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The Parliament of the Commonwealth of Australia

# Advisory Report on the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012

Joint Standing Committee on Electoral Matters

August 2012  
Canberra

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ISBN 978-0-642-79776-6 (Printed version)

ISBN 978-0-642-79777-3 (HTML version)

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## Chair's foreword

The Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 proposes: changing postal voting arrangements; increasing nomination deposits for Senate and House of Representatives candidates; increasing the nominators required for unendorsed candidates and Senate groups; changing the 'unsound mind' exemption from enrolment and voting; and other minor and technical amendments.

In referring the Bill, the Selection Committee noted that the Bill was ambiguous in relation to the specific changes being made to processing postal vote applications. During its inquiry, the Electoral Matters Committee found that a number of the changes proposed in the Bill in relation to postal voting largely reflect existing Australian Electoral Commission (AEC) practices. These changes will simply ensure that the *Commonwealth Electoral Act* correctly outlines the processes that have evolved to help ensure that efficient procession of postal vote applications (PVAs) and distribution of postal vote packages (PVPs).

Most PVAs are already processed centrally and PVPs distributed through the AEC's central print system. The divisional returning office is no longer the main conduit for postal voting activities as was the case in previous decades. However, the Electoral Commissioner will continue to delegate his powers in relation to postal votes to Divisional Returning Officers (DROs) and other AEC officers. This change will not affect the way in which individuals and political parties interact with their DROs on postal voting matters. As is the current practice, political parties will still be able to distribute PVAs with campaigning material, receive completed PVAs and forward them to the relevant DRO.

In the case of issuing postal vote packages to a 'person' rather than specifically to an 'elector', the AEC has indicated that it already issues PVPs to (unmatched) applicants that are not found on the electoral roll at the time of application. The

returned unmatched postal vote certificates will be subject to further scrutiny and admitted to the count only if the person is verified to be an elector. This is in keeping with the approach taken with declaration voters.

While having a variety of candidates is a feature of Australia's democracy, having a large number of candidates leads to an expanded ballot paper and increases the complexity of the voting task for electors. Setting appropriate nomination requirements is one way to help ensure that prospective candidates appreciate the seriousness of their participation in the electoral process, and that they can demonstrate some community support for their candidacies.

Increasing the nomination deposits from \$1 000 to \$2 000 for Senate candidates, and from \$500 to \$1 000 for House of Representatives candidates, is reasonable and appropriate. The increase from 50 to 100 nominators required for candidates not endorsed by a political party is a reasonable increase. It is important that unendorsed candidates be able to demonstrate community support for their candidacies.

Similarly, if unendorsed candidates wish to be grouped on the Senate ballot paper, it is appropriate that each member of a Senate group be able to demonstrate community support for the grouping. The Bill will increase the nominators from 50 for the whole group to 100 per candidate. As each unendorsed candidate will have to have 100 nominators, they should be able to draw on this support base to secure their Senate Group box.

Other significant changes in this Bill relate to the 'unsound mind' provision in subsection 93(8) of the Electoral Act which exempts a person who is 'incapable of understanding the nature and significance of enrolment and voting' from being added to, or retained on, the Commonwealth electoral roll and voting at elections. Thousands of people are using the provision each year. They may be facing temporary or ongoing mental challenges that compromise their capacity to cast a vote. Given Australia's system of compulsory enrolment and voting, it is useful to have a mechanism to address this, to protect the integrity of elections and assist those who might otherwise have to deal repeatedly with the AEC as to why they are not complying with their enrolment and voting obligations.

Based on the evidence received, the committee is not satisfied that there is any pressing need to remove or substitute the phrase 'unsound mind', or that professionals other than medical practitioners should be able to make determinations about a person's capacity to understand the nature and significance of enrolment and voting.

On behalf of the committee I thank the organisations and individuals who assisted the committee during the inquiry through submissions or participating in the roundtable discussion. I also thank my colleagues on the committee for their work and contribution to this report, and the secretariat for their work on this inquiry.

Daryl Melham MP  
Chair





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## Membership of the Committee

Chair Mr Daryl Melham MP

Deputy Chair The Hon Alexander Somlyay MP

Members The Hon Bronwyn Bishop MP

The Hon Alan Griffin MP

Ms Amanda Rishworth MP

Senator Simon Birmingham

Senator Carol Brown

Senator Helen Polley

Senator Lee Rhiannon

Senator Scott Ryan

## Committee Secretariat

Secretary Mr Stephen Boyd

Inquiry Secretary Ms Samantha Mannette

Senior Research Officer Ms Zoë Smith

Research Officer Ms Siobhan Coughlan

Administrative Officer Ms Natasha Petrović



## Terms of reference

On 28 June 2012 the Selection Committee requested the Joint Standing Committee on Electoral Matters to inquire into and report on the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012.

Under Standing Order 222(e), reports of the Selection Committee are treated as having been adopted by the House when they are presented.



## List of abbreviations

AEC	Australian Electoral Commission
APVIS	Automated Postal Vote Issuing System
CRPD	Convention on the Rights of Persons with Disabilities
DRO	Divisional Returning Officer
EMC	Electoral Matters Committee (Victoria)
GPV	General Postal Voter
PVA	postal vote application
PVC	postal vote certificate
PVP	postal vote package
PWD	People with Disability Australia
the Bill	Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012



# Recommendation

## 2 Issues in the Bill

### Recommendation 1 (paragraph 2.94)

The House of Representatives and the Senate pass the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012, after deleting the changes proposed in Schedule 3 in relation to the 'unsound mind' provision and consequential amendments. The term 'unsound mind' and the current requirement for a certificate from a medical practitioner should be retained.