

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**ADDITIONAL ESTIMATES 2012-2013**

Finance and Deregulation Portfolio

**Department/Agency:** Australian Electoral Commission

**Outcome/Program:**

**Topic:** Legal advice regarding postal vote applications

**Senator:** Ryan

**Question reference number:** F42

**Type of question:** Hansard, F&PA Committee, Pages 82-83, 12 February 2013

**Date set by the committee for the return of answer:** Tuesday, 2 April 2013

**Number of pages:** 2

**Question:**

**Senator RYAN:** Do you plan to make a public announcement or on the website of some variety or write to JSCEM to let them know that you have received this advice and made a decision?

**Mr Killesteyn:** As I said, my interest is ensuring that electors know what they are entitled to. I will be making it clear to electors and that obviously means that others will find out as well. I do not want to be in a position come 14 September that someone takes me to court to suggest that those postal votes were not valid. I need certainty around this issue.

**Senator RYAN:** If you can provide some guidance on notice about a time line for that decision, that would be appreciated. If not, I imagine we will discuss it again in May.

**Answer:**

The AEC has accepted legal advice that the Prime Minister's address to the National Press Club on 30 January 2013 did not constitute an election announcement for the purposes of sections 99B(1)(a)(i) and 184(4) of the *Commonwealth Electoral Act 1918* (Electoral Act).

The advice indicates that an announcement by the Prime Minister that the Governor-General had accepted a recommendation to dissolve the House of Representatives and issue writs for an election, would create a public announcement for the purposes of sections 99B(1)(a)(i) and 184(4). The AEC notes the Prime Minister's stated intention that later this year she will seek the Governor-General's concurrence to dissolve the House of Representatives and issue writs on 12 August 2013 for an election on 14 September 2013.

The AEC will not be able to accept postal vote applications (PVAs) received before a public announcement occurs or the writs for the election issue, whichever occurs earlier.

To date, 392 online PVAs and a small number of hard copy PVAs have been received. The AEC has contacted all applicants to advise that it cannot accept their applications at this time.

The AEC will again contact all affected electors at the appropriate time and provide them with fresh PVA forms.

The AEC has also written to political parties and some other individuals who have been supplied with print-ready versions of the PVA form, to advise them not to distribute PVAs until the time that they can be accepted by the AEC.