



Submission No 22

Inquiry into Australia's Overseas Representation

Name: Mr Ed Killesteyn
Electoral Commissioner

Organisation: Australian Electoral Commission
PO Box 6172
Kingston ACT 2604

Submission to the Joint Standing
Committee on Foreign Affairs, Defence
and Trade
**Inquiry into Australia's Overseas
Representation**

20 December 2011



Contents

1. Introduction	2
2. Background	2
3. Planning	3
Engagement between elections.....	3
Ordering and storage of election materials	4
Modernising service delivery.....	4
4. Delivery	4
Staff allocation and training	5
The setting up of voting premises at diplomatic posts.....	6
Delivery of electoral materials to posts	6
Information and communications technology	7
Status of electronic voting options	8
5. Conclusion	9
6. Appendix	10

1. Introduction

1.1 On 13 October 2011, the Acting Minister for Foreign Affairs, the Hon. Dr Craig Emerson MP, asked the Joint Standing Committee on Foreign Affairs, Defence and Trade (the Committee) to inquire into and report on Australia's overseas representation, with specific reference to:

- the activities that Australia's diplomatic posts must undertake;
- their geographic location and spread;
- the appropriate level of staffing, including locally engaged staff; and
- the effect of e-diplomacy and information and communications technology on the activities of diplomatic posts.

1.2 This submission is provided to inform the work of the Committee, in relation to the provision of electoral services by diplomatic posts to eligible Australians for federal elections and referendums. The remainder of the submission is structured under the following headings:

2. Background
3. Planning
4. Delivery
5. Conclusion
6. Appendix

2. Background

2.1 The provision of voting facilities for Australians overseas is an important consular service performed by staff in Australia's diplomatic posts at over 100 locations worldwide. Staff members at posts undertake election work overseas as an adjunct to their consular responsibilities. The delivery of overseas voting services involves cooperation and liaison with the Department of Foreign Affairs (DFAT), the Australian Trade Commission (Austrade) and, where appropriate, the Australian Defence Force (ADF). It also involves the provision of materials and training, contract management and ongoing support to posts.

2.2 All diplomatic posts that provide full consular services also provide voting services to Australians overseas during federal elections and referendums.¹ At the 2010 federal election DFAT consular staff provided postal and pre-poll voting services

¹ The honorary consul in Vancouver, Canada also provides voting services for eligible Australians at federal elections.

at 86 international locations. Austrade staff serviced a further 17 locations.² A high volume of votes were issued by diplomatic posts on behalf of the Australian Electoral Commission (AEC). The AEC provided an Overseas Liaison Officer to deliver training and provide assistance at the overseas voting centres located in both London and Hong Kong, as these two diplomatic posts traditionally experience the greatest workload throughout the election period.

2.3 In total, diplomatic posts issued 72 306 votes for the 2010 federal election, with London and Hong Kong taking the highest number of votes and collectively issuing one third of all total overseas votes. There was a decrease of over 2 800 votes issued in these two locations at the 2010 federal election compared to the 2007 election.

3. Planning

3.1 Under the *Commonwealth Electoral Act 1918* (Electoral Act), the minimum election timetable is 33 days. As a result, the AEC, DFAT and Austrade begin planning for the next electoral event upon the completion of the previous event.

3.2 The AEC works collaboratively with DFAT's Consular Policy and Training (CPT) Section on an ongoing basis to facilitate this. The respective roles and responsibilities of the AEC, DFAT and Austrade are set out in letters of agreement. Following each electoral event the AEC conducts a comprehensive post-election review process, seeking feedback from each diplomatic post. This feedback is reviewed with the CPT team. The outcome of the review process informs improvements at subsequent electoral events. There are a number of activities that diplomatic posts, the AEC and DFAT must undertake as part of the planning process for election and referendum events. These include:

Engagement between elections

3.3 The AEC consults with diplomatic posts in assessing likely overseas voter turnout, and advertising needs to determine any expected increase in voter turnout.

3.4 AEC staff conduct briefings at training sessions held by DFAT in preparation for staff being deployed to diplomatic posts. The AEC's involvement in these sessions has generally occurred in the six to 12 month period prior to an anticipated federal event. The AEC believes it would be beneficial for these to

² Votes issued by each post to overseas voters for the 2010 federal election are detailed in the **Appendix** of this submission. Votes issued by ADF teams to overseas voters are not outlined in this submission as these votes were not issued by DFAT staff.

occur on an ongoing basis to provide as many consular staff as possible with appropriate information prior to them taking up their positions overseas.

Ordering and storage of election materials

- 3.5 A range of election materials is required for the delivery of an electoral event. This includes items such as voting screens, ballot boxes, and a range of forms and envelopes.
- 3.6 Where possible, general stocks of cardboard equipment are stored at diplomatic posts between federal events, and these are often used for the provision of voting services for various state or territory elections occurring between federal events.
- 3.7 However, due to the limited availability of storage space at the majority of diplomatic posts, all other election materials are stored in Australia and only despatched when there is a reasonable indication that a federal election is imminent.

Modernising service delivery

- 3.8 The AEC notes that there is an increasing expectation by Australians, including Australian electors travelling or residing overseas, to be able to interact with the Australian Government through electronic means. In order to respond to this, the AEC is seeking to modernise the provision of electoral services in a range of ways subject to legislative constraints. The AEC recently implemented an online enrolment update system and it is expected that the AEC will implement an online postal vote application (online PVA) facility for its next federal event. The online PVA facility should significantly reduce the manual postal vote processing workload at diplomatic posts. This will mean that the processing workload is diverted away from diplomatic posts, back to the AEC for the central automated production of postal voting material. This should also result in a more timely outcome for electors.
- 3.9 Noting that electronic interaction will not suit all electors, the AEC will continue to cater for all electors appropriately through traditional paper-based systems.

4. Delivery

- 4.1 Following the announcement of a federal election, the AEC commences work with DFAT's CPT team and diplomatic posts in relation to the following:

Staff allocation and training

- 4.2 Once advice is received from the AEC about a possible federal election, diplomatic posts are tasked with appointing a staff member to the role of Assistant Returning Officer (ARO), to plan and manage the conduct of federal elections at each applicable diplomatic post. AROs are appointed under section 33 of the Electoral Act. They are the main point of contact with the AEC and are responsible for resolving any issues that may arise in relation to the provision of voting services at that diplomatic post.
- 4.3 The ARO is usually a permanent employee at the diplomatic post. They may be assisted by a number of other permanent employees for election events. The AEC does not subsidise the salary of permanent DFAT or Austrade staff working on election tasks, but may fund overtime payments where appropriate. Many posts will engage locally employed staff (LES) on a temporary basis to help with the additional workload created by elections activities. The AEC reimburses the cost of LES through a financial forecasting process and approved budget arrangement agreed prior to each event.
- 4.4 In addition, the AEC Overseas Voting Manager has regular contact with each ARO during the election period to ensure that they understand the election processes and to determine if any additional assistance or advice may be required. Specific electoral training is provided online for diplomatic posts within a week of the announcement of an election. The training package includes information concerning vote issuing procedures such as the postal vote issuing database, setting up of a polling place, sorting of and accounting for postal and pre-poll votes and packaging of materials for return to the AEC.
- 4.5 Before each election the AEC also provides instructions to diplomatic posts in a comprehensive procedure manual that details the duties to be undertaken by AROs and their appointed staff, such as requirements for issuing votes and return of completed ballot material including packaging, paperwork and freight delivery.
- 4.6 As indicated previously, the AEC sends experienced electoral officers to the busiest diplomatic posts, traditionally London and Hong Kong, to act as Overseas Liaison Officers during elections. Their role includes advising the ARO on election related matters, assisting with training of polling staff and providing general assistance where required.

4.7 The e-learning environment is the AEC's key delivering mechanism for training of election staff. However, the AEC's internet based training solution, developed for the 2010 federal election, was unable to be used by DFAT posts due to security restrictions. Noting this, the AEC is working with DFAT to establish an e-learning solution that is compliant with DFAT security requirements and technical infrastructure.

The setting up of voting premises at diplomatic posts

4.8 Diplomatic posts providing voting services to Australian electors overseas are required to locate a suitably sized public area that ensures that eligible Australians can cast a secret vote. Premises must allow for the appropriate security of ballot boxes and other election materials to be maintained; and to service DFAT's ongoing security requirements. Where it is not possible for voting services to be located at the applicable diplomatic posts; for either security reasons or insufficient space, offsite premises must be arranged by the appointed ARO. During the election period, the AEC Overseas Voting Manager provides guidance to the ARO to determine if diplomatic posts should provide voting services outside their normal operating hours, as well as telephone and email support to all diplomatic posts.

Delivery of electoral materials to posts

4.9 The AEC is responsible for the distribution and review of all election-related materials to diplomatic posts. Election materials are despatched to diplomatic posts via an external provider contracted to the AEC.³ These contractual arrangements include the packaging of election materials, door to door delivery to diplomatic posts, including customs clearance, and the pick-up and return of completed ballot materials. All costs for the provision of election materials and return of ballots to Australia are covered by the AEC. At the 2010 federal election, the provision of overseas voting services cost the AEC approximately: \$1.1 million dollars; made up of \$270 000 for reimbursement of DFAT expenditure, \$27 000 for reimbursement of Austrade expenditure, and \$800 000 for the packaging, despatch and return of voting materials.

³ In addition, DFAT have agreed to provide access to diplomatic mailbags for the dispatch and return of small urgent election materials to diplomatic posts when necessary. As much notice as possible is provided to DFAT by the AEC's Overseas Voting Manager for items that are to be sent via diplomatic mail and these items receive priority during the election period.

4.10 In 2010, electronic copies of ballot papers were placed on secure internal DFAT and Austrade intranets to provide diplomatic posts with access to these materials. This enabled voters to vote early 'in person' at diplomatic posts even if hard copy ballot papers were yet to be delivered by AEC contractors. DFAT's intranet was also used to provide a range of election materials such as procedures manuals and forms so that they could be accessed by the ARO and assistant staff ahead of the scheduled delivery date of hard copy materials.

Information and communications technology

4.11 Due to the nature of electoral services provided under the Electoral Act, timely communication between relevant staff is critical during the election delivery period. There are a number of challenges involved in effectively communicating with over 100 diplomatic posts located in many time zones.

4.12 The AEC's existing mechanism to communicate tasking directives to AROs and other staff members at diplomatic posts includes the use of a dedicated overseas voting email address. However, DFAT's primary directive communication tool is the use of diplomatic cables. Diplomatic cables are used for all official communications with diplomatic posts.⁴ For the 2010 federal election, the AEC found reliance on a cable mechanism for vital communications to diplomatic posts slow in some cases. The tasking directives for staff at diplomatic posts sent through the cable system covered election related tasks, such as performing stocktakes of election materials at their posts and receiving and checking election material despatch consignments.

4.13 For future electoral events, the AEC website will provide a dedicated internet communications portal as a mechanism to provide appropriate electronic election material and online training to all applicable diplomatic posts. This will allow staff to have easy and timely access to AEC materials and communications, and is expected to minimise potential problems related to email congestion. In addition, following the announcement of an election, the AEC has undertaken to provide media release shells and templates for promotional activities. This will allow diplomatic posts to insert relevant local information in the templates while delivering consistent enrolment and voting messages to voters. In a dynamic election environment these improved processes will assist in ensuring the accuracy of information and will improve the speed in which changes and updates are communicated.

⁴ Unlike Austrade, which uses email only.

Status of electronic voting options

- 4.14 Electronic voting, or electronically assisted voting, has been utilised for both federal, and state and territory elections, but its use has been limited to certain qualifying circumstances.⁵ In the 2011 New South Wales State election, a remote electronic voting system called iVote was made available to persons who are blind or have low vision and has since been extended to other groups with disabilities, illiterate persons, and those who live more than 20km from a polling place or will be interstate or overseas on election day. During the New South Wales State election, DFAT supported overseas voting services through the provision of PCs so that voters could access the New South Wales iVote facility. It is likely that overseas voters who made use of this service will have an expectation that the same voting process will be available for federal elections.
- 4.15 The Electoral Act, under which federal elections are administered, does not currently provide for Australians residing overseas to vote electronically, however the AEC is seeking to continue working with DFAT to manage the expectations of overseas voters in this regard by provision of information through internet facilities such as www.aec.gov.au and www.smartraveller.gov.au which can be utilised by diplomatic posts.
- 4.16 Another electronic option that facilitates overseas voting which has been utilised at both the State jurisdictional and international level but which is not available at the federal level is the electronic distribution of ballot materials. Overseas electors at the May 2011 Tasmanian State Legislative Council election were able to apply for an 'express' vote, which could be received by email or fax. The Tasmanian Electoral Commission advised electors using this facility that the complete secrecy of the vote could not be guaranteed using this method.⁶ An electronic distribution method has also been applied in New Zealand at general elections, whereby overseas electors who appear on the published electoral roll may download ballot paper materials from the New Zealand Electoral Commission's website.⁷

⁵ The ACT was the first, and to date, the only jurisdiction in Australia to offer the option of electronic voting to all electors on an ongoing basis. Forms of electronic voting have been trialled at both State and Territory, and Federal levels. For example, see the following JSCEM report: *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto*. Trials have been limited to certain groups and the electronic systems trialled for each group have differed.

⁶ For more information, see <http://www.electoral.tas.gov.au/pages/LegislativeCouncil/LC2011/VotingEarly/LC2011OverseasVoting.html>.

⁷ For more information, see <http://www.elections.org.nz/voting/votingsub/how-vote-overseas.html>.

4.17 The Joint Standing Committee on Electoral Matters (JSCEM) has, on a range of occasions in the past, considered the viability of electronic voting options.⁸ In its most recent examination of this issue, the JSCEM supported access to electronically assisted voting options for two groups of eligible Australian electors who are not guaranteed access to a secret ballot; electors who are blind or have low vision and Antarctic electors.⁹ Ultimately, if supported by Government, amendments to the Electoral Act would be required to put this into effect.

5. Conclusion

5.1 The AEC has sought in this submission, to inform the Committee of the important and longstanding relationship that exists between the AEC, DFAT and Austrade in relation to the provision of electoral services provided at diplomatic posts. In the event that the Committee were to consider alterations to this process, such as the use of honorary consul services for the provision of electoral services, the AEC whilst not restricted by current legislative processes, would need to pursue further consultations with both DFAT and Austrade to ensure that the appropriate considerations were reflected in this approach.

5.2 Any changes to overseas representation or reduction to the number of diplomatic posts will impact on the service delivery to eligible Australians during federal electoral events, particularly in the absence of e-voting options.

5.3 The AEC asks that the Committee note that the AEC acknowledges and greatly appreciates the contribution to the successful delivery of federal elections by diplomatic posts and DFAT's CPT team. DFAT and Austrade staff at diplomatic posts provide a valuable service to Australians travelling and living abroad during federal electoral events, enabling them to exercise their franchise.

⁸ For example, see the following JSCEM reports: *The 2001 Federal Election: Report of the Inquiry into the conduct of the 2001 Federal Election, and matters related thereto*, pp. 262-268; *The 2004 Federal Election: Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, pp. 257-272; and *Report on the 2007 federal election electronic voting trials*; and *The 2010 Federal Election: Report on the conduct of the election and related matters*, pp. 67-75.

⁹ The current Government has not indicated its view regarding any of the options outlined above. It is however, currently considering recommendations of the JSCEM in respect of enabling Antarctic electors to cast an electronically-assisted vote.

6. Appendix

A1.1 - Overseas voting figures for the 2010 federal election by diplomatic post

Diplomatic Posts	Postal vote applications	Pre-poll votes issued	Postal votes returned**	Total votes issued (PVA + PVC)
Abu Dhabi, United Arab Emirates	0	407	4	407
Abuja, Nigeria	7	10	3	17
Accra, Ghana	9	55	10	64
Amman, Jordan	0	108	0	108
Ankara, Turkey	13	84	4	97
Apia, Samoa	5	192	7	197
Athens, Greece	86	443	56	529
Atlanta, USA*	96	83	60	179
Auckland, New Zealand*	118	922	109	1 040
Baghdad, Iraq	0	61	0	61
Bali, Indonesia	24	718	15	742
Bandar Seri Begawan, Brunei Darussalam	0	84	0	84
Bangkok, Thailand	147	1 262	68	1 409
Beijing, China	85	1 296	70	1 381
Beirut, Lebanon	0	383	0	383
Belgrade, Serbia	16	364	17	380
Berlin, Germany	145	879	158	1 024
Brasilia, Brazil	0	19	7	19
Brussels, Belgium	21	254	18	275
Budapest, Hungary	7	434	3	441
Buenos Aires, Argentina	2	154	3	156
Cairo, Egypt	6	132	4	138
Canakkale, Turkey	0	17	0	17
Chennai, India*	41	101	39	142
Chicago, USA	142	224	86	366
Colombo, Sri Lanka	32	592	21	624
Copenhagen, Denmark	91	317	5	408
Dhaka, Bangladesh	5	261	4	266
Dili, East Timor	2	557	3	559
Dubai, United Arab Emirates*	16	639	11	655

Dublin, Ireland	120	905	91	1 025
Frankfurt, Germany*	106	153	88	259
Fukuoka, Japan*	13	43	10	56
Geneva, Switzerland	138	390	112	528
Guangzhou, China	63	1 102	52	1 165
Hanoi, Vietnam	12	314	9	326
Harare, Zimbabwe	4	95	5	99
Ho Chi Minh City, Vietnam	17	1 339	18	1 356
Hong Kong, Hong Kong-China	215	7 582	184	7 797
Honiara, Solomon Islands	6	662	5	668
Honolulu, USA	10	109	1 062	119
Islamabad, Pakistan	28	74	33	102
Istanbul, Turkey*	3	173	3	176
Jakarta, Indonesia	109	656	78	765
Kabul, Afghanistan	0	75	1	75
Kathmandu, Nepal	0	106	0	106
Kuala Lumpur, Malaysia	163	842	162	1 005
Kuwait, Kuwait	0	51	0	51
Lima, Peru*	17	111	14	128
Lisbon, Portugal	24	225	21	249
London, UK	2 618	13 423	2 254	16 041
Los Angeles, USA	1 349	471	153	1 820
Madrid, Spain	79	261	24	340
Malta, Malta	5	819	0	824
Manila, The Philippines	57	849	1	906
Mexico City, Mexico	0	131	7	131
Milan, Italy*	37	139	38	176
Moscow, Russia	27	140	13	167
Mumbai, India*	23	206	25	229
Nairobi, Kenya	15	118	10	133
Nauru, Nauru	0	16	1	16
New Delhi, India	46	303	42	349
New York, USA	253	1 963	171	2 216
Nicosia, Cyprus	1	146	0	147
Noumea, New Caledonia	0	74	0	74
Nuku'alofa, Tonga	3	110	4	113

Osaka, Japan*	39	164	32	203
Ottawa, Canada	135	238	76	373
Paris, France	260	1 251	196	1 511
Phnom Penh, Cambodia	3	782	5	785
Pohnpei, Micronesia	0	18	0	18
Port Louis, Mauritius	3	141	1	144
Port Moresby, Papua New Guinea	47	853	51	900
Port of Spain, Trinidad and Tobago	7	19	4	26
Port Vila, Vanuatu	6	262	6	268
Pretoria, South Africa	82	167	34	249
Rangoon, Burma	1	92	2	93
Riyadh, Saudi Arabia	41	89	31	130
Rome, Italy	115	531	102	646
San Francisco, USA*	164	480	125	644
Santiago, Chile	10	217	4	227
Sao Paulo, Brazil*	5	64	5	69
Sapporo, Japan*	5	31	2	36
Seoul, South Korea	17	259	13	276
Shanghai, China	67	1 616	59	1 683
Singapore, Singapore	99	3 178	101	3 277
Stockholm, Sweden	118	440	86	558
Suva, Fiji	35	349	29	384
Taipei, Taiwan	90	928	94	1 018
Tarawa, Kiribati	0	32	0	32
Tehran, Iran	0	98	0	98
Tel Aviv, Israel	11	277	11	288
The Hague, The Netherlands	162	385	151	547
Tokyo, Japan	115	680	83	795
Toronto, Canada*	79	641	67	720
Tripoli, Libya*	0	14	0	14
Vancouver, Canada*	18	1 053	126	1 071
Vienna, Austria	91	524	41	615
Vientiane, Laos	14	203	14	217
Warsaw, Poland	69	259	54	328
Washington, USA	375	708	85	1 083

Wellington, New Zealand	193	529	117	722
Zagreb, Croatia	99	254	68	353
Total:	9 252	63 054	7 351	72 306

*Posts that come under the responsibility of Austrade.

** This column refers to postal vote materials returned to diplomatic posts, rather than directly to the AEC's headquarters.