

Responding to the increased demand for early voting

Background

- 7.1 Attendance voting – the physical act of casting a vote in person at a polling booth on the Saturday of the election – is an important feature of democracy in Australia. It provides an opportunity to witness and participate in a community activity and reinforces the important role that democracy plays in our lives.
- 7.2 Nevertheless, the committee recognises that not all Australians can, or may necessarily want to, take part in elections in this way. The increasingly ‘programmed’ nature and business of modern lifestyles means that other commitments often restrict the opportunity to vote in person on election day. There are also those in the community who are unable, for a number of reasons including health and remoteness, to attend polling places in person on election day.
- 7.3 Compulsory voting, introduced for the 1924 federal election, imposes a requirement on all electors to attend a polling place or apply for a declaration vote so that they are marked off the electoral roll. Since its inception, the *Commonwealth Electoral Act 1918* has included provisions that allow for types of voting that provide electors with different options for casting their votes if they are unable to attend a polling booth.
- 7.4 ‘Early’ voting is generally defined to include postal and pre-poll voting. ‘Convenience’ voting is somewhat broader, generally encompassing postal and pre-poll voting as well as absent voting (whereby an elector who is out of their home division but still within their home state or territory on

election day may cast a vote at a polling place in any other division within the jurisdiction) as well as interstate voting (whereby a vote can be cast on election day at an interstate voting centre – typically large pre-poll centres and Australian Electoral Commission (AEC) divisional offices).

- 7.5 Some electors cast pre-poll or postal vote not for convenience, but because they experience real difficulties in attending a polling place on election day. The AEC makes a significant effort to increase opportunities for such electors to vote through the provision of mobile polling, involving teams of electoral officials travelling to specific regions and facilities (such as hospitals and prisons) and providing electors with an opportunity to cast a pre-poll vote.
- 7.6 The grounds on which an elector may apply for a pre-poll or postal vote are set out in schedule 2 of the Commonwealth Electoral Act and include:
- the elector will be absent from the state or territory for which they are enrolled throughout the hours of polling on polling day;
 - the elector will not, at any time during the hours of polling on polling day, be within eight kilometres by the nearest practicable route of any polling booth in the State or Territory for which the elector is enrolled;
 - the elector will be unable to attend a polling booth on polling day because of serious illness, infirmity or approaching childbirth; and
 - the elector will be unable to attend a polling booth on polling day because the elector will be at a place (other than a hospital) caring for a person who is seriously ill or infirm or who is expected shortly to give birth.¹
- 7.7 To apply to cast a postal vote, an elector must make contact with the AEC for a postal voting pack. Applications for pre-poll votes must be made verbally at a pre-poll voting centre. The AEC does not verify whether the electors meets the grounds set out in schedule 2 of the Act, but simply requires the elector to confirm that they meet one of these reasons by signing the declaration set out on the pre-poll declaration voting form.
- 7.8 The Commonwealth Electoral Act imposes a number of constraints on the ability of the AEC to provide mobile polling, limiting mobile polling activity to hospitals and ‘special hospitals’, prisons and remote divisions.² In each of these circumstances, the Act imposes separate requirements in relation to the advertising and notification that mobile polling will take
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1 *Commonwealth Electoral Act 1918*, schedule 2.

2 *Commonwealth Electoral Act 1918*, ss 223 to 227.

place and the availability of electoral material including how to vote cards.³

- 7.9 Pre-poll, postal and absent votes are collectively referred to as 'declaration votes'. The Commonwealth Electoral Act contains special provisions for both the vote issuing processes and counting process. Electors are required to complete a form printed on the envelope, and electoral officials must check that it is completed, then determine which division the elector's claimed address is in. The elector is then issued the relevant House of Representatives and Senate ballot papers, which must be inserted into the envelope which in turn is placed in a sealed ballot box. The issuing process takes around 10 minutes in total.⁴
- 7.10 After the close of polling, all declaration votes are forwarded to the respective Divisional Returning Officers and following their receipt, a detailed scrutiny process is conducted by AEC officials in accordance with schedule 3 of the Commonwealth Electoral Act. This process can take between six to 12 days for all declaration votes to pass through preliminary and further scrutiny processes and for the ballot papers to be counted.⁵
- 7.11 There have been a number of different views expressed as to whether the trend to rising numbers of early votes should be facilitated and encouraged or whether the grounds for casting an early vote should be more tightly policed by the AEC so that only those with genuine reasons should be eligible to vote in this way.

Early voting trends

Overview

- 7.12 At the 2007 federal election, more than 2 million of the 13.3 million votes issued were early votes, with around 1.1 million pre-poll votes and 830,000 postal votes issued.⁶ The AEC has highlighted to the committee the significant continuing growth in early voting over successive elections, with pre-poll votes increasing by 294 per cent and postal votes

3 *Commonwealth Electoral Act 1918*, ss 223 to 227.

4 Australian Electoral Commission submission 169.1, p 45.

5 Australian Electoral Commission, submission 169, p 43.

6 Australian Electoral Commission submission 169, p 30.

by 230 per cent between the 1993 and 2007 elections.⁷ The growth has occurred in all states and territories, although at different rates (table 7.1).

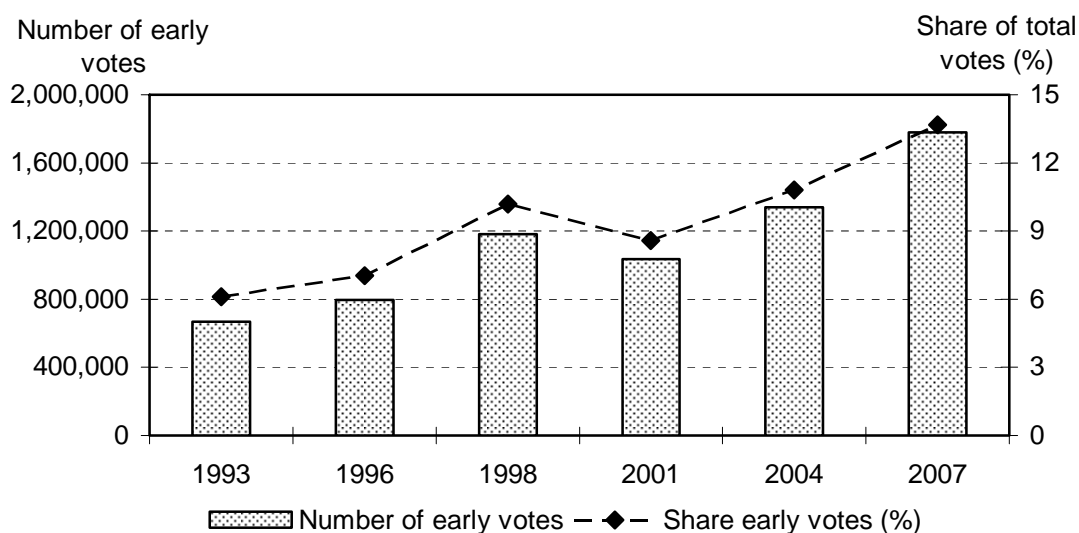
Table 7.1 Growth in early voting, by jurisdiction, 1993 to 2007 elections

Jurisdiction	1993	1996	1998	2001	2004	2007
NSW	228,194	272,198	469,801	374,187	475,195	600,962
VIC	180,274	207,037	302,337	290,695	385,925	565,345
QLD	143,085	165,083	211,981	227,678	269,973	339,782
WA	48,595	70,368	84,388	83,178	102,463	129,981
SA	54,007	60,725	110,134	74,049	91,539	113,400
TAS	18,581	27,827	27,359	26,729	32,174	39,297
ACT	34,402	32,490	56,991	37,663	42,628	50,037
NT	7,961	10,020	12,370	12,386	14,531	21,049
Total	715,099	845,748	1,275,361	1,126,565	1,414,428	1,859,853

Source Appendix C, table C.3.

7.13 This growth has resulted in the share of early votes counted as a proportion of total votes counted increasing from 6.1 per cent at the 1993 election to 13.7 per cent at the 2007 election. The number of early votes counted for Senate elections over this period almost tripled from 670,000 to almost 1.8 million (figure 7.1).

Figure 7.1 Growth in early voting, Senate (votes counted), 1993 to 2007 elections



Source Appendix C, table C.2.

7 Australian Electoral Commission, submission 169, p 38.

- 7.14 There does not appear to be a consistent explanation across divisions for the growth in early voting. Research conducted by the AEC in 2004 on trends in declaration voting noted that generally the rate of declaration voting is higher in the more populous states, although the ACT has the highest incidence of any jurisdiction. Other observations made by the AEC on the incidence of declaration voting by division included:
- divisions located in inner metropolitan areas had the highest incidence of declaration voting whilst rural and outer metropolitan regions tended to have lower rates – Inner metropolitan divisions generally have a higher proportion of high income earners who may be more likely to be travelling at election time while the reverse is true for some outer metropolitan and rural divisions; and
 - religious beliefs may also play a part in explaining some variations; as federal elections are held on Saturday (the Jewish Sabbath), it is probably no coincidence that the two divisions with the largest number of persons of the Jewish religion (Melbourne Ports and Wentworth) also have the highest proportion of declaration voters.⁸
- 7.15 Beneath the overall trend of increasing early and convenience voting, it is useful to examine each category.

Pre-poll voting

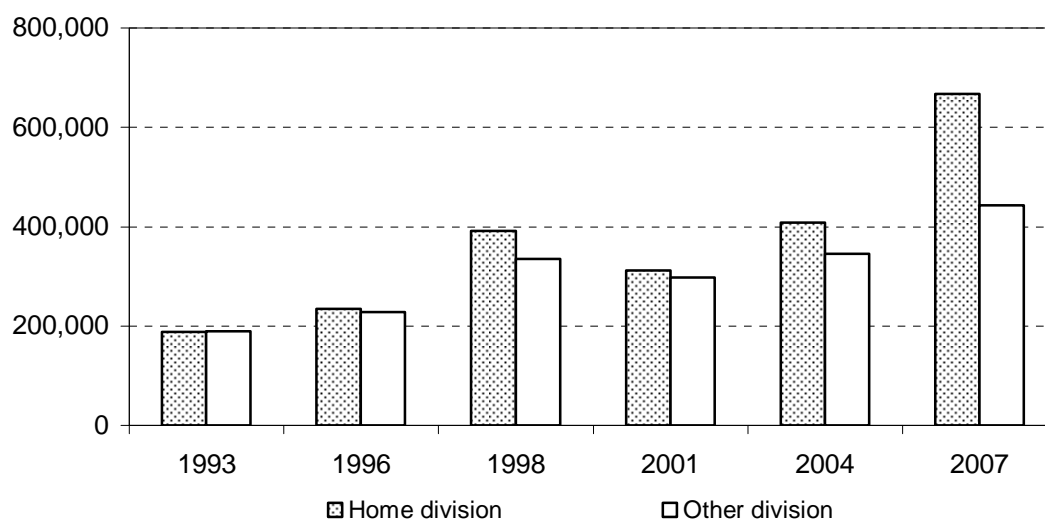
- 7.16 Pre-poll votes may be cast by electors who meet one of the conditions of schedule 2 of the Commonwealth Electoral Act. In general terms, such electors are unable to attend a polling place in their state or territory on election day.
- 7.17 Pre-poll votes may be cast in the period following the availability of ballot papers, generally the Monday or Tuesday following the declaration of nominations in an election. Pre-poll votes may be cast at any pre-poll centre in any state or territory up to and including the Friday prior to election day.
- 7.18 On election day, only those voters who are interstate may cast pre-poll votes on election day.
- 7.19 Outside Australia, pre-poll votes are issued in the lead up to and on polling day in order to enable eligible overseas electors to cast votes.

8 Australian Electoral Commission, 'Analysis of Declaration Voting', *Research Paper Number 3* (2004), pp 6-8.

Consistent with the trend towards early voting, the rate of pre-poll voting has increased significantly over time.

7.20 A significant, and increasing, majority of pre-poll votes are cast by electors at pre-poll voting centres in the division in which they are enrolled (figure 7.2). These votes are referred to as ‘home division pre-poll votes’.

Figure 7.2 Home division and other division pre-poll votes issued, 1993 to 2007 elections



Source Appendix C, table C.11.

7.21 At the 2007 election, home division pre-poll votes issued accounted for around 60 per cent of total pre-poll votes issued.⁹ There is considerable variation across divisions in the number of home division pre-poll votes issued as a share of total pre-poll votes issued, ranging from 90 per cent (Werriwa, Wentworth and Watson) to around 20 per cent (Banks, Ballarat and Aston).¹⁰

Postal voting

7.22 Electors who choose to vote using a postal vote fall into two categories:

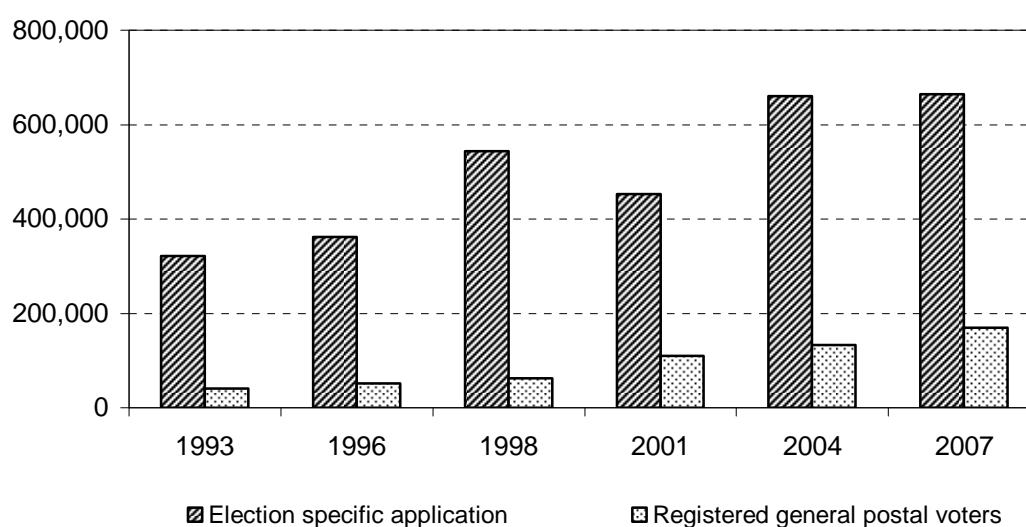
- Those who are registered as ‘General Postal Voters’ (GPVs) and receive a postal voting pack at each election automatically as a result of their GPV registration; and
- Those who apply at each election to receive a postal voting pack.

⁹ Australian Electoral Commission, submission 169.1, p 45.

¹⁰ Appendix C, table C.11.

- 7.23 Not all electors who apply for a postal vote end up voting in this manner. At the 2007 election, around 90 per cent of electors who had applied for a postal vote actually voted this way. Of these, around 95 per cent of votes were included in the count.¹¹
- 7.24 The committee was unable to determine from the available data the proportion of postal voters who were registered as GPVs compared to those who applied for a postal vote. However, it is likely that electors who are registered as GPVs are more likely to actually cast a postal vote as they are more accustomed to voting this way.
- 7.25 Over the past six federal elections, growth in the number of overall applications for postal votes has tapered off, with over 90 per cent of the increase for the 2007 election due to a rise in the number of electors registered as GPVs (figure 7.3). It is unclear whether this will be a sustained trend, with some variation between elections in the demand for postal vote applications for electors who are not registered as a GPV.

Figure 7.3 Growth in postal vote applications, by type, 1993 to 2007



Source Australian Electoral Commission, submission 169.10; submission 168 to the Joint Standing Committee on Electoral Matters inquiry into the 2004 election, p 14.

- 7.26 Over the past three elections, the overall number of registered GPVs has increased by almost 55,000 (48 per cent) to 169,000 at the 2007 election. Between the election in November 2007 and May 2008 the number of registered GPVs rose by a further 24,000. The growth in GPVs has been significant across all jurisdictions (table 7.2).

11 Australian Electoral Commission, *Electoral pocketbook: election 2007* (2009), p 54; Submission 169.1, p 135.

Table 7.2 Growth in general postal voters, by jurisdiction, 2001 election to 31 May 2008

Jurisdiction	2001	2004	2007	31 May 2008
NSW	44,101	50,694	60,876	75,577
VIC	26,071	29,894	39,569	43,548
QLD	23,533	28,161	35,778	38,127
WA	10,073	11,691	16,100	17,279
SA	6,653	8,244	10,548	11,290
TAS	1,189	1,770	2,267	2,605
ACT	1,357	1,610	2,465	3,013
NT	1,034	1,186	1,345	1,400
Total	114,011	133,250	168,948	192,839

Source Australian Electoral Commission, submission 169.1, Annex 3, p 31–46; submission 169.10, pp1–9.

Absent voting

7.27 An absent vote is a vote cast by electors who are out of their electorate but still within their state or territory on election day. These votes may be cast at any polling place in the state or territory.

7.28 The overall number of absent votes cast at federal elections has remained largely unchanged over the past three elections, with between 850,000 and 860,000 absent votes issued, although there has been some variation between jurisdictions.¹²

7.29 A characteristic of absent votes is that a very significant proportion of absent votes are cast by electors in an adjoining division to their own.

7.30 Information provided to the committee by the AEC highlights that divisions with the highest exchanges of absent votes at the 2007 election did so with adjoining divisions (table 7.3). In analysing this and other data the AEC concluded that:

on polling day the majority of absent votes cast for a division were issued by a contiguous division. It would appear that the bulk of absent ballots are cast by electors who have drifted over their division's boundary in the course of their movements on polling day, rather than being cast by electors who are planned tourists visiting other parts of the state for whom pre-poll voting may be desirable.¹³

12 Australian Electoral Commission, submission 169, Annex 4, pp 36–37.

13 Australian Electoral Commission, submission 169.1, pp 51–52.

Table 7.3 Absent votes exchanged between selected divisions, 2007 election

Jurisdiction	Division receiving	Received from	Number of absent votes received
South Australia	Sturt	Adelaide	2,364
Tasmania	Franklin	Denison	2,283
Victoria	McEwen	Scullin	2,197
Queensland	Flynn	Capricornia	2,166
Victoria	Corangamite	Corio	2,153
Australian Capital Territory	Canberra	Fraser	1,841
Queensland	Fadden	Moncrieff	1,834
Victoria	Corio	Corangamite	1,820
Victoria	Melbourne Ports	Higgins	1,779
New South Wales	Sydney	Grayndler	1,749
Queensland	Kennedy	Herbert	1,725
Queensland	Fairfax	Fisher	1,706
Victoria	Gorton	Maribyrnong	1,672
Victoria	Holt	La Trobe	1,666
Queensland	Kennedy	Leichhardt	1,666
Queensland	Bonner	Griffith	1,663
Tasmania	Bass	Lyons	1,656
New South Wales	Richmond	Page	1,652
Western Australia	Canning	Brand	1,633
Australian Capital Territory	Fraser	Canberra	1,617

Source Australian Electoral Commission, submission 169.1, p 51.

Overseas voting

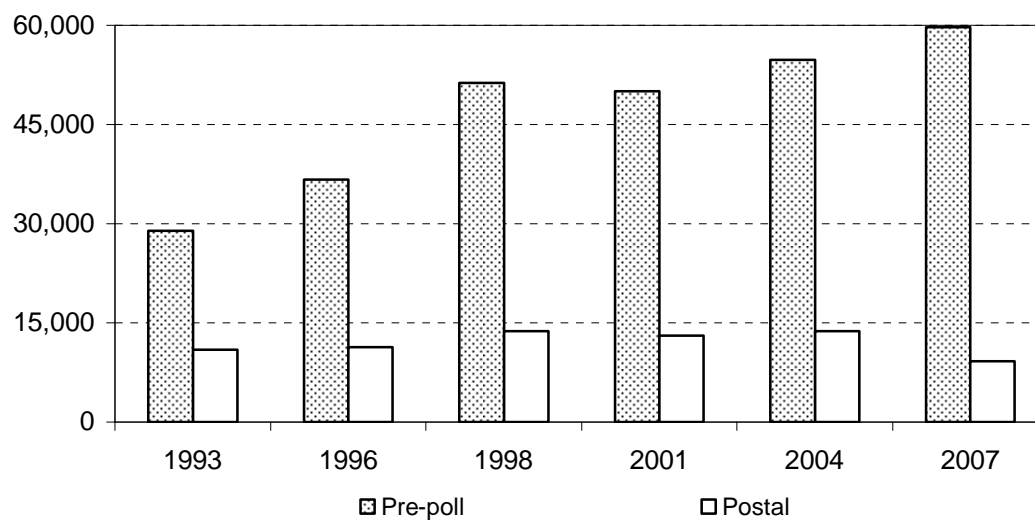
- 7.31 Voting is not compulsory for electors travelling overseas at the time of the election. However, the AEC establishes a number of overseas voting centres to provide electors travelling overseas, and those living overseas who are registered as overseas voters, with the opportunity to vote.
- 7.32 Votes cast at overseas voting centres are pre-poll votes and are subject to the same scrutiny processes as pre-poll votes cast in Australia. At the 2007 election, the AEC, in conjunction with the Department of Foreign Affairs and Trade, Austrade, and overseas posts that offer full consular services, provided voting services at 104 overseas posts.¹⁴
- 7.33 These overseas posts issued at total of 70,059 votes (59,747 pre-poll votes and 10,312 postal votes).¹⁵ After growing between the 1993 and 1998

¹⁴ Australian Electoral Commission sub 169, p 56.

¹⁵ Australian Electoral Commission sub 169, p 56.

elections, the number of overseas votes issued has since stabilised at around between 60,000 and 70,000 (figure 7.4).

Figure 7.4 Overseas votes issued, by type, 1993 to 2007 elections



Source Appendix C, table C.9.

Trends for early voting in state and territory elections

7.34 The trend to increasing numbers of early votes is not confined to federal elections. At recent state and territory elections there have been equally significant increases in both pre-poll and postal voting (table 7.4).

Table 7.4 Trends in early voting at recent state and territory elections, by jurisdiction

Jurisdiction	Recent trends in early voting
NSW	The number of electors casting pre-poll votes increased by 66 per cent between the 2003 and 2007 state elections, with the number of postal votes increasing by 37 per cent. Between these elections, there were 55 additional pre-poll voting centres.
Victoria	The number of electors casting pre-poll votes increased by 45 per cent between the 2002 and 2006 state elections, with the number of postal vote applications increasing by 12 per cent. The number of pre-poll voting centres fell from 79 at the 2002 election to 77 at the 2006 election.
Queensland	The number of electors casting pre-poll votes increased by 25 per cent between the 2004 and 2006 state elections with the number of postal and unenrolled votes increasing by 39 per cent; The number of pre-poll voting centres fell from 244 at the 2004 election to 239 at the 2006 election.
Western Australia	The number of electors casting pre-poll votes at the 2005 state election (latest available) increased by 30 per cent compared to the 2001 election, with the number of postal votes received increasing by 46 per cent. The number of pre-poll voting centres fell from 57 at the 2001 election to 29 at the 2005 election.
South Australia	The number of electors casting pre-poll voted in person increased by 1.6 per cent at the 2006 state election compared to the 2002 state election, with the number of electors casting a postal vote increasing by 38 per cent. The number of pre-poll voting centres remained unchanged at 19 between elections.
Tasmania	The number of pre-poll and postal votes each increased by 14 per cent between the 2003 and 2006 House of Assembly elections.
ACT	The number of electors casting pre-poll votes increased by 45 per cent at the 2008 election compared to the 2004 election, with a 47 per cent increase in postal votes cast. The number of pre-poll voting centres remained unchanged at 5.
Northern Territory	The number of electors casting a pre-poll vote at the 2005 elections increased by 39 per cent compared to the 2001 election, with the number of postal votes cast increasing by 52 per cent.

Source Electoral Commission NSW, *Report on the 2007 State Election (2007)*, p 6; Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian State election (2007)*, pp 4, 27 and 29; Victorian Electoral Commission, *Report to Parliament on the 2002 Victorian State election (2003)*, p 27; Electoral Commission Queensland, *2006 State General Election: Statistical Returns*, p 6 and A14; Electoral Commission Queensland, *2004 State General Election: Statistical Returns*, p 6; Western Australian Electoral Commission, *2005 State General Election: Election Report*, p 17; Western Australian Electoral Commission, *2001 State General Election: Election Report*, p 17; South Australian Electoral Office, *South Australian Parliamentary Elections 18 March 2006*, pp 30 and 36; Tasmania Electoral Commission, *Report on Parliamentary Elections (2006)*, p 166; ACT Electoral Commission, 'voting data: 2004 election', viewed on 4 February 2009 at http://www.elections.act.gov.au/docs/election_04/04fp.xls#VoteTypes!A1; ACT Electoral Commission, *Election Statistics, ACT Legislative Assembly Election 2008 (2008)*, p 18; Northern Territory Electoral Commission, *2005 Legislative Assembly General Election Report Part 1 of 2 (undated)*, p 18.

Explaining the growth in early voting

7.35 The co-occurrence of elections with school holidays is generally considered to have played a significant role in influencing the number of electors who cast pre-poll and postal votes. The AEC observed that although election periods for the 1998 and 2004 elections did coincide with school holidays in many parts of Australia and that this may have accounted for the peaks in declaration voting at those elections. However,

as the trend has now been sustained over such a length of time that school holidays by themselves no longer provide a complete explanation for the increase in declaration voting.¹⁶

- 7.36 Other factors the AEC considered to be contributing to the rise in early voting include:
- changing patterns of work leading to more electors finding it difficult to attend polling places between 8a.m. and 6p.m. on a Saturday;
 - widespread distribution of postal vote applications by political parties during the election campaign;
 - increased mobility of electors;
 - an increasing public demand for flexible and convenient service delivery;
 - as more electors have become aware of the convenience of early voting, they are both “spreading the word” and continuing to cast early votes over repeated electoral events.
 - an ageing population is resulting in higher numbers of GPVs.
 - the increase in the number of electors on the roll means that even if the proportion of electors who cast a declaration vote remains steady, the absolute number of declaration votes will increase with the roll.
 - no provision in the Commonwealth Electoral Act for the AEC to challenge an elector’s claim to a postal or pre-poll vote or to ask under which category the elector qualifies.
 - party workers are also sometimes seen campaigning outside early voting centres, encouraging passers by to vote with no mention of entitlement.¹⁷
- 7.37 Local factors may also influence growth in early voting. Significant increases in early voting in the following divisions were partly attributed to local campaigning and conditions:
- Mayo (South Australia) – the doubling of the number of pre-poll votes issued at the 2007 election compared to the 2004 election was partly attributed to an influx of ‘schoolies’ at a popular seaside holiday area within the division;¹⁸

16 Australian Electoral Commission, submission 169, p 39.

17 Australian Electoral Commission, submission 169, pp 39–40.

18 Drury C, Australian Electoral Commission, transcript, 20 August 2008, p 3.

- Holt (Victoria) – the almost 75 per cent increase in the number of postal votes received at the 2007 election compared to the 2004 election was partly attributed to greater efforts by political parties to inform electors about the postal voting option;¹⁹
 - Brand (Western Australia) – the 75 per cent increase in pre-poll voting was attributed to the presence of naval vessels, large numbers of fly-in fly-out mine workers and a changed preference of older electors to utilise pre-poll facilities rather than postal voting.²⁰
- 7.38 State electoral authorities have attributed the increase in early voting to a number of different factors. The Western Australian Electoral Commission attributed the increase at the 2005 election to an increased awareness by electors of their eligibility for this form of voting, the timing of the election during the post-Christmas holiday period, the promotion of early voting (in person) in previous federal elections and increased usage by defence personnel prior to deployment to areas affected by the Boxing Day tsunami.²¹
- 7.39 The NSW Electoral Commission also pointed to growing pressures to accommodate demand for early voting:
- There is an increasing demand by electors to have more pre-poll voting options as getting to a polling place on election day can be difficult. There is also pressure from electors in regional and coastal locations for additional pre-poll voting facilities in towns on shopping or market days.²²
- 7.40 There appears to be an ‘accommodation’ of increased demand for early voting in some jurisdictions to satisfy higher demand and to mitigate the impact of early voting on the counting of votes. In NSW, electors were permitted for the first time at the 2007 state election to make an oral declaration of their eligibility for pre-poll voting, which, according to the NSW Electoral Commission, helped to speed up the voting process for electors and election officials. The NSW Electoral Commission is planning for further increases in pre-poll voting in the 2011 NSW election.²³

19 Wight D, Australian Electoral Commission, transcript, 11 August 2008, p 8; Australian Electoral Commission, submission 169.7, p 4.

20 Hon Gary Gray AO MP, Member for Brand, transcript, 25 November 2008, p 1.

21 Western Australian Electoral Commission, 2005 State General Election: Election Report, p 17.

22 Electoral Commission NSW, *Report on the 2007 State Election* (2007), p 30.

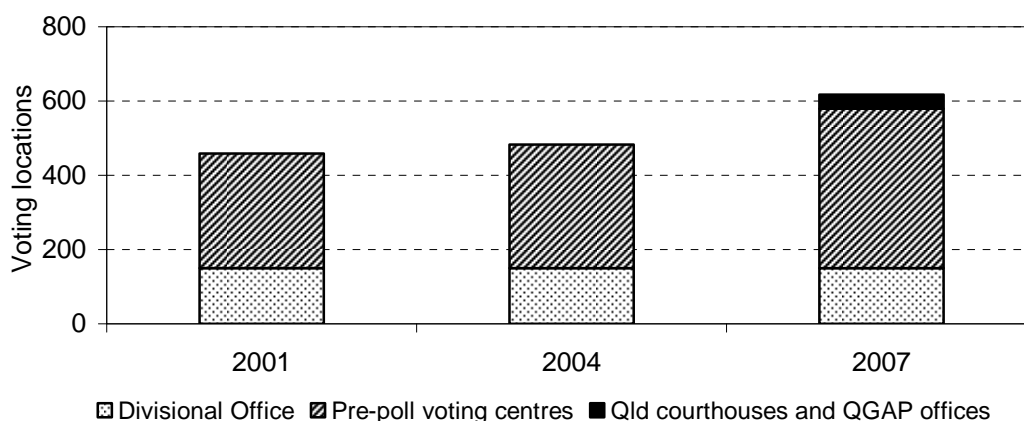
23 NSW Parliament Joint Standing Committee on Electoral Matters, *Administration of the 2007 NSW election and related matters* (2008), p 20.

7.41 Victoria, Tasmania and the ACT have adapted to increased numbers of pre-poll votes by accepting pre-poll votes as ordinary votes. In the remaining jurisdictions a pre-poll vote is cast as a declaration vote.²⁴

Responding to the increase in early voting

7.42 The AEC have largely sought to accommodate demand for early voting by increasing the number of pre-poll voting centres at recent elections (figure 7.5).

Figure 7.5 Number of pre-poll voting centres, by type, 2001 to 2007 elections



Source Australian Electoral Commission submission 169.1, Annex 7, p 136–144.

7.43 The location of pre-poll voting centres is also important. Additional pre-poll voting centres in recent years have tended to target high traffic areas such as shopping centres and airports, thereby increasing the visibility and opportunity for electors to take advantage of early voting arrangements. For example, at the 2007 federal election the AEC operated pre-poll voting centres at domestic and international airports in Adelaide and Perth, with the number of votes taken at each centre 1,898 and 6,071 respectively.²⁵ The AEC noted that the number of pre-poll votes taken at the Perth domestic terminal, with 4,529 early votes issued in 2007, was more than double the 2,001 votes lodged in 2004.²⁶

²⁴ Australian Electoral Commission, submission 169.1, Annex 5, pp 79–80.

²⁵ Australian Electoral Commission, submission 169.1, p 48; Nagle C, Australian Electoral Commission, transcript, 21 August 2008, p 4.

²⁶ Nagle C, Australian Electoral Commission, transcript, 21 August 2008, p 4.

- 7.44 The largest increase in the number of pre-poll voting centres occurred in Queensland, with the AEC utilising 39 courthouses and Queensland Government offices as pre-poll voting centres.²⁷ The use of these facilities was in response to a recommendation of the committee's review of the 2004 election to overcome some of the issues associated with postal voting and to use facilities that are also used as pre-poll centres for state elections.²⁸
- 7.45 The AEC noted that the choice of pre-poll voting locations and operations had a number of features including:
- where possible, early voting centres were located in areas serviced by public transport. In many circumstances this meant early voting centres were located in or near a shopping complex;
 - consistent opening days and hours were implemented whenever possible and appropriate. Early voting centres located in shopping complexes often had extended opening hours to align with the opening hours of the complex; and
 - advertising and signage of and for early voting centres was improved.²⁹
- 7.46 In particular circumstances, the Commonwealth Electoral Act also allows the AEC to appoint mobile polling teams to visit electors in prisons, 'special hospitals' and in remote divisions.³⁰ Mobile polling teams issue ordinary, pre-poll as well as absent or provisional votes. At the 2007 election, the AEC established 446 special hospital mobile polling teams, 25 prison mobile teams and 391 remote mobile polling locations were visited, similar to the efforts made at the 2004 election.³¹

Impact of the trend to early voting

- 7.47 The trend to early voting now sees almost one in five electors casting their vote before polling day. Such a decisive move away from 'ordinary' voting has implications for the level of resourcing required to run elections, count votes, and also impacts on the nature of campaigning.

27 Australian Electoral Commission, submission 169, p 30.

28 Joint Standing Committee on Electoral Matters, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto* (2005), Commonwealth of Australia, pp 238–240.

29 Australian Electoral Commission, submission 169, p 30–31.

30 Australian Electoral Commission, submission 169, p 52.

31 Australian Electoral Commission, submission 169, p 52.

7.48 The trend to increased declaration voting (two-thirds of which are pre-poll and ordinary votes) has a number of consequences for counting processes, mostly influenced by the complexity and time consuming nature of the declaration vote scrutiny (as set out in schedule 3 of the Commonwealth Electoral Act).³² The AEC noted that:

The counting of ordinary votes at polling places is a relatively straightforward process, which is undertaken on election night with the involvement of the large number of polling officials (around 70,000 at the 2007 election) who have been employed for the day. Declaration vote scrutinies are time consuming. The preliminary scrutiny of declaration votes has to be managed by AEC divisional office staff, supplemented by experienced casual employees, over the 13 day period following polling day. It should be noted that once a declaration vote has gone through preliminary scrutiny the ballot papers are still required to go through the normal count and fresh scrutiny processes. The need to process increasing numbers of votes in such a way has direct cost and timeliness implications.

The increasing use of declaration voting, and the corresponding reduction in the number of votes which can be counted on election night, increases the probability that in a close election, the result will not become clear for several days, possibly later in the first week after polling day after the declaration vote exchange has been completed.³³

7.49 For political parties and candidates, the trend to early voting has an impact on the nature of campaigning, with parties and candidates seeing a need to provide how to vote information at pre-poll centres or through direct mail to prospective postal voters.³⁴ Any changes to address the impact of the early voting trend on the AEC needs also to consider the impact on campaign activities.

7.50 The AEC suggested that the traditional aspects of attendance voting, with Australians voting together on the Saturday and seeing the count come in later that evening are an 'historical part of Australian elections'.³⁵ However, the AEC also pointed to the risk of 'frustrating and

32 Australian Electoral Commission, submission 169, p 40.

33 Australian Electoral Commission, submission 169, p 40.

34 Hon Gary Gray AO MP, Member for Brand, submission 144, p 1; The Nationals, submission 145, p 4.

35 Australian Electoral Commission, submission 169, p 42.

disenfranchising Australian electors if due attention is not paid to their preference for convenient voting options'.³⁶

7.51 Suggestions put forward by the AEC to previous election inquiries in relation to addressing the trend to early voting have included:

- Changing the postal vote application form so that the applicant must tick off the reason why the applicant requires a postal vote from a list of permitted reasons (1998 election review);³⁷
- Pre-poll votes cast in the electors home division to be considered as an ordinary vote rather than a declaration vote (1993, 1996, 1998, 2001 and 2004 election reviews);³⁸ and
- Allowing scrutineers to be present at pre-poll voting centres (2001);³⁹

7.52 For this inquiry, the AEC considered that three options should be considered:

- Parliament can accept that there now exist two normal forms of voting and implement an effective and efficient way of administering this within the electoral system – This would require an acknowledgement that early voting is a 'normal' form of voting and the allocation of appropriate resources to respond to the demands of electors. One way of improving efficiency in the declaration vote process under this option is to issue pre-poll votes cast in the elector's home division as ordinary votes;
- Parliament may decide that the shift to early voting has increased to unacceptable levels, and that such a shift is not desirable in the Australian electoral system – If this were the case, the Commonwealth Electoral Act would need to be amended to define the evidence which voters would have to produce to establish their eligibility for an early vote in terms of schedule 2 to the Commonwealth Electoral Act, and to empower the relevant polling officials to refuse to issue a vote. The

36 Australian Electoral Commission, submission 169, p 42.

37 Joint Standing Committee on Electoral Matters, *The 1998 federal election: Report of the inquiry into the conduct of the 1998 federal election and matters related thereto* (2000), Commonwealth of Australia, p 48.

38 Joint Standing Committee on Electoral Matters, *The 1998 federal election: Report of the inquiry into the conduct of the 1998 federal election and matters related thereto* (2000), Commonwealth of Australia, p 49; *The 2001 federal election: Report of the inquiry into the conduct of the 1998 federal election and matters related thereto* (2003), Commonwealth of Australia, p 158;

39 Joint Standing Committee on Electoral Matters, *The 2001 federal election: Report of the inquiry into the conduct of the 1998 federal election and matters related thereto* (2003), Commonwealth of Australia, pp 158-159.

AEC note that such an approach would 'represent a major deviation from past practice in living memory'; or

- Do nothing – In the AEC's view, adopting a 'no change' strategy would see the voting system become 'outdated and inefficient'. The AEC notes that 'In a close election with a large number of declaration votes, Australia could experience a situation where the result of the election is not known for over a week after polling day due to the extra time taken for the count.'⁴⁰

7.53 Previous Joint Standing Committees on Electoral Matters have generally placed a high value on attendance voting and considered that early voting opportunities should be restricted to electors who genuinely qualify for such a vote under schedule 2 of the Electoral Act.⁴¹

7.54 In its 1996 election report, the Joint Standing Committee on Electoral Matters endorsed the view expressed by the previous committee that pre-poll home division votes be considered as an ordinary vote 'would encourage and endorse the trend towards an ever-increasing proportion of the vote being cast before polling day'.⁴² In its 2001 election report, the committee reiterated this position, noting that:

In general, an ordinary vote should only be available to an elector when voting in their home division on election day. This committee has received no evidence in this inquiry warranting a change in this position.⁴³

Committee conclusion

7.55 The committee has re-examined the comments made by previous Joint Standing Committees on Electoral Matters and the comments by the AEC to the committee following the 2007 election.

7.56 The committee considers that a 'do nothing' approach for early voting is not sustainable into the longer term, with ever increasing numbers of early

40 Australian Electoral Commission, submission 169, pp 41–42.

41 Joint Standing Committee on Electoral Matters, *The 1996 federal election: Report of the inquiry into the conduct of the 1996 federal election and matters related thereto* (1997), Commonwealth of Australia, p 54.

42 Joint Standing Committee on Electoral Matters, *The 1996 federal election: Report of the inquiry into the conduct of the 1996 federal election and matters related thereto* (1997), Commonwealth of Australia, p 54.

43 Joint Standing Committee on Electoral Matters, *The 2001 federal election: Report of the inquiry into the conduct of the 1998 federal election and matters related thereto* (2003), Commonwealth of Australia, p 158

votes impacting on the speed of the count with the ultimate outcome that election results will be delayed with uncertainty over election results inevitably creating frustration for electors and candidates.

- 7.57 Attendance voting has been an important cultural element of Australian elections and gives electors an opportunity to participate in a community activity that is fundamental to our way of life. However, the committee agrees with the AEC that there is a real risk of frustrating and disenfranchising electors who are now used to and expect, a range of convenient voting options.
- 7.58 The committee's preferred approach therefore is to embrace the trend to increased early voting. The committee considers that a range of measures should be adopted that will have the effect of making it easier for electors to take advantage of early voting but at the same time allowing the AEC to conduct the counting of votes in a more cost effective and timely manner.
- 7.59 Action is also required to ensure that political parties and candidates have appropriate access to pre-poll centres to provide information to electors using these facilities to cast their votes.

Home division pre-poll votes as ordinary votes

- 7.60 As noted above, the AEC has long argued that a pre-poll votes cast in an elector's home division should be cast as an ordinary vote rather than a declaration vote.
- 7.61 At the 2007 election, around 38 per cent of declaration votes were pre-poll votes. Of these, home division pre-poll votes made up 60 per cent of all pre-poll votes – accounting for 5 per cent of all votes cast at the 2007 election.⁴⁴
- 7.62 Under the AEC's proposal, pre-poll votes would be issued as ordinary votes for electors voting at a divisional office or early voting centre located within the division for which they are enrolled. The AEC described how such a system would operate in practice:

Provided the elector's name was found on the certified list for the home division, it would be marked off as in an ordinary polling place and he or she would be issued with ballot papers. The completed ballot papers would be placed in a ballot box. They would not be placed in a declaration envelope.

44 Australian Electoral Commission, submission 169, p 43.

For electors whose names could not be found on the certified list, and for electors voting at a divisional office or early voting centre located in a division other than the division for which they are enrolled, pre-poll votes would continue to be issued as declaration votes as per the existing process.

At the close of each day, the ballot boxes remain sealed and all votes issued reconciled. While declaration votes, including pre-poll votes from other divisions, would still go through the preliminary scrutiny process, ordinary pre-poll votes could begin to be counted after 6 p.m. on polling day.⁴⁵

- 7.63 The AEC considered that there were four advantages associated with such a change relating to timeliness of the election result, reducing delays in the preliminary scrutiny, reduction in administrative load and that such an approach has already been adopted in a number of jurisdictions. The AEC noted that:

At the 2007 election approximately 80 per cent of votes were counted after 6 p.m on polling day. If home pre-poll votes were counted as ordinary votes, then more than 85 per cent of the vote would have been counted after 6 p.m. on polling day at the 2007 election. This obviously would have resulted in a larger number of votes being counted on election night and included in the reported results, and might have resulted in the public knowing the outcome of a number of close seats on election night.

A second advantage associated with ordinary pre-poll votes in home divisions is the fact an elector would be immediately marked off the certified list of voters for his or her home division. The consequence of this is a reduction in the time delay associated with processing declaration votes through the preliminary scrutiny to verify eligibility.

A third advantage of ordinary pre-poll votes in home divisions is a reduction in the administrative load and the costs associated with the issuing, sorting and collating of declaration votes.

A further advantage is that the AEC can already be confident of successful implementation of ordinary pre-poll voting in home divisions. Issuing ordinary votes before polling day is already being successfully implemented at the federal level under the CEA in relation to mobile polling. Additionally, the practice of issuing home pre-polls as ordinary votes has successfully been in use at

45 Australian Electoral Commission, submission 169, pp 43-44.

the state and territory level for many years. For example, Victoria introduced pre-poll ordinary voting at the 1996 Victorian state election. The result was a significant reduction in the number of declaration votes issued, the faster finalisation of election results, resource savings and reduced staff expenditure. Queensland, Tasmania, the Northern Territory and the Australian Capital Territory have also adopted this practice.⁴⁶

- 7.64 All of the major political parties participating in this inquiry gave broad in-principle support for the AEC's proposal for home division pre-poll votes to be issued as ordinary votes.⁴⁷ The Liberal Party of Australia noted that:

A long standing anomaly of our current electoral system is the delay in the counting of pre-poll votes. The Liberal Party would support any review of the current arrangements and, in particular, any proposal that would change the arrangements for pre-poll votes so that these votes are counted on the evening of election day, when ordinary votes are counted, and not left until following days. This is a simple and straight-forward change which would assist in getting a speedier outcome in seats with close results.⁴⁸

- 7.65 Such a change would involve the same standards of integrity of the pre-poll voting process as currently applies for pre-poll votes, with the existing checks and adequate records retained. While some jurisdictions, including Victoria and the ACT allow electors to make an oral declaration that they are entitled to a pre-poll vote, the system favoured by the committee retains a requirement that electors casting a home division pre-poll vote sign a declaration that they are entitled to cast a pre-poll vote.
- 7.66 A complementary change to issuing home division pre-poll votes as ordinary votes is to broaden eligibility for pre-poll and postal voting to include electors who will, or expect to be absent from their home division on election day. Under current arrangements, an elector is not eligible to cast an early vote if they are out of their division on election day but within eight kilometres of any polling booth in the state or territory for which they are enrolled.⁴⁹ Without such a change, relatively large numbers of electors cast absent votes on election day in divisions adjoining their home division, rather than being eligible to cast a pre-poll or postal vote.

46 Australian Electoral Commission, submission 169, p 44.

47 Bitar C, ALP National Secretariat, transcript, 11 November 2008, p 17; Liberal Party of Australia, submission 156, p 6; Henderson B, The Nationals, transcript, 3 February 2009, p 14.

48 Liberal Party of Australia, submission 156, p 6.

49 *Commonwealth Electoral Act 1918*, schedule 2, s 2.

7.67 An example of the effect of delays associated with the current arrangements was provided by a former AEC Divisional Returning Officer, Mr Ivan Freys:

You should note the only difference between an absent vote and an early vote (pre-poll) is the colour of the envelope.

At present, for example, when a family from Sydney is holidaying in Byron Bay NSW, and they vote absentee there; their votes are first reconciled, amalgamated and balanced at the end of the night in the polling place before being sent to the Division of Richmond, at Tweed Heads, to be amalgamated with all other absentee, postal and pre-poll votes, again reconciled, balanced and then forwarded by air to Sydney.

They will reach the Sydney exchange centre on either Monday or Tuesday morning where they will again be reconciled and amalgamated this time with all the other declaration votes from around Australia for distribution to the enrolled Division/s. These Divisions will receive those votes on Wednesday afternoon or early Thursday morning, when they will once again have to be reconciled before they can be sorted into alphabetical order, marked off the electoral rolls in preparation to be opened and counted. It would now be Thursday afternoon or Friday morning before the first votes could be opened, counted and added to the tally. All in all a hideously complex, repetitive, expensive and time intensive exercise.

Instead, if the vote was taken earlier in the home Division's early voting (pre-poll) centre, the vote would have been returned to the Divisional office and stored until the week prior to polling day where the votes received could be checked against the electoral rolls and if enrolled, marked off, ready to be opened and counted on the Sunday after polling day. Around a full week earlier than if the elector voted as an absentee voter anywhere else in their home State.

This anomaly applies even if the declaration vote was taken only one kilometre outside the home Division. Only in co-located Divisions could the local Divisional Returning Officers swap declaration votes between themselves, on the Sunday after polling day, to save this delay.⁵⁰

50 Freys I, submission 112, p 2.

7.68 Relaxing the grounds of application for a postal or pre-poll vote also received general support from the major political parties.⁵¹ The ALP National Secretariat noted that:

I would support a move like that because, again, it gives people more options to get their vote in and get their vote counted. Look at things like Sydney Town Hall. Thousands of people work in the CBD every day, but they cannot vote by pre-poll; they have to wait till the day and then vote absentee. That would solve an issue like that, or help.⁵²

7.69 In relation to eligibility to cast an early vote, groups representing homeless electors considered that schedule 2 of the Commonwealth Electoral Act should be amended so that the grounds for casting an early vote should be expanded to include a fear for personal safety.⁵³ Homelessness Australia noted that:

Persons escaping from domestic violence may be unwilling to attend polling places due to the risk of being identified, found by their attackers, or being at risk of further harm. This issue is of particular concern in rural or remote areas where there may be only one reasonably accessible location available for polling.⁵⁴

Committee conclusion

7.70 Almost 2 million votes were cast before polling day at the 2007 election, with one in five voters taking advantage of increased opportunities, to cast a pre-poll or postal vote. Added to these were another 1 million absent or provisional votes that were cast in declaration envelopes, requiring additional scrutiny before being admitted to the election count.

7.71 A significant implication of the trend to increased numbers of early and declaration votes is the extra time taken for the election result to become clear as the AEC undertakes the additional scrutiny processes required. It is also more resource intensive for the AEC to conduct the count.

7.72 The committee supports the AEC's proposals to ameliorate these effects by issuing home division pre-poll votes, which account for around 60 per

51 Bitar C, Australian Labor Party National Secretariat, transcript 11 November 2008, p 17; Henderson B, The Nationals, transcript, 3 February 2009, p 14; Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, pp 11-12.

52 Bitar C, Australian Labor Party National Secretariat, transcript 11 November 2008, p 17.

53 Homelessness Australia, submission 34, p 5; Homelessness NSW, submission 131, p 3.

54 Homelessness Australia, submission 34, p 5.

cent of all pre-poll votes, as ordinary votes. This would allow a significant number of extra votes to be counted on election night.

- 7.73 Electors who cast such votes should be required to sign a declaration that can be kept for evidentiary purposes – in a similar manner to the standards of integrity that are applied to declaration votes. Such an approach will ensure that the same high standard of integrity will continue to apply to votes previously cast as home division pre-poll votes as under the existing declaration voting arrangements.

Recommendation 22

- 7.74 **The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow pre-poll votes cast at a pre-poll voting centre in an elector's home division prior to polling day to be cast as ordinary votes, wherever practicable.**

Recommendation 23

- 7.75 **The committee recommends that, in order to ensure a continuing high standard of integrity applies to votes cast as home division pre-poll votes, electors who cast ordinary votes at pre-poll voting centres should still be required to sign a declaration at the time of voting, indicating that they are entitled to a pre-poll vote. A record of such declarations is to be kept by the Australian Electoral Commission for evidentiary purposes.**

Recommendation 24

- 7.76 **The committee recommends that the *Commonwealth Electoral Act 1918* be amended to require pre-poll votes cast as ordinary votes in an elector's home division prior to polling day to be counted on polling night in the same manner as ordinary votes cast in polling places on polling day, wherever practicable.**
- 7.77 The committee considers that a complementary change would be to broaden eligibility for an early vote to include an elector being absent from their home division on election day. With thousands of absent votes

being cast in divisions adjoining an elector's home division, such a change is likely to lead to a lower number of absent votes as electors who are unable to vote within their division on polling day, take up the opportunity to vote in a pre-poll centre.

- 7.78 The effect of such a change would be that votes previously cast as absent votes could be issued as ordinary home division pre-poll votes. There would be no change to the high standard of integrity that applies to these votes, with the committee recommending earlier that a signed declaration continue to be required.

Recommendation 25

- 7.79 **The committee recommends that schedule 2 of the *Commonwealth Electoral Act 1918* be amended to provide that being absent or expecting to be absent from an elector's home division on polling day be a valid ground of application for postal or pre-poll voting.**

The committee also considers that eligibility for an early vote should be broadened to allow electors who fear for their personal safety to be given a wider range of opportunities to cast their vote.

Recommendation 26

- 7.80 **The committee recommends that schedule 2 of the *Commonwealth Electoral Act 1918* be amended to allow fear for personal safety to be a ground for applying for pre-poll or postal votes.**

More timely preliminary scrutiny of declaration votes

- 7.81 The committee notes that the Commonwealth Electoral Act already includes provisions allowing the preliminary scrutiny of certain declaration votes to be conducted in the five working days prior to polling day.⁵⁵ If the committee's recommendation in relation to allowing home division pre-poll votes to be cast as ordinary votes is implemented, one further effect will be to 'free up' some AEC resources by removing the

55 *Commonwealth Electoral Act 1918*, s 266.

preliminary scrutiny requirements from around 60 per cent of pre-poll votes.

- 7.82 This should provide an opportunity for the AEC to conduct more timely preliminary scrutinies of those pre-poll and postal votes on hand in divisional offices in the days prior to election day.
- 7.83 The Federal Director of the Liberal Party of Australia supported such a proposal, noting that:

We would be open to that. I just do not think that this whole area has been looked at for many years. I guess it is probably an issue of resources in part, but we believe that it is something that can and should be looked at.⁵⁶

Committee conclusion

- 7.84 The committee considers that, wherever possible, the AEC should conduct as much of the preliminary scrutiny of pre-poll and postal votes received in home divisions before polling day as possible, prior to polling day, in order to increase the number of early votes counted in a timely manner following the close of the polls.
- 7.85 Such a move should facilitate earlier counts for these votes and provide more timely information about the election result.

Recommendation 27

- 7.86 **The committee recommends that, where possible, the Australian Electoral Commission should, prior to polling day, conduct as much of the preliminary scrutiny of pre-poll and postal votes on hand in home divisions as is possible, in order to increase the number of early votes counted in a timely manner following the close of the polls.**

Expanding access to pre-poll voting opportunities

- 7.87 Another option to accommodate the trend for increased early voting is to expand access to pre-poll voting opportunities.

56 Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 11.

- 7.88 As noted in chapter 2, there were over 100 additional pre-poll voting centres in Queensland at the 2007 election, with the AEC utilising courthouses, Queensland Government Agencies and other locations throughout rural and regional Queensland.⁵⁷
- 7.89 The Australian Labor Party National Secretariat considered that there should be greater access to pre-poll facilities, including an expansion in numbers and placement in high traffic locations:

... The ALP believes [the committee] should examine the potential for broadening the scope of the current legislative provisions relating to pre-poll, so that a greater number of people can access it. The ALP believes that with increasing work and family commitments, work travel and mobility, pre-poll has become an important avenue for ensuring every voter is able to exercise a vote.

Concurrent with this, the ALP believes the figures from the 2007 election reinforce our previous calls for more pre-poll voting venues, in more accessible locations. This should include prominent shopping centres and JSCEM should investigate any legislative impediments which prevent the AEC being able to access the most public venues available. The ALP believes this would cut down the number of voters registering for a postal vote, keeping the administrative processes, and the potential for errors, to a minimum.⁵⁸

- 7.90 The Federal Director of the Liberal Party of Australia also expressed support for an expansion of pre-poll facilities where appropriate, to meet increased demand.⁵⁹

Committee conclusion

- 7.91 The committee supports these views and considers that the AEC needs to meet the likely increased demand for early voting at future elections. This may not necessarily involve expanding the number of pre-poll voting centres, but by choosing the most appropriate locations, being flexible with opening and closing times at pre-poll centres and providing sufficient staffing to allow electors to cast an early vote without incurring any significant delays when doing so.

57 Australian Electoral Commission, submission 169, p 30.

58 ALP National Secretariat, submission 159, p 2.

59 ALP National Secretariat, submission 159, p 2; Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 11.

Mobile polling flexibility

- 7.92 There are two main areas where there are opportunities for mobile polling to be conducted on a more flexible basis to facilitate more appropriate mobile polling and other voting services to electors.

Mine workers

- 7.93 In advance of the election, the AEC contacted the management of various mining companies to offer the range of voting services best suited to the voting needs of miners. The AEC noted that the companies were, in the main, reluctant to agree to mobile or static voting services being provided on mining sites. Services included emailing and ringing mine sites to inform them of the voting services that were available, postal vote applications were sent to mine management to distribute to mining staff and applications were delivered to some mine sites along with AEC boxes to collect the completed applications.⁶⁰

- 7.94 Notwithstanding these efforts, providing polling services to mine workers in Western Australia was a challenge for the AEC. The AEC's Western Australian State Manager told the committee:

It is true to say that that did represent a challenge. The occupational health and safety requirements that the mining operators apply for people to actually be on site did limit our ability to provide mobile polling services to remote mine sites.

In a number of cases we approached mining companies, and in some cases it was possible to visit and conduct, with our mobile polling program. In one particular case the mining company had initially agreed to allow mobile polling on site, and then in the interim had reversed that decision, and at fairly short notice we then had to try and arrange for postal voting or alternative arrangements.⁶¹

- 7.95 The number of mining sites in Western Australia is in the order of 30 to 50 sites, with some having several hundred employees on site. Where mobile polling arrangements were possible and were considered by the AEC to be the most appropriate voting strategy, the AEC considered that it needed to be better informed about relevant site access requirements, including

60 Australian Electoral Commission, submission 169, pp 54-55.

61 Nagle C, Australian Electoral Commission, transcript, 21 August 2008, pp 6-7.

occupational health and safety inductions and mandatory drug and alcohol testing requirements.⁶²

- 7.96 The AEC advised the committee that they would be looking at implementing different arrangements to cater for workers at such sites at future elections, which may include it considering furthering the provision of pre-poll voting centres at airports to service fly-in fly-out miners.⁶³

Special hospitals

- 7.97 Another category of mobile polling conducted by the AEC is 'special hospital' mobile polling. Under the Commonwealth Electoral Act, special hospital mobile polling may only take place in the five days prior to, and on, election day. Special hospital mobile polling is limited to those institutions that can be declared as special hospitals, such as 'convalescent home or an institution similar to a hospital or convalescent homes'.⁶⁴

- 7.98 At the 2007 election, almost 70,000 electors cast their votes with special hospital mobile polling teams (table 7.5).

Table 7.5 Special hospital voting, by jurisdiction, 2007 election

State	Declaration	Ordinary	Total
New South Wales	2,869	14,170	17,039
Victoria	4,037	16,907	20,944
Queensland	1,919	9,829	11,748
Western Australia	1,708	6,432	8,140
South Australia	1,646	6,214	7,860
Tasmania	280	2,601	2,881
Australian Capital Territory	75	549	624
Northern Territory	91	262	353
Total	12,625	56,964	69,589

Source Australian Electoral Commission, submission 169, p 55.

- 7.99 The AEC proposed two changes regarding special hospital mobile polling:
- any definition of a hospital or special hospital should instead make reference to the *Aged Care Act 1997*; and

62 Nagle C, Australian Electoral Commission, transcript, 21 August 2008, p 7.

63 Nagle C, Australian Electoral Commission, transcript, 21 August 2008, p 7.

64 *Commonwealth Electoral Act 1918*, ss 4 and 225.

- mobile polling should be able to begin 12 days before polling day rather than the current five days.⁶⁵

7.100 The AEC considered that the notion of a 'convalescent home' was outdated and that the definition of a special hospital required the AEC to treat people differently even where they were resident in the same facility.⁶⁶ The AEC noted that:

There are a number of large aged care institutions in Australia where a varied level of care is provided. For example, the same institution may encompass both high-level care units eligible for special hospital status under the CEA, and independent living units. Some institutions may also offer a high level of care to certain residents even though they are not resident in what would traditionally be categorised as a "convalescent home". In these institutions, the AEC can take votes from those residents in the dedicated high care unit, but not from residents of the same institution who live independently, or from staff, even though the AEC is already on the premises.

This inconsistency is emphasised by state arrangements. For example, the Victorian Electoral Commission undertook mobile polling at independent living facilities for the 2006 state election, but those same electors could not vote with mobile polling teams for the federal election. In addition, there are cases where a person is assessed as requiring a high level of care and his or her partner is residing at the same aged care institution but does not receive such care. The AEC considers that in this situation, both the resident and the partner should be able to vote at the same time at the same location.⁶⁷

7.101 The committee notes that the type of facilities referred to by the AEC, would include those specified in s. 41(3) of the *Aged Care Act 1997* under the definition of 'residential care'. Inclusion of such facilities would allow mobile polling to be conducted in residential aged care facilities and hostels:

Residential care is personal care or nursing care, or both personal care and nursing care, that:

- is provided to a person in a residential facility in which the person is also provided with accommodation that includes:

65 Australian Electoral Commission, submission 169, p 56.

66 Australian Electoral Commission, submission 169, p 56.

67 Australian Electoral Commission, submission 169, p 56.

- ⇒ appropriate staffing to meet the nursing and personal care needs of the person;
- ⇒ meals and cleaning services; and
- ⇒ furnishings, furniture and equipment for the provision of that care and accommodation; and
- meets any other requirements specified in the Residential Care Subsidy Principles.

However, residential care does not include any of the following:

- care provided to a person in the person's private home;
- care provided in a hospital or in a psychiatric facility;
- care provided in a facility that primarily provides care to people who are not frail and aged;
- care that is specified in the Residential Care Subsidy Principles not to be residential care.⁶⁸

7.102 In relation to the AEC's proposal to extend mobile polling from five days to 12 days before polling day, the chief reason put forward for such a change was to provide for a period that is consistent with that for remote mobile polling.⁶⁹ The AEC noted that:

The CEA states that special hospital mobile polling can occur in the five days preceding, and on, polling day. In comparison, remote mobile polling can begin twelve days before polling day. The AEC sees no advantage in retaining the discrepancy in time frames and considers that they should be consistent at twelve days. The ageing demographic of Australian society will necessitate an increase in the number of aged care facilities visited and the number of votes taken at the facilities in future elections.

The need to extend the number of days available to mobile poll at special hospitals is exacerbated in geographically large divisions. The AEC believes that in future elections the tyranny of distance with an increasingly ageing population will mean that some electors may miss out on casting their vote if the number of days available to conduct mobile polling is not increased. Increasing the time to provide these services to twelve days will allow for a more comprehensive service for affected electors at future elections.⁷⁰

7.103 The AEC also suggested that where elderly people vote using mobile polling at aged care facilities, that the AEC could provide those electors

68 *Aged Care Act 1997*, s 41-3.

69 Australian Electoral Commission, submission 169, p 56.

70 Australian Electoral Commission, submission 169, p 56.

with some form of thankyou letter that the electors could retain to indicate that they had voted with the mobile polling team.⁷¹ The AEC noted that:

At the 2007 election nearly 70,000 electors voted via special hospital teams. Whilst the majority of these electors only voted once, there is always the potential in these situations for confusion. This potential may well increase if the AEC's proposal to lift the restrictions imposed by the current definition of special hospitals in the Electoral Act is viewed favourably by the Committee.

Accordingly, the AEC would be prepared to consider the production of some form of advice (for example a small 'thank you' card) for provision to the aged elector at the time of voting, indicating to the patient and to family and visitors of those patients that they had already voted.⁷²

Committee conclusion

- 7.104 The committee considers that additional flexibility should be introduced into mobile polling arrangements to allow the AEC to provide better services to electors in certain circumstances. The committee's recommendation in relation to how mobile polling can be applied to homeless and Indigenous electors (see chapter 6), is equally applicable to special hospital mobile polling as well as instances where the AEC considers that mobile polling is an appropriate strategy to service voting needs, such as at major sporting and other social events that coincide with an election period.
- 7.105 In relation to mobile polling and other polling services targeting mine workers, the committee endorses the AEC proposal for a range of improvements to provide better services to these electors.

Recommendation 28

- 7.106 **The committee recommends that the Australian Electoral Commission implement its proposed mobile polling and other election services to cater for mine workers in Western Australia for future elections. Such arrangements should also be provided in other states with a large number of mine workers such as Queensland and South Australia.**

71 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 14.

72 Australian Electoral Commission, submission 169.17, p 16.

- 7.107 In relation to special hospital mobile polling services, the committee agrees with the AEC that, with the ageing population and subsequent increase in the number of electors in aged care institutions, additional flexibility should be provided, including amending the definition of 'hospital' and 'special hospital' to reflect the types of facilities covered by s 41-3 of the *Aged Care Act 1997*. In addition, the committee agrees that the time period for conducting mobile polling at special hospitals should be extended from five days before polling day to twelve days before polling day.
- 7.108 Consistent with the committee's view that 'convenience' voting should not generally be discouraged; the committee considers that staff working in residential aged care facilities should also be able to cast a vote at the mobile polling facility.

Recommendation 29

- 7.109 **The committee recommends that the definition of 'hospital' and 'special hospital' in the *Commonwealth Electoral Act 1918* be amended to reflect the current definitions of aged care under the *Aged Care Act 1997*, and that any person residing or working in a residential aged care facility, including staff, should be able to vote at the mobile polling facility.**

Recommendation 30

- 7.110 **The committee recommends that the *Commonwealth Electoral Act 1918* be amended to extend the period during which special hospital mobile polling may be conducted, to 12 days before polling day.**
- 7.111 The committee also agrees with the AEC's suggestion that in order to reduce confusion about whether an elector has already voted at an election and to reduce the number of instances where electors vote more than once, that the presiding officer of the team provide patients or residents of hospitals or special hospitals who have voted with that mobile polling team with a receipt or letter, to indicate that they have, on that date, cast a vote with that mobile polling team.

Recommendation 31

- 7.112 **In order to mitigate against possible accidental multiple voting, the committee recommends that the presiding officer of a mobile polling team be required to provide patients and residents of hospitals or special hospitals who vote with that mobile polling team, with a receipt or letter to indicate that they have, on that date, cast a vote with that mobile polling team.**

Pre-poll voting at shopping centres

- 7.113 Several inquiry participants raised concerns regarding restrictions which made it impossible for party workers to conduct campaign activities around pre-poll voting centres, particularly those located in high traffic areas such as shopping centres.
- 7.114 The importance of and need for such pre-poll centres is highlighted by the experience of a pre-poll centre sited at a busy shopping centre in Hobart, Tasmania, which experienced a dramatic increase in the number of pre-poll votes issued at the 2007 election compared to the 2004 election. At this centre, the AEC reported there were no issues experienced with parties being able to provide how-to-vote cards, with a table set aside within the centre for electors to pick up the required information.⁷³
- 7.115 In Western Australia, the Hon Gary Gray AO MP considered that there were instances where campaign activity was restricted at certain pre-poll voting centres, which had a negative impact on parties' and candidates' ability to provide information to electors:

We can expect well over 1.2 million votes at the 2010 election to be early votes. That also means that in order for our elections to work as, culturally, we are used to them working, the handing out of a how-to-vote at a polling station or a polling location is an understood part of that practice, but of the 15 federal divisions in Western Australia, in two of them it is not possible to be present to hand out a how-to-vote. It is my belief that when the Australian Electoral Commission writes its leases with shopping centres, it should pay due attention to the need for all sides of politics – this is not a Labor Party thing, it is not Liberal Party thing, it is not Australian Greens thing; it is my contention that, if you have taken the time and the trouble to be a candidate for election, you have a

73 Neilson M, Australian Electoral Commission, transcript, 12 August 2008, p 27.

right to turn up at every polling location and hand out your how-to-vote material to advocate for your vote. There are significant electorates where that is not possible and where that is made not possible because of corporate policies of the landlord. I do not think that is fair.⁷⁴

7.116 Similar concerns were raised by the Federal Director of the Liberal Party of Australia:

One of the reasons why I emphasised the importance of the continuing process of communication between the AEC and the political parties is to make sure that there is a commonality of interpretation of relevant bylaws and other requirements from polling booth to polling booth on election day, but also from pre-poll centre to pre-poll centre. Whether everyone likes it or not, it is a characteristic of Australian elections that people do have available a how-to-vote card when they go in to vote. Given the nature of our voting system, the preferential nature and how important to the integrity of the electoral system and to avoiding informal votes how-to-vote cards are, I believe it is important that the political parties are able to provide the opportunity for people to have access to a how-to-vote card if they wish to take it, including in pre-poll centres.⁷⁵

7.117 In response to the issues raised by the Hon Gary Gray AO MP, the Shopping Centre Council of Australia considered that whilst shopping centre owners appreciate the desire of candidates to gain access to the crowds that shopping centres generate, the primary obligation of a shopping centre owner must be to the centre's retailers and to the customers of the centres.⁷⁶ The Council noted that:

It can be difficult to balance the owner's obligations to their retailers and customers with the desire to assist the democratic process but most shopping centre owners exercise commonsense in responding to requests for access. Where bans or limitations on political campaigning have been imposed it is usually because such activity has been found to be too disruptive for retailers and too intrusive for customers.

Many shopping centre owners have developed specific policies on access to their centres to ensure consistency of treatment. Other

74 Hon Gary Gray AO MP, Member for Brand, transcript, 25 November 2008, p 2.

75 Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 12.

76 Shopping Centre Council of Australia, submission 185, p 1.

owners make decisions on access on a case by case basis, taking into account the particular circumstances of the local area, the number of candidates, and the size and space available in the shopping centre itself. In some centres there may be local security issues that make political campaigning unwise while in others retailers may have indicated they do not like the disruptions to trading conditions that can be caused by election campaigning or other forms of political campaigning.⁷⁷

7.118 Suggested changes proposed by the Hon Gary Gray AO MP to ameliorate concern over access by campaign workers and candidates to pre-poll voting centres were:

- that the Australian Electoral Commission should investigate, collaboration with major shopping centre owners and other interested parties, a voluntary set of guidelines which ensure access for appropriate electoral activity; and
- that it should also be a condition for AEC offices that the lease agreement allows campaign volunteers to distribute how-to-vote cards to pre-poll voters.⁷⁸

Committee conclusion

7.119 The committee considers that while the AEC can face limited choices about the siting of pre-poll voting centres, every effort should be made to ensure that political parties and candidates have the opportunity to provide relevant information to electors. Where possible, the AEC should engage in discussions with shopping centre management aimed at facilitating campaign activity around pre-poll voting centres located within shopping centres and seek to formalise these arrangements before an election is announced so that political parties and candidates are aware of what activity will be permitted.

7.120 All other things being equal, the committee considers that the location of pre-poll voting centres should be based on maximising access for electors, with access by campaign workers and candidates an important, but, secondary consideration. However, wherever possible, the AEC should seek to formalise favourable arrangements with shopping centre management so that pre-poll voting centres continue to provide opportunities for campaign workers to distribute election information.

77 Shopping Centre Council of Australia, submission 185, p 2.

78 Hon Gary Gray AO MP, Member for Brand, transcript, 25 November 2008, p 2.

7.121 That said, the committee recognises that, for a range of reasons, not all pre-poll facilities will be able to provide unlimited access for campaign workers. Where such access is not possible, the AEC should work with the political parties and candidates to find other solutions, such as providing a dedicated space at the entrance to such facilities where campaign workers may offer how to vote material or, alternately arrange for the provision of a table or counter where such material can be made available to electors.

Recommendation 32

7.122 **The committee recommends that where a pre-poll voting centre (which may be a Divisional Returning Office) is to be located within a shopping centre, the Australian Electoral Commission work with shopping centre management to arrange appropriate access by campaign workers during the times where voting is possible, including where appropriate, specifying a requirement as part of its lease arrangements, that provides full access for parties and candidates to conduct their how to vote activities. Where such an arrangement is not feasible, the Australian Electoral Commission should ensure that political parties and candidates are advised of the alternative arrangements to be put in place to allow how to vote material to be made available in these centres.**

Postal vote applications issued by political parties

7.123 The Commonwealth Electoral Act imposes a range of provisions regulating applications for postal voting, including the requirement to gazette 'approved forms' such as postal voting applications (PVAs) and that an application form 'must be physically attached to, or form part of, other written material issued by any person or organisation'.⁷⁹

7.124 The AEC considered that it is now common practice for major political parties to undertake large-scale reproduction and distribution of their own version of the official PVA, and typically these applications are attached to campaign material. The AEC observed that while this practice began as a strategy in marginal seats, it has now spread to most divisions.⁸⁰

79 *Commonwealth Electoral Act 1918*, s. 184AA.

80 Australian Electoral Commission, submission 169, p 35.

7.125 A number of inquiry participants considered that political parties and candidates should not be involved in the postal voting process, including either in directly mailing postal voting applications to electors or acting as an intermediary in returning completed postal voting application forms.⁸¹ These objections were based on the privacy of information about electors, concerns about the independence of and public trust in the process, and delays in processing postal vote applications. The Australian Privacy Foundation told the committee that:

It seems clear that the intention of the political parties is to capture the names and addresses of voters who make their application for a postal vote through them, in order that they can contact them later in the campaign, with material customised for postal voters. There is no information in the material that we have seen about the collection and use of the personal information by the political party concerned. In the case of the forms we have seen, the mailings run a serious risk of misleading electors into thinking they would be returning the forms directly to the relevant Electoral Commission.

The collection of postal vote application information by the political parties feeds back into the compliance requirements on the Electoral Commissions. The Australian Electoral Commission is bound by IPP 2 to notify individuals of certain matters when collecting personal information, and the NSW Electoral Commission is subject to the similar provisions of IPP 3 (s.10 of the Privacy and Personal Information Protection Act 1998 (PPIPA)). The application forms themselves appear to be a standard form based on the ones issued by the Electoral Commissions and available from Post Offices. The forms themselves do not contain any privacy statement or information, and while the versions issued by the Commissions have some explanatory text attached, the party versions have only a crudely paraphrased version of this explanation, at best (there appear to be many local variations). To the extent that the Commissions give notice in association with the forms, it is surely misleading if it does not mention the collection and use of the information by the political parties en route to the Commissions, assuming that the Commissions are aware of the practice.⁸²

81 Australian Privacy Commission, submission 58, pp 1-2; NSW Greens, submission 64, p 5; Electoral Reform Society (SA), submission 94, p 3; Jones E, submission 95, p 14; Getup!, submission 155, p 14.

82 Australian Privacy Commission, submission 58, pp 1-2.

- 7.126 The NSW Greens also considered that political parties should not have an ‘intermediary’ role:

Currently many parties and candidates encourage voters to send applications for a postal vote to the candidate’s campaign address.

While it is appropriate that parties encourage voters to legitimately apply for a postal vote, the completed application forms should only be returned to the local returning officer. It should be illegal for parties and candidates to encourage voters to send a completed application to anyone other than the local Returning Officer. The current system causes delay for the voter and an extra administrative burden for the AEC when parties arrive with large bundles of accumulated applications close to the deadline for receipt of postal vote applications.

Further, the current system is open to rorting, especially when information distributed to voters encouraging a postal vote is designed to appear as if it is official AEC material.⁸³

- 7.127 The major political parties considered that they actually performed a valuable role in providing information to electors through the distribution of postal voting applications and information. The Liberal Party of Australia noted that:

It is in some ways a convenience that is extended by the parties to the AEC. It does relieve them of some of the burden. I believe it is an essential and critical part of the scope of electioneering these days – that political parties continue to be allowed to participate in the postal vote application process. We would strongly reject any proposal or suggestion that that should change.⁸⁴

The impact of ‘party’ postal voting applications

- 7.128 While the AEC recognised that political parties see the provision of party PVAs to electors as an important and well-established service and was not arguing for its removal, the AEC saw that the flow of these ‘party PVAs’ to the AEC via a local or party campaign office gave rise to a number of concerns.⁸⁵

83 NSW Greens, submission 64, p 5.

84 Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 11.

85 Australian Electoral Commission, submission 169, p 35.

7.129 The AEC's chief concern was that the way the party materials are designed does not necessarily make it clear to electors that applications will be returned through party channels:

Some materials have in the past been produced bearing the Commonwealth coat of arms; other materials have been accompanied by a reply paid envelope addressed to the Returning Officer, but with a post office box number of the party rather than the AEC.⁸⁶

7.130 The potential for delays in the receipt of PVAs by the AEC following receipt and on-forwarding through political party offices was highlighted in statistics provided by the AEC when the date of the witness signature was compared to the date of receipt by the AEC (table 7.6).

Table 7.6 Period between witness signature and receipt by the AEC of postal voting applications, applications received between 5 November 2007 and including 22 November 2007 (inclusive)

	AEC	ALP	National	Liberal	Other
Same Day	28,186	1,377	355	1,303	324
1 day later	37,089	3,828	844	2,499	323
2 days later	28,534	5,204	976	4,364	242
3 days later	22,575	5,155	1,083	5,305	273
4 days later	17,770	4,886	1,046	6,380	287
5 days later	11,368	4,055	823	6,686	273
6 days later	6,638	3,531	623	5,748	175
7 days later	4,331	3,045	448	4,547	81
8 days later	2,485	1,956	226	3,007	73
9 days later	1,428	1,237	177	1,829	26
10 days later	1,155	1,080	128	1,535	29
11 days later	922	882	114	1,119	21
12 days later	743	694	87	846	34
13 days later	678	653	95	726	26
14 days later +	5,395	5,740	543	4,869	108
Total	169,297	43,323	7,568	50,763	2,295

Source Australian Electoral Commission submission 169, p 37.

7.131 To improve the timeliness of PVA returns, the AEC considered that the Commonwealth Electoral Act should be amended to require 'party' PVAs to be returned directly from the elector to the AEC.⁸⁷ The AEC proposed

⁸⁶ Australian Electoral Commission, submission 169, p 35.

⁸⁷ Australian Electoral Commission, submission 169, p 36.

that an appropriate model on which such a provision could be based was subsection 143(2) of the *Electoral Act 1992 (ACT)*, which provides that:

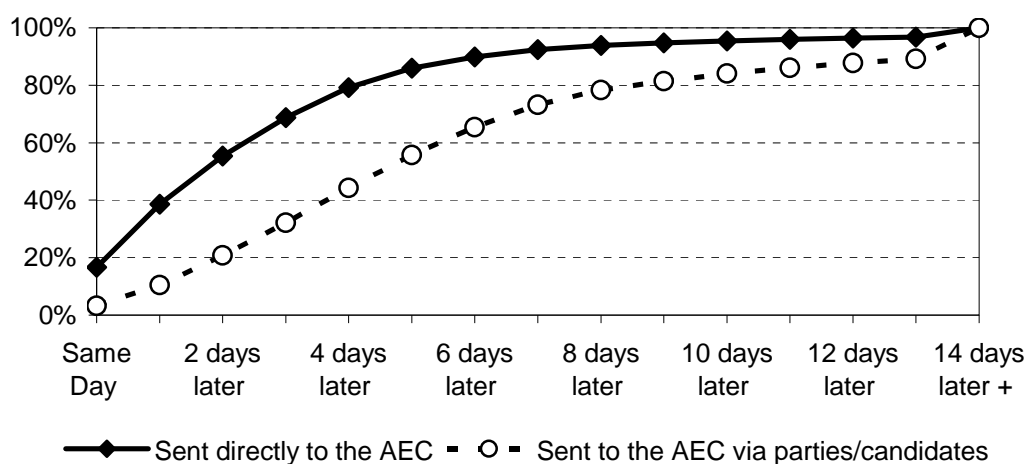
A person commits an offence if the person does anything to induce someone else:

- To complete an application form for declaration voting papers for postal voting; and
- To return the completed form to an address that is not an address authorised by the commissioner.⁸⁸

Committee conclusion

7.132 While it may be true that there are delays in returning postal voting applications, those delays are relatively minor (figure 7.6). Such delays are not necessarily within the control of the political parties and may be influenced by other factors.

Figure 7.6 Cumulative share of postal vote applications received by the Australian Electoral Commission from date of witness signature to receipt, by source, 2007 election



Source Australian Electoral Commission, submission 169, p 37.

7.133 It is important that political parties return postal voting applications to the AEC in a timely manner. The committee notes that the Commonwealth Electoral Act imposes a penalty of \$1,000 for failing to deliver a postal vote application 'as soon as practicable'.⁸⁹

⁸⁸ Australian Electoral Commission, submission 169.1, p 18.

⁸⁹ Commonwealth Electoral Act 1918, s 197.

Approved form for postal voting applications

7.134 The Nationals and the Liberal Party of Australia considered that the postal vote application form was too complex and not very user friendly.⁹⁰

7.135 Concern was also expressed that the approved form was not gazetted early enough to allow the required logistical arrangements for campaigning to be undertaken in a timely manner and that the gazetted form was difficult to reproduce as it contained too much detail.⁹¹ The Federal Director of the Nationals told the committee:

In short, the gazetted PVA continues to defy all accepted written communication trends and has become increasingly complex and less user friendly. This is resulting in our campaign workers reporting numbers of postal voting applications completed inaccurately, with the lack of a signature or a witness's signature the common shortcoming. Most state PVAs are significantly simpler in their design, although there is also considerable scope to improve their layout to a more user-friendly format as well. The Nationals recommend that this issue be addressed, and additionally we ask that the committee consider recommending that gazettal of whatever PVA form is to be used for an election be achieved at least six months, and preferably 12 months, prior to a scheduled election. Late gazettal and regular changes cause enormous difficulty in planning and budgeting for the production of PVAs for those parties and candidates that offer this service to voters.⁹²

7.136 The AEC's response to these issues noted that there were a range of reasons that contributed to the complexity of the form, the gazettal of the whole PVA and the timing of the gazettal of the PVA.⁹³ For the 2007 election, the printed PVA was an 8-panel form (with each panel being one-third A4 size), with the gazetted version being a 7-panel form. This was one more panel than at the 2004 election.⁹⁴

7.137 The complexity of the PVA was largely attributed by the AEC to material that related to legislative requirements and AEC judgement about what

90 Henderson B, The Nationals, transcript, 3 February 2009, pp 4-5; Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 3.

91 Henderson B, The Nationals, transcript, 3 February 2009, pp 4-5; Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 3.

92 Henderson B, The Nationals, transcript, 3 February 2009, pp 4-5.

93 Australian Electoral Commission, submission 169.17, pp 13-16.

94 Australian Electoral Commission, submission 169.17, pp 13-14.

information is important for electors to consider when applying to vote by post.⁹⁵ Some of the key points noted by the AEC that influence the amount of information included in the PVA relate to:

- Subsection 184(1) of the Electoral Act requires the application to be in the approved form, with subsection 184(1) (a) specifically requiring that the applicant makes a declaration “that he or she is an elector entitled to apply for a postal vote”. The inclusion of this takes up a full panel, with the application itself and instructions on how to complete the form taking a further 2 panels;
- Subsection 184(3) requires the application to be “signed by the applicant in the presence of an authorised witness”;
- The majority of one panel of the PVA is devoted to information about translator services;
- 2 panels contain information about early voting options and how to vote by post.

7.138 While the AEC cited that it had legal advice that the grounds for an application (as set out in schedule 2 of the Commonwealth Electoral Act) should be reproduced in full, the other parts of the PVA were largely based on a judgement by the AEC that it was necessary to provide sufficient information to electors about postal voting. The AEC noted that:

The overwhelming AEC concern is that electors who wish to vote by post do so with full information at their disposal to ensure that the application is fully completed, and they understand the voting logistics – there is no point applying for a postal vote late in the election timeframe when there is little chance of the postal voting papers being received by them in time, when they could easily have had a pre-poll vote if they had been aware of that option.⁹⁶

7.139 In relation to the gazettal of the PVA prior to the election, the AEC noted that there were a range of processes that needed to be completed before a PVA could be developed and gazetted. Given these processes, the AEC considered that ‘the setting of a fixed date to gazette such an important form in an environment where there is no fixed date for an election is not practical’.⁹⁷

95 Australian Electoral Commission, submission 169.17, p 14.

96 Australian Electoral Commission, submission 169.17, p 15.

97 Australian Electoral Commission, submission 169.17, p 15.

7.140 In addition to its own review of the PVA form following the election, the AEC noted that the outcomes of the committee's election review and the government's green paper were relevant factors that may impact on the design of the PVA – the outcomes of which were not likely to be completed until late 2009.⁹⁸

7.141 The AEC considered that the uncertainty over the timing of these processes work against the earlier gazettal of the PVA. The AEC noted that:

This lack of control places the AEC in a dilemma. Should it gazette a PVA say in August 2009, to provide it 12 months ahead of the earliest time for a half Senate election? Presumably then some political parties may commence the printing of their associated material. If, however, the relevant legislation is subsequently changed, the PVA could need to be re-gazetted, at considerable cost to the parties to reprint their material. As an example of issues to be balanced in choosing the time to gazette the PVA, the PVA for the 2007 election was initially gazetted in June 2007, but had to be re-gazetted in September that year as a result of the High Court decision in *Roach v Electoral Commissioner* ([2007] HCA 43) which reinstated prisoner voting entitlements.⁹⁹

7.142 Currently, the AEC is planning was to gazette the PVA for the next federal election in the last quarter of 2009, with the ultimate timing 'determined by any emerging legislative impacts that may flow from the [committee's] recommendations or the government's green paper'.¹⁰⁰

Committee conclusion

7.143 It is important that electors are provided with the necessary information about postal voting and other voting options prior to making a decision about whether to cast an early vote or whether they should seek to use other voting options.

7.144 In the committee's view, decisions about the relative complexity of the PVA essentially involve judgements about the level of material that is considered necessary or essential and what content, if any, is of less importance.

98 Australian Electoral Commission, submission 169.17, p 15.

99 Australian Electoral Commission, submission 169.17, p 15.

100 Australian Electoral Commission, submission 169.17, p 16.

- 7.145 The committee accepts that the legal advice received by the AEC indicates that the provision of information in relation to an elector's eligibility to cast an early vote is an essential part of the PVA. Other elements of the PVA, however, might be simplified, or even excluded entirely, depending on judgements made by the AEC and advice provided by other stakeholders.
- 7.146 The committee notes that the adoption of the committee's recommendation regarding removing the requirement for applicant and witness signatures on the PVA would reduce the form by at least one panel.¹⁰¹
- 7.147 On balance, the committee considers that the PVA should be changed to a more user friendly style and that only that section of the form requiring completion by an applicant for a postal vote be gazetted as the approved form. Such an approach will be complementary to the committee's recommendation regarding the removing the requirement for a applicant and witness signatures on the PVA in order to facilitate lodgement online, electronically or in printed form (recommendation 6).

Recommendation 33

- 7.148 **The committee recommends that, in conjunction with the recommendation removing the requirement for applicant and witness signatures, the postal voting application form:**
- **be made simpler and more user-friendly;**
 - **be gazetted at least 3 months prior to the expected date of an election where practicable; and**
 - **only that section of the form requiring completion by an applicant for a postal vote be gazetted as the approved form.**

101 Dacey P, Australian Electoral Commission, transcript, 11 May 2009, p 3.