



## Maintaining the roll (Chapter 3)

### KEY POINTS:

- There has been a trend of declining enrolment participation for over a decade. As at 30 June 2010 there were approximately 1.59 million voters missing from the electoral roll. At the moment the Australian Electoral Commission (AEC) is not able to use existing data sources that indicate where electors reside to enrol electors or to update the details of those electors already on the roll. **(see pages 25 and 27)**
  - The committee has recommended that the AEC be allowed to directly enrol eligible electors or update their enrolment details on the basis of data or information provided by an elector or electors to an agency approved by the AEC, as an agency which performs adequate proof of identity checks, where that information is subsequently provided by that agency to the AEC for the purposes of updating the electoral roll. Approval of such agencies by the AEC should be made by disallowable instrument. (Recommendations 1 and 2). **(see page 36)**
- The Australian Taxation Office (ATO) have been of assistance to the AEC in notifying people who have advised the ATO of a change of address that they should also update their enrolment details. However, further cooperation between the agencies is limited as data sharing arrangements between the AEC and the ATO are not currently permissible. **(see page 36)**
  - The committee has recommended that relevant legislation governing the protection of personal data collected by the ATO, which would prevent the ATO from providing enrolment relevant data to the Australian Electoral Commission (AEC), be amended to allow such data to be shared with the AEC for the purposes of facilitating enrolment (Recommendation 3). **(see page 37)**
- Currently it is not possible to enrol to vote at the time of voting. **(see page 37)**
  - The committee recommended that, wherever appropriate, the *Commonwealth Electoral Act 1918* be amended to enable electors who provide satisfactory evidence of identity and address at the time of voting to enrol for that address, by completing and signing an enrolment compliant declaration vote certificate into which their ballot papers are to be inserted (Recommendation 4). **(see page 37)**
  - Should that recommendation be accepted by the Government, the committee recommended that the *Commonwealth Electoral Act 1918* be amended, wherever appropriate, to enable electors who enrol at the time of voting to be added to the electoral roll used for the election and to enable votes cast by those electors to be admitted to the scrutiny for that election (Recommendation 5). **(see page 37)**

- In the case of *Getup Ltd v Electoral Commissioner* [2010] FCA 869 the Federal Court found that the use of electronic or digitally formed signatures on enrolment forms met the requirements of the *Commonwealth Electoral Act 1918*. **(see Chapter 2, page 7 and Chapter 3, page 37)**
  - The committee recommended that, wherever appropriate, the *Commonwealth Electoral Act 1918* be amended to specifically permit the use of electronic or digitally formed signatures for enrolment purposes (Recommendation 6). **(see page 38)**
- There is currently a requirement that the Electoral Commissioner must make an objection decision which removes an elector from the roll if it is found the elector no longer lives at an address, even if that elector lives at a different address in the same electoral division. **(see pages 38–40)**
  - The committee recommended that Part IX of the *Commonwealth Electoral Act 1918* be amended to provide that an elector should not be removed from the electoral roll by objection on the grounds that they do not live at a particular address, and have not lived at the address for a period of at least one month, in situations where the Australian Electoral Commission is aware from information or data sources in its possession that the elector lives at a different address in the same electoral division (Recommendation 7). **(see page 40)**
  - The committee further recommended that paragraphs 114 (4), 118 (4A), and any other relevant provisions of the *Commonwealth Electoral Act 1918*, be amended to provide the Australian Electoral Commissioner with a discretion not to object to the enrolment of an elector where the Electoral Commissioner is aware that the elector resides at a different address in the same electoral division (Recommendation 8). **(see page 41)**

## BACKGROUND:

- Between the 2007 and 2010 elections the electoral roll grew by some 440 330 electors. While the number of electors on the electoral roll is increasing, the eligible Australian population is continuing to grow at a faster rate than the electoral roll. Consequently, the overall enrolment participation rate has continued to decline. **(see page 21)**
- In March 2009, the Electoral Commissioner told the Committee that an estimated 1.2 million eligible electors were not on the electoral roll. By the end of December 2009, this had risen to approximately 1.39 million electors, and at 30 June 2010 the number had grown to 1.59 million. **(see page 26)**
- For the 2010 federal election, the AEC attempted to stimulate enrolment by focusing on a mix of refinements to the Continuous Roll Update program (CRU) and the introduction of new activities such as the Famous People Vote Too campaign. Various other enrolment activities were undertaken in the different states and territories in the lead up to the 2010 election. **(see page 23)**
- However the AEC enrolment activities have not been sufficiently effective in arresting the trend of declining enrolment participation that has been evident for over a decade. Declining enrolment participation has implications for the health of Australia's democracy. **(see pages 25-26)**

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