



List of recommendations

1 Introduction

2 Pre-election

Recommendation 1

That the AEC assess the effectiveness of its staff selection procedures to ensure that it continues as an independent, professional and ethical organisation that is respected by the people who use its services. (para 2.12)

Recommendation 2

That the AEC devise a procedure for ensuring that polling for federal elections is not compromised in any way by the AEC's obligations to conduct other elections, and that the AEC ensure that there is appropriate liaison between it and State and Territory electoral offices concerning the conduct of overlapping elections, including ensuring that State and Territory officials receive appropriate training and information on the requirements of federal electoral legislation. (para 2.14)

Recommendation 3

That section 155 of the Commonwealth Electoral Act 1918 be amended to provide that for new enrolments, the rolls for an election close on the day the writ is issued, and for existing electors updating address details, the rolls for an election close at 6.00pm on the third day after the issue of the writ. (para 2.26)

Recommendation 4

That the time period for enrolling as an overseas elector be a uniform two years from the date of departure from Australia, regardless of whether the elector was previously enrolled in Australia. (para 2.29)

Recommendation 5

That the relevant sections of the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 be amended to allow overseas electors to use a photocopy of their passport certified by the elector to confirm their personal details in circumstances where it is not possible to obtain an authorised witness' signature when either enrolling as an overseas elector or making a postal vote from overseas. (para 2.32)

Recommendation 6

That the AEC investigate and report on the potential impact of the proposed changes to the witnessing and enrolment provisions effected by Electoral and Referendum Act (No. 1) 1999. This report should include information on:

- The potential financial impact of these changes on new enrollees;
- The potential impact on enrolment numbers; and
- The potential cost to the AEC of setting up and administering these new systems.

Where the changes have been implemented, the AEC should provide details of studies it has done on the potential impacts and the actual impacts. (para 2.36)

Recommendation 7

That the Commonwealth Electoral Act 1918 be amended to make the basis of enrolment the elector's address, and that the objection provisions be amended such that an elector can be removed from the Roll when it can be shown the elector no longer lives at their enrolled address.

If an elector moves within their Division, does not re-enrol, and is removed by objection, their provisional vote for their Division will be counted, provided their last enrolment was within that Division and was since the last redistribution or general election; and

If an elector moves outside their enrolled Division, but remains within the State/ Territory, and claims a vote within their old or new Division, their vote in the Senate will count but the House of Representatives vote will not count. (para 2.48)

Recommendation 8

That the Commonwealth Electoral Act 1918 be amended to allow the Divisional Returning Officer to exclude from enrolment any name that is invalid, and that the criteria for determining an invalid name be developed by the AEC in consultation with the Office of Parliamentary Counsel. (para 2.55)

Recommendation 9

That the federal Attorney General appeal to his or her respective state and territory counterparts through the Standing Committee of Attorneys' General that there is a need for each state or territory Registrar of Births, Deaths and Marriages to tighten their criteria in relation to the registration of legal names. (para 2.56)

Recommendation 10

That Part X of the Commonwealth Electoral Act 1918 be amended to make decisions by a Divisional Returning Officer in relation to the enrolment of names appealable to the Australian Electoral Officer and the Administrative Appeals Tribunal. (para 2.58)

Recommendation 11

Subject to the JSCEM acceptance of matters raised in the AEC's internet issue paper, that the publicly available Commonwealth Electoral Roll be provided on the AEC internet site for name and address/locality search purposes, and that the Roll be provided in CD-Rom format with the same search facility to public libraries without internet access. Both the internet and CD-Rom Roll should be updated monthly subject to search capacity being limited to individual names and addresses on the Roll. (para 2.65)

Recommendation 12

That the Commonwealth Electoral Act 1918 be amended to allow access to an electronic version of the marked Roll and that this right of access should be extended to both candidates and party political organisations. (para 2.72)

Recommendation 13

That the Commonwealth Electoral Act 1918 be amended to include a schedule setting out an alternate layout for the Senate ballot paper and that the AEC consult with the Joint Standing Committee on Electoral Matters on the alternate design. (para 2.82)

Recommendation 14

That s211 of the Commonwealth Electoral Act 1918 be amended to allow for the amendment or withdrawal of Group Voting Ticket statements up to the closing time for the lodgement of such statements; that such amendment or withdrawal may only be made by the person who lodged the original statement; that a further statement may be lodged prior to the closing time following the withdrawal of the original statement by any persons eligible to do so under s211(6); and that should a Group Voting Ticket statement be withdrawn, and a new statement not be lodged for the group prior to the closing time for lodgement, the group will not have a Group Voting Ticket square printed on the ballot paper. (para 2.84)

Recommendation 15

That the Commonwealth Electoral Act 1918 be amended to ensure that the return of deposit for Senate candidates is made to the person who paid the deposit. (para 2.86)

Recommendation 16

That ss177 and 180 of the Commonwealth Electoral Act 1918 be amended to allow, up until the close of nominations, for the substitution of another candidate for a Division in a bulk nomination, where a candidate for that Division in a bulk nomination dies or withdraws their consent to act. (para 2.90)

Recommendation 17

That s331 of the Commonwealth Electoral Act 1918 and s124 of the Referendum (Machinery Provisions) Act 1984 be amended to reflect that only electoral advertising in journals needs to be labelled as advertising. (para 2.96)

Recommendation 18

That the Commonwealth Electoral Act 1918 be amended so the full address clearly identifying a physical location is given for authorisation purposes. (para 2.102)

Recommendation 19

That the AEC develop an expanded authorisation regime for How To Vote cards which will:

- define How To Vote cards broadly so as to include How To Vote cards that are narrative in nature;
- ensure the authorisation details include the name of the political party of origin or the name of the independent candidate as well as the other authorisation details; and
- include a requirement for the authorisation details to be printed prominently (in 12 point) on each printed side of the How To Vote card.

The authorisation regime should ultimately be included in the Commonwealth Electoral Act 1918. (para 2.129)

Recommendation 20

The AEC conduct an investigation to determine the reasons for the changes in the pattern of declaration voting. (para 2.156)

Recommendation 21

That the AEC modify its pre-poll voting form so that voters are requested to tick off the reason why they require a pre-poll vote from a list of permitted reasons in the legislation. (para 2.158)

Recommendation 22

That the AEC review its current practices to ensure that the information communicated to the candidates and the public in relation to pre-polling facilities is clear and correct. (para 2.166)

Recommendation 23

That the AEC seek agreement, where appropriate, from the owners of the premises on which a pre-poll is located to ensure that no unreasonable restriction is placed on the right of persons to distribute the customary election material or for voters to receive that material at or in the vicinity of the pre-poll. (para 2.173)

Recommendation 24

That the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 be amended to process votes cast in the Antarctic as pre-poll votes. (para 2.175)

Recommendation 25

That section 209(5) of the Commonwealth Electoral Act 1918 and section 25(4) of the Referendum (Machinery Provisions) Act 1984, requiring the production of separate postal ballot papers, be deleted so as to allow the same ballot paper to be used for all forms of voting. (para 2.178)

Recommendation 26

That the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 be amended to specifically allow for the replacement of spoilt, lost or undelivered postal ballot papers on written application from the elector. If the AEC receives two or more sets of ballot papers from an individual elector as a result of a request for replacement ballot papers, the AEC should discard any second or subsequent set of ballot papers received and keep a record of such occurrences to determine whether there is an intention to multiple vote. (para 2.184)

Recommendation 27

That paragraph 7 of Schedule 3 of the Commonwealth Electoral Act 1918 and paragraph 7 of Schedule 4 of the Referendum (Machinery Provisions) Act 1984 concerning the postmarking of postal vote envelopes be amended, so that the date of the witness's signature is instead used to determine if a postal vote was cast before the close of polling if there is no post mark or if the post mark is illegible. The witnessing portion of the postal vote envelope should specify all the elector's details being attested to, and should make clear that it is an offence for a witness to make a false declaration. (para 2.191)

Recommendation 28

That the AEC modify its postal voting form so that voters are requested to tick off the reason why they require a postal vote from a list of permitted reasons in the legislation. (para 2.200)

Recommendation 29

That the AEC only issue one set of postal ballot papers and discard any second or subsequent application form request except where the second or subsequent request is to replace spoilt, lost or undelivered ballot papers on written request from the elector as set out in Recommendation 26. (para 2.207)

Recommendation 30

That reply paid envelopes supplied by political parties with postal vote application forms that are addressed to return to the political party, the name of the political party be part of the address on the envelope. (para 2.212)

Recommendation 31

That the AEC review its mobile polling arrangements and training to ensure good management of mobile polling teams. (para 2.234)

3 Election day

Recommendation 32

That the Commonwealth Electoral Act 1918 be amended to allow registered political parties to appeal AEC decisions on the location of polling places. (para 3.4)

Recommendation 33

That the AEC develop guidelines in relation to the provision of special polling facilities, and that these guidelines be a disallowable instrument. (para 3.17)

Recommendation 34

That the Commonwealth Electoral Act 1918 be amended to ensure that, where a photocopied ballot paper is issued, the issuing officer must initial the ballot paper in order for it to be considered formal. (para 3.23)

Recommendation 35

That the Commonwealth Electoral Act 1918 be amended to allow the AEC to send penalty, enrolment objection and determination notices to the latest known address of the voter at the time of the dispatch of the notice. (para 3.52)

Recommendation 36

That the Commonwealth Electoral Act 1918 be amended to explicitly prevent scrutineers from providing assisted votes. (para 3.64)

Recommendation 37

That the AEC report to the Committee on options for an effective integrated educational and enrolment service for Aboriginal and Torres Strait Islanders before the next federal election. (para 3.80)

Recommendation 38

That the nexus between provisional voting and reinstatement be broken by deleting ss 105(4) and 105(5) of the Commonwealth Electoral Act 1918. (para 3.93)

Recommendation 39

That the Commonwealth Electoral Act 1918 be amended so that:

- if an elector has moved within the Division they are enrolled for since the last redistribution or federal election and has not re-enrolled, then the AEC will take action to re-enrol the elector at their current residential address and their provisional vote for the Division and the Senate will be counted;
- if an elector has moved outside the Division they are enrolled for but within the same State or Territory since the last redistribution or federal election and has not re-enrolled, then the AEC will take action to re-enrol the elector at their current residential address and their provisional vote for the Senate will be counted; and
- if an elector has moved outside the State or Territory they are enrolled for since the last redistribution or federal election and has not re-enrolled, then the AEC will take action to re-enrol the elector at their current residential address and their provisional vote will not be counted. (para 3.96)

Recommendation 40

That the AEC review its procedures for updating the Commonwealth Electoral Roll following notification of the death of an elector. (para 3.135)

4 After the close of poll

Recommendation 41

That the Commonwealth Electoral Act 1918 be amended to allow Divisional Returning Officers some discretion as to the location for the declaration of the poll. All candidates should be consulted prior to the selection of the location. (para 4.17)

Recommendation 42

That the AEC conduct targeted public education programs prior to the next federal election, to more fully explain the full preferential voting system for the House of Representatives. (para 4.40)

Recommendation 43

That section 216 of the Commonwealth Electoral Act 1918 be amended so that group voting ticket information can be provided in booklet format rather than in poster format. (para 4.68)

5 Other issues

Recommendation 44

That the disclosable sum received from a person or organisation during a financial year be increased from \$1,500 to \$3,000. (para 5.20)

Recommendation 45

That the minimum donation before a donor is required to lodge a return be increased from \$1,500 to \$3,000. (para 5.25)

Recommendation 46

That the AEC conduct a feasibility study on moving to a system of electronic lodgement of annual disclosure returns. (para 5.30)

Recommendation 47

That the AEC ensure that technical or minor mistakes are not brought within the provision of s315(2) of the Commonwealth Electoral Act 1918. (para 5.33)

Recommendation 48

That section 311A of the Commonwealth Electoral Act 1918, concerning annual returns by Commonwealth departments, be deleted and inserted in the Joint Committee of Public Accounts and Audit guidelines for the production of annual reports. (para 5.36)

Recommendation 49

That eligibility for federal registration by a political party requires that political parties must have either 500 members as defined under section 123(3) of the Commonwealth Electoral Act 1918 or have at least one member who is a member of the federal parliament. (para 5.56)

Recommendation 50

That the definition of a member of a political party at section 123(3) of the Commonwealth Electoral Act 1918 be expanded to include the requirements that a person must:

- have been formally accepted as a member according to the party's rules;
- remain a valid member under party rules;
- not be a member of more than one registered political party unless the parties themselves have sanctioned it; and
- have paid an annual membership fee. (para 5.57)

Recommendation 51

That a fee of \$5000 be required to accompany an application for the registration of a political party and \$500 for an application to change either the registered name or abbreviation of a political party. (para 5.65)

Recommendation 52

That the AEC investigate and report on the effectiveness of the current criteria for the registration of party names and how the AEC might improve the criteria for the registration of party names to disallow inappropriate and unrepresentative names being registered. (para 5.69)

Recommendation 53

That the registered abbreviation of a political party be restricted to either an acronym, or a shortened version, of the party's registered name and it should be no longer overall than the registered party name. (para 5.72)

Recommendation 54

That the AEC be authorised to conduct reviews of the continuing eligibility of registered political parties after every federal election. The AEC should be able to require parties to produce documentation in support of their application for registration and their continued right to remain registered. The standard of documentation and the verification undertaken by the AEC can be the same as if the party were first applying to register. The AEC should also have the power to deregister a political party if it fails to produce the documentation requested by the AEC in support of its continuing right to remain registered. (para 5.80)

Recommendation 55

That given adequate public support, a referendum be held to amend the constitution so that the act of nomination by a candidate for the House of Representatives or Senate be recognised as immediately extinguishing any allegiance to a foreign country provided the candidate is also an Australian citizen. (para 5.96)

Recommendation 56

That in section 354 and 383 of the Commonwealth Electoral Act 1918 and section 139 of the Referendum (Machinery Provisions) Act 1984, “Federal Court of Australia” be substituted for the “Supreme Court of the State or Territory.” (para 5.114)

Recommendation 57

That section 382 of the Commonwealth Electoral Act 1918 be deleted. (para 5.117)

Recommendation 58

That as part of its public education program prior to the next federal election the AEC target as an education priority the process and outcomes of the redistribution of electoral boundaries in those electorates where a redistribution has occurred since the previous federal election. (para 5.124)

Recommendation 59

To amend section 28 of the Constitution to increase the House of Representatives term from three years to four years. (para 5.129)