to the loss of votes.

It assesses in detail the reforms that have already been, or are in the process of being implemented within the AEC to rectify the failings; and, critically, it makes a number of unanimous recommendations for further reforms aimed at delivering a more competent, accountable AEC in which Australians can have a high degree of confidence.

That 1 370 votes could be lost is concerning enough; that the possibilities of how and where they were lost are so numerous highlights the multiplicity of logistical, procedural, cultural and competency failings that were a disastrous feature of the AEC in 2013.

The AEC stipulates that votes cannot be transported in an open truck—yet some were during the transport to the WA Senate recount centre. Further, at the centre some votes were stored next to rubbish (shown in an image in this report), and on occasion the centre was not secure. The possibility that votes (literally) fell off the back of a truck, or were disposed of with rubbish, or removed from the recount centre simply cannot be ruled out.

As former AFP Commissioner Mick Keelty, who conducted the investigation into the lost votes, told the Committee, it is impossible to determine whether the missing ballots were:

- Physically removed during the many transport and storage processes;
- Lost during transport or transfer;
- Misplaced through repacking into incorrect boxes; or
- Accidentally mixed with recycling material and disposed of as refuse.

The Committee has closely monitored and analysed the actions of the AEC in response to the Keelty report. This, together with an important body of audit work undertaken by the Australian National Audit Office, and a range of issues raised in submissions, at public hearings, site visits and private briefings, has been the Committee's focus since it commenced its inquiry in December 2013.

The Committee acknowledges the work already undertaken by the AEC in respect of its reform agenda.

Nevertheless, we have identified a number of areas where we believe further changes are necessary, including the accountability of state manager positions, the development of full key performance indicators for senior service delivery staff, and the commencement of a corporate culture, leadership and performance measurement reform programme by the AEC.

The recommendations for these important additional reforms are unanimous.

If these recommendations, together with the other critical reforms that comprise new Electoral Commissioner Mr Tom Rogers' plan are fully implemented, and the AEC as an organisation comprehends and supports, rather than resists, the necessary changes, there is a high probability that in the years ahead the disastrous events of 2013 will be seen as a turning point.

This must be the AEC's positive ambition—to embrace reform, and to undertake it in order to create the best electoral administration possible and regain the confidence of the Australian people. If this is achieved, in the future the 2013 Federal election will be seen as the catalyst that shattered carelessness and complacency and put professionalism and accountability front and centre within the AEC.

Mr Rogers has never contested the points made by Mr Keelty during what has been a period of intense scrutiny and criticism.

As Deputy Electoral Commissioner, it was Mr Rogers who was tasked with travelling to Western Australia following notification that ballots were missing. It was Mr Rogers who took the photographs in the Keelty Report graphically showing the incompetence in the recount centre.

As Acting Electoral Commissioner, following Mr Killesteyn's resignation, and as Electoral Commissioner since his appointment, Mr Rogers has consistently and candidly acknowledged the failures (and the reasons for them) in his numerous appearances before the Committee.

He has commenced a major renovation of practices and procedures within the AEC. These include implementing all of the Keelty Recommendations, as well as a number of other reforms.

Many, but not all, of these have been tested at the Griffith by-election and the West Australian Senate re-run election.

Mr Rogers has also publicly acknowledged that the AEC has a major cultural deficiency that must change.

The Committee has found Mr Rogers to be open, committed to major reform and determined to lead the required transformation within the AEC.

All of this is to Mr Rogers' credit.

The Government Majority strongly believes that further measures are necessary to ensure the integrity of and public confidence in our electoral system.

Australian voters deserve to know that the electoral roll is as accurate as it can be, and that those entitled to vote only vote once.

At present, there is, in the view of Government Members, an unacceptable vulnerability in the system of automatic electoral roll updates conducted by the AEC. There is also an unacceptable vulnerability in the electoral system that enables some voters to vote multiple times within an electoral division.

At present, the AEC corresponds with individuals at the point when it is going to enrol eligible voters not on the roll, or update their enrolment details if not current. Based on data it has obtained about the individual's eligibility and residential address, its correspondence advises that it has enrolled the voter at a particular address, and requests the new enrollee to advise if the AEC is in error.

That is why the Majority recommends that the automatic enrolment provisions be amended to require confirmation by the individual that the information is accurate before they can be added to the roll, or their details updated.

The Majority also recommends that voter identification requirements be introduced for the next election to help reduce multiple voting.

At present our system of voting is essentially a trust-based system.

When we attend a polling place, before we are provided with ballot papers, we are asked our full name and address, and to confirm that we have not voted before in the election.

If a voter is prepared to be dishonest, there is nothing to stop them voting at other polling locations within an electoral division on the day, either in their own name, or in another elector's name.

With voter identification, it is obviously much harder to vote in someone else's name. For those who would seek to vote multiple times in their own name at different locations, voter identification is a major disincentive and an additional hurdle for voters to seek to vote more than once. The identification is provided, and the traditional defence that a second or subsequent vote must have been cast by another person is diluted.

Over the course of 2014, the Committee also released two interim reports on prominent and important issues in relation to the conduct of the 2013 federal election: Senate voting practices and electronic voting.

The first report, released in May 2014, focused on the important issues of Senate voting systems and made six strong recommendations aimed at reforming the manipulation and distortion of the Senate voting system. If implemented, these recommendations will hand control of Senate preferences back to the people, and ensure that federal parliament was reflective of the Australian public's vote.

The second report, released in November 2014, examined electronic voting options and electronic support for voting. The Committee analysed the benefits and risks associated with electronic electoral processes both in Australia and internationally. We concluded that to introduce large-scale electronic voting in the near future would dangerously compromise federal electoral integrity. Subsequent events at the 2015 New South Wales state election with the iVote system suggest that the Committee's cautious approach was warranted. At the same time, recognising the benefits of technological advancement, the Committee made targeted recommendations to safely make better use of technology in the electoral process.

The Committee has been careful to consult as widely as possible during its inquiry. We received 216 submissions and held 21 public hearings in Canberra, Sydney, Melbourne, Hobart, Adelaide, Brisbane, and Mount Isa, as well as site inspections in most states. The Committee met for many days to consider the issues raised during the inquiry.

I want to place on record my thanks to those who have been permanent members of the Committee over the course of the inquiry—Senator Matthew Canavan, Senator the Hon John Faulkner, Ian Goodenough MP, the Hon Gary Gray MP, Alex Hawke MP, Senator Chris Ketter, Senator Helen Kroger, Senator James McGrath, Tony Pasin MP, Senator Lee Rhiannon, Senator Anne Ruston, and Senator Mehmet Tillem.

I particularly want to thank the Deputy Chair, the Hon Alan Griffin MP, for his cooperation and hard work on a range of difficult and complex issues.

I would also like to thank the staff of the Secretariat for their valuable work over the course of the Committee's inquiry. Committee Secretaries Nicholas Horne and Glenn Worthington, together with Siobhán Leyne, Rebecca Gordon, Jeff Norris, James Bunce, Sacha Edema, Katrina Gillogly, Morana Kavagic and Jessica Ristevska have all provided a high level of support to the Committee, and their work is greatly appreciated.