



Electoral Commissioner

SUBMISSION 169.17

Mr Daryl Melham MP
Chair
Joint Standing Committee on Electoral Matters
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Mr Melham

Please find enclosed three submissions from the Australian Electoral Commission (AEC). The first provides responses to outstanding requests for information either taken on notice at the public hearing in Canberra on 17 March 2009, or conveyed directly to the AEC by you or the Committee's Secretariat. The second provides information on a number of key issues you raised with me in our meeting of 14 April 2009. The third is the AEC's report to the Committee on non-voting and multiple voting at the 2007 federal election.

You also wrote to the Acting Electoral Commissioner on 30 October last year requesting information on how legislative changes have affected a range of roll management issues. I have responded to these matters in a separate letter, which is also enclosed.

I trust this information is of assistance to you and to the Committee.

Yours sincerely



Ed Killesteyn
Electoral Commissioner

/ May 2009

AUSTRALIAN ELECTORAL COMMISSION

**SUBMISSION TO THE INQUIRY BY THE JOINT
STANDING COMMITTEE ON ELECTORAL MATTERS
INTO THE 2007 FEDERAL ELECTION**

30 April 2009

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1. INTRODUCTION

1.1 This submission provides responses to requests for information either taken on notice at the public hearing attended by the Australian Electoral Commission (AEC) in Canberra on 17 March 2009, or conveyed directly to the AEC by the Committee, its Chair or its Secretary.

2. OPTIONS FOR ELECTRONIC ENROLMENT

2.1 On page EM7 of the transcript of the public hearing of 17 March 2009, in discussions about moving to an electronic medium for enrolments, Mr Morrison and the Chair requested information regarding risks and how a new process would differ from the current system.

Mr MORRISON—Let me deal with it this way—I want to defer to my colleague: Could the AEC provide to the committee a response that sets out what the risk assessment has been and identifies what all the risks are, and if you so choose, identifies the mitigating measures you might take to address those risk factors? The committee needs to have a good understanding of your very detailed and practical assessment of it.

Mr Killesteyn—Okay.

CHAIR—A compare and contrast would assist: What happens at the moment and the result of it compared with what will happen under the new system, so that we can see what is additional and what is being deleted.

AEC Response

2.2 To provide context to our response, and to illustrate some of the community sentiment surrounding the AEC's motivation to move towards electronic and direct update of enrolment changes, the content of an email received from a person in response to our current enrolment process follows (the person's name and other personal particulars have been removed for privacy reasons and some non-relevant parts of the email have been deleted for purposes of brevity):

"I refer to a letter I received informing me that I must enrol. To start with, I am already enrolled. I would like someone to explain to me why I have to fill out a completely redundant piece or archaic bureaucratic red tape designed to keep some waste of space in employment. Join me as I guide you through your deluded and idiotic process.

1 Person changes their address details on their driver's license.

2 Said license details are provided BY ONE GOVERNMENT DEPARTMENT TO ANOTHER GOVERNMENT DEPARTMENT

3 The Government department that received the UPDATED INFORMATION then wastes paper, time and money sending documents out to the person who updated their information on the driver's license.

4 The person who has already updated their information with a GOVERNMENT DEPARTMENT is then expected to provide personal details.

5 To prove the validity of said details the person is expected to provide, wait for it, their driver's license. Now where did I see a driver's license, um, um, um, oh that's right, it's at step number 1. To make things even more ridiculous, the person being subjected to an inconvenience and waste of their time is then not required to show it to anyone, but simply write the number on the form and put some squiggle representing their signature and post the whole monstrosity off in the envelope provided.

Are you starting to see how much this process looks like something out of F-Troop? Surely with all of your ultra high tech whiz bang golly gee that's super equipment you can get your act together, or can you?.....

So in closing, I look forward to you updating your processes so that changing your address on the electoral roll is automatically done when you change your details on your license. Failing that provide an online option.”

I look forward to a response.

P.S How's the weather in Narnia today?

2.3 In its submissions 169 and 169.1, the AEC outlined in general terms the models that could be adopted to enable a more modern, and electronic, enrolment of eligible persons. This response sets out in some further detail how such model(s) might operate, and importantly how they would not differ substantially in terms of the mechanisms utilised to ensure that the current integrity of the roll remains at a high standard. These electronic models would apply predominantly to changes to enrolment rather than first time enrolment, with the possible exception of new citizens where an alternative option of direct enrolment based on DIAC processes and procedures for citizenship checking might be able to be explored.

2.4 With any model, be it paper-based or electronic, the AEC needs personal data with sufficient integrity that will allow it to confidently amend the correct enrolment record. With the proposed electronic models, as with the current paper model, the same data would be received in relation to an enrolment and the same checks would be performed on that data. With paper based enrolment forms, certain checks and validations are performed on each of the data items received in the enrolment process. These same checks would be performed on data received in an electronic format, whether it be via a website where data is entered, the receipt of scanned/imaged enrolment forms, or data received from external agencies which could be used to update the enrolment details directly where changes to address have occurred.

2.5 The only difference for data received via an enrolment website, or that from a data source providing information that could be used to automatically update an enrolment, is that a physical signature would not be provided at the time of the request to change enrolment. Given that a signature was obtained when the elector first enrolled, a signature would exist within the AEC's records and is readily accessible to the AEC staff processing the enrolment.

2.6 In the electronic environment, however, there are ways to manage electoral roll integrity without a physical signature, should this be considered a concern. For example, with receipt of data, such as that received from Centrelink, there is considerable certainty and integrity in the data being received. In order to receive

benefits and services from Centrelink, an applicant must complete a Centrelink “proof of identity” form (see **Annex 1**). This form requires supporting documentation, and is at two levels – “commencement” and “use” of identity. Commencement of identity relates to documentation that establishes that person’s identity through birth certificates or a range of other documents, and use of identity documents seek to establish that that identity is used in the community.

2.7 Given this process, any data received from Centrelink and used by the AEC to update someone’s enrolment details, would be considered of high integrity. The fact that no signature accompanies the data should also not be of immediate concern, as that signature would have been obtained by Centrelink at the time of the completion of the forms. Even where a person changes their details with Centrelink, for example using Centrelink’s web services options, the person is required to have a registered ID and password, ensuring integrity in their own change processes.

2.8 The AEC would explore further with Centrelink, and other agencies, Commonwealth and state/territory, what their internal verification and identity establishment processes are before making a determination that a data source could be used for automatic roll update for changes of address and or name. What the AEC proposes, therefore, is only a change in the means of receipt of data, not the actual data items themselves or their processing and verification upon receipt.

Most likely future electronic enrolment options

2.9 It is important at the outset to note that there is no single electronic enrolment model being proposed by the AEC. Rather the AEC, in order to address declining enrolments in recent years, is seeking to ensure that as well as the current paper/mail based model, other options are available to the enrolling public. This is important as different people have different preferences for how they wish to interact with the AEC and with government, and a singular electronic approach would likely not deliver sufficiently broad benefits.

2.10 Equally, and importantly, the AEC is not proposing to discontinue its current range of Continuous Roll Update (CRU) activities, notably the use of mail and fieldwork as key enrolment activities. Rather, the AEC is looking to supplement its current activities with additional means of enrolment that take advantage of modern technology, and seek to meet community expectations, where interaction with government is increasingly moving to an online and automated mode for a wide variety of agencies (e.g. Online tax returns etc.).

2.11 It is important to understand that while the mechanisms may vary, the differences are only variations in the specific method of receipt of enrolment data. The handling, verification, authentication and storage of the data received, as noted above, will be the same. The data matching applied to the handling of data received via paper enrolment forms, i.e. name, address, previous address, date of birth, whether hand-written on a form and sent to the AEC for processing, received via an internet submitted form (or indeed faxed, or scanned and sent), or received as a series of data fields in a file from a third party agency, would be subject to the same checking processes, and eventually would be entered into the AEC’s Roll Management System to form the enrolment record, **only** after all checks performed

concluded that the data was correct and accurate. This issue will be explored in more detail later in this submission.

2.12 The most commonly suggested options for enabling electronic enrolment are:

1. internet based enrolment – initiated by the elector via some means such as an online fillable form;
2. receipt of a scanned or imaged enrolment form (note that this already occurs where signed enrolment forms are scanned by an elector and sent to the AEC as an email attachment); and
3. direct address update for change of enrolments (this is outlined in Annex 8 to AEC submission 169.1 to this inquiry).

2.13 As noted earlier, a fourth model, or one that could assist in option 3 above, might involve a third party (again a government agency), who conducts an acceptable proof of identity process for its own purposes, assisting AEC either by enrolling the person as an agent of the AEC, or by passing to the AEC such data about the individual that would enable the AEC to directly create their enrolment, with acceptable levels of certainty about who that person is. Likely candidates for this approach would be new citizen enrolment based on data sourced directly from the Department of Immigration and Citizenship (DIAC). Given the rigour applied to the new citizenship process by DIAC, the AEC might be able to leverage this process, receive data from DIAC, and create an enrolment record automatically. A process to obtain a copy of a relevant signature for the AEC's records could be established as necessary.

2.14 None of these options rule each other out and can co-exist. While there is some overlap, there are many people who are not in receipt of government services and so would not be captured under option 3 and would therefore be able to choose between the two remaining options (as well as be part of the AEC's usual CRU mail and fieldwork processes). Options 1 and 2 would allow anyone to initiate a change to their enrolment at any time that a change occurs, and option 3 would allow some "back capture" where such activity was not initiated by the individual at the time of their change of circumstances.

2.15 While most changes of enrolment relate to a person's change of address, there are also a significant number of changes relating to change of name (often in the circumstance where a person changes their name upon getting married). The enrolments of these people would also be able to be updated automatically, with suitable verification processes established with the various registrars of births deaths and marriages across the country, which maintain the records of such events and who are the authoritative sources of this information. Verification processes could also be explored with other Commonwealth agencies where the person had already provided proof to them of the change of name.

2.16 The continuation and extension of the existing enrolment acknowledgement letter to electors following a new or change to enrolment provides an additional integrity mechanism for each of the electronic options outlined above. Where an elector receives an acknowledgement letter and there is an issue with the change of enrolment, the elector can return the letter to the AEC for further investigation. In

addition, if the letter is returned to sender, then this could be a trigger for the AEC to undertake further investigation.

Consent Model

2.17 The AEC would also consider the need for a “consent” based model – i.e. the person knowing that data was being passed to the AEC from their interaction with other government entities for the purpose of their enrolment being correctly recorded by the AEC in an “automatic update” manner. Given the survey by the Office of the Privacy Commissioner in 2007 about community attitudes to privacy, and its findings that 80 percent of respondents’ supported the ability of government entities to cross-reference or share information (up from 71% in 2004) and the increase in respondents’ trust in government handling of personal information, it seems likely that a significant portion of the Australian community would provide such consent.

2.18 It should also be noted that, currently, the AEC obtains data from other agencies through its powers under section 92 of the *Commonwealth Electoral Act 1918* (Electoral Act), and that consent is not sought for the use of these data to conduct CRU activities such as mail-outs or doorknocking (i.e. fieldwork). Therefore, for those who do not consent to an automatic update, the AEC would continue to use any data obtained in the usual manner to conduct this important CRU activity. However, consent from the elector may be important to ensure that, for example, the change of address provided to one agency was actually reflective of a change of electoral entitlement and so should result in a automatic change to the electoral roll.

Ensuring integrity in the roll with electronic enrolment

2.19 In order to ensure that the roll remains of high integrity, the AEC has conducted a risk assessment of the handling of electronically received enrolment data. This assessment demonstrates that the receipt of data in an electronic format does not, in itself, reduce the integrity of the individual enrolment, and therefore the electoral roll as a whole. In this process it is important that the AEC has also assessed the risks inherent in the paper-based enrolment process, to enable an effective comparison and contrasting of the models and the risks that each presents.

Paper and Electronic Model Considerations

2.20 The current paper based enrolment model requires an elector to complete an enrolment form and the AEC then receipts the form, validates the claim for enrolment, and updates the electoral roll. In completing this process the AEC ensures roll integrity through a combination of POI, data matching with existing records, data verification to cross check data entry accuracy, and sample based quality assurance and sample audit fieldwork to identify any systemic integrity issues. The use of POI and data matching with existing records in particular serves to identify potential fraudulent enrolments. Australia Post management practices serve to manage risks associated with compromise of enrolment forms in transit to the AEC.

2.21 An internet based model would allow electors to submit a web based enrolment form requesting update of their details. When received by the AEC, submitted enrolment form data would be checked against existing roll information and POI data to validate the integrity of the enrolment transaction. Following

validation an AEC officer would update the electoral roll based on the submitted data. As with paper based enrolment, in completing this process the AEC would ensure roll integrity through a combination of POI, data matching with existing records, and sample based quality assurance and sample audit fieldwork to identify any systemic integrity issues. The use of POI and data matching with existing records in particular serves to identify potential fraudulent enrolments. Appropriate management and system support arrangements would be implemented by the AEC and associated service providers to ensure the availability of the service to electors and data security is maintained. Standard internet encryption techniques would be employed to protect elector data in transit to the AEC.

2.22 A direct update enrolment model would allow elector records to be updated based on external data sources. The AEC would receive various sources of external data and based on matching across data sets and against the existing electoral roll determine what elector records should be updated. Dependent on the nature and reliability of the source data sets, specific rules would be applied against each data set to ensure that an appropriate level of confidence exists to update an enrolment record. If that level of confidence is achieved the elector record would be updated and the elector notified. If the level of confidence to directly update is not achieved the AEC would still follow up the elector through other contact methods to determine if the roll should be updated. As with other models, a number of measures would be used to continue to ensure roll integrity through a combination of business rules applied to the incoming data, POI, data matching with existing records, and sample audit fieldwork to identify any systemic integrity issues. The use of business rules against source data, POI and data matching with existing records in particular serves to identify potential fraudulent enrolment as a result of source data sets with their own integrity issues. Standard encryption and data handling techniques would be employed to protect source data in transit to the AEC.

3. STATE ELECTIONS AND INFORMALITY

3.1 On page EM31 of the Hansard of the public hearing of 17 March 2009, Mr Morrison requested information on whether the level of informality at state elections in those areas where the voting is optional preferential is lower or higher than at federal elections.

AEC Response

3.2 Both New South Wales and Queensland state voting systems use a variant of the optional preferential voting system.

3.3 Unlike the federal House of Representatives' voting requirements, for the New South Wales Legislative Assembly, a '1 only' vote will make a ballot formal. It is optional for the voter to indicate further preferences on the ballot by numbering further squares.

3.4 For Legislative Assembly Elections in Queensland a ballot must have a '1' or a '✓' or a 'X' against the name of one candidate. It is optional for the voter to indicate further preferences on the ballot by numbering further squares.

3.5 Full descriptions of the voting requirements for New South Wales and Queensland can be found in **Annex 2**.

3.6 The following table shows the rate of informality at recent Legislative Assembly Elections for New South Wales and Queensland compared to House of Representatives federal elections.

Comparison of State and Federal Elections – Overall Informality Rate % - New South Wales and Queensland

Election	2003	2004	2006	2007	2008	2009
NSW Legislative Assembly Election	2.62			2.69		
NSW - House of Representatives Federal Election		6.1		4.95		
Queensland Legislative Assembly Election		1.99	2.08			1.94
Queensland - House of Representatives Federal Election		5.2		3.56		

4. PROCESSES FOR HANDLING DISPUTED BALLOT PAPERS

4.1 The Chair of the JSCEM requested the AEC’s views on the option of replacing the single decision-maker for dealing with reserved ballot papers with a panel of three comprising the relevant Australian Electoral Officer (AEO) and two other AEC officers at the Senior Executive Service level or equivalent.

4.2 In brief, the AEC supports any measures that simplify the current processes and which would provide all relevant parties with sufficient confidence that those processes are robust, fair and transparent. In August 2008, the AEC commissioned Mr Alan Henderson PSM to examine the implications of the decision by the Court of Disputed Returns on disputed ballot papers in the Division of McEwen at the 2007 federal election. The terms of reference given to Mr Henderson included a wide range of matters that directly impacted on the processes for the handling of disputed ballot papers, and questions regarding the publication and application of the formality rules as espoused by the Court of Disputed Returns (CDR) in the case of *Mitchell v Bailey (No. 2)* [2008] FCA 692. The AEC has accepted all of the recommendations in Mr Henderson’s report (the Henderson Report) with one minor issue of amplification.

4.3 The AEC notes the comments made by Justice Tracey in this case that “*Value judgments informed by principle are required*” to determine “*the real intention of the voter*” and in applying the formality rules set out in that decision. It is the application

of these “*value judgments*” that needs to be determined by the decision-maker on the examination of each reserved ballot-paper. The question of whether or not this should remain an individual senior AEC officer or some other panel is a matter that is explored below.

4.4 The AEC has already commenced administrative action to implement the recommendations from the Henderson Report relating to training and information materials. It is anticipated that this action will assist in addressing any reasonable concerns about the AEC’s handling of disputed ballot papers. The CDR decision has provided the AEC with clear guidance on the application of the formality rules in the Electoral Act. Additionally, the AEC now has a wealth of examples and precedents of disputed ballot papers that have been ruled upon by the CDR and which have been analysed and adapted to form the basis of new manuals, handbooks and training.

4.5 The Henderson Report sets out for the AEC the broad guidance given by the CDR on formality and recommends that a single comprehensive set of information on formality be developed. The AEC is of the view that the development of such information, and the training of AEC officers and the stakeholders on the formality rules flowing from the CDR decision and the Henderson Report, will provide greater transparency in the decision-making process by the AEO and will assist in both identifying those ballot papers that are really in dispute and preventing unnecessary challenges.

4.6 To change the existing single decision-maker to include some panel arrangement raises at least two significant issues that would need to be addressed. The AEC understands that the issue at hand is whether additional senior AEC officers - who possess the necessary experience, skills and knowledge to determine the formality of disputed ballot papers - could be tasked to make the decisions and “*value judgments*” on the formality of reserved ballot papers. This could assist in ensuring that these decisions are made on a sound basis and do not merely represent the “*value judgments*” of an individual. To enable this to occur, amendments would need to be made to sections 279B, 280 and 281 of the Electoral Act.

4.7 Subsection 279B(7) of the Electoral Act provides for the AEO to open the parcel of reserved ballot papers that have been forwarded by the Divisional Returning Officer (DRO) after the recount in the presence of an APS employee “*and of any scrutineer who attends*”. The broad role of scrutineers appears in section 264 of the Electoral Act and includes “*to represent the candidate at the scrutiny*”. In the context of dealing with reserved ballot papers, the scrutineers attend before the AEO when the AEO is scrutinising the reserved ballot papers.

4.8 As was indicated in the evidence in the McEwen petition, on some of the reserved ballot papers the scrutineers present oral arguments to the AEO as to whether a particular ballot-paper meets the formality requirements. The AEO takes those arguments into account when examining the reserved ballot papers and then proceeds to make a decision as to whether they should be marked “*admitted*” or “*rejected*”. All of this presently takes place before the scrutineers.

4.9 To replace the AEO with a panel that includes the AEO and two other senior AEC officers could give rise to concerns that the relatively straightforward process that currently exists will be elevated to a court-like setting with the panel needing to retire to make final decisions and then returning before the scrutineers to notify them of the panel's decision. An alternative process would be to have the panel discuss the matters before the scrutineers and reach a decision in their presence. This alternative process then raises the issue about how any minority views are resolved in front of scrutineers.

4.10 Inherent risks of increasing the lodging of petitions to the CDR challenging the panel's decisions in the absence of transparency appear to exist if either of these two processes were to be adopted. The risks would clearly increase where the panel decision was not unanimous and that lack of unanimity occurred in the presence of scrutineers. This would also run the risk described by Associate Professor Graeme Orr in Submission No. 187 that the panel "would be sitting in judgment on the decisions of other electoral officials in a court setting".

4.11 The AEC is concerned that delays in the return of the writs would occur if any new process involving a proposed decision-making panel results in the need for a written statement of reasons to be prepared and published. The imposition of a requirement to provide statements of reasons would appear to be inevitable to preserve transparency in decision-making if the panel was to retire from the presence of scrutineers to consider the disputed ballot papers.

4.12 The Henderson Report recommended to the AEC that officials should be prepared to *fully explain their reasoning by reference to the guidelines in relation to their decisions on specific ballot papers.* At the present time, this full explanation of the reasoning of the decision-maker occurs when the AEO conducts the scrutiny of the reserved ballot papers in the presence of the scrutineers. This is all done orally as only the final decision itself (i.e. "*admitted*" or "*rejected*") is required to be recorded in writing (see subsection 279B(7) of the Electoral Act).

4.13 The AEC regards this recommendation from the Henderson Report as not actually requiring the decision-maker to provide a formal statement of reasons. Rather, it requires that the decision-maker on formality (e.g. the DRO at first instance and then the AEO on any reserved ballot papers) is equipped and trained to make decisions by reference to the newly developed training and information materials on the formality rules and explains their decision by reference to that material and the factual circumstances that exist on the disputed ballot-paper. The AEC would be concerned with any procedural change that results in a formal written statement of reasons being required to be adopted and which would be able to be pleaded in court. This would clearly create risks that additional time may be required to formally record the basis for decisions and to obtain legal advice in the preparation of formal reasons for decision.

4.14 The AEC reiterates its earlier comments to the Committee that the petition to the CDR in McEwen was the first such petition that involved the formality of ballot papers since the High Court decision in *Kean v Kerby* (1920) 27 CLR 449. There would appear to be some risk that the inclusion of some other review process to deal with reserved ballot papers could result in the reverse of what was intended: namely, that there may be increase in the number of challenges on these matters. This would

appear to be particularly the case where decisions of the panel (if made in the presence of the scrutineers) were not unanimous.

4.15 In conclusion, it is the AEC's view that there would appear to be significant difficulties and risks associated with the possible establishment of a panel to deal with reserved ballot papers. However, it is suggested that the effectiveness of the measures to be adopted to implement the recommendations of the Henderson Report should be reviewed after the next federal election in which an AEO is required to review reserved ballot papers under sections 279B, 280 and 281 of the Electoral Act.

5. ALTERNATIVE VOTING METHODS FOR PEOPLE WHO ARE BLIND OR HAVE LOW VISION

5.1 Following the release of its interim report on the 2007 federal election electronic voting trials which recommended that electronically assisted voting should not be continued at future federal elections, the JSCEM requested the AEC's views on alternatives to electronic voting for providing secret voting for people who are blind or have low vision.

5.2 The approach at the 2007 election trial to offering secret and independent voting to voters who are blind or have low vision has been based on the concept of large scale deployment of electronic voting machines to static polling centres. Over time, it would be expected that the distribution of electronic voting machines would increase to ensure sufficient spread to give most of these voters access to this service.

5.3 The inherent disadvantage with this approach is cost. The need to replicate a large number of electronic voting machines over multiple static locations, combined with the limited use of such machines, inevitably leads to a higher and unsustainable cost per vote solution. In making this point, it is also noted that the trial of electronic voting machines in the 2007 federal election allowed some voters to cast a secret and independent vote for the first time ever.

5.4 An alternative approach to providing secret and independent voting for voters who are blind or have low vision as well as other potentially disadvantaged groups is based on the notion of pre-identifying voters with special needs and tailoring the nature of the service to suit. Such services could include:

- i. Online voting, where voting software that underpinned the electronic voting trials is deployed over the internet rather than on hardware in a polling place. Voters who are blind or have low vision are able to access the internet with accessibility software known as "screen readers" loaded on their own computers. The screen reading software reads the contents of the web page to the user. The web page needs to be designed to accommodate accessibility software for optimum performance;
- ii. Braille ballot papers that could be produced specifically for pre-registered voters and in the numbers required.

5.5 Braille ballot papers have been used by some State electoral authorities to assist blind voters in past state and municipal elections, and this could be made available for federal elections.

5.6 The main issues are the size of the ballot papers required for Senate elections, and the quantities required for federal elections. Should Braille ballot papers be adopted, it is clear that the AEC could not just produce a stock in anticipation of where a blind voter may choose to vote on polling day. Some form of pre-registration as occurs for postal voting would be required in order to manage the manufacture and distribution of Braille ballot papers, which can only commence after the ballot paper draw, three weeks prior to polling day.

5.7 Currently, to apply for a postal or pre poll vote, an elector must meet certain criteria relating to the reason for not being able to attend a polling place on polling day. For the AEC to supply Braille ballot papers to voters who are blind or have low vision, Schedule 2 to the Electoral Act would need to be expanded to include this category of voter. If the decision was made to also provide for voters who are blind or have low vision to register as General Postal Voters, then the criteria in the Electoral Act relating to registration as a General Postal Voter (section 184A) would also need to be expanded to include this category of voter.

5.8 Because the AEC needs to take into account attendance voting as well as postal voting, an application for Braille ballot papers will need to address both options.

For example:

<input type="checkbox"/>	I request to receive Braille ballot papers by post
<input type="checkbox"/>	I request to attend a polling place or early voting centre to vote using Braille ballot papers
<p><u>Note:</u> the AEC will contact you after the announcement of the election to confirm your postal address or the polling place or early voting centre that you will be attending.</p>	

As the locations of early voting centres and some polling places are not known prior to the announcement of the election, it will be necessary to have direct and personal contact with each registered Braille voter once the election date and the polling locations are known.

5.9 In supplying Braille ballot papers, the AEC would produce appropriate support material, for example Braille embossing in the instructions to postal voters, and audio support.

5.10 Assisted voting (section 234 of the Electoral Act) continues to be available at federal elections for voters who cannot avail themselves of either of these options.

5.11 In the interim, subject to government support of Recommendation 5 of the JSCEM Report on the 2007 Federal Election Electronic Voting Trials and

appropriation of sufficient resources, the AEC will provide electronic magnifiers at sites where there is likely to be a demand from electors who have low vision.

6. POSTAL VOTE APPLICATION ISSUES

6.1 At the public hearing on 3 February 2009, Mr Brad Henderson, Federal Director of the Nationals, raised the following issues about the current Postal Vote Application (PVA):

- it is too complex;
- why is it necessary to gazette the whole PVA, not just the form; and
- it should be gazetted 6 – 12 months out from the election.

At Hansard EM 4-5 Mr Henderson stated:

Mr Henderson:One other issue regarding postal voting relates to the design and composition of the gazetted postal voting application, or PVA. 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.

These problems we have identified are pronounced by the growth in the popularity of postal voting, up from some 4.9 per cent in 2004 to almost 5½ per cent at the last election. These are serious issues because the combined effect of the three problems I have identified is contributing to a denial to voters of their legitimate right to exercise their vote.

The Committee requested the AEC's response to Mr Henderson's comments.

AEC Response

The PVA is too complex

6.2 It is true that the gazetted PVA was expanded by one panel at the last election, however this was done to respond to feedback following the 2004 election, including JSCEM Recommendation 11 that stated that the AEC "*highlight the difficulties associated with electors leaving it to the last week in the election period to lodge postal vote applications in the public education campaign associated with the next election*". Whilst this was done in a media sense also, the AEC believed that the most effective means of raising this concern was on the PVA itself. Reasons for the PVA's complexity and length are explained below.

6.3 The revision of the form to date has been undertaken by a professional forms designer. However the AEC will consider whether the current design can be simplified, and if the inclusion of graphics would assist.

Why is it necessary to gazette the whole PVA, not just the form?

6.4 Following a review process, the AEC designs a PVA for each election for distribution purposes, which results in production of a paper form and an internet version of the PVA. When gazetting the PVA, the AEC considers what information may be deleted from the form it publishes to reduce space for other stakeholders to reproduce, whilst still retaining information the AEC considers important for potential postal voters. For the 2007 federal election, the AEC PVA was an 8 panel form (each panel being one third A4 size), whilst the gazetted version was a 7 panel form. The PVA contained more panels in 2007 than in 2004.

6.5 Turning to the details of the current gazetted form, many of the inclusions relate to legislative requirements, and the rest to AEC judgment as to what information is important for electors to consider when applying to vote by post. Some key points are:

- 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 AEC believes this makes it incumbent on it to provide on the PVA application the grounds for application, as detailed in Schedule 2 to the Electoral Act. Additionally the AEC has legal advice that the grounds need to be reproduced in full. 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*”. Accordingly the AEC believes it is necessary to inform the elector about who can be an authorised witness and does so on the PVA.
- Additionally, the Electoral Act is very specific about applications made outside Australia, providing specific guidelines on what can be provided in lieu of a witness signature (subsection 184(3A)). This information needs to be provided on the PVA to accommodate the needs of electors who wish to vote by post from overseas, and would not know the specific issues they need to address to ensure their application is a valid one. The range of specific witnesses if you are overseas is also an important point to facilitate correct completion of the PVA (section 193). One political party has previously commented that they do not send their PVAs overseas so the gazetted PVA does not need to refer to this information. However, given the millions of PVAs distributed by political stakeholders during an election, and the hundreds of thousands of Australians overseas at any one time, there is no guarantee that concerned relatives and friends will not forward a party PVA to their overseas friend or relative. Having gone to the trouble to complete and forward a PVA during the election period, it is important that they are completed correctly and not defective as this will only cause delays and potentially affect their franchise.
- The majority of one panel of the PVA is devoted to information about translator services. The AEC believes that it is important that electors from non English speaking backgrounds understand the information about postal voting so they can correctly complete the PVA, and make their early voting choice.

- The remaining 2 PVA panels contain information about early voting options and how to vote by post. This area was expanded following the 2004 election as a response to the postal voting concerns of 2004. It was clear that people did not consider the logistics of applying for a postal vote, and in particular the multiple postings required for the AEC to receive the PVA, process it, and send it to the elector in time for them to vote before close of polling. Most electors also did not realise that PVAs sent through political parties experienced a further delay. Accordingly the explanatory text provided information about early voting options, and not just postal voting.

6.6 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. Of interest is that for the 2007 election, postal voting packages issued within Australia increased by nearly 39,000 from 2004, whilst at the same time General Postal Voter registrations increased by almost the same amount. Given that the increase in postal votes at the 2007 election resulted mainly from the increase in registered General Postal Voters rather than from an increase in the number of PVAs lodged with the AEC, it could be concluded that the provision of additional information in the postal vote application about early voting options assisted electors in making an informed choice about their options and recognising that postal voting was not the best option for them.

The form should be gazetted 6 – 12 months out from the election

6.7 The AEC fully understands the desire by political parties and candidates to have available to them as early as possible in an election cycle the PVA form that will be taken into the next election. However, there are a number of constraints on the ability of the AEC to do this. 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.

6.8 The AEC has gone through a PVA review process following the last election and is continuing to refine the form. However the AEC is not in a position to finalise the form at this time for several reasons. The full report of the JSCEM is yet to be delivered, which then triggers the preparation of the Government's response. Until the JSCEM report is delivered, the AEC has no idea whether any recommendations flowing from it will impact upon postal voting, and the postal voting application. If there are relevant recommendations in the JSCEM report which require Government consideration then that may not be completed until late 2009, which is less than 9 months from a half Senate election which could be held as early as August 2010. Additionally if the Government's Green Paper on Electoral Reform process eventuates in potential discussion and changes in this area, the outcomes may also not be clear until later in 2009.

6.9 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.

6.10 The AEC is presently planning to be in a position to gazette a PVA for the next federal election in the last quarter of 2009. However the ultimate timing will be determined by any emerging legislative impacts that may flow from the JSCEM's recommendations or the Government's Green Paper.

7. PROVISION OF A 'THANK YOU' LETTER TO VOTERS IN AGED CARE FACILITIES

7.1 At the public hearing on 17 March 2009, the Electoral Commissioner indicated (at Hansard EM14) that he was considering a 'thank you' letter or similar acknowledgement for aged voters in aged care facilities as this may mitigate some cases of inadvertent multiple voting.

7.2 Discussion on this point arose from consideration of AEC Submission 169.15, and specifically the statistics on page 4 of that submission that detailed a categorised breakup of the admissions of multiple voting. These statistics were also discussed at the Committee hearing with the AEC on 17 March 2009.

7.3 In summary, AEC Submission 169.15 and evidence given at the March 2009 hearing advised that, for the 2007 election, there were 1167 admissions of multiple voting, and that, of the total admissions for multiple voting, 82% (955) were confined to the categories of "confusion", "aged", or "poor comprehension". There were 157 electors in the aged category, of which 97% were older than 70 years of age. This was consistent with the last three federal elections; where on average 98% of the electors in the "aged" category of electors who admitted multiple voting were older than 70 years of age.

7.4 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.

7.5 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.



Australian Government



Proving your identity to Centrelink

As a Centrelink customer you are required to prove your identity when claiming a pension, benefit, allowance or service. You must establish your identity by providing **original** documents (not photocopies) from this approved list. Centrelink requires you to prove both your:

- Commencement of Identity (proof of your birth or arrival) in Australia; and
- Use of this Identity.

NOTE: The document you use to show your Commencement of Identity cannot also count towards the POINTS required for the payment or service claimed.

If you have any difficulty in obtaining or providing these documents, you should contact Centrelink as soon as possible.

If you have previously met the proof of identity requirements, and you are reclaiming within 52 weeks of receiving a Centrelink payment, fewer proof of identity documents may be required. If you think this applies to you, contact Centrelink as soon as possible.

Where possible, Centrelink will use the documents you provide to prove your age, residence, income and/or assets if that is relevant to the payment or service you are applying for. However, to be eligible for some payments or services, you may need to provide additional documents.

For claims of:

ABSTUDY (living allowance)	Newstart Allowance
Age Pension	Parenting Payment – <i>claimant (and partner if applicable)</i>
Austudy	Pensioner Education Supplement
Bereavement Allowance	Sickness Allowance
Carer Payment – <i>both claimant and care receiver</i>	Special Benefit
Disability Support Pension	Widow Allowance
Exceptional Circumstances Relief Payment – <i>claimant (and partner if applicable)</i>	Youth Allowance
Farm Help – <i>claimant (and partner if applicable)</i>	

You will need to provide:

- at least one document (listed below) to show Commencement of Identity in Australia; **AND**
- OTHER documents that add up to 100 points from the approved list (see below and overleaf).

For claims of:

Carer Allowance – *both claimant and care receiver*
 Mobility Allowance

You will need to provide:

- at least one document (listed below) to show Commencement of Identity in Australia; **AND**
- OTHER documents that add up to 50 points from the approved list (see below and overleaf).

For claims of:

Low Income Health Care Card – *claimant (and partner if applicable)*
 Commonwealth Seniors Health Card – *claimant (and partner if applicable)*
 Health Care Card for foster children – *for the foster child*

You will need to provide:

Any documents from the approved list (see below and overleaf) that add up to 50 points.
 Proof of Residency may also be required. Please see your claim form for details.

Commencement of Identity in Australia

Document	Explanation/description	Points
Australian Birth Certificate	Original Australian birth certificate, extract or birth card in your name/former name.	70
Australian Passport (current)	Australian passport in your name/former name. Expired passports are not acceptable.	70
Citizenship Certificate	Australian citizenship certificate in your name/former name.	70
Australian Visa	Australian visa, current at time of entry to Australia as resident or tourist, showing your name/former name.	70
Document of Identity (DFAT)	Document of Identity issued in your name/former name by the Department of Foreign Affairs and Trade to Australian citizens or persons who possess the nationality of a Commonwealth country, for travel purposes.	70
Certificate of Evidence of Resident Status (DIAC)	Certificate of Evidence of Resident Status (Form 283) issued by the Department of Immigration and Multicultural and Indigenous Affairs, showing your name/former name.	70
Certificate of Identity (DIAC)	Certificate of Identity issued by the Department of Immigration and Citizenship to refugees and non Australian citizens for entry to Australia.	70

NOTE: If more than one of the above documents is provided, the additional documents will count as points.

Use of Identity

Document	Explanation/description	Points
Defence Discharge Papers	Australian Defence Force discharge papers, in your name/former name.	70
Shooter's or Firearm Licence	Current shooter's or firearm licence showing signature and/or photo and same name as claim. Cannot accept: Minor's or juniors permit and/or licence.	70
Security Licence	Current security protection industry or crowd control licence, showing signature and/or photo and same name as claim.	70
Bank/Financial Institution card, statement or passbook	Current ATM or credit card showing your name and signature. Statement or passbook from current savings or cheque account showing your name and same address (if applicable) as your claim. Cannot accept: cards issued by organisations other than banks, credit unions or building societies, overseas accounts or ATM or internet receipts/statements.	40
Child's Birth Certificate	Australian birth certificate for a child showing your name as parent/guardian. Cannot accept: sibling's certificate.	40
Australian Driver's Licence - Motor Vehicle	Current state or territory issued driver's licence, learner's permit or provisional licence showing signature and/or photo and same name and same address as claim.	40
Australian Divorce Papers	Australian divorce papers in your name/former name, e.g. Decree Nisi, Decree Absolute.	40
Educational Certificate	Up to 3 school/education qualification certificates for different years in your name/former name (school/TAFE/university/Registered Training Organisation [RTO]).	40
Australian Marriage Certificate	Marriage certificate issued by a state or territory government agency. Cannot accept: church or celebrant issued certificates.	40
Mortgage Papers	Legally drawn mortgage papers for an Australian residence in your name/former name.	40
Name Change	Legal change of name certificate or deed poll certificate.	40
Overseas Passport	Current overseas passport with valid entry stamp or visa.	40
Registration Certificate from a Professional Board	Registration certificate from a national or state/territory professional registration board, e.g. doctors, nurses, dentists, physiotherapists, accountants.	40
Trade Certificate	Current Australian trade certificate in your name/former name. Must be signed by issuer or claimant.	40
Veterans' Affairs Gold Card	Current Department of Veterans' Affairs Gold Card issued in your name.	40
Reference from Indigenous Organisation	Reference from an Aboriginal/Torres Strait Islander organisation showing referee's full details and length of time they have known you.	20
Educational Report or Reference	Up to 3 school/education reports or references, including enrolment confirmations for different years or semesters, in your name/former name (school/TAFE/university/RTO).	20
Student ID Card	Current student ID card issued in your name with signature and/or photo (school/TAFE/university/RTO).	20
PAYG Payment Summary	PAYG payment summary, less than 2 years old, with tax file number. Cannot accept: Centrelink issued payment summaries.	20
Insurance Renewal	Current insurance renewal for house, contents, vehicle, boat, crop insurance in your name and showing same address as claim.	20
Tenancy Agreement or Lease	Current formal residential tenancy agreement or lease in your name and showing same address as claim.	20
Medicare Card	A current Medicare card showing your name.	20
Motor Vehicle Registration	Current motor vehicle registration showing your name, same address as claim and proof of payment.	20
Other Overseas Documents	Up to 3 overseas documents (equivalent to Australian documents listed of at least 20 points value), includes lapsed overseas passports.	20
Other Licence	Up to 3 current Commonwealth, state or territory licence for coxswain, boat, aircraft etc. Must have your photo and/or signature and same address as claim (if applicable). Cannot accept: recreational fishing licences.	20
Proof of Age Card	Current proof of age or photo identity card issued by a government agency in your name with photo and/or signature.	20
Rates Notice	Paid rates notice in your name and showing same address as claim, less than 12 months old.	20
Utility Account	Up to 3 paid utility accounts e.g. gas, water, electricity or phone in your name and showing receipt number and same address as claim, less than 12 months old.	20
Electoral Enrolment	Proof of electoral enrolment card issued in your name and same address as claim.	10
Other Financial Documents	Up to 3 current financial documents, such as superannuation, shares, life insurance, credit card statement or managed investment documents issued in your name. Cannot accept: hire or lease agreement.	10
Health Insurance Card	Current health insurance card showing your name.	10
Motoring Association Card	Current membership card or documents issued in your name.	10
Taxation Notice of Assessment	Taxation notice of assessment in your name less than 2 years old.	10
Employment Records	Termination notice, separation certificate, report or reference from employer in your name. Cannot accept: payslips.	10