

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**ADDITIONAL ESTIMATES 2015-16**

Finance Portfolio  
9 February 2016

**Department/Agency:** Australian Electoral Commission

**Outcome/Program:** General

**Topic:** Definition of 'unsound mind'

**Senator:** Rice

**Question reference number:** F12

**Type of question:** Hansard Proof, F&PA Committee, Page 39, 9 February 2016

**Date set by the committee for the return of answer:** Friday, 1 April 2016

**Number of pages:** 1

**Question:**

**Senator RICE:** Can the commission define exactly what is meant by 'being of unsound mind'? For what medical reasons were those of unsound mind removed from the rolls?

**Mr Gately:** The element of the act talks about an elector being unable to understand the significance of enrolling and voting by reason of being of unsound mind. In practice we require a medical certificate from a medical practitioner to make that assertion and support that action. AEC staff do not interpret the concept of unsound mind from an elector perspective.

**Senator RICE:** So there is no data as to what that means? I understand the form; I have the form in front of me. It basically requires the signature of a medical practitioner—tick the box.

**Mr Rogers:** Normally—and Mr Gately might correct me—this might occur through an application from a family member who will contact the AEC about a relative. But for us to take action that would mean that that assertion would need to be accompanied by a medical certificate signed by a practitioner. I think once we get that certificate that is as far as the AEC would go.

**Senator RICE:** So there is no data? I have the certificate here. It is just a declaration from the practitioner to say that the person is of unsound mind.

**Mr Rogers:** I would doubt it sincerely, but I will check that.

**Answer:**

The *Commonwealth Electoral Act 1918* (Electoral Act) requires that a private objection lodged on the basis of unsound mind must be supported by a certificate of a medical practitioner. The medical practitioner must state that 'in the opinion of the medical practitioner, the elector, because of unsoundness of mind, is incapable of understanding the nature and significance of enrolment and voting' (s. 118(4)). No further information is required as to the elector's specific medical condition.