



Australian Government

Australian Government response to the
Joint Standing Committee on Electoral Matters report:

*Report on the conduct of the 2019 federal election and matters related
thereto*

MAY 2024

Introduction

On 10 December 2020, the Joint Standing Committee on Electoral Matters (JCSEM) tabled a report titled *Report on the conduct of the 2019 federal election and matters related thereto* (the Report).

The Government's response to the recommendations of the Report follows below.

**Government Response to the Joint Standing Committee on Electoral Matters report:
Report on the conduct of the 2019 federal election and matters related thereto**

#	Recommendation	Government Response
1	<p>The Committee recommends that the Candidate Qualification Checklist be revised before the next election to make mandatory the provision of information about the date and country of birth for candidate, their parents and grandparents. Where any of this is not known, a candidate should be required to make a categorical statement that the information is not known. Where exact date is not known for the birth of the candidate, their parent, or a grandparent, an option should be allowed to state the year instead. The Australian Electoral Commission (AEC) should also be required to identify the day on which checklists will be published, when publishing the timeline for an election.</p>	<p><u>Noted</u></p> <p>The Government notes the recommendation. Given the passage of time, a substantive government response is no longer appropriate.</p>
2	<p>The Committee recommends that the Electoral Act be amended to:</p> <ul style="list-style-type: none"> • replace compulsory preferential voting with optional preferential voting; and • introduce the Robson Rotation of ordering candidates on ballot papers for the House of Representatives. 	<p>Refer to recommendation 1.</p>

#	Recommendation	Government Response
3	<p>The Committee recommends that the Electoral Act be amended to include new offences for siphoning money through intermediaries. The offences should be drafted to deal with avoidance behaviour by donors who channel money through intermediaries, to avoid transparency. The offences should likewise cover any funnelling entities, including persons or organisations who play a part in a chain of entities that siphon money. The offences should also cover receiving entities that had knowledge of siphoning arrangements and who did nothing to stop, or repay siphoned amounts. Persons who coordinate siphoning arrangements should also be liable to appropriate sanctions.</p>	<p>Refer to recommendation 1.</p>
4	<p>The Committee recommends, as per its recommendation in the 2016 report, that the Government refer the issue of increasing tax deductibility thresholds for donations to political parties and the tax concessions available to political parties to the House of Representatives Standing Committee on Tax and Revenue for detailed consideration.</p>	<p>Refer to recommendation 1.</p>

#	Recommendation	Government Response
5	The Committee recommends that the Government issue a re-write schedule to replace each part of the Commonwealth Electoral Act with a 'fit-for-purpose' Electoral Act, to modernise the administration of Australia's electoral system.	Refer to recommendation 1.
6	The Committee recommends that the Australian Electoral Commission bring forward a costed proposal and timeline for the introduction of an electronic certified roll before the next federal election.	Refer to recommendation 1.
7	The Committee recommends that the AEC include local government areas and their internal ward/division boundaries and codes as part of the Roll Management System (RMANS) and Elector Enrolment Information (ELIAS) data to assist Members of Parliament in servicing their electors.	Refer to recommendation 1.

#	Recommendation	Government Response
8	The Committee recommends that, as per its recommendation in the 2016 election report, the pre-poll period be statutorily limited to be a maximum of two weeks prior to election and that the Australian Electoral Commission provides parties and candidates with the earliest possible advice about pre-poll locations as they are booked.	Refer to recommendation 1.
9	The Committee recommends that the Australian Electoral Commission ensure that voters attending at a pre-poll centre meet the legislated criteria for exercising a pre-poll vote.	Refer to recommendation 1.
10	The Committee recommends that the Australian Electoral Commission, as part of its existing election advertising campaigns, remind voters of the need to meet legislated criteria for exercising a pre-poll vote.	Refer to recommendation 1.
11	The Committee recommends that the Government and Australia Post reports back with advice on premium mail products that can support Postal Vote materials in future, including services for the Australian Electoral Commission and for election contestants.	Refer to recommendation 1.

#	Recommendation	Government Response
12	<p>The Committee recommends that, following consultation with stakeholders, including registered political parties, the Electoral Act be reformed to:</p> <ul style="list-style-type: none"> • Permit at the very least the unfolding and sorting of pre-poll ordinary votes from 4 pm, to be ready to be counted at 6 pm. • Commence counting the pre-poll ordinary votes prior to 6 pm on election night, but no earlier than 4 pm. In this window there should be a prohibition on use of communication devices by scrutineers and Australian Electoral Commission staff, other than Australian Electoral Commission Officers-In-Charge at each polling place. To deter early unauthorised communication of results before 6 pm, appropriate penalties should also be included in the Act. • Allow postal votes and other declaration envelopes to be checked and ballot papers from qualified electors to be extracted face down and placed in secure ballot boxes. This process should be permitted over a very limited number of days before election day, to permit commencement of the count of these ballots from election night. 	Refer to recommendation 1.

#	Recommendation	Government Response
13	The Committee recommends that the media blackout, known as the relevant period in the Broadcasting Services Act 1992 be reviewed with a view that the restrictions on commercial radio and television broadcasters be removed.	Refer to recommendation 1.
14	The Committee recommends that the current work of the Australian Competition and Consumer Commission and the Australian Communications and Media Authority to adapt regulation so it can keep pace with technological change, clearly address electoral and political advertising. It also recommends these agencies form a working group with the Australian Electoral Commission and other key stakeholders to ensure this important area is addressed as a priority.	Refer to recommendation 1.
15	The Committee recommends that the Electoral Integrity Assurance Taskforce be engaged permanently to prevent and combat cyber manipulation and electoral/foreign interference in Australia's democratic process and to provide post-election findings regarding any pertinent incidents to the Joint Standing Committee on Electoral Matters, including through in camera and open briefing.	Refer to recommendation 1.

#	Recommendation	Government Response
16	The Committee recommends that new offence of ‘electoral violence’ be added to the Electoral Act to address behaviour arising in an election such as violence, obscene or discriminatory abuse, property damage, and stalking candidates or their supporters to intimidate them or make them feel unsafe.	Refer to recommendation 1.
17	The Committee recommends that the Electoral Act be amended so the test for affiliated organisations be broadened.	Refer to recommendation 1.
18	The Committee recommends that the threshold for political campaigners be reduced to \$100,000 or, circumstances where an entity's expenditure on electoral matter exceeds one third of its annual income, whichever is lower.	Refer to recommendation 1.

#	Recommendation	Government Response
19	<p>The Committee recommends that persons who do not represent a candidate and hand out vote-influencing material or are attempting to influence voters in any other manner, whether individually or for a third party or group, are to be restricted to not being within 100 metres of a polling booth entrance; and</p> <ul style="list-style-type: none"> • that persons handing out vote-influencing material or attempting to influence voters in any other manner for an endorsed candidate, whether running for a Party or as an independent are restricted to not being within 6m of a polling booth entrance; and • that the AEC encourage consistency in determination of polling booth entrances and application of the six metre rule. 	Refer to recommendation 1.
20	<p>The Committee notes the importance of Australian Defence Force personnel being able to vote, and recommends, in addition to the 2016 report, that the Australian Electoral Commission ensures that postal votes for Australian Defence Force personnel are dispatched at the earliest possible time, with consideration given to premium or priority mail services, to allow the Australian Defence Force time to forward those to its personnel for completion and return to Australia.</p>	Refer to recommendation 1.

#	Recommendation	Government Response
21	<p>The Committee recommends that, as per its recommendation in the 2016 report, the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 be amended to require that:</p> <ul style="list-style-type: none"> • Voters must present a form of acceptable identification to be issued with an ordinary pre-poll or election day vote. Authorised identification must be suitably broad so as not to actively prevent electors from casting an ordinary ballot. Examples of acceptable identification would include: <ul style="list-style-type: none"> ○ photographic ID such as a drivers licence, passport, or proof of age card; ○ government-used identification card, such as a Medicare card, senior's card of concession card; ○ proof of address, such as an account from a utilities provider, taxation notice of assessment or an Australian Electoral Commission issued voter registration letter; ○ where voters cannot provide acceptable identification they must be issued with a declaration vote. ○ with exceptions included for itinerant, remote Indigenous voters, and other disadvantaged persons, 	Refer to recommendation 1.

#	Recommendation	Government Response
	for instance enabling a local Health or Welfare service to vouch for the identity of a person.	
22	The Committee recommends that the electoral roll be strengthened to ensure only those with photo ID or other forms of suitable ID can enrol or change enrolment.	Refer to recommendation 1.
23	The Committee recommends that section 129 of the Commonwealth Electoral Act 1918 should be amended to permit the Electoral Commissioner to remove a name or a part of a name from an existing or proposed party that replicates a key word or words in the name of another recognised party that was first established at an earlier time.	Refer to recommendation 1.
24	The Committee recommends that consideration be given to a future constitutional referendum to break the nexus between the number of Senators for the States and the number of Members of the House of Representatives.	Refer to recommendation 1.
25	The Committee recommends that the Government consider asking the Committee to inquire into the size of the House of Representatives, with consideration to the growing average size of electorates and growing demands of the electorate.	Refer to recommendation 1.

#	Recommendation	Government Response
26	<p>The Committee recommends that the Government consider asking the Committee to inquire into the length of Parliamentary terms with a view to introducing non-fixed four year terms for the House of Representatives (and consequently eight year terms for the Senate) to bring the Commonwealth Parliament into line with State Parliaments.</p>	<p>Refer to recommendation 1.</p>
27	<p>The Committee recommends that the Government consider asking the Committee to inquire into:</p> <ul style="list-style-type: none"> • The viability of replacing by-elections for the House of Representatives with alternative methods of selecting the replacement MP; and • The Viability and ramification of determining a seat to be declared vacant when the sitting MP resigns from or leaves the Party under which they were elected. 	<p>Refer to recommendation 1.</p>

Dissenting report by Australian Greens

#	Recommendation	Government Response
1	That the AEC develop a campaign to improve voter literacy regarding the operation of the preferential voting system to dispel the “wasted vote” myth.	Refer to recommendation 1 of the Majority Report.
2	That the AEC review its training materials for polling booth officials and issue clear talking points to all its polling booth staff about how the Senate voting system works and that these talking points are also conveyed verbally to booth workers when they are briefed by the senior AEC worker at their centre.	Refer to recommendation 1 of the Majority Report.
3	That the government and the AEC review savings provisions to maximise the votes that are able to be counted when a voter’s intention is sufficiently clear.	Refer to recommendation 1 of the Majority Report.
4	That the government introduce reasonable caps on campaign expenditure by political parties, candidates, and registered third parties.	Refer to recommendation 1 of the Majority Report.

#	Recommendation	Government Response
5	That the government introduce a system of public electoral funding for election campaigns and administration of political parties, with funding set at a reasonable level that reduces corporate influence on political decisions, while ensuring political parties are able to participate effectively in the democratic process.	Refer to recommendation 1 of the Majority Report.
6	That ss.302CA and 314B of the <i>Commonwealth Electoral Act 1918</i> be repealed.	Refer to recommendation 1 of the Majority Report.
7	That the government implement the recommendations of the Australian National Audit Office, Performance Audit Report: Government Advertising: June 2015 to April 2019, regarding strengthening the guidelines for government advertising campaigns.	Refer to recommendation 1 of the Majority Report.
8	That the government strengthen oversight of the ‘exceptional circumstances’ provisions under the <i>Parliamentary Business Resources Act 2017</i> to ensure expenditure is limited to genuine parliamentary business and not used for political campaigning purposes.	Refer to recommendation 1 of the Majority Report.

#	Recommendation	Government Response
9	That the government implement the recommendations made by the Senate Select Committee Inquiry into the Political Influence of Donations.	Refer to recommendation 1 of the Majority Report.
10	That the government adopt the Commonwealth Electoral Amendment (Banning Dirty Donations) Bill 2020.	Refer to recommendation 1 of the Majority Report.
11	That the government establish a strong, independent and accountable national integrity commission, ideally by passing the National Integrity Commission (No 2) Bill 2019 that passed the Senate in September 2019.	Refer to recommendation 1 of the Majority Report.
12	That the government initiate discussions through National Cabinet regarding the development of harmonised political donations laws.	Refer to recommendation 1 of the Majority Report.

#	Recommendation	Government Response
13	That the government initiate a referendum to amend section 44 of the Constitution to allow public servants and dual citizens to stand for election to federal parliament.	Refer to recommendation 1 of the Majority Report.
14	In the interim, the government introduce legislation to guarantee public servants who stand down from their role to run for election a right to return to work if they are not elected.	Refer to recommendation 1 of the Majority Report.
15	That the government specifically refer to this Committee an inquiry into appropriate legislative responses to truth in political advertising.	Refer to recommendation 1 of the Majority Report.

Dissenting Report by Labor members

Refer to recommendation 1 of the Majority report.