



# Recommendations

## 3 Enabling the franchise

### Recommendation 1 (paragraph 3.61)

The committee recommends that Section 155 of the *Commonwealth Electoral Act 1918* be repealed and replaced by a new section which provides that the date fixed for the close of the rolls shall be 7 days after the date of the writ.

### Recommendation 2 (paragraph 3.114)

The committee recommends that the provisions of the *Commonwealth Electoral Act 1918* and the Electoral and Referendum Regulations 1940 that require provisional voters to provide proof of identity:

- be repealed; and
- that the *Commonwealth Electoral Act 1918* be amended so that where doubt exists in the mind of the Divisional Returning Officer as to the bona fides of an elector who casts a declaration vote, that the Divisional Returning Officer is to compare the signature of the elector on the declaration envelope to the signature of the elector on a previously lodged enrolment record before making the decision to admit or reject the vote.

**Recommendation 3** (paragraph 3.127)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to provide that where an elector who has lodged a declaration vote at an election has been removed from the roll by objection action on the ground of non-residence and

(a) the omission occurred after the election prior to the election to which the scrutiny relates, or

(b) where there has been a redistribution of the state or territory that includes the division since the last election but one before the election to which the scrutiny relates, the omission from the roll was made before the last such redistribution, then:

- if the address at which the elector claims to be enrolled at the time of voting is within the division for which he or she was previously enrolled, his or her House of Representatives and Senate votes will be counted; but
- if the address at which the elector claims to be enrolled at the time of voting is in a different division in the same state/territory, his or her Senate vote will be counted, but his or her House of Representatives vote will not be counted.

**Recommendation 4** (paragraph 3.129)

The committee recommends that the Australian Electoral Commission amend declaration vote envelopes to include fields in which electors may enter their driver's licence or Australian passport number, and:

- in those cases where electors provide a driver's licence or Australian passport number, or the elector has previously met the proof of identity requirements for enrolment, and the information provided on the envelope at the time of voting is sufficient to allow update of the electoral roll, the Australian Electoral Commission should update the roll on the basis of the information provided on the declaration envelopes; and
- in other cases the Australian Electoral Commission undertake appropriate follow up action to encourage the elector to enrol through the normal enrolment process.

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**Recommendation 5** (paragraph 3.159)

The government consider amending the *Commonwealth Electoral Act 1918* to:

- allow the date of the witness signature on the postal vote certificate to be the determining date for validity of postal votes; and
- to require postal voters and witnesses to confirm that the required voting actions were completed prior to the close of poll in the state/territory in which the electoral division for which the voter is enrolled, is located.

**Recommendation 6** (paragraph 3.185)

The committee recommends that the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* be amended to remove the requirement that postal vote applications be signed by an applicant and a witness, in order to facilitate the lodgement of postal vote applications online, electronically, or in written form, to reduce the incidence of postal vote applications being deemed defective, thus leading to delays in the delivery of postal voting packs to electors.

## 4 Maintaining an effective electoral roll

**Recommendation 7** (paragraph 4.54)

The committee recommends that that the provisions of the *Commonwealth Electoral Act 1918* and the Electoral and Referendum Regulations 1940 which provide that proof of identity for enrolment purposes be required, be amended to:

- require that proof of identity be required for each elector once only; and
- that proof of identity may be established by the provision of a drivers licence number, Australian passport number, or the signature of another person on the Commonwealth electoral roll who shall witness and attest to the identity of the applicant. Any one of these are to be considered as acceptable forms of proof of identity for electors enrolling within Australia.

**Recommendation 8** (paragraph 4.62)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to reinstate section 105 (1)(ba) in a form that will allow the Australian Electoral Commission to alter the address details for enrolled electors who have previously satisfied the proof of identity measures for enrolment, on the basis of information provided by electors in written form to the Australian Electoral Commission.

**Recommendation 9** (paragraph 4.143)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow for the creation, implementation and maintenance of an enrolment website designed to facilitate the receipt and use of information provided electronically by enrolled electors, in order to update the electoral roll.

Such a facility should only be provided for use by currently enrolled electors, who must be required to provide sufficient information to satisfy the Australian Electoral Commission that they are in fact the elector to whom the information relates, in the absence of a signature from the elector.

The facility must not allow any unauthorised access to the electoral roll and must not permit information contained on the electoral roll to be accessed or amended directly by any person other than an appropriately authorised Australian Electoral Commission officer.

Information provided through the facility must only be used by authorised Australian Electoral Commission officers to update the electoral roll, where that information has been subjected to and satisfies the same data integrity checks as is performed on information received through the submission of signed enrolment form.

**Recommendation 10 (paragraph 4.150)**

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow the Australian Electoral Commission to receive and use information for the purposes of directly updating the electoral roll, where that information has been:

- provided by an elector or electors to an agency approved by the Minister as an agency which performs adequate proof of identity checks; and
- the elector or electors have indicated their proactive and specific consent to opt in for the information to be used for the purposes of directly updating the electoral roll, and
- the data has been provided by that agency to the Australian Electoral Commission for the purposes of updating the electoral roll.

**Recommendation 11 (paragraph 4.159)**

The committee recommends that in order to facilitate the enrolment of new citizens, that:

- section 99A be amended to allow that a person who makes an application to become an Australian citizen in accordance with the *Australian Citizenship Act 2007*, be provisionally enrolled on the Commonwealth electoral roll at the time of making the application for citizenship, where they provide proactive and specific consent to opt in, with voting entitlement gained automatically once Australian citizenship has been granted; and
- section 99B of the *Commonwealth Electoral Act 1918*, which provides that applicants for citizenship may apply for provisional enrolment in an election period, should be repealed as the amended section 99A will render it unnecessary.

**Recommendation 12 (paragraph 4.172)**

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to change the minimum age for provisional enrolment from 17 to 16 years.

**Recommendation 13 (paragraph 4.177)**

The committee recommends that the Australian Government enter into discussions with the State and Territory governments with a view to achieving a harmonised enrolment regime which leads to the use of a single enrolment form or enrolment process for the purposes of Commonwealth and state/territory enrolment.

## 5 Election and enrolment — State and Territory issues

### Recommendation 14 (paragraph 5.62)

The committee recommends that, in order to encourage the enrolment of young Australians, the Australian Electoral Commission introduce a national ‘Schools Bounty Scheme’ under which government and non-government schools, universities and technical colleges and the like would receive a specified amount for valid enrolment forms collected and forwarded to the Australian Electoral Commission.

### Recommendation 15 (paragraph 5.71)

The committee recommends that the Australian Electoral Commission ensure national consistency wherever possible in the state/territory-based activities and strategies undertaken to facilitate roll management activities.

### Recommendation 16 (paragraph 5.73)

The committee recommends that the Australian Electoral Commission develop state and territory-based enrolment targets that reflect the contribution that is expected by each state and territory to the national enrolment target. Such targets should take account of the particular challenges faced in each state and territory and be reported annually in the Australian Electoral Commission’s annual report.

## 6 Increasing the participation of Indigenous and homeless electors

### Recommendation 17 (paragraph 6.47)

The committee recommends that the Australian Government provide ongoing and appropriate funding for the Australian Electoral Commission to establish, deliver and maintain a program similar in purpose to the former Aboriginal and Torres Strait Islander Electoral Information Service program to provide ongoing engagement with Indigenous electors.

### Recommendation 18 (paragraph 6.48)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to enable the provision of remote mobile polling at town camps, such as in Darwin and Alice Springs.

**Recommendation 19** (paragraph 6.99)

The committee recommends the *Commonwealth Electoral Act 1918* be amended to incorporate a definition of homelessness modelled on those in the Victorian *Electoral Act 2002* to facilitate enrolment or continued enrolment of homeless persons. This definition should include persons living in:

- crisis accommodation; or
- transitional accommodation; or
- any other accommodation provided under the *Supported Accommodation Assistance Act 1994*.

**Recommendation 20** (paragraph 6.102)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow mobile polling and/or pre-poll facilities to be provided at such locations and at such times as the Australian Electoral Commission deems necessary for the purposes of facilitating voting.

For example, mobile polling or pre-poll facilities should be able to be provided where there is likely to be sufficient demand for such facilities by homeless and itinerant electors, or in such other circumstances as warrant their use.

**Recommendation 21** (paragraph 6.104)

The committee recommends that the Australian Electoral Commission ensure that staff engaged in providing advice or services to electors with special needs (eg homelessness, sight impaired) be provided with appropriate training on how to communicate effectively and with sensitivity to the needs of such electors.

## **7 Responding to the increased demand for early voting**

**Recommendation 22** (paragraph 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 (paragraph 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 (paragraph 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.

**Recommendation 25 (paragraph 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.

**Recommendation 26 (paragraph 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.

**Recommendation 27 (paragraph 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.

**Recommendation 28 (paragraph 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.



**Recommendation 29** (paragraph 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** (paragraph 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.

**Recommendation 31** (paragraph 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.

**Recommendation 32** (paragraph 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.

**Recommendation 33** (paragraph 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.

**8 Formality issues****Recommendation 34** (paragraph 8.38)

The committee recommends that the Australian Electoral Commission increase efforts to improve electors' understanding of the federal voting systems and take appropriate measures to reduce the rate of informal voting, especially in electorates with a high percentage of electors from non-English speaking backgrounds.

**Recommendation 35** (paragraph 8.73)

The committee recommends that:

- Section 240 (2) of the *Commonwealth Electoral Act 1918*, which provides that the numbers on House of Representatives elections ballot papers are to be consecutive numbers, without the repetition of any number, be repealed, and
- the savings provision contained in paragraph 270 (2), repealed in 1998, which provided that in a House of Representatives election in which there were more than three candidates, and where a full set of preferences was expressed on the ballot paper, but there were non-consecutive numbering errors, the preferences would be counted up to the point at which the numbering errors began, at which point the preferences were taken to have 'exhausted', be reinstated to the *Commonwealth Electoral Act 1918*, and
- the Government amend the *Commonwealth Electoral Act 1918* to provide a penalty provision sufficient to deter the advocacy of 'Langer style voting'.

**Recommendation 36** (paragraph 8.112)

The committee recommends that the Australian Electoral Commission adopt all recommendations contained in the report entitled *Review of Ballot-Paper Formality Guidelines and Recount Policy* prepared for the Australian Electoral Commission by Mr Alan Henderson, except for recommendation A(v) which is the subject of recommendation 37.

**Recommendation 37** (paragraph 8.113)

The committee recommends that section 268(2) of the *Commonwealth Electoral Act 1918* be amended to provide that in those cases where the Divisional Returning Officer responsible for considering the question of the formality of a ballot paper, is satisfied that the ballot paper is not informal, because the Divisional Returning Officer is satisfied that it is an authentic ballot paper on which a voter has marked a vote, the Divisional Returning Officer be required to annotate the ballot paper with the words 'I am satisfied that this is an authentic ballot paper'.

**Recommendation 38** (paragraph 8.118)

The committee recommends that paragraph 209A(b) of the *Commonwealth Electoral Act 1918* and paragraph 25A(b) of the *Referendum (Machinery Provisions) Act 1984* be repealed, and replaced with the words 'a feature approved by the Electoral Commission'.

**9 Modernisation and sustainability of electoral administration****Recommendation 39** (paragraph 9.27)

The committee recommends that the Australian Electoral Commission be resourced appropriately in order that it continue to provide high quality electoral services to the Australian population and to do so in a manner that does not compromise the integrity of the electoral system.

**Recommendation 40** (paragraph 9.44)

The committee recommends that the Australian Electoral Commission be required to continue with staging the National Tally Room at future elections.

**Recommendation 41 (paragraph 9.50)**

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to provide a flexible regime for the authorisation by the Australian Electoral Commission of approved forms, which will:

- allow for a number of versions of an approved form;
- enable forms to be tailored to the needs of specific target groups; and
- facilitate online transactions.

**Recommendation 42 (paragraph 9.58)**

The committee recommends that the *Commonwealth Electoral Act 1918* be amended to enable the Australian Electoral Commission to manage its workloads in non-election periods by allowing enrolment transactions to be processed outside the division for which the person is enrolling, provided that those transactions are processed by a division that is within the same state or territory. This will permit workloads to be managed in the same manner as is currently permitted during election periods.

**Recommendation 43 (paragraph 9.66)**

The committee recommends that the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* be amended to enable the use of electronic certified lists in polling places and pre-poll voting centres, with appropriate measures implemented to ensure the security of the equipment and data.

**Recommendation 44 (paragraph 9.72)**

The committee recommends that the technical and operational changes proposed by the Australian Electoral Commission in submission 169, Annex 10, with the exception of those relating to photographing and photocopying of the roll (s 90A), (see recommendation 52) and prisoner voting (ss 93(8AA), 208(2)(c) and 221(3)) (see recommendation 47), be incorporated into the *Commonwealth Electoral Act 1918* and *Referendum (Machinery Provisions) Act 1984* when other amendments to these Acts are progressed.

**Recommendation 45 (paragraph 9.74)**

The committee recommends that any recommendations in this report that propose amending the *Commonwealth Electoral Act 1918* should, where also appropriate, be incorporated into the *Referendum (Machinery Provisions) Act 1984*, to ensure consistency between the provisions applying to elections and referenda.

## 10 Modernising regulatory arrangements

### Recommendation 46 (paragraph 10.23)

The committee recommends that the penalties imposed under s 328 of the *Commonwealth Electoral Act 1918* (\$1,000 for a natural person and \$5,000 for a body corporate) be revised to ensure that they provide a greater deterrent.

## 11 Other issues

### Recommendation 47 (paragraph 11.12)

The committee recommends that the Government amend the *Commonwealth Electoral Act 1918* to reinstate the previous three-year disqualification for prisoners removed from s 93(8)(b) in 2006, to reflect the High Court of Australia's judgement in *Roach v Australian Electoral Commissioner* that s 93(8AA) and s 208(2)(c) are constitutionally invalid.

### Recommendation 48 (paragraph 11.39)

The committee recommends that current provisions of the *Commonwealth Electoral Act 1918* regarding the eligibility of overseas electors to enrol and vote at elections be retained.

### Recommendation 49 (paragraph 11.44)

The committee recommends that the Australian Electoral Commission continue to work with organisations representing electors who are blind or have low vision to investigate the viability and sustainability of assisted voting arrangements aimed at providing secret and independent voting for electors who are blind or have low vision.

### Recommendation 50 (paragraph 11.48)

The committee recommends that the *Commonwealth Electoral Act 1918* be amended so that:

- where an item in the table in s 90B of the Act entitles a Senator or Member to receive one copy of a roll or certified list, that item be amended to permit the Senator or Member to opt for the relevant copy to be supplied in electronic rather than hardcopy form; and
- where an item in the table in s 90B of the Act entitles a Senator or Member to receive three copies of a roll or certified list, that item be amended to permit the Senator or Member to opt to receive one of the copies in electronic rather than hardcopy form, and to receive either zero, one or two hardcopies.

**Recommendation 51 (paragraph 11.77)**

The committee recommends that the current counting system used for Senate elections be retained.

**Recommendation 52 (paragraph 11.93)**

The committee recommends that the current arrangements relating to the provision of electoral roll information to prescribed organisations for the purposes of identity verification under the *Financial Transaction Reports Act 1988* or carrying out customer identification procedures under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* be retained.

**Recommendation 53 (paragraph 11.96)**

The committee recommends that the current provisions of the *Commonwealth Electoral Act 1918* relating to the inspection of electoral rolls be amended to explicitly prohibit the unauthorised photographing or photocopying of any roll that is made available for public inspection.