

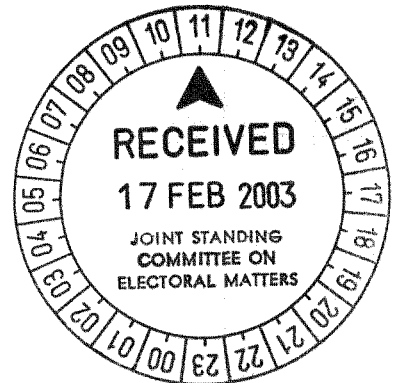


**FOREIGN
AFFAIRS AND
TRADE**

Public Diplomacy, Consular and
Passports Division

17 February 2003

Joint Standing Committee on Electoral Matters
R.2.105
Parliament House
Canberra ACT 2600



INQUIRY INTO THE CONDUCT OF THE 2001 GENERAL ELECTION

Attached are answers to the questions asked on notice at the above hearings, approved by the Minister for Foreign Affairs.

Yours sincerely

Douglas Foskett
Parliamentary Liaison Section

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| Joint Standing Committee on Electoral Matters | |
| Submission No. | 188 |
| Date Received | |
| Secretary | |

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 1-2

Topic: Elections as a DFAT service

- (1) The 2001 Federal Election was not mentioned in DFAT's 2001-02 Annual Report. Given that a Federal Election is a major event involving resources and voting facilities provided by 99 Posts, shouldn't it be covered in the Annual Report? Was this an oversight?
- (2) DFAT's cable of 8 August 2001 asks Posts to nominate the person who will act as the Assistant Returning Officer for the conduct of the Federal election. To ensure that this responsibility is taken seriously, would it be appropriate for the Senior Administrative Officer (A-based) at overseas Posts to always be designated the Assistant Returning Officer? Does the Head of Mission usually take a direct interest?

Answer:

- (1) While the conduct of federal elections overseas is an important part of the consular service offered by overseas posts, it remains one of several functions performed by consular staff on behalf of other agencies. It is not always possible to refer to each of these functions, however important they may be, in the annual report.
- (2) It is up to posts based upon their respective staffing profiles, planned absences and workloads to decide who would be the most appropriate staff member to act as Assistant Returning Officer. Heads of Mission are responsible for ensuring appropriate measures are in place for the conduct of the federal election.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 3-6

Topic: Staff training and knowledge of electoral procedure.

- (3) Several submissions refer to incorrect or incomplete advice provided by Australian missions to expatriate Australians enquiring about their overseas voting rights. Is DFAT confident that A-based consular staff are familiar with the relevant provisions in the Electoral Act?
- (4) Are these provisions explained to locally-engaged consular staff, given that they are normally the first to deal with people making consular enquiries?
- (5) Is any special training provided by the Australian Electoral Commission (AEC) to A-based consular staff going on posting? Are new Heads of Mission briefed by the AEC?
- (6) Would a formal Memorandum of Understanding between DFAT and the AEC help to give greater focus to this important aspect of consular work?

Answer:

- (3) Advice on voting rights is a matter for the AEC. Staff at overseas posts should be advising enquirers to contact the AEC directly for information on their voting rights.
- (4) No. The response to question (3) also applies to locally engaged staff.
- (5) We are looking to introduce a segment from the AEC in our regular consular training course for staff posted overseas. Heads of Mission are briefed by the AEC on a case by case basis.
- (6) This is a matter we can examine further with the AEC.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Question 7

Topic: Regional seminar

- (7) The DFAT submission (page 3) mentions that training on electoral matters is now part of regional seminars for overseas consular staff. This was also mentioned by Mr Kemish in the public hearing on 2 December.
- (a) When were electoral matters first introduced as a separate component of regional seminars?
 - (b) How often are these regional seminars held?
 - (c) What specific training on electoral matters generally and overseas voting regulations in particular is provided to new locally-engaged staff, or temporary staff hired to assist with an election?

Answer:

- (a) At the seminar held in London in September 2002.
- (b) Approximately two regional seminars are held each financial year.
- (c) New locally engaged staff and temporary staff required to assist in an election are provided with on the job specific training by staff at post.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 8-12

Topic: Funding of posts for electoral events

- (8) The DFAT submission (page 1) states that for Federal elections 'Posts are expected to fund costs out of their existing budgets'. However, where large expatriate communities exist, Posts may approach the AEC to cover 'identifiable costs'. This issue was also raised during the public hearing on 2 December. How does the funding work? Is a notional amount built in to Post budgets during an election year?
- (9) What was the estimated cost for an 'average Post' to provide pre-poll and postal vote facilities for the 2001 Federal Election?
- (10) How many requests for additional funding were submitted to the AEC by Posts? Did the AEC meet all these requests? (This question was raised during the public hearing on 2 December).
- (11) What was the total amount of additional funding requested by Posts for the conduct of the 2001 Federal election?
- (12) Is DFAT satisfied with the current funding arrangements?

Answer:

- (8) Overseas posts are expected to provide a range of consular services on behalf of other government agencies to Australians overseas as part of their normal functions. Specific funding is identified for consular services, but this is not broken down or amended in respect of activities on behalf of other agencies, including for elections. Requests for additional funding by posts for elections are directed to the AEC for consideration.
- (9) It is not possible to estimate costs for an 'average post' providing electoral services as all costs are met out of general administrative and staffing expenditure at posts. The cost of providing electoral services is therefore not accounted for separately. Where posts can demonstrate that they need additional funds based on the size of the Australian community or past voting patterns etc, posts can approach the AEC for additional funding, for example for temporary staff.
- (10)(11) Posts approach the AEC directly for funds. These questions would be best answered by the AEC.
- (12) DFAT and the AEC are in the process of examining whether there might be more equitable and efficient funding methods for elections overseas.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 13-15

Topic: Polling booth operations

Section 3 of the AEC's 'Overseas Voting Procedures' (see DFAT submission) suggests that pre-polling 'only needs to be open during normal office hours', and implies that opening on election Saturday is optional.

- (13) Did any Posts vary opening hours to make it more convenient for working Australians to get there after office hours? Which were those Posts?
- (14) Which Posts conducted polling on election day, Saturday, 10 November 2001? (This was a question taken 'on notice' by Mr Kemish at the public hearing on 2 December)
- (15) What arrangements are made at Posts for the distribution of How-to-Vote cards? At the public hearing on 2 December Senator Ray asked specifically in relation to the Consulate-General in New York, and Mr Kemish took the question on notice.

Answer:

- (13) In general, there was no need for posts to vary opening hours as polling could be done either on a pre-poll basis or, for those who could not attend, by postal vote.
- (14) Australians voting overseas must cast their votes before 6-00pm Western Australia time. Because of time differences, the vast majority of posts are behind that time so that they would not be able to offer voting facilities on a Saturday. From our files, Singapore, Bangkok and Wellington opened on polling day.
- (15) Posts arrange for material provided by political parties, including How-to-Vote cards, to be put in a different room, corridor or outside the mission where voters can pick it up. The material is not placed in the voting area. If voters ask for this material they would be shown where it was available. Consular staff do not offer or hand out material to voters. If any representatives of political parties wish to distribute How-to-Vote cards they are permitted to do so outside the voting area.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 16-18

Topic: Information dissemination

- (16) A number of submissions (for example no. 54, 76, 88, 91, 118) refer to the lack of information on the regulations on voting overseas, both in Australia and overseas. DFAT mentions voting in various publications (see next section below) but could Posts also do more to publicise these regulations? How many websites of overseas Posts contain information on the voting rights of Australians living overseas? How feasible would it be for all overseas posts to provide such information through websites, newsletters and hand-out material?
- (17) How does the average Post publicise the voting arrangements for an election to Australians living in, or visiting, their region?
- (18) At the public hearing on 2 December Mr Kemish commented that "...in many cases Australians do not know that there is an election". A couple of submissions referred to the good publicity generated by American Embassies around the world in the period leading up to an American election. Could DFAT do more to inform, facilitate and encourage expatriate Australians and tourists to vote during federal elections?

Answer:

- (16) The DFAT website to which all post websites are connected has a hotlink to the AEC website. Many posts already include information on elections in newsletters and other post publications. We are willing to look at ways in which we can further publicise these regulations in consultation with the AEC.
- (17) Posts are encouraged to include information on federal elections in any circulars, newsletters, websites and through free press releases in local newspapers where possible. No paid advertising is to be undertaken without the prior approval of the AEC.
- (18) This is a matter we need to discuss with the AEC, which has responsibility for publicising the elections and encouraging electors to vote.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 19-21

Topic: Publications

The DFAT submission claims that 'DFAT provides comprehensive advice relevant to Australians travelling and living overseas' through publications and its website. DFAT's key publication, Hints for Australian Travellers, under a sub-heading titled **Voting and Mail** contains the following advice on voting:

Contact your local office of the Australian Electoral Commission about voting overseas. Australian Posts help you vote if an election is held while you are away.

The draft of a new publication, *Living and Working Overseas – Essential information for the Australian Expatriate*, has the following advice under a section titled **Voting**:

You are not legally required to vote if you are living overseas. But the Australian Electoral Commission encourages you to do so. You can vote at most Australian Embassies or high commissions, or you can vote by post. A list of overseas voting centres is available at www.aec.gov.au/ once an election has been announced.

- (19) The specific information on overseas voting in DFAT publications, both hard-copy and online, is skimpy. Is there scope to include a more detailed explanation of the regulations, particularly in Hints for Australian Travellers?
- (20) Many submissions indicate that there is little publicity on, or awareness of, the voting provisions which apply to Australians living overseas (for example, submissions 7, 16, 54, 60, 65, 78). Are there any other means by which DFAT offices in Australia can assist the AEC in publicising these provisions to Australians intending to live overseas or already living overseas (for example, could the application form for Eligible Overseas Elector be distributed with each new passport)?
- (21) Has any consideration been given to how DFAT Posts could be more pro-active in educating expatriate Australians of the provisions in regard to voting overseas?

Answer:

- (19) The purpose of the DFAT publications and website is to provide essential information that is easily accessible and points Australians travelling overseas in the right direction for more detailed information. If Australians require further information, it is appropriate that they address such questions to the AEC.
- (20) This is a matter for the AEC to address. We are discussing a range of issues with the AEC and will explore what we may be able to do to make the AEC's information more available to Australians overseas.

(21) See response to question (18).

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 22-25

Topic: Potential overseas voters and databases

The Southern Cross Group (submission 148) notes that, according to DFAT figures, there were 858,866 Australian citizens living overseas as at 31 December 2001. Assuming approx 25 percent are minors (reflecting the population in Australia, although it is likely to be a much smaller proportion overseas), there are about 645,000 Australians living overseas over the age of 18. In contrast DFAT's *2001-02 Annual Report* gives an estimate of 720,000 Australian expatriates.

- (22) The Southern Cross Group submission refers to a DFAT estimate that 860,000 Australians live overseas. DFAT's 2001-02 Annual Report (page 137) gives an estimate of 720,000 'expatriate Australians'.
- (a) Can you explain the different figures?
 - (b) What proportion of the 720,000 would you estimate to be over 18 years of age?
- (23) How many expatriate Australians are registered on DFAT's database, or direct with Posts?
- (24) Has there been a big increase in registrations since the Bali bombings? What are your strategies for increasing the number who register?
- (25) Does DFAT have regular contact with people registered on the database (eg send them updated travel advices)? Is there scope to increase the usage of this register so that it might, for example, be used to alert Australians of important events such as federal elections?

Answer:

- (22) (a) The DFAT figures are based on estimates provided each year by our overseas posts and therefore are subject to change from year to year.
(b) DFAT does not keep statistics on which it could base such an estimate.
- (23) The DFAT database contains 104,927 registrations of which 74,601 are currently active. These include those Australians registered by overseas posts.
- (24) Yes. There are a number of strategies being examined by government to encourage more Australians to register.
- (25) Not at this stage. The system is primarily for use in emergencies, such as the Bali bombings. We are looking at using existing means of communicating with Australians registered overseas, for example through Embassy bulletins and e-mail.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 26-28

Topic: Advising Australian travellers and expatriates

- (26) The Parliamentary Library estimates that there are around 250,000 Australians travelling overseas as tourists or on short-term visits at any time (ie travellers who expect to be away from Australia for less than 12 months).
- (a) Does DFAT agree with that estimate?
 - (b) How many Australians were provided with overseas consular assistance by DFAT in 2001-02? Does DFAT have estimates as to whether these services were provided to short term travellers or long term expatriates?
- (27) How do Posts advise Australian tourists of voting arrangements for elections?
- (28) Does it surprise DFAT that with possibly 650,000 Australian citizens over the age of 18 living overseas, plus the large number travelling as tourists or on short-term visits overseas at any time, only 63,036 votes were issued by Posts during the 2001 Federal Election?

Answer:

- (26) (a) We cannot comment on the Parliamentary Library's figures as we do not know the basis for those figures. It would be more appropriate to ask the Australian Bureau of Statistics, which has responsibility for statistical collection, including from passenger departure cards.
- (b) Consular assistance was provided to 24,158 Australians in difficulty overseas in 2001-02. We do not differentiate between short term travellers and expatriates in the provision of consular services.
- (27) See response to question (17).
- (28) There may be a number of factors behind this. Our estimate of 720,000 Australians living overseas includes large dual national populations in a number of countries, many of whom have little direct ongoing contact with Australia. Many people also make arrangements in advance of overseas travel to vote in elections.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 29-31

Topic: Voting statistics

- (29) The statistics in Tables 1, 2 and 3 compare the number of Issued and Despatched Votes. The statistics show some puzzling variations even within the same region. For example, proportionally far fewer Despatched Votes were sent to Australia from Atlanta and Washington than from New York and San Francisco. For Dubai, Despatched Votes exceed Issued Votes.
- (a) Why are there such great variations between Issued and Despatched Votes between Posts – for example, why did Atlanta send back only 23 percent of the votes it issued compared with 96 percent for San Francisco?
- (b) Would a large variation like that normally trigger an investigation of voting procedures at Atlanta?
- (30) Can you explain the variation in Dubai where more votes were despatched than issued?
- (31) Are the Despatched Votes sent back to Australia via the diplomatic mail system?

Answer:

- (29) (a) The main reason for this anomaly in the United States was the anthrax scare, which brought the US mail system almost to a standstill. A number of posts recommended voters send their completed postal vote applications direct to Australia rather than suffer further delays by dispatching them to posts. Also, voters may not have received their postal vote applications in time.
- (b) This is a matter for the AEC to decide whether or not to investigate such anomalies. We would work with them to resolve the situation should the AEC believe it warrants investigation.
- (30) Australians can return their vote directly to Australia or through any other diplomatic or consular post. In the case of Dubai, for example, postal votes could have been issued through the Embassy in Abu Dhabi, but sent back through Dubai.
- (31) Despatched votes are sent by courier service with whom the AEC has a contract (in the case of the 2001 election, this contract was held by DHL International). These are normally sent in two dispatches, the last departing the Friday after election Saturday. Any voting material received after the Friday after election Saturday is normally dispatched through the first available diplomatic bag.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 32-34

Topic: DFAT voting instructions

The last line of DFAT's cable to Posts dated 8 October reads, 'For the issue of postal ballot material, electors are required to send their postal vote applications back to Australia to the Division for which they are enrolled.'

This statement appears to contradict AEC instructions in its 'Overseas Voting Procedures' attached to the DFAT submission which indicate that PVAs should be sent to the nearest Post, which will then issue postal ballot papers.

- (32) The statement regarding Postal Vote Applications in DFAT's unclassified All-Posts cable of 8 October 2001 seems to contradict the AEC instructions (see last paragraph of the cable). Was this advice corrected?
- (33) Do some Posts encourage Postal Vote Applicants to send their completed Postal Vote Certificates direct to the AEC in Australia rather than back to the Post?
- (34) Assuming the AEC's 'Overseas Voting Procedures' are properly understood and followed by all Posts, would you expect the variations between Posts to be minimal? Do the wide variations in these figures suggest different approaches to the handling of Postal Votes by individual Posts?

Answer:

- (32) The contents of the cable were based on written advice received from the AEC on 8 October 2001. A subsequent correction was sent on 9 October 2001.
- (33) In the case of the 2001 election, some posts in North America encouraged voters to send their completed postal vote applications direct to Australia because of delays in the US postal system due to the anthrax scare.
- (34) Variations may still occur given the high mobility of Australian travellers and the differing local circumstances, for example postal facilities, in each country.

Joint Standing Committee into Electoral Matters

ANSWERS TO QUESTIONS ON NOTICE

Department of Foreign Affairs and Trade

Inquiry into the conduct of the 2001 General Election, 2 December 2002

Questions 35-40

Topic: Delays with ballot material

The DFAT submission mentions delays with polling material, and Mr Kemish referred to that during the public hearing on 2 December. On page 3 of the submission the Department says:

Pre-polling commenced on 29 October 2001. It was expected that Posts would receive ballot material prior to that date, but delivery delays meant that some Posts did not receive their shipments until after 29 October.

The submission notes that DFAT is hoping to use the Automated Postal Vote Issuing System (APVIS) in future, and that the AEC is producing special election manuals for London and Hong Kong, the two busiest election Posts.

- (35) Can DFAT provide more details of the 'delivery delays' in receiving the election material for the last election? What caused the delays? On what date (after 29 October 2001) was the last lot of ballot material received by a Post?
- (36) Does the AEC have access to the diplomatic bag system for the delivery of election material to Posts?
- (37) How many Posts were affected by these delays?
- (38) Given the delays, what was the shortest pre-poll period in a Post?
- (39) The feasibility of using electronic means to transfer ballot papers to Posts was raised at the public hearing on 2 December as a way of avoiding delivery delays. Mr Kemish advised that DFAT is currently discussing this concept with the AEC.
- (a) When does DFAT expect to reach agreement with the AEC regarding the electronic transfer of ballot papers?
- (b) Is DFAT looking at any other joint strategies to avoid a repeat of the delays experienced before the 2001 federal election?
- (40) How will the Automated Postal Vote Issuing System assist DFAT Posts? Will it be introduced in time for the next election? Will special training be required for staff?

Answer:

- (35) Overseas posts had expected to receive complete ballot material by Friday 26 October 2001 to enable them to provide electoral services, many of which were advertised, from Monday 29 October 2001. While many posts received some electoral material in time, many items were missing or were in insufficient quantities. As the AEC is responsible for the DHL contract and for allocating and packaging shipments for overseas posts, the AEC should be in a better position to provide complete information on the causes of the

delays. According to our files, Tel Aviv appears to be the last post to receive electoral material late on 6 November 2001.

- (36) The AEC contracts the delivery service. In the case of the 2001 election, DHL held the contract. The diplomatic bag is not used for delivery of electoral material.
- (37) According to our files, most posts were affected by these delays.
- (38) Based on Tel Aviv, the shortest pre-poll period was three days.
- (39) We are discussing the modalities of electronic transfer with the AEC and would expect to have systems in place well before the next election. We are examining ways to minimise delays of hard copy deliveries in future.
- (40) We have yet to analyse fully any implications of the APVIS system for overseas posts. The other parts of the question are for the AEC to answer.