

AUSTRALIAN ELECTORAL COMMISSION

**FIFTH SUBMISSION TO THE JOINT STANDING
COMMITTEE ON ELECTORAL MATTERS'
INQUIRY INTO THE 2004 FEDERAL ELECTION
AND MATTERS RELATED THERETO**

**Discussion of significant issues raised in public
submissions**

4 August 2005

JSCEM 2004 FEDERAL ELECTION INQUIRY

Australian Electoral Commission

5th Submission

Discussion of issues raised in public submissions

This is the fifth submission by the Australian Electoral Commission (AEC) to the Joint Standing Committee on Electoral Matters' (JSCEM's) inquiry into the conduct of the 2004 federal election.

This submission discusses a number of significant issues that have been raised by public submissions to the current inquiry. The submission is intended to contribute to informed policy making in these areas by providing contextual background discussion and highlighting relevant administrative considerations in relation to the issues raised.

The submission also provides information and statistics the AEC has undertaken (in the course of public hearings and other meetings) to provide to the JSCEM during the current inquiry.

A detailed table of contents for this submission is provided overleaf.

Correction:

The AEC would like to correct two errors in the text of the AEC's second submission to the current inquiry.

1) On page four of that submission, the third indented dot point under 'Enrolment figures' should read:

- *After polling day, the addition of electors who were not enrolled but were nevertheless eligible to have their declaration votes counted totalled 87,518 for the 2004 federal election.*

2) On page 35, in Table 16, under 'Section 329', the cell 'political party breach' should contain the number 13 not 14. Consequently, the sub total of breaches of s 329 should read 14 and the total 329 complaints should read 100. The total of complaints in the table should read 311 not 312.

Contents

<u>1</u>	<u>Enrolment</u>	<u>4</u>
<u>1.1</u>	<u>Itinerant electors and electors experiencing homelessness</u>	<u>4</u>
<u>1.2</u>	<u>Indigenous Australians</u>	<u>5</u>
<u>1.3</u>	<u>Youth</u>	<u>5</u>
<u>2</u>	<u>Election campaigns, complaints and advertising</u>	<u>6</u>
<u>2.1</u>	<u>Truth in advertising</u>	<u>6</u>
<u>2.2</u>	<u>Section 328 – authorisation of election material</u>	<u>6</u>
<u>2.3</u>	<u>Section 329 - misleading or deceiving electors</u>	<u>8</u>
<u>2.4</u>	<u>Polling day canvassing and offences</u>	<u>8</u>
<u>3</u>	<u>Electors with disability</u>	<u>9</u>
<u>3.1</u>	<u>Accessibility</u>	<u>9</u>
<u>3.2</u>	<u>Removal from the roll under section 93(8)(a)</u>	<u>10</u>
<u>4</u>	<u>Polling</u>	<u>10</u>
<u>4.1</u>	<u>Pre-polling</u>	<u>10</u>
<u>4.2</u>	<u>Declaration voting</u>	<u>12</u>
<u>4.3</u>	<u>Where electors are voting</u>	<u>13</u>
<u>5</u>	<u>Electronic voting systems</u>	<u>15</u>
<u>6</u>	<u>Postal voting</u>	<u>16</u>
<u>6.1</u>	<u>Preparing for postal voting at the next election</u>	<u>17</u>
<u>6.2</u>	<u>Order of delivery of postal votes</u>	<u>23</u>
<u>6.3</u>	<u>Postal voting time extension proclamation 8 October</u>	<u>24</u>
<u>7</u>	<u>Senate voting systems</u>	<u>24</u>
<u>7.1</u>	<u>Above the line senate voting and group voting tickets</u>	<u>24</u>
<u>7.2</u>	<u>Above the line preferencing for senate ballot papers</u>	<u>25</u>
<u>8</u>	<u>The Count</u>	<u>27</u>
<u>8.1</u>	<u>Informality</u>	<u>27</u>
<u>8.2</u>	<u>Updating Senate count information on the AEC website</u>	<u>27</u>
<u>9</u>	<u>Election costs</u>	<u>29</u>
	<u>Appendix A</u>	<u>30</u>
	<u>Appendix B</u>	<u>38</u>

1 Enrolment

1.1 Itinerant electors and electors experiencing homelessness

The issue of enrolment for electors who are itinerant or experiencing homelessness has been raised in three submissions to the current inquiry.¹ The submissions provided detailed discussion and made recommendations in relation to improving services for these electors. The AEC's program for providing improved electoral services for itinerant electors and electors experiencing homelessness since the previous federal election is outlined below.

During 2004, the AEC and Swinburne University undertook a joint project in relation to persons experiencing homelessness (as outlined in submission 105 to this inquiry). The AEC participated in a survey of homeless persons and their attitudes towards the electoral process and in particular enrolling to vote. The findings of the survey have been published by Swinburne University² and a separate paper was published by the AEC in July 2005. A copy of this paper is enclosed.

Concurrently with this project, the AEC commenced a process of liaison with and development of activities and resources for the homeless sector in Victoria early in 2004.

The process commenced with a February meeting between senior AEC and Victorian Electoral Commission (VEC) staff, academics and researchers, and representatives from nine National and Victorian homeless sector organisations. The meeting was wide-ranging in nature and attracted very positive comment from the homeless sector representatives.

A further meeting was held on 11 May 2004 between AEC Public Awareness staff and the Council for the Homeless (Victoria) with the aim of conducting a pilot electoral workshop with homeless sector support workers.

A train-the-trainer workshop was held at the Melbourne Town Hall on 29 July 2004 with the objective being to increase understanding of electoral issues among agencies servicing the homeless sector. Approximately 24 participants from the major Victorian homeless support organisations attended, as did a number of people experiencing homelessness. Feedback from the initial workshop is that future workshops need to focus on enrolment and voting rather than the 'mechanics of elections', and the AEC is incorporating this feedback into its future planning. Further meetings were held with the Council for Homeless Persons on 23 September and 17 December 2004 and 21 January 2005.

The VEC and the AEC are considering further options for the homeless sector, particularly in relation to local council elections in Victoria.

¹ Submissions 105, 131 and 137.

² Attached to submission 105.

1.2 Indigenous Australians

Submission 136 to this inquiry raised the issue of electoral education services for Aboriginal and Torres Strait Islander electors. The AEC is preparing a submission to the JSCEM outlining options for an integrated indigenous enrolment and public awareness program. The submission will address new arrangements for indigenous service delivery and a partnership approach with relevant government agencies.

1.3 Youth

Encouraging youth enrolment has been a priority of the AEC for a number of years. The issue of youth enrolment was raised in submission 136 to the current inquiry, which recommended that the AEC 'review ... its electoral education programs, with the view to improve awareness of Australia's electoral systems amongst ... young Australians'.³ A key AEC project aimed at better understanding youth attitudes to the electoral process is the Youth Electoral Study (YES). The four-year study jointly funded by the AEC and the Australian Research Council commenced in May 2003 and is being conducted jointly by the AEC, the University of Sydney and the Australian National University. The main purpose of the study is to uncover why young people, aged 17-24, do or don't enrol to vote, their attitudes to the enrolment and voting process and whether there are particular demographics that influence their electoral participation. The study has the potential to enhance the integrity of the electoral roll by increasing the number of eligible young people complying with enrolment requirements.

The first report of the study was released in December 2004 and investigated why many young Australians do not enrol and vote in elections. The study's methodology included ongoing in-depth group interviews with young people in 16 selected electoral Divisions around Australia over four years and national paper based surveys of all Year 12 students in 2004 and 2006. The key preliminary findings will assist the AEC in developing future public awareness campaigns to encourage the electoral participation of young people. The information will be used by the AEC to continue to develop appropriately targeted media and public awareness campaigns.

A seminar was held in Canberra in June 2005 at which academics and electoral staff presented papers on topics associated with youth participation in the democratic process, with some of the papers drawing on the growing body of data being compiled as part of the YES project. The papers presented at the seminar will be published as part of the YES project.

As outlined in the AEC's second submission, additional work was undertaken in early 2004 in partnership with Triple J, the ABC Youth radio station. In 2004 the AEC implemented the Rock Enrol Youth Enrolment Promotion, which encouraged enrolment by raising awareness of the importance of enrolling and voting through The Big Day Out concert series and various youth-focused community events. Triple J provided on-air promotion and hosted a dedicated Rock Enrol website. The response to the initiative was highly positive, and the AEC received over 4000 application forms as a result of the promotion.

³ Submission 136 Australian Labor Party p12

The AEC currently receives details of persons aged 17 and 18 registered with Centrelink who are newly eligible to enrol as well as data files from motor transport authorities across the states and territories to encourage youth enrolment through the Continuous Roll Update (CRU) program.

The value of using motor transport data was demonstrated as a major data source to increase youth enrolment when the AEC first used New South Wales Road Transport Authority data. The enrolment of 18 year olds in NSW increased from 41% to 79% within two months of the first CRU mailout using this data in early 2003.

Data from Centrelink and transport authorities is now included in every monthly mailout, where it is available, helping to maintain a high level of youth enrolment. The monthly mailing is supplemented by state programs that include sending out enrolment cards to 17 and 18 year olds who are at secondary schools.

2 Election campaigns, complaints and advertising

2.1 Truth in advertising

A number of submissions have discussed the issue of truth in political advertising.⁴ The AEC does have a role in ensuring that electors are informed about the source of any political advertising, under s 328 of the *Commonwealth Electoral Act 1918 (Cth)* (the Electoral Act), and a role in ensuring that any matter or thing does not mislead or deceive an elector in relation to the casting of a vote (s 329 of the Electoral Act). However, the AEC has no role or responsibility in deciding whether political advertising is true or untrue – the Electoral Act does not regulate the content of political messages in electoral advertising. Furthermore, the AEC does not approve or register electoral advertisements.

2.2 Section 328 – authorisation of election material

A number of submissions have raised issues related to the authorisation of electoral material and, in particular, the authorisation of material published on the Internet.⁵

Section 328(1) of the Electoral Act requires all electoral advertisements, handbills, pamphlets, posters or notices that contain electoral matter to be authorised. Section 328(1A) requires the authorisation of all electoral video recording containing electoral matter. “Electoral matter” is defined very broadly by ss 4(1) and 4(9) of the Electoral Act and includes any express or implicit reference to, or comment on: the election; the Government; the Opposition; a political party or candidate; or any issue submitted to, or otherwise before, the electors in connection with the election.

The authorisation requirements of s 328 apply at all times, however, the scope of s 328 does not extend to cover electoral material published on television, radio, Internet or by

⁴ See for example submissions 48, 39, 90, 111, 112, 124, 136, 144

⁵ See in particular submissions 44, 89, 117, and 136.

telephone. The authorisation of electoral matter broadcast on television or on radio is provided for under the *Broadcasting Services Act 1992* which is administered by the Australian Communications and Media Authority.

To satisfy the authorisation requirements of s 328 the authoriser must include his or her name and address and the name and place of business of the printer at the end of the advertisement, handbill, pamphlet, poster or notice. Newspapers are excluded from the requirement to identify the name and place of business of the printer. The “address” of a person means the full street address and suburb or locality at which the person can usually be contacted during the day. It does not include a post office box.

The Electoral Act also imposes some further requirements in relation to newspaper advertisements (ss 328(1AB) and (1AC)) and some exceptions to the general requirements of s 328(1) in the circumstances outlined in s 328(5).

Complaints summary: s 328

During the election period the AEC received 89 complaints alleging breaches of s 328. Of these complaints, 42 were found not to be in breach, 19 were in technical breach and 28 were in breach. As the purpose of s 328 is to ensure that electoral advertisements are not distributed under the cover of anonymity, where an advertisement is not entirely anonymous, the AEC is of the view that a technical breach is disclosed. For example, an advertisement that omits the printer details but otherwise identified the person(s) responsible for the advertisement would be in technical breach. In the event of a technical breach the authoriser of the material is contacted and requested to either remove the material from circulation or ensure that it is amended so as to comply with the requirements of the Electoral Act.

In the event of a substantial breach of s 328 and where the complainant has not provided any information to enable the AEC to locate the authoriser, the AEC will attempt to identify the authoriser by other means to advise of the breach. This may include making contact with a newspaper proprietor or other persons or organisations implicated in the particular electoral advertisement. Where the authoriser is located, the AEC will advise the authoriser in similar terms to advertisements disclosing a technical breach. Where the authoriser cannot be located, the AEC may forward the material to the AFP for further investigation. Of the 28 breaches, the AEC wrote to the person thought to be responsible for the advertisement in 20 cases. There were 8 instances where the identity of the authoriser could not be established. The AEC referred one of the 20 cases to the AFP for a continuous breach.

Common misunderstandings about the authorisation requirements of s 328 relate to:

- assumptions made by complainants that the identity of the political party which distributed the electoral material should be disclosed;
- assumption by the complainant that the authorisation requirements of s 328 apply to Internet or telephone advertisements.

The AEC has obtained legal advice to the effect that s 328 does not apply in either of these situations.

2.3 Section 329 - misleading or deceiving electors

Section 329(1) of the Electoral Act makes it an offence to print, publish or distribute, or cause, permit or authorise to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.

Section 329(1) only applies from the period commencing from the issue of the writ for the election until 6pm on election day.

Section 329 only applies to a publication that is likely to mislead or deceive a voter in relation to the recording of a vote as distinct from forming a judgment as to the person for whom to vote: *Evans v Crichton-Browne* (1981) 147 CLR 169; *Webster v Deahm* (1993) 116 ALR 222. That is, this provision would apply, for example, to the distribution of a how-to-vote card, which misleads an elector about marking a ballot paper and depositing it in the ballot box. In coming to its conclusion in *Evans v Crichton-Browne*, the Court indicated that it would be reluctant to find that s 329 has been breached by conduct that is more appropriately covered by the electoral process. Section 329 does not regulate the truthfulness or accuracy of electoral publications.

Section 329 applies not only to printed matter but also to electoral advertisements broadcast on radio or television. As such, the AEC is also of the view that s 329 would also apply to electoral advertising on the Internet. For example, the distribution of a misleading how-to-vote card by email or through a website would be in breach of s 329.

Complaints summary: s 329

The AEC CO received 101 complaints alleging breaches of s 329 of the Electoral Act. Of these, 14 breaches of s 329 were disclosed – the remaining 87 allegations disclosed no breach of s 329. A majority of the complaints alleging a breach of s 329 which failed to disclose a breach related to issues of truth in advertising. If the AEC is of the view that a breach of s 329 is disclosed, the AEC will contact the authoriser of the material and request immediate withdrawal or amendment of the offending material. If this material is not withdrawn or amended immediately, injunction action may be taken by the AEC in accordance with s 383 of the CEA.⁶ In each case of the 14 breaches, the AEC wrote to the person responsible for the advertisement seeking compliance with the Electoral Act. To the AEC's knowledge our requests were ultimately satisfied in all cases. No injunctions were sought in relation to breaches of s 329.

2.4 Polling day canvassing and offences

A number of submissions suggested that the provisions of the Electoral Act that regulate the conduct of party workers, electoral officer and voters on election day are not clearly understood by many people involved in this process. There are also a significant number of issues that arise on polling day that the Electoral Act does **not** regulate, and does not give AEC officers the power to regulate. The main issues that arise relate to canvassing on polling day.

⁶ Injunctive action may also be taken by a candidate in the election pursuant to section 383 of the Electoral Act.

Canvassing (s 340)

Section 340 of the Electoral Act prohibits the following activities within six metres of the entrance to a polling booth on polling day:

- canvassing for votes;
- soliciting the vote of any elector;
- inducing any elector not to vote for any particular candidate;
- inducing any elector not to vote at the election;
- exhibiting any notice or sign (other than an official notice relating to an election).

Section 340 also prohibits a person from using a loudspeaker, broadcasting equipment or other sound-amplifier-type equipment to engage in any of the activities listed above if the activity is audible within six metres of the entrance to the polling booth.

However, the Electoral Act does not give the AEC power to regulate activities outside of these limits.

Additionally, the Electoral Act does not require political party workers' names to be registered with the AEC, or prescribe any qualifications for persons entitled to be party workers. This means the AEC cannot regulate whether people 'should' or 'should not' be party workers on polling day.

This information is also set out in the AEC's Electoral Backgrounder series, available on the AEC website at http://www.aec.gov.au/_content/how/backgrounders/index.htm

3 Electors with disability

3.1 Accessibility

A number of submissions to the current inquiry have discussed electoral issues relevant to persons with disability.⁷ The AEC would like to take this opportunity to set out some of the activities it has undertaken in relation to improving its services for persons with disability.

On 28 June 2005 the AEC met with key disability organisations to discuss experiences at the last federal election and to raise electoral issues/concerns of their members.

Most of the issues raised in the public submissions to this inquiry were discussed at the meeting. As a result of this meeting, the AEC undertook to:

- add a luminous, red stripe around the slot on ballot boxes so a person with vision impairment can clearly identify where to place their ballots
- examine the feasibility of trialling "super" pre-poll centres in some state capitals at the next federal election that would specifically cater for people with physical, sight or hearing disability

⁷ See for example submissions 9, 16, 20, 28, 45, 50, 54, 68, 95, 101, 135, 138 and 101.

- review signs in polling places in terms of font size
- review lighting standards at polling places
- review how disability issues are included in polling place staff training
- review the amount and formatting of information in election brochures
- consider the suggestion of including accessibility requirements in future contracts with polling place owners.

The AEC also undertook to convene a meeting of the advisory group to discuss in detail issues around accessibility of polling places, including a review of the AEC's accessibility ratings. This meeting will be held later in 2005.

3.2 Removal from the roll under section 93(8)(a)

The AEC has recently been involved in discussions with representatives from peak disability groups in relation to the process of objecting to a person's enrolment for the reason that the person is, by reason of being of unsound mind, incapable of understanding the nature and significance of enrolment and voting.⁸ The current requirement for demonstrating a person is within this category is doctor's certification to this effect.⁹

From the discussions with the peak organisations, the AEC is aware that there are some concerns in the sector that certification from the Guardianship Board in relation to whether a person is of unsound mind would be more appropriate. The AEC is not qualified to assess whether doctors' certification is the most appropriate level of certification in this context, and understands that further submissions may be made to the JSCEM on this matter from peak disability organisations.

4 Polling

4.1 Pre-polling

A number of submissions have raised issues relating to pre-poll voting facilities.¹⁰ Additionally, recommendation 24 of the Minter Ellison report into postal voting at the 2004 federal election related to the AEC undertaking a comprehensive review of pre-polling. The AEC has supported this recommendation and will conduct a review along the lines suggested by Minter Ellison later this year. Some general information about pre-polling is below.

The Electoral Act (Part XVA) s200D states that the 'Place and time of application' (for a pre-poll vote) is 'at the office of the DRO during ordinary office hours or during the hours of polling on polling day'.

⁸ See Electoral Act sections 93(8)(a) and 114.

⁹ See Electoral Act section 118(4).

¹⁰ See submissions 1, 50, 53, 64, 91, 95, 114, 131, 136, 142, 144, 146, 150, 156

Under this provision, each divisional office issues pre-poll votes once ballot papers are available. Hours of operation are often extended to cater for late night shopping (eg Thursday night until 8.00pm, and Friday night before polling day until 6.00pm). On polling day pre-poll votes are only issued to interstate voters.

As well as providing for pre-polling at divisional offices, s 200D(2) of the Act allows for pre-poll voting centres (PPVCs) to be established at premises determined¹¹ by the Electoral Commissioner to cater for the needs of voters, for example in holiday resorts, convention centres, airports and large towns where it is expected that large numbers of voters will be eligible for a pre-poll vote. It may also be necessary to set-up an external PPVC to reduce congestion in the divisional office, or provide better access to electors (for example, to provide access for electors with disability). Dates and hours of operation are also published on the Federal Register of Legislative Instruments¹², advertised in local newspapers, made available on the AEC's website and advised by the call centre. DROs also provide this information to all Candidates, usually at the Candidate and Campaign Managers Information Session held after the draw that determines the order of the candidates' names on the ballot paper.

The hours of operation for PPVCs are not restricted to normal office hours. Prior to polling day the hours may be extended or varied to suit demand. On polling day PPVCs are open between the hours of 8.00am and 6.00pm to provide service for interstate voters only.

Planning for pre-poll voting commences several months before the expected date of the next election. DROs actively seek out suitable premises within appropriate areas, however as the election date is unknown until announced it is not possible to secure premises in advance. Quite often the preferred premises are unavailable for various reasons; sometimes they are already booked, or often the management will not agree to a short-term lease.

Other issues have been experienced with major shopping centres where management want clients of a commercial nature, or will not agree to rent premises for what they view as 'political activity' and, in some cases, object to party workers setting up tables and handing out how-to-vote materials within the centre.

The AEC notes comments in submissions concerning the location of pre-polling voting facilities and the period of time for which such facilities were available in regional areas. The AEC will take account of this feedback when reviewing its procedures for determining where and when pre-poll voting facilities are located. For the 2004 federal election, the following factors were taken into account in relation to pre-poll voting facilities:

- Statistics relating to previous elections;
- Estimated number of voters;
- Time of year, eg tourist season;
- Effectiveness of previous arrangements;
- Availability of premises;

¹¹ and declared by legislative instrument under section 200D(2)

¹² This is a new method of publication, established by the commencement of the *Legislative Instruments Act 2003 (Cth)* on 1 January 2005. For the 2004 federal election, the dates and hours of operation were published in the Gazette in accordance with section 200D(2).

- Security and transport;
- Community events; and
- Known arrangements for Defence Force exercises (DROs should liaise with defence establishments in order to gain advance notice).

As a result of feedback (through the public submissions to this inquiry as well as direct feedback from electors to the AEC), the AEC intends, when planning for future elections, to also take into account such matters as:

- proximity of voters to polling places;
- frequency of mail deliveries to assist voters in more remote areas;
- demand for extensions of pre-polling hours (for example, catering for late night shopping hours and weekends); and
- restrictions placed by landlords on the activities of party workers in shopping centres.

The review of pre-polling facilities will also take into account access to electoral services by electors travelling in remote and regional areas, and electors in special circumstances such as remote mining communities.

4.2 Declaration voting

Concerns about declaration voting were raised by submissions 92 and 95 to the current inquiry. Submission 95 raised in particular the issue of the effects of certain legislative amendments to the Electoral Act that relate to declaration voting on reinstatements to the roll. The process by which a declaration vote is determined to be admitted into the scrutiny is outlined below, together with the process for conducting a review of the elector's enrolment prior to reinstating the elector on the electoral roll.

The AEC's second submission outlined the cases in which an elector is entitled or required to cast a declaration vote instead of an ordinary vote. When making a declaration vote, an elector must complete a declaration certificate that is used to establish whether the elector is eligible to vote in that Division.

These votes are subject to declaration vote scrutiny procedures as detailed in Schedule 3 of the Act. They are only admitted to the count where the DRO is satisfied that the person has an entitlement to vote in the Division. Scrutineers appointed by the political parties to ensure the transparency of the process observe both the issue of provisional votes and the preliminary scrutiny of provisional votes.

At the 2004 election a total of 87,518 absent, pre-poll, provisional and postal declaration votes were issued to electors, whose names were not on the printed certified list and were admitted to the count in accordance with the provisions of paragraph 12 of Schedule 3 of the CEA.

Prior to the 2004 election, where such declaration votes were admitted to the count, the voter's name was automatically reinstated to the electoral roll. For the 2004 election, new provisions applied. Section 105(4) now provides that a review of an elector's entitlement must be undertaken before the person's name can be reinstated to the electoral roll. It should be noted that the review undertaken after the election is of the enrolment of these

electors, not a review of whether they were entitled to a provisional vote. The scrutiny of declaration votes required by Schedule 3 is complete and decisions made about the admissibility of those votes is not tied to the reinstatement to the roll.

As required by the amendment to ss 105(4) of the Electoral Act, the AEC commenced a review in December 2004 in all divisions of the enrolment of those electors whose declaration votes were admitted to the scrutiny but who were not enrolled for the Division. This was initiated by a letter sent on 7 December to relevant electors. If a reply was received confirming the elector was still living at the claimed address, the elector was reinstated. However if no reply was received, follow-up targeted fieldwork or a review by telephone was undertaken in the first half of 2005.

The AEC is in the final stages of this review process for the 2004 election. A breakdown of the number of people reinstated to the roll is 2,868 for the same address and 12,246 for a different address in the same division. Since the election 3102 re-enrolled for the same address and 41,452 have re-enrolled for a different address. At 30 June 2005, 27,478 were not reinstated to the roll. Appendix A contains a breakdown of these figures in tabular form by division.

4.3 Where electors are voting

During the course of this inquiry the AEC undertook to provide the Committee with some data that indicated the percentage of electors who vote in polling places close to their enrolled addresses, taking the division of Moncrieff as an example. This was discussed in the context of the usefulness of dual polling places.

In its second submission to the current inquiry the AEC set out the criteria that are generally used in determining whether to establish a dual polling place. This assessment is made for each division by the Divisional Returning Officer (DRO), whose recommendation is then subject to approval by the Australian Electoral Officer (AEO) for the state or territory.

Moncrieff is a division in a high-growth area of Queensland, resulting in frequent redistributions between elections¹³ and consequent shifts of divisional boundaries. A high number of electors tend to return to polling places they have used in previous elections to vote, irrespective of the fact that that polling place may now be in a different division. If a voter votes at a polling place in a division other than the division they are enrolled in, they will have to cast an absent (declaration) vote rather than an ordinary vote. A dual polling place in these instances can result in shorter queues, by enabling electors who live in the neighbouring division to cast an ordinary vote. This also speeds up the process of counting the votes cast by these electors, as ordinary votes are counted in the polling places at the end of polling, whilst declaration votes need to go through the preliminary scrutiny process.

The information presented in Table 1 below shows, as far as possible, the percentage of electors in Moncrieff who vote at their 'most convenient' polling place. This will often be the closest polling place to their place of living.

As the AEC does not store data that can relate a voters' enrolled address to the distance from that address to the nearest polling place, the information being analysed involves assessing the polling places used by voters from a particular Census Collector District

¹³ Queensland was subject to redistribution in 2003, 1997, 1994, and 1992.

(CCD). CCDs are areas defined by the Australian Bureau of Statistics (ABS) for the purpose of surveying individuals throughout Australia for the collection of statistics.

The 'most convenient polling place' for a CCD is determined by assessing which Moncrieff polling place (including dual polling places inside and outside the Moncrieff divisional boundary) received more voters from a Moncrieff CCD casting an ordinary vote at that polling place than at any other Moncrieff polling place.

This will often be the closest polling place to the electors' places of residence. However, in other cases this will not be true, particularly where some parts of a CCD are closer to a different polling place than other parts of the same CCD.

Brisbane Town Hall and mobile polling voters are excluded from this analysis. In the cases of the dual polling places in the table, only the Moncrieff catchment was considered.

The data in the table suggests that 61.2% of the ordinary voters in Moncrieff voted at the most convenient polling place to the CCD in which they were enrolled. The AEC can provide further statistics and analysis in this area if the Committee finds it to be of interest.

Table 1 - Voter turnout at Moncrieff polling places.

Polling place¹⁴	Total Voters¹⁵	Number of voters for whom this was the most convenient polling place¹⁶	Proportion¹⁷
Ashmore (Moncrieff)	3503	2673	76.3%
Ashmore West (Moncrieff)	1647	1169	71.0%
Benowa	4239	3477	82.0%
Broadbeach (Moncrieff)	3007	1684	56.0%
Burleigh Heads (Moncrieff)*	481	0	0.0%
Burleigh North (Moncrieff)*	640	71	11.1%
Burleigh Waters (Moncrieff)*	1083	907	83.7%
Carrara	1707	1153	67.5%

¹⁴ Polling places identified with an asterisk ('*') in the table are physically located in a CCD outside of the Moncrieff boundary (these are dual polling places with a neighbouring division that Moncrieff voters have historically chosen to attend). For the purposes of these polling places in the table, the CCD where the majority of voters came from to vote at the polling place is being used as the closest CCD in Moncrieff.

¹⁵ The 'total voters' are the total ordinary voters from Moncrieff who were recorded as voting at the polling place.

¹⁶ The 'number of voters for whom this was the most convenient polling place' total is the number of voters recorded as voting at the polling place who were from a CCD for which more electors voted at this polling place than any other (the 'most convenient polling place' for the CCD). Where there were two 'most convenient polling places' for a CCD, the number of voters who voted at each of these polling places from that CCD were counted in this column.

¹⁷ Where a 0% is recorded, this means that this polling place was not the 'most convenient' polling place (using the formula described above) for any Moncrieff CCD.

Polling place ¹⁴	Total Voters ¹⁵	Number of voters for whom this was the most convenient polling place ¹⁶	Proportion ¹⁷
Chevron Island	1813	958	52.8%
Earle Haven	724	587	81.1%
Evandale	2471	1182	47.8%
Florida Gardens	866	396	45.7%
Gilston	1005	747	74.3%
Isle Of Capri	2485	1411	56.8%
Keebra Park	1663	1330	80.0%
Main Beach	2184	1912	87.5%
Mermaid Beach	1416	1051	74.2%
Mermaid Waters (Moncrieff)	2968	1192	40.2%
Merrimac (Moncrieff)*	1746	1273	72.9%
Merrimac High (Moncrieff)	1579	891	56.4%
Miami	1849	1079	58.4%
Miami West (Moncrieff)	2836	1930	68.1%
Moana Park	1828	1352	74.0%
Mudgeeraba (Moncrieff)*	344	0	0.0%
Nerang (Moncrieff)*	953	222	23.3%
Nerang South	3371	1164	34.5%
Nerang West (Moncrieff)	2833	1912	67.5%
Robina North (Moncrieff)*	231	0	0.0%
Robina Town (Moncrieff)*	351	0	0.0%
Southport (Moncrieff)	1720	997	58.0%
Southport West (Moncrieff)	944	364	38.6%
Surfers Paradise	1563	953	61.0%
Tallai (Moncrieff)*	1327	995	75.0%
William Duncan	3509	2204	62.8%
DIV TOTAL	60886	37236	61.2%

5 Electronic voting systems

The AEC notes that there have been a number of submissions proposing the introduction of some form of electronic voting at federal elections.¹⁸

Electronic voting can be delivered by using either electronic vote recording systems (also called direct recording electronic voting systems, or DREs) or remote electronic voting systems.

DREs are any system where the elector casts their vote on an electronic voting machine, such as a dedicated computer terminal, touch screen computer or other purpose-built

¹⁸ See submissions 16, 17, 20, 45, 48, 50, 54, 68, 93, 101, 120, 132, 135, 149, and 158

equipment in a polling place. Once recorded, the elector's vote is stored in the machine. After voting has concluded, data is transferred electronically to a counting system.

Remote electronic voting can use a variety of delivery systems. These include the Internet, an organisation's intranet, touch-tone phones using interactive voice recognition (IVR), mobile phones using short message system (SMS) text facility, or interactive digital television (iDTV). All of these delivery systems have two things in common: they are remote access systems, enabling the elector to vote from home, work or any public outlet (such as an Internet café); and they are online systems, where the elector's vote is despatched in real time to a secure electronic vote store, where it is held prior to counting.

The AEC is of the view that electronic voting is an election system, in the same way that postal voting and attendance voting are election systems. The fundamental issue should not be the technologies that enable different voting processes, but whether the risks associated with an election system are clearly understood by all stakeholders, which of those risks are unacceptable to stakeholders, and to what degree those risks can be reduced to an acceptable level by the application of appropriate controls.

The AEC has identified a broad range of electors who may benefit from electronic voting, both in the form of DREs and remote electronic voting systems. Although not exhaustive, the list includes electors in remote locations in both Australia and overseas, Australian Defence Force personnel serving overseas or in remote areas of Australia, electors from non-English speaking backgrounds, electors with disability and electors in the Antarctic.

The AEC notes that providing DREs at pre-poll voting centres and divisional offices would be a viable option for those electors with disability who can access a polling place, but then have difficulty in independently completing a ballot paper. By voting using a DRE, electors with print disability would be able to vote in secret and without assistance.

DREs will not address the issues of access to electoral services for electors in remote locations, both in Australia and overseas, who do not have access to a reliable postal service. Electronic voting using DREs requires an elector to attend a pre-poll voting centre or divisional office, and it is their inability to do so in the first place that makes voting difficult for these electors.

Remote electronic voting would improve access to electoral services for all electors who have difficulty in attending a polling place.

The AEC is currently analysing the risks associated with electronic voting and identifying the controls available to satisfactorily mitigate those risks.

6 Postal voting

The AEC's first submission to the current inquiry took as its major focus the events surrounding postal voting at the 2004 federal election, and an independent review of postal voting at the 2004 election carried out by Minter Ellison. In response to issues raised in submissions, new developments and requests for further information from members of the Committee, the AEC will in this part of the submission set out some further information in

relation to postal voting, including action taken by the AEC since submitting its first submission to the inquiry.

6.1 *Preparing for postal voting at the next election*

The AEC is very concerned that the 2004 election was marred by poor service delivery to some postal voters in several parts of Australia. It accepts full responsibility for the failure in the postal vote production process, and regrets the inconvenience and confusion caused to all concerned. This failure in 2004 has only strengthened the resolve of the AEC to ensure that it provides a more reliable service in future events.

The AEC further recognises that its Quality Assurance procedures failed in 2004 at the Sydney processing site. Quality Assurance was reliant upon reconciliation of records maintained by AEC staff at the processing site with a summary sheet to be provided by the contractor on a daily basis. When this summary sheet was not available until the fourth day of processing at the Sydney site, AEC staff relied upon verbal confirmation from the contractor that postal votes spoiled during the production process had been regenerated, and reconciled the AEC's records with the mail lodgement documentation. Subsequent problems, such as the failure to regenerate 1832 spoiled postal votes for general postal voters in Queensland, demonstrated that this process was insufficiently independent to provide satisfactory Quality Assurance.

The AEC acknowledges that production of postal votes in 2004 was slower than expected. An unfortunate consequence of the delays in production in the first week of postal voting was the masking of instances where electors were not receiving postal votes, not because lodgement had been delayed but because the postal vote had been spoiled and not regenerated. This in turn meant that it took longer than it should have for the AEC to provide the appropriate corrective responses to some electors. The AEC did respond to delays in postal vote production by changing call centre scripts daily, in order to provide the most current information available to electors who contacted the AEC, and took out advertising to inform electors of alternatives to postal voting.

In preparing for the next election, the AEC will have as a priority the improved delivery of postal voting services. This will include an examination of all the issues from 2004, an updated risk management plan, a request for tender process, and detailed implementation planning and quality assurance processes with the successful contractor.

The AEC expects that this process will provide stakeholders with confidence that postal voting services are reliable and dependable in Australia's electoral system.

Planning and development for postal voting services for the next election is currently underway. This process is being guided by the Minter Ellison report on postal voting at the 2004 election and the recommendations therein (provided as confidential attachment A to the AEC's first submission to the current inquiry).

6.1.1 Use of central print in the future

The AEC believes that it is essential to retain a centralised production system of postal votes, in addition to local production, for future elections. The AEC does not believe that it can efficiently process either the current or expected volumes of postal vote applications by returning to the pre-1999 practice of production solely at divisional offices. Minter Ellison independently supported this view in their report.

The Automated Postal Vote Issuing System (APVIS) provides automated support to divisional offices for the printing, production and distribution of postal votes. It comprises both a subsystem of the Roll Management System (RMANS) and services provided by a contractor.

It was first used to support the issue of postal votes at the 1999 referendum and subsequently at the 2001 and 2004 federal elections. QM Technologies provided the mailhouse services in 1999, 2001 and 2004. There were no production failures arising from automated support for postal voting services in 1999 and 2001.

Under APVIS, postal votes are issued both by AEC divisional offices and a contractor. When an AEC officer enters a postal vote application into RMANS, the default outcome is for that data to be sent to the contractor for printing of a postal vote certificate, and lodgement with Australia Post. This is called "central print". The AEC officer can also choose to flag the data for "local print". This means that the postal vote certificate is printed on the divisional office printer, and lodged by the DRO at their local post office.

Local print is used to produce postal votes for electors who require the material immediately. Examples include an elector who is about to go overseas and does not have an overseas forwarding address, or an elector who lives in an area with a limited postal delivery service and the next service is leaving the following day.

Local print is also used to produce postal votes for electors whose applications are received in the week immediately preceding polling day, when central mail lodgement is unlikely to result in the elector receiving their postal vote on time.

The number of postal votes issued has trended upwards at every election since 1993, with the average growth per election being 21%.¹⁹

The growth in postal vote applications processed between 1998 and 2004 is even higher. There was a 38% increase in postal vote applications in 2004 from 2001 and a 22% increase from 1998 to 2004.

If these trends hold for an election held in the last half of 2007, the AEC can expect to issue something in the order of 930,000 postal votes.

By reverting to the pre-1999 production practice, it might seem that breaking up this volume into 150 sites, and producing all postal votes as local print, provides a solution. The AEC's view is that it actually introduces greater complexity and increased risk into the process.

For example, at the 2004 election the division of Werriwa issued 6,056 postal votes, but only 247 were produced using local print. At the by-election in 2005, Werriwa issued 5,129 postal votes, of which 3,344 were produced using local print.

The increased effort to produce local print postal votes at the by-election raised significant problems for IT and human resources, which are discussed further below (6.1.2 "Risk Analysis: By-election"). The AEC does not believe that its current level of IT and human

¹⁹ 'Postal votes issued' is distinct from the measure of 'postal vote applications processed' in the following paragraph. Postal votes issued include votes issued to registered general postal voters, who do not need to lodge an application for a postal vote. Postal vote applications include duplicate postal vote applications received, the number of which has increased significantly since 1998.

resources in divisional offices, demonstrably stretched to produce 3,344 postal votes at a by-election, could handle twice that number at a general election.

Werriwa is an outer metropolitan division with an average number of postal voters. The potential for difficulties becomes greater in rural divisions with large numbers of general postal voters. For example, the Division of Maranoa issued 12,794 postal votes at the 2004 election, of which only 1,528 were local print.

The local post office for a divisional office, where local print postal votes are lodged with Australia Post, is not necessarily the best place for postal votes to be introduced into the Australia Post delivery stream in order to ensure timely delivery to the elector. At most local post offices, mail other than local area mail is sent on to mail sorting centres where it is amalgamated and sorted before being distributed out through the postal network. For divisional offices in regional and rural areas, this can mean that locally lodged mail is first sent some distance to a metropolitan sorting centre. When central print is used this first step is avoided, because the mail is lodged directly at a sorting centre, and the delivery time to the elector is improved.

The AEC believes that if local print had been used for all 760,326 postal votes issued at the 2004 election, there would have been even greater delays in production and delivery of postal votes.

However, the AEC acknowledges that improvements to the centralised system are necessary and is working on these.

6.1.2 Risk Analysis: By-election

After the announcement of the Werriwa by-election, the contractor (QM Technologies) and AEC election managers undertook a thorough risk analysis of central printing at a by-election. The risk management strategy and contingency plans developed as a result of this analysis were documented and used during central print production.

A total of 5,129 postal votes were issued. Central print was only used for an initial processing run of 1,758 comprising all the registered general postal voters and early postal vote applications. No postal vote certificates were spoiled during this production run, but this was not unusual because of the small size of the production run.

3,344 postal vote applications were processed by local print. This compares with 247 postal votes issued by local print at the 2004 election.

This volume of local print proved to be the major exposure to risk for postal voting at the by-election. The pressure it placed on IT equipment exposed the AEC to the consequent risk of significant hardware failure. It placed considerable demands on the human resources necessary to manually prepare large numbers of postal vote packages, with the consequent risk of inconsistent processing as a result of fatigue. None of these risks eventuated during the by-election. They remain, however, significant areas of concern for the AEC.

6.1.3 Risk Analysis: General Election

In accord with Minter Ellison Recommendation 16, the AEC will analyse the risk management needs of postal voting in a general election. This process will comply with the AEC's risk management toolkit and appropriate risk standards (AS4360, ASCI33) and the results will be fully documented. It will result in identification of the controls necessary

to manage risks, both to the AEC and the contractor. The risk analysis will commence in October 2005 and be completed by November 2005.

6.1.4 Mapping the entire postal voting process

Also in accord with Minter Ellison Recommendation 16, the AEC formed a working party in early June 2005 to review the postal voting process. This group, made up of representatives from divisional, State head office and central office staff, mapped all aspects of postal voting including interactions with electors, political parties, contractors and other stakeholders.

The process map will be used to inform the risk analysis and the competitive tendering for provision of postal voting services.

6.1.5 Contract arrangements

The contract for central print production of postal voting material expired on 30 June 2005. The AEC had an option to renew this contract, subject to the satisfactory performance of the contractor, and this option was not taken up. The contractor has been advised of this decision in writing.

6.1.6 Choosing a new central print contractor

The AEC will commence competitive tendering for a new contractor by early 2006. The AEC will seek expressions of interest in the provision a service that ensures all postal voting packages are produced on a daily basis, including any spoils.

The competitive tendering process cannot commence until the risk analysis has been completed, because both the postal vote process map and the risk management needs will be provided to prospective tenderers.

The AEC expects to have a contract in place in mid 2006.

6.1.7 Enhancing APVIS data entry

The AEC will improve the AEC postal vote issuing system (APVIS) so that it will provide data entry operators with information on Australia Post delivery schedules. This will enable operators to make decisions on whether to use central or local print, based on actual postal delivery information.

Once a supplier has been selected, the AEC will review its business rules for identifying postal vote applications that should be printed locally in the divisional office, rather than by central print, in order to ensure that the postal vote package is printed and lodged at the best location for timely delivery to the elector.

For example, the business rules may provide that a DRO is not to use central print, in the two weeks prior to polling day, for any postal vote application where the address provided by the elector only has one mail delivery each week.

6.1.8 Enhancing APVIS central print

The AEC will be seeking a method of production that uses a ready-made postal vote certificate envelope, which would allow for spoils to be immediately remade. The previous method involved envelope making as a part of the process, which increased the risk of spoils as well as extending the timeframe.

6.1.9 Enhancing Quality Assurance

Quality assurance procedures will be fully reviewed and rewritten to suit the final production method, once a supplier has been selected and a contract completed. The AEC will ensure that the successful contractor has a high degree of quality assurance within their production process.

The AEC's learning from 2004, which will be reflected in the new quality assurance procedures, include:

- increasing the size of the AEC quality assurance team at each site;
- ensuring that there is a unique number for each record – the lack of unique numbers, due to a batching process adopted by the contractor at the 2004 election, led to issues with incorrect addressing of a small number of outer envelopes;
- developing information and training sessions for both AEC quality assurance staff and the contractor's staff, to ensure that everyone has the same understanding of the AEC's requirements in relation to the handling of information and materials, and production and lodgement of postal vote packages; and
- stipulating the requirement for the contractor to report, and the AEC quality assurance team to monitor, on a daily basis:
 - the data received from the AEC;
 - the numbers spoilt and regenerated; and
 - postal vote packages processed and lodged with Australia Post;to achieve a complete daily reconciliation process.

6.1.10 Delivery of postal voting materials

The AEC has held several meetings with Australia Post since December 2004, to discuss postal delivery timeframes across Australia. The AEC has also joined the relevant industry association, Major Mail Users of Australia Ltd, and plans to consult with relevant mail generators such as the Australian Taxation Office and Centrelink about strategies for ensuring timely delivery.

The AEC plans to develop a Memorandum of Understanding (MOU) with Australia Post, covering the delivery of postal voting materials and providing for regular liaison between the AEC and Australia Post in the election period. The MOU will be finalised by the end of 2006.

6.1.11 Improving information available to electors

The AEC will enhance the postal vote issuing system (APVIS) to provide more relevant detail of when an elector's postal voting materials are lodged with Australia Post. The current version of APVIS stores the extract date, that is, when the data is sent from the AEC to the contractor. The AEC will amend the program so that it imports the date of actual lodgement of each postal vote package with Australia Post. The contractor will be required to supply this data daily. This will allow call centre operators to supply better information to postal voters seeking assurance that their applications have been received and postal votes produced and mailed.

6.1.12 Managing elector expectations

The AEC will be reviewing its election public awareness campaign to ensure that information is readily available about the importance of the witness date, when in the election timeframe postal votes first become available, how long it can take for postal votes to be produced and delivered once an application is received by the AEC, and alternatives to postal voting.

Some of this information will also be added to, or made more obvious on, the postal vote application (see below).

The AEC will commence a review of its entire election public awareness campaign in September 2005, with a view to having finalised election public awareness material in place by June 2007.

In its first submission, the AEC made a number of recommendations for legislative change that would impact on postal voting. If the Committee and Government supports these recommendations, and the necessary legislative changes are made, appropriate information will need to be included on the postal vote application and in the public awareness material.

6.1.13 Postal vote application

The AEC will be redesigning the postal vote application in order to make the form more user-friendly. The redesign process will involve stakeholder consultation, including political parties, and should be completed by June 2006.

Proposed changes include:

- advice about the importance of the witness date;
- advice about when postal votes can be first despatched to applicants (the Monday after close of nominations);
- advice about the amount of time it can take for production and delivery of a postal vote after the application has been received by the AEC; and
- making the call centre number and website URL more prominent on the application.

6.1.14 Call Centre

From the next election, call centre operators will be able to supply electors with information on when their postal vote package was lodged with Australia Post. The inability of the call centre to provide this information in 2004 caused difficulties for a number of electors.

Another problem identified in 2004 occurred when electors sought information about the most convenient polling place to their current location (an enquiry often predicated by a delay in receiving postal votes). The call centre application did not contain a sophisticated geographical locator facility with maps to allow operators to visually identify polling place locations and drill in and out to expand or refine search results. This created particular problems in Western Australia and the Northern Territory and with state border towns such as Albury/Wodonga and Gold Coast/Tweed Heads.

The AEC will review possible enhancements to the call centre application for the next federal event as well as reviewing and refining scripts and placing a greater emphasis in

training for operators to work with callers to identify the most convenient voting location for that elector.

6.1.15 Review of Pre-poll Voting centres

A frequent criticism during the 2004 election, from electors seeking voting alternatives to postal voting, was that pre-poll voting centres were not appropriately located and did not operate at convenient days and times.

Pre-polling is discussed in detail at section 5.1 of this submission.

6.2 Order of delivery of postal votes

At an earlier hearing a request was made for the AEC to provide details on the order of delivery of postal votes – that is, which electors' ballot papers were issued first. The explanation below provides some further detail in relation to this process.

As previously explained (at 6.1.1 above), postal votes are issued both by AEC divisional offices – “local print” - and a contractor – “central print”.

The order of delivery of postal votes is determined by three main factors:

- whether the elector is a general postal voter
- the order of receipt of postal vote applications, and
- local knowledge and information provided by applicants (i.e. overseas addresses would receive special attention, as would remote area localities).

General postal voters are processed first, as this data is already available. Electors may register as a general postal voter at any time, and are flagged in RMANS as requiring a postal vote

Following this, the postal vote applications received and entered into the system from the announcement of the election up to the close of nominations are processed. This initial production of postal vote certificates takes place over the weekend following the declaration of nominations, which allows for ballot papers to be printed.

From the Monday after close of nominations postal vote applications are entered into RMANS in divisional offices on the day they are received. The majority of postal vote applications received in the first two weeks of the postal voting period (i.e. after ballot papers are available) would be issued by central print.

From the Monday after close of nominations each divisional office is also able to issue postal votes by local print.

Local print is used to produce postal votes for electors who require the material immediately. It is also used to produce postal votes for electors whose applications are received in the week immediately preceding polling day, when central mail lodgement is unlikely to result in the elector receiving their postal vote on time.

6.3 Postal voting time extension proclamation 8 October

During the course of the inquiry the AEC undertook to provide the committee with further information about the proclamation made by the Governor-General on 8 October 2004, namely, whether and how the electors subject to that proclamation cast votes in the federal election.

Appendix B provides, in tabular form, statistical information on how many voters from the relevant divisions were subject to the proclamation, how many the AEC have identified as having voted (or not voted) and by what means.

7 Senate voting systems

7.1 Above the line senate voting and group voting tickets

There were a significant number of issues raised in public submissions that related to the method of marking ballot papers in senate elections. Particular attention was given to above the line voting and group voting tickets (GVTs),²⁰ including concerns that GVTs need to be made more accessible to electors. The following outlines the processes and procedures (legislative and administrative) that relate to GVTs and discusses options for improving elector accessibility.

The current legislative scheme

S168 of the Electoral Act provides for two or more candidates for election to the Senate to request that their names be grouped on the ballot paper. Grouped names are printed on the ballot paper in columns. Candidates who do not request to have their names grouped have their names printed in a column on the extreme right of the ballot paper (depending upon the number of ungrouped candidates, this can be one or more columns). For all candidates there is a square printed on the ballot paper immediately alongside the candidate's name.

Section 211 provides for grouped candidates to indicate their preferences for all the candidates in the election. This is known as a group voting ticket (GVT). Section 211A provides for an incumbent senator who is a candidate for the election, but who has not joined a group under s168, to also lodge a group voting ticket. A candidate under s 211A will also have their name appear in an individual column. Candidates may indicate up to three GVTs with variations of their preferences.

Candidates who indicate an order of preference under either s 211 or s 211A will have a square printed on the ballot paper above their column. Candidates who do not indicate an order of preference, but who have nominated under s 168, will still have their names appear in an individual column but without a square printed on the ballot paper above the column.

²⁰ See submissions 65, 73, 90, 96, 100, 107, 112, 124, 144,

Section 239 provides that an elector may mark their vote in a senate election by either numbering the squares alongside the candidate's names from 1, 2 and so on as the case requires, until all candidates have been uniquely numbered in preference order, or by writing the number 1 or a tick or a cross in the square above the column of their preferred group. If a voter chooses the second method, the vote will be taken to indicate the order of preferences for all the candidates indicated by the group in their group voting ticket.

Section 216 of the Electoral Act provides for details of registered group voting tickets to be displayed in polling places and pre-poll voting centres, either as a poster or as a booklet. Given the large number of candidate groups lodging group voting tickets, and the difficulties in finding sufficient wall space at relevant locations in polling places and pre-poll voting centres to display posters, the AEC's preference at recent elections has been to provide group voting ticket information in the booklet format.

At the 2004 election, booklets were distributed to polling places on the basis of a minimum of one booklet per polling place and one additional booklet for every 1,000 electors estimated to vote at the polling place. Pre-poll voting centres were provided with group voting ticket booklets for all states and territories.

The AEC is aware of concerns raised by some electors about the availability of GVT booklets at some polling places and pre-poll voting centres. The AEC has undertaken to implement the following enhancements for the next Senate election:

- Review the policy on provision of group voting ticket booklets in polling places and pre-poll voting centres, with a view to increasing the number available for voters
- Develop a poster for display in polling places and pre-poll voting centres, advising voters of the availability of group voting ticket booklets and their use, and
- Include in polling official training sessions a segment on the reasons behind providing group voting ticket booklets to voters.

GVTs are published on the AEC's website as soon as they become available. The AEC is considering including a reference to the availability of GVTs on the AEC website in the householder leaflet distributed by the AEC after the election is announced.

Group voting tickets are supplied electronically, in PDF format, to all overseas missions providing electoral services to Australian electors overseas at the time of an election.

7.2 Above the line preferencing for senate ballot papers

The Committee has sought information on above the line preferencing of Senate ballot papers. The issue has also been raised in a significant number of public submissions.²¹ The current legislative scheme for above the line voting and its operation has been outlined above. This part of the submission outlines considerations relevant to introducing above the line preferencing.

Above the line preferencing systems

Above the line preferencing would mean that an elector could number the squares above the columns from 1, 2 and so on as the case requires. In this method, a number 1 in a

²¹ Submissions 37, 39, 56, 61, 75, 76, 77, 78, 79, 80, 82, 83, 84, 85, 86, 87, 88, 139, 140, 90, 101, 103, 111, 116, 122, 125,

square would be interpreted as a number 1 preference for the first candidate in the column, a number 2 preference for the next candidate in the column and so on until all the candidates in the group had been allocated a preference. The number 2 in a square above a column would allocate the next available preference to the candidate at the head of the group and then allocate preferences sequentially until all the candidates in the second group had been allocated a preference. This would continue with each group.

For this approach to work for grouped candidates, the Electoral Act would need to be amended so that candidates requesting to be grouped in a column under s168 were automatically allocated a square printed on the ballot paper above their column.

A number of the submissions advocate the use of a system similar to that currently in place in New South Wales for the state legislative council elections. When considering this proposal it should be noted that the New South Wales state elections do not require full preferential voting, and that the system in use for above the line preferential voting is workable in NSW primarily because the voting system is optional rather than full preferential. Whilst a system of above the line preferential voting may be possible in a full preferential voting system such as the federal Senate voting system, such reform would be complex, requiring detailed consideration.

A significant problem would be how to allocate preferences to “ungrouped” candidates in the column(s) on the extreme right of the ballot paper, as they are not currently allocated a square above the column(s).

If each individual ungrouped candidate were allocated a column of his or her own, so that a square could be printed above it on the ballot paper, the ballot paper could become unmanageable in either length or print size. The horizontal length of a Senate ballot paper is effectively limited to 1020mm by the printing equipment necessary to complete printing in the election time frame. In 2004, the New South Wales Senate ballot paper had 29 groups and 4 ungrouped candidates and was exactly 1020mm long. Providing an individual column for each ungrouped candidate would have extended the number of columns from 30 to 33. In order to keep the length of the ballot paper at 1020mm, the already small point size of the font, and the amount of “white space” on the ballot paper, would have been further reduced. Eventually there is a limit beyond which this is no longer feasible. The number of ungrouped candidates for a State or Territory can vary considerably between elections. In 1998, for example, there were 9 ungrouped candidates on the New South Wales Senate ballot paper, requiring two columns, along with 22 groups.

The AEC will provide the JSCEM with a more detailed paper that discusses above the line preferential voting for the senate if the JSCEM considers the matter to be of interest. Such a paper could include discussion of such areas as:

- methods of including ungrouped candidates in above the line preferencing, and their advantages and disadvantages;
- methods of approaching the increased complexity of a Senate scrutiny and their advantages and disadvantages, including the effects on the time required to allocate the ballot paper preferences both manually and using a computerised scrutiny program, and the associated requirement of increased resources; and
- analysis of the potential other effects of introducing major Senate voting system reforms, and steps that might need to be taken in response to risks, including public awareness campaigns to reduce voter confusion; the potential ramifications for informality rates, and the legislative amendments required for implementation.

8 The Count

8.1 Informality

A number of submissions have raised issues relating to informal voting, including the possible causative factors and suggestions for improvement in informal ballot paper numbers.²² As outlined in the AEC's second submission, the AEC is currently finalising a research paper into informal voting at the 2004 federal election. The AEC anticipates this paper to be completed in August 2005 and will then provide copies of the paper to the Committee.

8.2 Updating Senate count information on the AEC website

A number of concerns have been raised during the inquiry about the method the AEC uses to update the results of the Senate count on the AEC 'virtual tally room' on its website. Because of the complexity of the senate scrutiny process,²³ the process of updating Senate count results is also a fairly complex operation.

Between the 2001 and 2004 federal elections, the AEC revised its processing of Senate ballot papers so that information on the progress of the Senate count could be given on a daily basis. At previous elections, few or no updated results were available until the senate scrutiny had been completed.

The updating of senate count information on the website is undertaken in three primary stages, parallel with the stages of the senate count:

1. On election night, senate votes for ballot papers marked above the line (representing grouped candidates) and first preference votes for ballot papers marked below the line are counted in polling places. This information is then telephoned from the polling place to the divisional office where the figures are entered onto the AEC's election management system and then approximately two minutes later displayed on the website as an aggregate group total figure.
2. Following election night, a fresh scrutiny of the senate ballot papers is undertaken in each divisional office. The fresh scrutiny commences with those ballot papers counted as above the line votes. These figures are likely to show little variation from the figures provided on the website on election night.²⁴ Following election night the website is updated on an hourly cycle. The longer period reflects the less frequent updating of results in the AEC's election management system and the significantly greater volume of data provided as polling place details are also made

²² See submissions 9, 40, 42, 69, 73, 97, 136, 143, and 145.

²³ Set out in section 273 of the Electoral Act

²⁴ Some differences will arise as the formality numbers of ballot papers are rechecked, and ballot papers from declaration votes are received and scrutinised.

available. As the fresh scrutiny occurs, an additional line is shown on the VTR labelled 'unapportioned'. This reflects the difference between the numbers displayed on election night, and the numbers that are re-entered as the fresh scrutiny progresses. As the scrutiny continues, the numbers of apportioned ballot papers increase, and are shown against the relevant candidate. The number of 'unapportioned' ballot papers decreases accordingly.

3. The third stage is the scrutiny of ballot papers counted as below the line votes. This scrutiny involves the ballot papers being sent from divisional offices to the head offices in each state and territory for data entry into the AEC's computerised senate scrutiny system (CSSS). This data entry typically starts late in the week following polling day and continues until all Senate votes have been processed. At the end of each day's processing, statistics on the number of formal 1st preference votes for each candidate (or group if the paper is informal below the line but formal above the line) and informal votes are extracted from the Senate scrutiny system and updated onto the AEC website. There, the figures formerly displayed as unapportioned are further reduced, as the votes are attributed to the particular candidate/group or as informal. As the process continues the number of votes reported as unapportioned continues to reduce until the fresh scrutiny is completed, at which time the unapportioned value becomes zero and that line entry is removed.

9 Election costs

As at 30/06/05, the expenditure on the 2004 federal election was \$75,987,928.01, excluding \$41,926,158.91 for public funding. A breakdown of the cost areas is below at Table 2.

Table 2 - 2004 federal election costings

2004 Election Expenses as at 30 Jun 2005	
EXPENSES	\$
Employee Expenses	37,008,089.38
Property Expenses	2,902,705.71
Election Supplies and Services (inc Freight, Election Equipment, Call Centre Services, Forms)	13,281,785.93
Consultancy	983,655.60
Travel	1,150,282.29
Advertising and Promotion	10,193,444.89
Computer Services	2,871,444.96
Mailing Services	1,610,371.95
Printing and Publications	5,583,442.29
Legal Services	230,207.63
Training of Polling Staff	79,474.86
Other Expenses	93,022.52
TOTAL ELECTION EXPENSES	75,987,928.01
+ Public funding	41,926,158.91
TOTAL ELECTION COST	117,914,086.92

Appendix A

Elector reviews and re-instatements by division – summary report

Federal Election 2004 as at 30/6/05

The headings in the following tables are explained as follows:

Reinstated: The Divisional Returning Officer was satisfied that the elector was entitled to have their name reinstated back to the roll

Re-enrolled: The elector completed a new enrolment form either on polling day or since polling, but before a decision on whether eligible for reinstatement was required

Not reinstated: Not reinstated includes those electors who have been contacted and are not eligible for re-instatement and those not able to be contacted.

Table 1: New South Wales

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
NSW								
BANKS	20	73	10	131	30	2	151	417
BARTON	39	156	27	219	53	3	275	772
BENNELONG	38	102	14	103	30	0	167	454
BEROWRA	27	44	22	119	28	4	189	433
BLAXLAND	24	108	33	194	8	2	152	521
BRADFIELD	45	72	12	77	18	0	187	411
CALARE	13	179	15	353	43	2	258	863
CHARLTON	102	78	13	152	17	1	109	472
CHIFLEY	27	122	16	166	31	3	217	582
COOK	13	64	14	252	43	2	250	638
COWPER	17	79	12	422	37	3	311	881
CUNNINGHAM	13	50	1	83	21	1	119	288
DOBELL	13	88	20	279	38	2	191	631
EDEN-MONARO	5	11	10	219	22	2	198	467
FARRER	4	56	28	255	53	3	212	611
FOWLER	39	99	11	140	22	1	148	460
GILMORE	20	185	16	210	32	3	254	720

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
NSW								
GRAYNDLER	17	120	16	191	50	2	420	816
GREENWAY	51	139	14	171	26	1	116	518
GWYDIR	19	50	20	245	25	0	283	642
HUGHES	16	84	6	76	34	2	133	351
HUME	28	104	14	205	38	0	170	559
HUNTER	7	24	9	136	22	1	209	408
KINGSFORD SMITH	32	229	13	258	35	4	272	843
LINDSAY	10	75	11	170	36	4	154	460
LOWE	27	101	21	130	34	3	256	572
LYNE	21	95	13	276	53	3	207	668
MACARTHUR	34	133	19	219	30	2	173	610
MACKELLAR	26	94	17	213	30	1	158	539
MACQUARIE	8	30	24	184	22	3	162	433
MITCHELL	24	103	19	138	30	1	144	459
NEWCASTLE	29	156	13	194	46	0	262	700
NEW ENGLAND	13	45	5	318	33	5	188	607
NORTH SYDNEY	35	103	13	192	68	0	362	773
PAGE	14	106	14	392	39	6	244	815
PARKES	9	62	13	366	34	1	253	738
PARRAMATTA	15	47	16	178	92	4	247	599
PATERSON	17	92	6	204	21	2	153	495
PROSPECT	23	96	29	168	36	2	157	511
REID	9	52	25	183	18	2	149	438
RICHMOND	29	209	11	272	42	7	252	822
RIVERINA	18	90	15	410	56	3	462	1054
ROBERTSON	32	152	16	247	38	4	283	772
SHORTLAND	19	148	18	198	22	2	167	574
SYDNEY	35	215	15	214	72	2	545	1098
THROSBY	18	89	25	220	26	1	133	512
WARRINGAH	12	92	11	130	32	2	203	482
WATSON	34	78	15	158	22	2	235	544

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
NSW								
WENTWORTH	26	195	18	255	65	3	425	987
WERRIWA	9	64	18	203	41	6	257	598
Total for NSW	1175	5038	786	10488	1794	115	11222	30618

Table 2: Victoria

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
VIC								
ASTON	16	58	9	85	16	2	79	265
BALLARAT	5	9	13	490	19	7	182	725
BATMAN	10	27	21	203	32	1	154	448
BENDIGO	9	69	24	373	36	2	240	753
BRUCE	26	113	15	115	29	2	126	426
CALWELL	36	135	22	252	21	3	164	633
CASEY	20	80	19	279	51	2	164	615
CHISHOLM	17	17	14	82	55	3	111	299
CORANGAMITE	21	96	24	224	36	4	154	559
CORIO	11	36	16	418	35	1	175	692
DEAKIN	10	31	19	143	47	1	132	383
DUNKLEY	19	114	29	273	23	2	203	663
FLINDERS	15	41	37	319	21	1	154	588
GELLIBRAND	14	48	27	256	37	4	278	664
GIPPSLAND	26	123	30	306	19	1	139	644
GOLDSTEIN	3	0	33	196	34	1	151	418
GORTON	7	4	20	291	11	0	307	640
HIGGINS	41	36	40	117	30	5	226	495
HOLT	10	71	9	253	38	3	249	633
HOTHAM	22	86	22	78	23	6	135	372
INDI	8	15	20	264	31	3	151	492
ISAACS	17	34	40	214	55	1	370	731
JAGAJAGA	6	19	38	205	28	1	100	397

VIC	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
KOOYONG	12	39	12	87	16	1	91	258
LALOR	14	156	28	376	12	2	143	731
LA TROBE	47	96	20	162	35	0	128	488
MCEWEN	18	55	40	256	26	5	181	581
MCMILLAN	14	51	21	278	22	5	231	622
MALLEE	10	55	33	268	37	2	161	566
MARIBYRNONG	29	83	15	143	30	5	150	455
MELBOURNE	4	0	4	90	36	3	254	391
MELBOURNE PORTS	1	1	10	83	19	2	244	360
MENZIES	4	13	47	183	30	1	126	404
MURRAY	21	109	12	318	22	3	172	657
SCULLIN	26	119	17	155	33	1	104	455
WANNON	13	15	92	459	65	3	214	861
WILLS	16	45	54	241	21	1	79	457
Total for VIC	598	2099	946	8535	1131	90	6422	19821

Table 3: Queensland

QLD	Reinstated		Re-enrolled			Deceased since Election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
BLAIR	18	50	31	233	22	1	119	474
BONNER	7	40	9	112	42	3	147	360
BOWMAN	19	66	21	178	30	2	92	408
BRISBANE	20	42	9	72	21	1	135	300
CAPRICORNIA	29	115	43	338	14	5	123	667
DAWSON	34	129	37	321	19	2	181	723
DICKSON	4	8	8	162	11	1	71	265
FADDEN	2	0	122	298	38	1	223	684
FAIRFAX	19	101	26	201	42	1	175	565
FISHER	14	41	36	335	26	4	162	618
FORDE	17	86	14	183	64	1	172	537

	Reinstated		Re-enrolled			Deceased since Election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
QLD								
GRIFFITH	27	95	15	211	39	1	180	568
GROOM	4	46	4	135	17	1	86	293
HERBERT	18	158	22	229	34	0	154	615
HINKLER	16	19	41	256	14	4	184	534
KENNEDY	51	77	48	221	37	3	296	733
LEICHHARDT	28	145	35	319	35	1	297	860
LILLEY	26	46	15	67	34	2	107	297
LONGMAN	8	113	10	198	31	5	125	490
MCPHERSON	22	82	22	124	26	1	111	388
MARANOVA	40	76	18	222	28	2	196	582
MONCRIEFF	25	72	15	142	22	1	169	446
MORETON	20	82	13	120	31	4	130	400
OXLEY	11	58	32	202	30	0	132	465
PETRIE	8	65	4	101	16	1	69	264
RANKIN	13	74	30	253	21	3	146	540
RYAN	20	68	15	127	45	0	116	391
WIDE BAY	23	83	9	243	33	2	156	549
Total for QLD	543	2037	704	5603	822	53	4254	14016

Table 4: Western Australia

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
WA								
BRAND	21	214	30	628	51	6	285	1235
CANNING	16	142	29	412	48	1	156	804
COWAN	0	2	39	407	29	2	131	610
CURTIN	7	49	38	359	70	6	174	703
FORREST	20	190	20	766	42	4	203	1245
FREMANTLE	27	224	18	412	59	1	221	962
HASLUCK	20	109	15	310	70	0	133	657
KALGOORLIE	7	68	5	391	68	12	220	771

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
WA								
MOORE	13	123	22	262	60	1	106	587
O'CONNOR	7	5	80	651	45	10	276	1074
PEARCE	11	106	20	359	54	3	164	717
PERTH	15	97	23	418	88	1	189	831
STIRLING	14	137	18	343	57	2	162	733
SWAN	99	508	15	207	73	4	54	960
TANGNEY	24	92	18	235	65	5	156	595
Total for WA	301	2066	390	6160	879	58	2630	12484

Table 5: South Australia

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
SA								
ADELAIDE	4	12	4	100	19	1	95	235
BARKER	40	9	1	174	12	2	96	334
BOOTHBY	2	2	2	80	24	3	64	177
GREY	3	11	0	98	18	1	100	231
HINDMARSH	2	10	7	113	18	1	95	246
KINGSTON	1	21	4	195	14	0	102	337
MAKIN	3	26	6	91	23	4	63	216
MAYO	0	13	0	62	6	0	24	105
PORT ADELAIDE	2	26	10	123	10	0	108	279
STURT	3	19	7	113	10	1	93	246
WAKEFIELD	7	43	9	291	27	2	181	560
Total for SA	67	192	50	1440	181	15	1021	2966

Table 6: Tasmania

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
TAS								
BASS	8	15	43	574	22	4	81	747
BRADDON	14	159	24	439	17	1	175	829
DENISON	21	148	14	332	15	2	187	719
FRANKLIN	23	113	16	348	26	1	172	699
LYONS	4	58	25	250	13	3	151	504
Total for TAS	70	493	122	1943	93	11	766	3498

Table 7: Australian Capital Territory

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
ACT								
CANBERRA	40	106	39	675	50	3	269	1182
FRASER	45	165	32	933	63	3	399	1640
Total for ACT	85	271	71	1608	113	6	668	2822

Table 8: Northern Territory

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
NT								
LINGIARI	14	16	9	160	38	13	183	433
SOLOMON	15	34	24	377	87	11	312	860
Total for NT	29	50	33	537	125	24	495	1293

Table 9: Australia totals

	Reinstated		Re-enrolled			Deceased since election	Not Reinstated	Total
	Same Addr	Diff Addr	Same Addr	Same Divn	Diff Divn			
ACT	85	271	71	1608	113	6	668	2822
NSW	1175	5038	786	10488	1794	115	11222	30618
QLD	543	2037	704	5603	822	53	4254	14016
SA	67	192	50	1440	181	15	1021	2966
WA	301	2066	390	6160	879	58	2630	12484
VIC	598	2099	946	8535	1131	90	6422	19821
NT	29	50	33	537	125	24	495	1293
TAS	70	493	122	1943	93	11	766	3498
National Total	2868	12246	3102	36314	5138	372	27478	87518

Appendix B

Voters subject to the 8th October 2004 proclamation – methods of voting

The table below provides information, by division, in relation to electors subject to the proclamation made by the Governor-General on 8 October 2004, in the following table columns:

- (1) The number of postal vote applicants affected by the Governor-General's proclamation, by division of enrolment;
- (2) The number of these who voted by post;
- (3) The number of these postal voters whose postal votes were admitted to the further scrutiny;
- (4) The number whose postal votes for the Senate only were admitted to the further scrutiny. Their House of Representatives votes could not be counted as the voters were enrolled in other divisions;
- (5) The number whose PVCs were rejected for various reasons, including no signature of the voter or witness. None was rejected due to posting after polling day, or late receipt by the AEC;
- (6) The number who voted at a pre-poll voting centre;
- (7) The number who voted as absent voters at a polling place;
- (8) The number who voted as provisional voters at a polling place (i.e. within their own division);
- (9) The number who voted as ordinary voters at a polling place (i.e. within their own division); and
- (10) The number for whom there is no record of the elector casting a vote.

Table 1: Voters subject to the 8th October proclamation – methods of voting

Enr Div	Postal Vote Applicants (1)	PVCs Returned (2)	PVCs Admitted (3)	PVCs Part Admitted (4)	PVCs Rejected (5)	Applicants Voted Pre-Poll (6)	Applicants Voted Absent (7)	Applicants Voted Provisional (8)	Applicants Voted Ordinary (9)	Non-Voter Applicants (10)
BLAIR	16	1	1			6	1	3	3	2
BONNER	25	4	4			3	2	8	6	2
BOWMAN	28	5	5			12		2	7	2
BRISBANE	19	3	3			3	1	5	4	3
CAPRICORNIA	100	56	54		2	10	6	1	20	7
DAWSON	12						2		7	3
DICKSON	17					3	1	5	6	2
FADDEN	12	3	3			1		5	2	1
FAIRFAX	5	2	2			1	1	1		
FISHER	23	7	7			5	1	3	4	3
FORDE	43	8	5		3	15	1	2	6	11
GRIFFITH	31	6	4		2	6	4	5	7	3
GROOM	11	4	4			1	1		4	
HERBERT	7	1	1			2		4		
HINKLER	37	13	13			8	3	1	7	5
KENNEDY	191	44	43		1	12	20	4	92	19
LEICHHARDT	31	5	5			3	4	1	13	5
LILLEY	35	10	10			8	2	1	8	6
LONGMAN	17	5	4		1	6		2	3	1
MCPHERSON	4								2	2
MARANOVA	583	131	117	2	12	46	40	3	336	25
MONCRIEFF	8	2	2			2			2	2
MORETON	10	1	1				2	4	2	1
OXLEY	13	6	6			4			2	1
PETRIE	25	2	2			6	2	4	8	3
RANKIN	21	8	8			1	1	1	7	3
RYAN	9	1	1			3		3	1	1
WIDE BAY	26	10	9		1	9	2		4	1
TOTAL	1,359	338	314	2	22	176	97	68	563	114

**Research Report Number 6
February 2005**

Electorally Engaging the Homeless

ISSN 0816-3154
Author Gina Dario

Joint Project

This project is a result of a strategic partnership between the Australian Electoral Commission (AEC) and Swinburne University. In 2003, the AEC and Swinburne University entered into a strategic partnership to study the homeless cohort and their attitudes towards the electoral system. The result was two publications, the first being this paper published by the AEC.

A second paper written by Swinburne University is an abridged form of this paper but also contains some views, which do not necessarily reflect the views of the AEC, a point acknowledged in the Swinburne paper. The Swinburne paper has been forwarded to the 2005 Joint Standing Committee on Electoral Matters (JSCEM).

Enquiries

Information on Research publications are available on the AEC website: www.aec.gov.au. Other enquiries can be made by e-mail to the Research Section of the AEC : research@aec.gov.au. Phone (02) 6271 4411

Summary

Homelessness is a complicated social problem with few studies that examine its impact on voting and civic engagement. In the 2003 Report of the Inquiry into the 2001 Federal Election, the Joint Standing Committee on Electoral Matters (JSCEM) indicated its interest in the issue of homeless voters by recommending the Australian Electoral Commission (AEC):

- Amend existing itinerant elector provisions to make their applicability to homeless persons clear;
- Continue its efforts to simplify the itinerant elector application form and ensure its applicability to homeless persons is made apparent; and
- Target homeless persons in its next public awareness campaign, informing them about itinerant elector enrolment.

In response to the JSCEM recommendations, the AEC has identified several areas which can be explored to engage this population to overcome the impediments to enrolment and voting which perpetuate a sense of disconnectedness to government and society. While a certain percentage of Australia's homeless population may prefer to be disengaged from any political processes or civic involvement, a significant percentage of people experiencing homelessness are interested in participation and could be engaged through civic awareness programs, a better understanding of itinerant voter procedures, and the availability of resources that neutralize hurdles that prevent them from participating in the electoral process.

Background

Australia is regarded as a highly inclusive and representative democracy. Universal adult suffrage was achieved for most Australians several generations ago while enrolling to vote has been compulsory for all Australians, excluding indigenous Australians, since 1911. Compulsory voting was introduced in 1924 and has since become an accepted part of Australia's political landscape. Reforms to extend the same franchise rights enjoyed by the majority of Australians to indigenous Australians occurred in 1983 and since this time Australia has worked to operate an open electoral system with minimal hurdles to both enrolling and voting. To achieve this goal, Federal, State and Territory Electoral Commissions have expended considerable effort to ensure all Australians have adequate access to the ballot.

In 2002, the Council to Homeless Persons, the *Big Issue*¹ and the Public Interest Law Clearing House (PILCH) raised concerns that existing enrolment and voting procedures effectively were disenfranchising homeless Australians. Concern centred on the fact that homelessness in itself excluded these individuals from exercising the same democratic rights as other Australians. It was argued that the lack of a permanent residential address should not of itself disenfranchise a significant, and already severely disadvantaged group of Australians, if strong claims for representative democracy in Australia are to ring true.

As the JSCEM submissions and recommendations indicate, making enrolment and voting more accessible to homeless people is an important first step. But unless people experiencing homelessness believe voting is worthwhile and relevant to their circumstances, it is likely that they will not exercise their right.

For the purposes of this project the ABS three-category definition of homelessness was adopted. Homelessness encompasses :

- Primary homelessness – those people without conventional accommodation namely those living on the streets, sleeping in parks, or squatting in derelict buildings;
- Secondary homelessness - those who move frequently from one form of temporary shelter to another and covers those who use emergency accommodation (eg hostels or night shelters), teenagers staying in refuges, women and children escaping domestic violence, people residing temporarily with other families and those who use boarding houses on an occasional or intermittent basis;
- Tertiary homelessness – those people who live in boarding houses, on a medium to long term basis, where they do not have a separate bedroom and living room, kitchen or bathroom facilities of their own and do not have the security of tenure provided by a lease.

Research Projects

In 2004, the AEC joined with the Institute for Social Research at Swinburne University to undertake a research project *Bringing Democracy Home - Enfranchising Australia's Homeless*. The methodology for the project and statistical breakdown of results is listed in Attachment A. The research aimed to develop a better understanding of voting behaviour of the homeless population as a distinct social group. The study found that about one half of

¹ *The Big Issue* Magazine is an independent magazine published in Australia on behalf of and sold by people experiencing homelessness.

participants experiencing homelessness had never voted or stated they did not ever intend to vote again.² Another study was done in 2004 through Queensland University: *Improving Access to Voting Rights Amongst the Homeless in Brisbane*³, which set out to identify barriers and disincentives homeless individuals face, and to identify ways of facilitating the exercise of voting rights amongst homeless persons in Brisbane. Focus groups containing participants across the spectrum of homelessness were conducted to identify barriers that inhibited homeless people when voting.

The studies indicate that barriers to participation in the electoral process could be described as more social than mechanical in nature, and it is unlikely that changes in current electoral law or civic education campaigns will engage them. However both the Swinburne and Queensland studies have also indicated that there are mechanical, social and ideological hurdles the Australian Government *can* address to enfranchise a significant portion of the homeless population who have either voted in the past and/or have expressed a desire to vote in the future. Some impediments that prevent them from engaging include: a too narrow understanding of what constitutes a ‘current address’ under the Act, a lack of understanding of itinerant voting and silent enrolment provisions, lack of transportation to, or location of, polling stations, a lack of awareness that it is permissible, in certain circumstances, for third parties to assist in the process of enrolment and voting, fear of becoming visible to government agencies (other than the AEC) on publicised lists, complexity of enrolment process and forms, overall lack of faith in the political system, fear of [especially retrospective] fines for failing to enrol or vote when eligible, etc.

Bringing Democracy Home: Swinburne University

The Swinburne project canvassed opinions from two key groups:

- Agencies working with people experiencing homelessness
- Homeless people and people who have been homeless

The first phase involved a call for submissions from agencies, politicians, academics and other interested parties via a purpose built website hosted by Swinburne University or through direct

² Thompson, J. (2004) *Voting & Homelessness in the Australian Context: Qualitative Research Exploring Homeless People's Voting Attitudes and Behaviour*, Swinburne University of Technology, Melbourne.

³ Guerra, A. and Lester, N. (2004) *Improving Access to Voting Rights Amongst the Homeless in Brisbane*. University of Queensland, Brisbane.

telephone discussions with the research team. The second phase involved a series of interviews with people experiencing homelessness. This second approach, although accessing fewer people, provided a significant body of qualitative data that will inform further work with this cohort.

The research work confirmed that the reasons why homeless people do not enrol and vote are complex and frequently situation-specific. According to those who work with homeless people, the main barrier to enrolling and voting was the lack of a permanent address. Many of the responses from agencies cited the transience of homelessness as the key difficulty to enrolling. However, it was not always understood that, for the purposes of enrolment, 'permanent' means residing at a current address for at least one month. Other factors emphasised included insecure living conditions and disengagement from mainstream society. Frequently workers pointed to other, more pressing concerns of the homeless such as finding food and shelter on election day, over-riding an individual's desire to participate in the democratic process. Other concerns cited included:

- identifying the electoral roll with 'government' and an associated unwillingness to engage with the bureaucracy by providing their personal details to the government;
- a fear that providing personal information would lead to negative consequences, either being traced, denied welfare benefits or fined.

However, the interviews with homeless people (as distinct from agency workers) did not fully support all these hypotheses. Some of the people who fitted the ABS definition of homelessness did not identify as homeless, and did not cite their lack of a 'permanent address' as the primary barrier to enrolling and voting. Those who *were* engaged with the political process saw voting as either an obligation or as a right and did not generally regard their current circumstances as a barrier to participation. Most in this group also admitted they voted because of compulsion and 'big fines' associated with failing to vote, or because they wanted to have a say in who formed government. However there were many in this group who indicated that they regularly voted and intended to vote again at the 2004 election.

Although some interviewees were aware that their enrolment details may have been out of date, most expressed an intention to update their details prior to the election. Others merely hoped that they would be able to vote at a polling place on the day. Slightly over half of the participants (54%) considered themselves to be regular or intermittent voters. It should also be noted that most participants were not aware that voters listed as itinerant are, in fact, not

penalised, only removed from the electoral roll if they fail to vote in an election. This underscores the need for the AEC to increase information campaigns regarding the itinerant voter provision in the Electoral Act and the conditions under which certain people may be eligible.

At the same time, it must be recognised that recourse to Section 96 of the Act, even if amended, is not a panacea to the problems of enrolment and voting of Australia's homeless citizens. The majority of the homeless are not 'itinerant' in the terms of Section 96. Most have addresses, of varying degrees of permanence, in the form of boarding houses, shelters, supported accommodation, refuges etc. with less than 15 percent experiencing tertiary homelessness.⁴

For those who were not engaged with the electoral process, the key barrier identified was not lack of opportunity to enrol but rather an unwillingness to enrol because of alienation and/or hostility to the political process. When asked whether he thought voting was important, 'Doug' (43 years old and living in transitional accommodation) replied:

Yes and no. The way I look at it, it comes back to honesty - [honesty from the] politicians. There's a lot of bullshitting around and pulling the wool over people's eyes and contradicting themselves and doing all that wonderful crap ... and that's exactly why I don't vote.⁵

Slightly less than half of the respondents were in this category. The average voter turnout at Australian elections is 94%. If this is compared with a self-declared participation rate of 54% for the cohort homeless group interviewed, this is a section of the population that could be reasonably assumed to be severely under-represented in overall turnout figures, thus indicating a need to work directly with this group to develop a better understanding of their disillusion and disaffection and thus their participation choices.

The clearest message coming from the homeless people interviewed in this study was a lack of civic engagement, and to some extent a lack of civic competence, which prevented them from voting. Many of those who indicated they did vote explained voting as a matter of 'ticking the box' or 'placing a cross next to the one you want'. This cohort of voters is unintentionally voting informally and in doing so are having as little impact on the electoral process as those who choose not to enrol or not to vote. The issue of democratic literacy is therefore an

⁴ Chamberlain, C. and D. Mackenzie (2003) *Counting The Homeless 2001*, Canberra, ACT: Australia Bureau of Statistics, Cat No.2050.0

⁵ Johnson, 2004, chapter 6, p33

important one to pursue by way of non-partisan voter awareness programs directed at both the homeless and agency workers. Additionally, specific education programs need to be directed to AEC employees, particularly at the coalface of Divisional Returning Offices. One agency surveyed commented:

Also the discourse and language of bureaucracy is hardly endearing to people who are homeless. Whilst it is important for the homeless population to become aware of their voting rights, it is equally important that the AEC become attuned to the sensitivities of the homeless population. They are generally wary of bureaucracy,...⁶

Overall, the Swinburne study found that it is homeless people's attitudes and not their homelessness that is mainly responsible for non-voting of almost 50% of the participants. However, 64% of the participants expressed a desire to vote, indicating that they did not do so because they did not know how to engage with the system and therefore found it easier to stay off the electoral roll. An improved awareness of how to enrol and to vote may assist this group to participate. Additionally an improved understanding of how enrolment processes are modified to assist homeless people, most particularly the provisions for itinerant voters under section 96 of the Commonwealth Electoral Act of 1918 is desirable. These include the capacity for homeless people to enrol using an enrolment form specifically designed for people with no fixed address and the fact that an itinerant voter is not penalised if they fail to vote at an election. An increased awareness of these provisions may increase the willingness of this group to directly engage with government.

The current forms *Information on Enrolling as an Itinerant Elector* and *Application for Enrolment as an Itinerant Elector* were almost universally regarded by the homeless and agency workers as poorly designed and not reader friendly. Also such views were strongly expressed by those who attended the *Homeless Electors Workshop* held at the Melbourne Town Hall on Thursday 29 July 2004—especially when contrasted with the United Kingdom's Voter registration form for Homeless people.

Queensland University Study

The Queensland University Study, *Improving Access to Voting Rights Amongst the Homeless in Brisbane*, was completed in 2004, and involved the conduct of focus groups containing participants across the spectrum of homelessness to identify barriers that inhibited homeless people when voting. This study found that access to information (or lack of information) is one of the most important practical barriers to voting that affects homeless at all stages of

⁶ David Griffith, Phone Survey of Welfare Agencies, 23 July 2004, p4.

political involvement. The Queensland University study also corroborated Swinburne University's finding that the main factors that discourage homeless people from voting are an exclusion from social life, disillusionment with the government, and a lack of resources for anything but basic needs.

Transport was another issue raised by participants in the focus groups, given that a combination of poor access to information, transience, and a narrow timeframe for updating enrolment once an election has been called often means that homeless voters are often far from the electorate in which they are enrolled on election day with limited means with which to get there. Focus group participants generally agreed that homeless people staying in temporary accommodation will frequently stay for more than one month at a time thereby restricting their eligibility for itinerant elector status.

Conclusions

There are several groups of people who tend to feel disengaged from society and are known to be susceptible to civic abstention: young people; the less well educated; the socially isolated (for example, those living alone and newly arrived migrants); the homeless; and, the unemployed to name a few.⁷ Any democratic literacy program should be approached as part of a broader social program of civic engagement with the ultimate aim of ending not only the political, but also the social isolation of those experiencing homelessness and other civically disenfranchised groups.

As a small percentage of the population, approximately 100,000 people were estimated to be homeless in the 2001 census⁸. A more complex strategy will be required to politically engage the homeless and civic and education campaigns could be refined to address not only itinerant enrolment procedures but also the pertinence of civic engagement and understanding of Australia's democratic processes. These initiatives could also be further complemented by addressing other mechanical hurdles aside from lack of address that prevent civic engagement by people experiencing homelessness.

Furthermore, while the AEC can be expected to take responsibility for voter education, political parties can also contribute to civic campaigns and initiatives with disenfranchised groups such as the homeless. While some of the abstention from this group may be attributed

⁷ Hill, L. (2000), 'Compulsory voting, political shyness and welfare outcomes', *Journal of Sociology*, Vol.36, No.1. pp.35-41

to lack of knowledge concerning voting and registration policies and procedures, part of their non-participation might be attributed to political apathy, distrust and general feelings of disconnectedness with the politicians and the political system in general.

⁸ Chamberlain, C. and D. Mackenzie (2003).

Annex A.

Methodology for Interviews: Voting and Homeless in the Australian Context: Qualitative Research Exploring Homeless People's Voting Attitudes and Behaviours.

A copy of the paper and the original interview transcripts can be provided upon request.

Permission to interview clients was sought from all agencies at the outset. Participants were then approached, briefed verbally as to the nature of the study, and informed that all information would be held in confidence, and that they could withdraw at any time. Informed consent was normally given verbally, and in some cases some service providers asked that participants sign a consent form. Many individuals approached declined to participate because financial remuneration was not provided; many agencies confirmed that it common practice to provide financial incentives.

Homeless person's agencies in and around the Melbourne metropolitan area were contacted to assist in identifying individuals willing to participate in interviews for the project. Participants experiencing all of the three types of homelessness were recruited from a total of nine different centres across Melbourne. The centres either provide crisis accommodation for specific groups of people (e.g. women escaping domestic violence) or services for people experiencing homelessness (e.g. meals, counselling).

Interviews were conducted between July and August 2004 at a total of nine locations. The goal was to interview a representative sample of both men and women experiencing homelessness, accepting limitations in identifying a true sample given that all participants were recruited through homeless agencies. Interviews were conducted one on one, tape recorded, and transcribed. Tapes were destroyed upon completion of the project. Semi-structured interviews were conducted to go through a series of questions to address participants' voting attitudes, past and intended behaviours, and experiences with the electoral system and voting.

<u>Summary of Outcomes of Interviews⁹:</u>	
Profile of Participants	
Total Number of Participants: (female)	39 (25 male, 14 female)
Average Age:	33 (range: 19-47)
Voting Behaviours of Participants	
Number of participants:	
Percent of regular voters:	28%
Percent of intermittent voters:	26%
Percent of discouraged voters (have voted but no longer interested in voting; state they will not vote again; last voted over 10 years ago)	13%
Percent that stated they had never voted:	33%
<hr/>	
Total percent of non-active voters:	46%
Voting intentions of participants for 2004 Federal Election	
Percent stating desire to vote:	64%
Percent stating desire not to vote:	27%
Percent unsure:	9%
Enrolment of participants	
Percent enrolled (only 1 participant at correct address):	62%
Percent not enrolled:	36%

⁹ Thompson, J. (2004)

Bibliography

Chamberlain, C. and Mackenzie, D. (2003) *Counting the Homeless 2001*, Canberra, AT: Australia Bureau of Statistics, Cat No.2050.0.

Griffith, D. *Phone Survey of Welfare Agencies*, 23 July 2004.

Guerra, Al. and Lester, N. (2004) *Improving Access to Voting Rights Amongst the Homeless in Brisbane*. University of Queensland, Brisbane.

Hill, L. (2000) 'Compulsory voting, political shyness and welfare outcomes', *Journal of Sociology*, Vol. 36, No. 1, pp. 35-41.

Thompson, J. (2004) *Voting and Homelessness in the Australian Context: Qualitative Research Exploring Homeless People's Voting Attitudes and Behaviour*, Swinburne University of Technology, Melbourne.

Other Publications in this Series

Research Report 1 – Informal Votes Survey, House of Representatives 2001	2003
Research Report 2 – Redistribution Forward Estimates 1984-1999	Dec 2003
Research Report 3 – Analysis of Declaration Voting	Jun 2004
Research Report 4 – Australian Federal redistributions 1901 – 2003	Apr 2004
Research Report 5 – Analysis of Electoral Divisions Classifications	January 2005