



Parliament of Australia

# Joint Standing Committee on Electoral Matters

## FACT SHEET

### Advisory Report

Issued 16 August 2012

Chair: Mr Daryl Melham MP

## FACT SHEET: IMPROVING ELECTORAL PROCEDURE

### Advisory Report on the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012

The Bill will amend the *Commonwealth Electoral Act 1918* (Electoral Act) to make changes to postal voting, nomination requirements, and the exemption from enrolment and voting for a person determined to be of 'unsound mind'.

**The committee recommended that Parliament pass the Bill, subject to changes to Schedule 3 in relation to the 'unsound mind' exemption from enrolment and voting.**

The committee was not satisfied that there is any pressing need to remove or substitute the phrase 'unsound mind', or to expand the professionals who can make a determination under section 93(8) of the Electoral Act.

The key changes in the Bill are outlined below.

Features	Current legislation	Proposed changes
<b>Postal voting</b>		
Applying for a postal vote	An 'elector' (someone on the electoral roll) may apply for a postal vote.	<p>A 'person' rather than specifically an 'elector' can apply for a postal vote, so that the postal vote package (PVP) can be sent without the Australian Electoral Commission (AEC) having to check the applicant's enrolment status. The enrolment entitlement would then be checked upon return of the completed ballot papers, before they could be admitted to the count.</p> <p>The AEC advised that this already happens. The amendment is to ensure that the current practice is reflected in the Electoral Act.</p> <p><i>Supported by the committee</i></p>
References to Divisional Returning Officers (DROs)	An elector applies to a DRO for a postal vote.	<p>The references to DROs will be replaced with references to 'the Electoral Commissioner'. The Electoral Commissioner will have primary responsibility, but will delegate postal voting responsibilities to DROs and other AEC officers.</p> <p>The AEC advised that most postal vote applications (93 per cent) are already processed through a central system.</p> <p>The amendment is to ensure that the current practice is reflected in the Electoral Act.</p> <p><i>Supported by the committee</i></p>

Features	Current legislation	Proposed changes
<b>Postal voting (continued)</b>		
Political parties distributing and receiving postal vote applications (PVAs)	This practice is permissible under the Electoral Act. Political parties currently send out PVAs with accompanying campaign material, receive completed PVAs, collect applicant personal data, and forward PVAs to the AEC.	No change proposed  The AEC has confirmed that this Bill will not affect political parties distributing PVAs with campaigning material, receiving completed PVAs and forwarding them to the relevant DRO.
<b>Nomination requirements</b>		
Nomination deposits	Nomination deposits payable are: Senate candidate = \$1 000 House candidate = \$500	Increase the nominations deposits: Senate candidate = \$2 000 House candidate = \$1 000  <i>Supported by the committee</i>
Nominators required for unendorsed candidates	Candidates not endorsed by a registered political party (unendorsed candidates) must obtain the signatures of 50 nominators. Endorse candidates are nominated by a party representative.	Unendorsed candidates will require 100 nominators.  <i>Supported by the committee</i>
Nominators required for candidates to form a Senate Group	Two or more unendorsed candidates can request to form a Senate Group and have a box above the line on the Senate ballot paper. 50 nominators are required for the group.	100 nominators will be required for each candidate in the Senate Group.  <i>Supported by the committee</i>
<b>Capacity to understand the significance of enrolment and voting</b>		
'Unsound mind' exemption	Section 93(8) of the Electoral Act provides that a person who <i>by reason of being of unsound mind, is incapable of understanding the nature and significance of enrolment and voting</i> , cannot be on the electoral roll or vote at Senate and House of Representatives elections.	Remove the reference to 'unsound mind' and replace with 'in the opinion of a qualified person'.  <i>Not supported by the committee</i>
Expand the number of professions that can make a determination under s. 93(8)	Currently only a medical practitioner can certify if someone is 'incapable of understanding the nature and significance of enrolment and voting'.	In addition to a medical practitioner, other 'qualified people' will be able to make this determination, e.g. psychiatrists, psychologists and social workers.  <i>Not supported by the committee</i>

**For media comment:** Please contact the Committee Chair, Daryl Melham MP on 02 6277 2054 (Parliament House office) or 02 9774 2111 (Electoral office).

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