

Inquiry into the implications
of the *Parliamentary
Electoralates and Elections
Amendment (Automatic
Enrolment) Act 2009* (NSW)
for the conduct of
Commonwealth elections

Joint Standing Committee on Electoral Matters

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Chair's Foreword

Declining electoral enrolment continues to present a significant challenge not only for Australia, but for many countries and jurisdictions. Existing paper-based enrolment requirements under Commonwealth legislation are a deterrent to the current generation of Australians who are accustomed to conducting business with government agencies through electronic transactions. The introduction of flexible approaches which modernise electoral enrolment processes is a vital component for addressing the challenge of declining enrolment.

The New South Wales Parliament has taken legislative action to address concerns over declining enrolment levels by introducing a new automatic enrolment system for state and local government elections. NSW will no longer rely on the Australian Electoral Commission to prepare and maintain rolls for NSW elections. Under the NSW legislation, the NSW Electoral Commissioner will assume responsibility for preparing and maintaining a roll for each NSW electoral district using enrolment data supplied by the Commonwealth and data held by various NSW government agencies.

The NSW legislation could have significant implications for the conduct of federal elections if Commonwealth legislation is not amended to allow for similar provisions. Having two different enrolment regimes operating at the Commonwealth and State level creates the potential for elector confusion. Of particular concern is the scenario whereby voters in NSW are enrolled automatically for that state's elections and mistakenly believe that they have also been enrolled for the purpose of federal elections.

If granted the power to implement similar automatic enrolment measures, the AEC has acknowledged that it would proceed with caution and conservatism, and would apply carefully designed business rules to ensure the integrity of the electoral roll is maintained. The committee supports Commonwealth legislation being amended to allow the AEC to automatically enrol electors on the basis of data provided by trusted agencies.

To ensure that automatic enrolment does not inadvertently limit the ability for eligible electors to exercise the franchise, election day enrolment is proposed as a safety net to capture those electors who have not been picked up through automatic enrolment processes, as well as those who have been removed from the electoral roll in error or enrolled at the wrong address.

I thank my committee colleagues for their contribution to the report, and those organisations and individuals who prepared submissions and appeared as witnesses before the committee. I would also like to thank the committee secretariat for their work in preparing this report.

Daryl Melham
Chair



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Hon Bruce Scott MP, The Nationals25

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Membership of the Committee

Chair Mr Daryl Melham MP

Deputy Chair Hon Andrew Robb AO MP (from 22/02/10)

Mr Scott Morrison MP (to 3/02/10)

Members Mr Michael Danby MP

Senator Simon Birmingham

Hon Andrew Robb AO MP (from 3/02/10)

Senator Bob Brown

Hon Bruce Scott MP

Senator Carol Brown

Mr Jon Sullivan MP

Senator David Feeney

Senator Scott Ryan

Committee Secretariat

Secretary Stephen Boyd

Inquiry Secretary Justin Baker

Administrative Officers Renee Burton

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Terms of reference

That the Joint Standing Committee on Electoral Matters inquire into the implications of the New South Wales Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Bill 2009 for the conduct of Commonwealth elections, including any consequences for the enrolment of persons living in New South Wales for the purposes of Commonwealth elections.



List of abbreviations

AEC	Australian Electoral Commission
CRU	Continuous Roll Update
JRA	Joint Roll Arrangement
NSWEC	New South Wales Electoral Commission
RTA	Roads and Traffic Authority (of NSW)



List of recommendations

Recommendation 1 (para 2.43)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow the Australian Electoral Commission to automatically enrol electors on the basis of data provided by trusted agencies.

Recommendation 2 (para 2.46)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow for electors to enrol on Election Day and to issue a provisional vote, subject to the elector being able to produce suitable identification to the Australian Electoral Commission.

Recommendation 3 (para 2.47)

The committee recommends that complementary amendments be made to the *Referendum (Machinery Provisions) Act 1984* as appropriate.

