

Progress of implementation of recommendations from Minter Ellison review of postal voting at the 2004 federal election as at 1 December 2006

NOTES:	
The JSCEM references refer to the “Report of the Inquiry into the Conduct of the 2004 Election and Matters Related Thereto”.	
Recommendation	Comments
<p style="text-align: center;"><i>Recommendation 1</i></p> <p>The exemption for PVAs from s.9 of the <i>Electronic Transactions Act 1999</i> be removed so as to allow applicants for a postal vote to lodge the completed PVA electronically.</p>	<p>Requires amendments to <i>Electronic Transactions Regulations 2000</i>.</p> <p>Covered by JSCEM recommendation 9 and supported in the Government response. Initial discussions have been held with Attorney General’s Department regarding the amendments to the <i>Electronic Transactions Regulations</i>.</p>
<p style="text-align: center;"><i>Recommendation 2</i></p> <p>Australian electors overseas have the same opportunity to register as GPVs as those in Australia.</p>	<p>Covered by JSCEM recommendation 9. JSCEM extended this to include ADF and AFP members serving overseas.</p> <p>Amendments to this effect contained in Electoral and Referendum Legislation Amendment Bill 2006(the 2006 Bill).</p>
<p style="text-align: center;"><i>Recommendation 3</i></p> <p>The rules about GPVs be clarified – an elector enrolled in a Division should not be able to apply to be registered as a GPV once an election is called (though any application made before then should continue to be processed by the AEC).</p> <ul style="list-style-type: none"> • this would clarify which rules apply during the election period • as the grounds are almost identical, it would still of course be open to the elector to apply for a postal vote in that election. 	<p>AEC believes it is difficult to see any advantage for electors.</p> <p>After close of rolls, any GPV application is effectively a PVA anyway, so requiring an applicant to apply by way of PVA when they have already applied to be a GPV will not improve matters and can only make for further delay. The GPV application should be processed and the postal voting material despatched.</p> <p>This did not become a JSCEM recommendation.</p>
<p style="text-align: center;"><i>Recommendation 4</i></p> <p>A reference be included in the GPV application form to the fact that the completed form can be returned to the AEC by fax.</p>	<p>Covered by JSCEM recommendation 11. GPV forms have been amended to advise electors that they can return the form by fax.</p>

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<p align="center"><i>Recommendation 5</i></p> <p>The AEC explore options for having other Commonwealth agencies that are located in rural areas (such as Centrelink) to accept completed PVAs on behalf of the AEC</p>	<p>This did not become a JSCEM recommendation.</p> <p>The AEC will continue with the existing arrangements for DFAT to receive PVAs and issue postal votes to electors overseas, and will explore similar arrangements with the Australian Defence Force in respect of personnel deployed overseas.</p>
<p align="center"><i>Recommendation 6</i></p> <p>The AEC modify its PVA to:</p> <ul style="list-style-type: none"> • either require the elector to indicate, or to give the elector the option of indicating, why they require a postal vote, and • if they choose to do so, to nominate a date by which the postal voting material would need, for that reason, to be received at the postal address nominated. 	<p>The first point did not become a JSCEM recommendation.</p> <p>The second dot point is included in JSCEM recommendation 11 and supported in the Government Response. The Postal Vote application will be amended appropriately.</p>
<p align="center"><i>Recommendation 7</i></p> <p>The AEC take up the suggestion discussed with Australia Post that a process be developed on RMANS for ensuring that matters relevant to the postal delivery schedules applicable to the delivery points at the postal address, or in the postcode area, of the applicant are available to the DRO at the time the decision is made whether an application should go to Central or Local print - this would allow the delivery points that receive only 1 or 2 deliveries a week to be flagged.</p>	<p>Covered by JSCEM recommendation 7. Supported in Government response. In conjunction with Australia Post the AEC is developing procedures for APVIS users utilising the information / data provided by Australia Post on delivery time-frames across Australia.</p>
<p align="center"><i>Recommendation 8</i></p> <p>The rules about the receipt of PVAs from electors be changed so that a postal vote should be regarded as not having been made if it reaches the DRO after 6pm on the Thursday before polling day but the DRO should be required, if it is received after 6pm on the Thursday, but before 6pm on the Friday, to take reasonable steps to inform the applicant that the PVA has not been accepted.</p>	<p>Covered by JSCEM recommendation 9. Appropriate legislative amendments contained in the 2006 Bill.</p>

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<p align="center"><i>Recommendation 9</i></p> <p>It should be made clear that the DRO's obligation is to arrange for the delivery of the postal ballot papers to the GPV or applicant, and that it is at the DRO's discretion whether it is posted or other arrangements for its delivery are made:</p> <ul style="list-style-type: none"> • the DRO's decision should be determined by what method is most likely to ensure that the voting material is received in time for the GPV or applicant to record their vote before the close of the poll • this will allow the DRO to take into account the location of the voter, Australia Post delivery times for ordinary post for that location, whether the elector has indicated that they will be away from their postal address after a certain day, how close polling day is etc. 	<p>Covered in JSCEM recommendation 9. Legislative amendments contained in the 2006 Bill.</p>
<p align="center"><i>Recommendation 10</i></p> <p>The AEC consider making a special point in the public education campaign associated with the next election of highlighting the difficulties associated with electors leaving it to the last week in the election period to lodge a PVA.</p>	<p>Covered by JSCEM recommendation 11 – supported in Government Response.</p> <p>This will be incorporated into the voter services phase of the election campaign advertising.</p>
<p align="center"><i>Recommendation 11</i></p> <p>The rules are changed so that:</p> <ul style="list-style-type: none"> • electors can, prior to the close of the polls, return their completed PVCs, envelope and ballot papers into the possession of the AEC by any convenient means, or post the material (provided that if posted, it is received within 13 days of polling day) • the AEC is then responsible for ensuring it is delivered to the appropriate DRO in time for it to be included in the preliminary scrutiny. 	<p>Covered by JSCEM recommendation 9. Legislative amendments contained in the 2006 Bill.</p>

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<p style="text-align: center;"><i>Recommendation 12</i></p> <ul style="list-style-type: none"> • The rules for admitting PVC envelopes into the preliminary scrutiny are changed to say that, where the PVC envelope is not in the possession of the AEC before the close of the poll: • it should only be accepted into the preliminary scrutiny where it is received through the post within 13 days after the close of the poll and the witness signature is dated with a day or date on or before polling day • if there is no signature date, then irrespective of whether or not there is a legible postmark, the envelope should be rejected. 	<p>Covered by JSCEM recommendation 10. The Government did not support this.</p>
<p style="text-align: center;"><i>Recommendation 13</i></p> <p>The AEC takes steps through its public education activities to ensure that the public is informed of the importance of a witness date.</p>	<p>Covered by JSCEM recommendation 11 – supported in Government Response.</p> <p>Because of the specific nature of this, it will be addressed on the postal vote application and postal voting leaflet.</p>
<p style="text-align: center;"><i>Recommendation 14</i></p> <p>APVIS, or at any rate a form of centralised, computer-based printing and production system to support the distribution by the AEC of postal voting material, be retained.</p>	<p>Covered by JSCEM recommendation 7 and supported in Govt Response.</p>
<p style="text-align: center;"><i>Recommendation 15</i></p> <p>The flexibility to determine whether postal voting material should be produced centrally or through a local computer-based system in the office of DRO's [sic] be retained.</p>	<p>Covered by JSCEM recommendation 7 – supported in Government Response. The AEC has obtained delivery information from Australia Post to assist DROs in making such decisions.</p>

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<p style="text-align: center;"><i>Recommendation 16</i></p> <p>The AEC establish a planning team as soon as possible consisting of representatives of relevant areas in the AEC (ie the ESP Section, State and Territory Head Offices, DROs, the Public Awareness Media and Research Branch and Parliamentary and Ministerial Section) with the task, taking account of experience in the 2004 election, of:</p> <ul style="list-style-type: none"> • mapping each stage in the postal voting process • identifying what needs to be done, by whom and in what timeframe, to ensure that each stage in the process is achieved effectively and efficiently • undertaking a comprehensive risk assessment of each part (ie identification of risks, their removal or minimisation) • formulating risk recovery procedures for each part of the process (identification of what would have to be done, who would do it, what resources would need to be available etc) • undertaking an assessment of resources needed to achieve the outcomes, where additional resources may be required and a process for securing those additional resources • identifying where contractors, service providers or stakeholders are involved or potentially affected, and what their roles and responsibilities would be • preparing a report for the AEC Executive on planning for, and the development and implementation, of • the RFT process for the provision of postal voting material for the next election, or • if the AEC proposes to renew its contract with QM Technologies without a new RFT process, the negotiation of a new contract for those services 	<p>Covered by JSCEM recommendation 8. Supported in Government Response.</p> <p>Activities undertaken as part of development of the RFT for postal voting services for the 2007 federal election.</p>
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<ul style="list-style-type: none"> • ensuring that, drawing on the outcome of the work outlined above, the report to the Executive deals comprehensively with all the requirements recommended for inclusion in the RFT and/or contract negotiations (see recommendation 19 below) • for the purpose of preparing the report, consulting with other Commonwealth agencies with similar mail processing service requirements and with expertise and experience in dealing with mail houses and involved in the provision of bulk personalised printing services (such as the Australian Taxation Office, Centrelink and possibly the Australian Bureau of Statistics). 	
<p style="text-align: center;"><i>Recommendation 17</i></p> <p>The AEC contract the services of a person with expertise and experience in the mail house industry and in contract management, under the direction of relevant AEC officers, to:</p> <ul style="list-style-type: none"> • take responsibility for the development of relevant documentation to support <ul style="list-style-type: none"> ▪ the RFT process for the APVIS contract ▪ the tendering and contract negotiation • develop the QA and FRS documentation for the next election • manage the RFT preparation, tender evaluation, contract negotiation and implementation • provide training to AEC QA staff in the lead up to the election (and share supervisory responsibilities for them during the contract) • advise the AEC on relevant developments in new technology. 	<p>Not addressed by JSCEM recommendations.</p> <p>This has been implemented todate through the secondment of a suitably experienced officer from another agency to assist with the RFT, tendering, evaluation and contract negotiation processes.</p> <p>Specific skills will also be engaged as necessary in the development of QA documents and training.</p>

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<p style="text-align: center;"><i>Recommendation 18</i></p> <p>The AEC consider ways in which the resources available to the ESP Section can be supplemented, both during the period immediately prior to, and in the election period.</p>	<p>Covered by JSCEM recommendation 8 and supported in Government Response in the context of the election period.</p>
<p style="text-align: center;"><i>Recommendation 19</i></p> <p>The RFT (if this process is relevant), and the contract for the production of postal voting material for the next election, fully set out the AEC's requirements, namely:</p> <ul style="list-style-type: none"> • the scope of the services to be provided including, at a minimum, the receipt, storage, processing and secure disposal of data, programming and development services, personalised printing, compilation of PVPs containing personalised and other material, lodgement of PVPs with Australia Post or other carriers as specified from time to time, provision and management of base stock etc • how those services are to be delivered, in particular, that there is sufficient printing and mail processing capacity to manage both the production of PVPs and regenerated spoils in a timely way, including if necessary a 'Local Print' option • management matters including, at a minimum, security of personal information, quality management systems, disaster recovery and business continuity, reconciliation and job tracking (including management and regeneration of spoils and their tracking), maintenance of job documentation, staff management • account management matters including, at a minimum, staff of management team – responsibilities and reporting, financial management, reporting, performance management, corporate management, identification of staff who will have managerial responsibility and the staff with 'on-the-ground' responsibility for performance under the contract <p style="text-align: center;"><i>Recommendation 19 (cont)</i></p> <ul style="list-style-type: none"> • transition issues ie how a new contractor (or a new site of an existing 	<p>These requirements have been put in place with the Postal voting contract</p>

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contractor) will put in place processes and procedures necessary to support the performance of the contract, and post contract

- reports that the AEC would require including, at a minimum, transfer report – daily confirming receipt of all data, detailed daily progress report on PVC and PVP production and lodgement, incident reports (within a nominated time), stock report on production, use and levels of base stock, system development report, management report, assurance certificates about compliance with all the requirements of contract, certificate of destruction of data/spoils etc
- service levels that focus on each element of the production process that is vital to the performance required by the AEC, measure the contractor's performance on that element and provides an incentive to the contractor to 'get it right' – these service levels would therefore:
 - include 'service debits' that will apply to each service level breach ie specific financial penalty for each breach of each kind of service level
 - set out the method by which the service level is to be checked eg contractor to inform AEC, AEC audit or review, problems reported by recipients or AP, failure to provide reports of required content or at required time
 - include the full range of matters, strict compliance with which is an AEC requirement
- where it is proposed that more than one production site be used, that there are arrangements in place that will assure the same level of quality and performance at each site, and that each site will be applying the same (agreed) processes and procedures
- what arrangements are to be made with AP for discounts under the Process Improvement Program, the implications for the way production is managed between sites and within a site, and the rules to apply in relation to 'virtual' lodgements

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<ul style="list-style-type: none"> • what Quality Assurance arrangements the AEC will want for observing the compliance by the contractor with its Quality Assurance obligations. 	
<p style="text-align: center;"><i>Recommendation 20</i></p> <p>Any contract negotiated for the provision of postal voting material for the next election specifically cover the matters listed above</p>	<p>These requirements have been put in place with the Postal-voting contract.</p>
<p style="text-align: center;"><i>Recommendation 21</i></p> <p>Such a contract include a requirement that:</p> <ul style="list-style-type: none"> • each party keep the other fully informed about any material changes in circumstance between the finalisation of the contract and the time at which the contract services are to be provided, and • the implications of any decisions that may impact on either party's roles and responsibilities under the contract are fully discussed. 	<p>The contract takes account of the requirements proposed.</p>
<p style="text-align: center;"><i>Recommendation 22</i></p> <p>The issue of whether Central Print should be more or less 'de-centralised' (ie the number of sites to be used) should be considered in light of the circumstances that prevail at the time of the tendering process and during contract negotiation, and again before the election period if the circumstances require it.</p>	<p>Selected contractor only has one site from which Central Print manufacture will take place.</p>
<p style="text-align: center;"><i>Recommendation 23</i></p> <p>The rules for determining whether postal voting material is produced by Central Print or Local Print at any particular election or at any particular time in an election period should be determined as part of the preparation for a particular election in light of the circumstances then prevailing, but the following may provide some guidance:</p> <ul style="list-style-type: none"> • where files are small and require special treatment and may result in substantial downtime in order to process (eg may require a change of material to be inserted in mail processing), they should not be sent to Central Print at least in the first week (if at all) if they can be effectively and efficiently 	<p>Discussions with the Contractor include these matters.</p>

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<p>handled through Local Print</p> <ul style="list-style-type: none"> • where more than one site is to be used and the work is divided between them by reference to the State or Territory in which the recipient of the PVP is enrolled (thus only requiring the insertion of certain kinds of Senate ballot papers), serious consideration needs to be given to the risks of compromising that division in order to get postal advantages • every effort should be made to minimise the number of small files to be processed, particularly in the first week of production. 	
<p style="text-align: center;"><i>Recommendation 24</i></p> <p>The AEC, with a view to increasing its availability, undertake a comprehensive review of pre-polling which would consider the following matters:</p> <ul style="list-style-type: none"> • its advantages over postal voting (eg security, immediate inclusion of the vote in scrutiny etc) • whether it provides a genuine alternative to postal voting • its capacity to respond as demand requires • whether it is resourced appropriately • whether it is advertised appropriately • whether the CEA should be amended to remove the necessity for gazettal of the opening hours (and possibly of the place proposed to be used as a pre-poll place), provided the AEC takes appropriate steps to ensure they are appropriately advertised (including on web site etc). 	<p>Report on Early Voting Services prepared and submitted to Electoral Commissioner and circulated to State Managers for comment. Outcome to be advised shortly.</p>

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<p align="center"><i>Recommendation 25</i></p> <p>The AEC computer and data recording and retrieval systems be upgraded to allow real-time information to be extracted by DROs on the progress of the production of PVPs for individual postal voters.</p>	<p>Covered by JSCEM recommendation 7 and supported in Government Response. Negotiated as part of new contract and AEC systems will be changed to accommodate additional information.</p>
<p align="center"><i>Recommendation 26</i></p> <p>In the lead up to the next election, the AEC:</p> <ul style="list-style-type: none"> • discuss with the Minister's office options for a [sic] establishing a process for the provision of information about emerging issues during the election period, identifying which staff are to be involved, how and to whom requests for urgent briefing are to be handled, and how issues are to be followed up, and reported on, by the AEC (this would provide an opportunity for a discussion about the kind of information that the AEC feels able to provide during an election period, and in what form, and any perceived sensitivities) • formulate guidelines reflecting the outcome of those discussions that would be available to all relevant staff prior to the election. 	<p>Supported by JSCEM recommendation 12. Supported in Government Response</p> <p>In progress.</p>
<p align="center"><i>Recommendation 27</i></p> <p>The AEC continue with its recent initiative of providing regular briefings to political parties and use that opportunity to explore options for protocols about the provisions of information in the period leading up to, and during, the next election period.</p>	<p>Regular meetings have been held with the major political parties. The last meeting was held on 29 November 2006.</p>