



THE HON GARY NAIRN MP  
Special Minister of State  
Federal Member for Eden-Monaro



30 AUG 2006

Mr Peter Lindsay MP  
Chair  
Joint Standing Committee on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

Dear Mr Lindsay

*Peter*

I am pleased to enclose an advance copy of the Government's response to the report of the Joint Standing Committee on Electoral Matters: *The 2004 Federal Election: Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*.

The Government's response will be presented to the President of the Senate for tabling out of session this week.

On behalf of the Government, I would like to thank the Committee and the former Chair, Mr Tony Smith MP, for the comprehensive analysis of the 2004 federal election. The Committee's report makes a valuable contribution to the Government's continuing commitment to ensuring the integrity of the electoral process.

Yours sincerely

*Gary Nairn*  
GARY NAIRN



**Government's Response**

**to the**

**Report of the Joint Standing Committee on Electoral Matters**

***The 2004 Federal Election:  
Report of the Inquiry into the Conduct of the 2004 Federal Election  
and Matters Related Thereto***

**August 2006**

**Government's Response to the Report of the Joint Standing  
Committee on Electoral Matters: *The 2004 Federal Election: Report  
of the Inquiry into the Conduct of the 2004 Federal Election and  
Matters Related Thereto***

**Recommendation 1**

The Committee recommends that the Commonwealth Electoral Act be amended to require that electoral enrolment forms, AEC reply paid envelopes and enrolment promotional material be prominently displayed at all times in every Australia Post, Medicare, Centrelink and Rural Transaction Centre outlet, including any agency or sub-agency, to encourage electors and potential electors to meet enrolment obligations. Further, all such material should be displayed without fee to the Commonwealth.

**Response**

Supported in principle, subject to the satisfactory resolution of legislative, financial and contractual issues associated with the requirement that the material be displayed at no cost to the Australian Government. The Australian Electoral Commission (AEC) will undertake relevant negotiations.

**Recommendation 2**

The Committee recommends that:

- the AEC formulate, implement and report against a detailed, ongoing, action plan to promote and encourage enrolment and voting among persons and groups experiencing difficulty because of social circumstance; and
- that such persons and groups should include, but not be limited, to homeless and itinerant persons, illiterate persons, persons with disabilities and residents of isolated and remote areas;
- the AEC consult with and consider the views of organisations and groups representing homeless and itinerant persons, illiterate persons, persons with disabilities, residents of remote localities, and other appropriate bodies, to formulate appropriate strategies, programs and materials for use when the action plan is implemented;
- the AEC report back to the Committee prior to the next Federal Election with details of its action plan and implementation strategies;
- where appropriate, adequate funding be provided to enable the AEC to develop, implement and report against the action plan; and
- that following the next Federal Election, the AEC seek feedback from representative groups and community members regarding the effectiveness of the strategies implemented, and further develops its action plan to incorporate constructive suggestions where appropriate.

## **Response**

Supported. The AEC will also advise the Special Minister of State of the outcomes of the consultation process.

## **Recommendation 3**

The Committee recommends that the Commonwealth Electoral Act be amended to require all applicants for enrolment, re-enrolment or change of enrolment details be required to verify their identity and address.

Regulations should be enacted as soon as possible to require persons applying to enrol or change their enrolment details, to verify their identity and address to the AEC by:

- showing or producing an acceptable identification document and a proof of address document to the AEC or a person who can attest a claim for enrolment; or
- where such proof of identity documents cannot be provided, by supplying written references given by any two persons on the electoral roll who can confirm the enrollee's identity and by supplying a proof of address document:
  - persons supplying references must have known the enrollee for at least one month and must show their own acceptable identification document or supply their drivers licence numbers to the AEC; and
- enrollees should have the choice of providing the required documents in person to the AEC, or a person who can attest a claim for enrolment, or by posting or faxing the required documents or certified copies to the AEC with the enrolment form to which they relate; and
- where certified copies of acceptable documents are posted or faxed to the AEC, they must be certified by the enrollee to be true copies and witnessed by an elector enrolled on the electoral roll.

Where the AEC or a person who can attest a claim for enrolment receives original documents from an enrollee, the AEC must return the documents to the enrollee by hand, registered mail or other means agreed to by the enrollee.

## **Response**

Supported in part. The *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (Electoral Integrity Act), which received Royal Assent on 22 June 2006, provides for the introduction of a requirement for electors to verify their identity by providing proof of identity at enrolment. A separate proof of address document will not be required. The Government notes that, whilst the range of documents used for proof of identity may also contain address details, verification of address will not be a requirement for enrolment.

The proof of identification requirement for electoral enrolment will be such that persons enrolling to vote or updating their enrolment must provide either:

- i. their driver's licence number (in which case the application does not need to be attested in any way, but the AEC will verify the driver's name against the licence number); or
- ii. if they do not have a driver's licence, show a prescribed identification document (such as birth certificate or passport) which must be sighted by an attestor who is an enrolled elector in a prescribed class; or
- iii. if they do not have a driver's licence or prescribed identification document, have their enrolment claim countersigned by two electors who can confirm the applicant's name and who have known the elector for more than one month.

Appropriate regulations setting out prescribed identification documents and the class of prescribed electors are being developed.

The proof of identity provisions will commence on Proclamation, or if not proclaimed within eight months of Royal Assent, they will commence after that.

#### **Recommendation 4**

The Committee recommends that Section 155 of the Commonwealth Electoral Act be amended to provide that the date and time fixed for the close of the rolls be 8.00pm on the day of the writs.

#### **Response**

Supported in part. The Electoral Integrity Act provides for the rolls to close at 8.00 pm on the day the writs are issued for new enrolments and re-enrolments. However, there will be two exceptions to this:

- 17 year olds who are not on the roll and who will turn 18 between the day the writ is issued and polling day; and
- persons who are not on the roll and will be granted citizenship between the issue of the writ and polling day.

For these two groups, the date for the close of rolls will be 8.00 pm three working days after the issue of the writ.

Persons who are currently enrolled will be able to update their details during the three day period. Persons who are not on the roll will not be added to the roll between 8.00 pm on the day of the issue of the writ and polling day.

## **Recommendation 5**

The Committee recommends:

- Section 155 of the Commonwealth Electoral Act should be amended to provide for the date and time of the closing of the rolls as soon as possible within the life of the 41st Parliament;
- that the amendment to section 155 be given wide publicity by the Government and the AEC;
- that the AEC be required to undertake a comprehensive public information and education campaign to make electors aware of the changed close of rolls arrangements in the lead up to the next Federal Election;
- that the AEC review, and where appropriate amend, the wording of all enrolment related forms, letters, promotional material and advertising used for enrolment related activities to include a notification to electors that the rolls will close on the day of the issue of the writs for Federal Elections and referenda; and
- that appropriate funding be made available to the AEC so it may comply with these and other recommendations agreed to by the Government.

## **Response**

Supported. The Electoral Integrity Act provides for the amendment of section 155 of the *Commonwealth Electoral Act 1918* (Commonwealth Electoral Act). The Government has also provided appropriate funding to enable the AEC to undertake a comprehensive public information and education campaign to alert electors to the changes.

## **Recommendation 6**

The Committee recommends that:

- the Commonwealth Electoral Act be amended to expand the demand power to allow the AEC direct access to State and Territory government agency data;
- the AEC continue with its Continuous Roll Update (CRU) processes as the principal method for reviewing the electoral roll;
- the AEC remain focussed and innovative in relation to CRU, in order to continue to develop and refine those processes to maintain and enhance the integrity of the electoral roll; and
- the AEC consider and report on the implications of the Direct Address Change proposal (contained in Submission No. 136) and provide a detailed report to the Committee on its findings by the end of 2005.

## **Response**

Supported. The Electoral Integrity Act provides for the inclusion of all officers of State and Territory Governments among those who must provide information to the AEC for the purpose of preparing, maintaining or revising the rolls. This will also allow the AEC direct access to a range of relevant data to assist with roll maintenance activities.

The AEC will report progress on the Continuous Roll Update to the Special Minister of State. The AEC will report its findings on Direct Address Change to the Joint Standing Committee on Electoral Matters (JSCEM) on the basis of a timeframe determined in consultation with the JSCEM.

### **Recommendation 7**

The Committee recommends:

- that the AEC continue to develop and utilise the Automated Postal Vote Issuing System (APVIS) to support the distribution of postal voting material for future elections;
- that AEC computer and data recording and retrieval systems be upgraded to allow real-time information to be extracted by DROs, AEC staff handling enquiries and call centre staff, on the progress of the production of postal voting material for individual postal voters;
- that the AEC consult with Australia Post and, if Australia Post holds and is able to supply the necessary data to the AEC, the AEC modify the Roll Management System (RMANS) so 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;
- that Australia Post provide the data required for upgrading the AEC's systems at no cost to the Commonwealth;
- that the flexibility to determine whether postal voting material should be produced centrally or through a local computer-based system in the office of DROs be retained; and
- that if the AEC modifies RMANS so that matters relevant to the postal delivery schedules are available to DROs, the DRO must use such information when making the decision about whether an application should go to Central or Local print.

### **Response**

Supported, noting that the external review of APVIS has already been undertaken and the outcome reported to the Government. The AEC is continuing to look at ways of implementing the recommendations of the review and will keep the Special Minister of State informed on progress.

## Recommendation 8

The Committee recommends:

- that the AEC ensure that sufficient and continuing resources are available to the Election Systems and Policy Section in non-election periods and that these levels be supplemented as appropriate in the lead up to and during election periods;
- that the AEC apply appropriately rigorous and correct procurement practices in order to identify and enter into a contractual agreement with suitable provider/providers for the provision of APVIS services; and
- that the AEC apply contemporary best practice to the project management and contract management of APVIS, including undertaking the activities outlined in Recommendation 16 of the Minter Ellison report into postal voting.

## Response

Supported in principle. The Government considers that the current resourcing levels for the AEC in non-election periods are appropriate. The Government notes that the adequacy of this resourcing is subject to periodic review. The Government will provide additional funding to the AEC for extra staff for the Election Systems and Policy Section for the next federal election.

Support for the implementation of the Committee's recommendations relating to APVIS is subject to the AEC consulting with the Special Minister of State on how it proposes to respond to the outcomes of the review of APVIS as outlined in the response to recommendation 7.

## Recommendation 9

The Committee recommends:

- that the *Electronic Transaction Regulations 2000* be amended to permit electors to submit an application for a postal vote or an application to become a general postal voter, by scanning and e-mailing the appropriate form to the AEC;
- that the Commonwealth Electoral Act be amended to specifically permit eligible overseas electors and Australian Defence Force and Australian Federal Police personnel serving overseas to become general postal voters;
- that the Commonwealth Electoral Act be amended to provide that:
  - for postal vote applications received up to and including the last mail on the Friday eight days before polling day, the AEC be required to deliver the postal voting material to the applicant by post unless otherwise specified by the applicant;
  - for postal vote applications received after the last mail on the Friday eight days before polling day and up to and including the last mail on the Wednesday before polling day, the AEC be required to post or otherwise deliver the postal voting material by the most practical means possible; and
  - for postal vote applications received after the last mail on the Wednesday before polling day, the applications be rejected on the grounds that delivery of postal voting material cannot be guaranteed. Reasonable



efforts should be made to contact the applicants to advise them of the need to vote by other means.

- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to allow electors to return their postal votes to any employee of the AEC by any convenient means, and to require the AEC to then deliver the postal vote to the appropriate Divisional Returning Officer within 13 days after polling day.

### **Response**

Supported in principle, subject to a satisfactory resolution by the AEC of the security issues relating to scanning and e-mailing of postal voting forms and further consideration of whether the Wednesday before polling day or another day is the most appropriate day from which the AEC would no longer accept postal vote applications. In relation to the delivery of postal voting material for applications received by the AEC after the last mail on the Friday eight days before polling day, the Government notes that use of courier services may be an effective option.

The Special Minister of State will give careful consideration to the definition of AEC employees who would be able to receive postal votes, and also to the identification of any convenient means by which postal votes may be returned to the AEC, including determining any associated security risks. The Government will introduce the necessary legislation to give effect to this recommendation.

### **Recommendation 10**

The Committee recommends:

- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended so that postal voters are required to confirm by signing on the postal vote certificate envelope a statement such as "I certify that I completed all voting action on the attached ballot paper/s prior to the date/time of closing of the poll in the electoral division for which I am enrolled";
- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to allow the date of the witness's signature, not the postmark, to be used to determine whether a postal vote was cast prior to close of polling.

### **Response**

Not supported. The Government considers that such changes would weaken the integrity of Australia's electoral system.

### **Recommendation 11**

The Committee recommends that the AEC:

- amend the General Postal Voter application form to indicate that the completed form can be returned to the AEC by fax;
- amend the Postal Vote Application form to allow an applicant, if they choose to do so, to nominate a date by which they require the postal voting material to be delivered to the postal address nominated;
- highlight the difficulties associated with electors leaving it to the last week in the election period to lodge postal vote applications in the public education campaign associated with the next election;
- take steps through its public education activities to ensure that the public is informed of the importance of having a witness date on postal vote certificate envelopes; and
- devise appropriate penalties for voters who provide false witness or who are otherwise in default of the requirements.

### **Response**

Supported. The Government notes that there will be various circumstances in which the AEC will not be able to provide postal voting material by the nominated date. The Government will provide appropriate funding to enable the AEC to undertake a comprehensive public education campaign to alert electors to the issues relating to postal voting. The Special Minister of State will consult the Attorney-General on appropriate penalties.

### **Recommendation 12**

The Committee recommends that prior to the next election:

The AEC discusses with the Minister's office options for establishing a process for the provision of information about emerging issues during the election period; including:

- how and to whom requests for urgent briefing are to be handled;
- identifying which staff are to be involved; and
- how issues are to be followed up and reported on, by the AEC;

And, that following those discussions:

- the AEC formulate guidelines reflecting the outcome of those discussions and make them available to all relevant parties prior to the commencement of the election period.

## **Response**

Supported. The Government recognises the importance of prior communication between the AEC and stakeholders, including political parties, in ensuring the smooth operation of processes for the provision of information during an election period. The AEC will consult with the Special Minister of State and other stakeholders and formulate relevant guidelines.

## **Recommendation 13**

The Committee recommends that the AEC:

- consult widely with stakeholders, including political parties, Commonwealth, State and Territory Privacy Commissioners, privacy advocates and others, in order to canvass possible solutions to the privacy issue, that will not require a return to double enveloping; and
- report back to the Committee before the end of June 2006, with details of its consultations, and provide the Committee with recommendations about how the AEC should address the privacy concerns of electors, whilst minimising the number of ballot papers excluded from the count.

## **Response**

Supported. The AEC will provide the outcomes of the consultation to the Special Minister of State. The AEC will report outcomes to the JSCEM on the basis of a timeframe determined in consultation with the JSCEM.

## **Recommendation 14**

The Committee recommends that political parties and candidates should ensure that any material they provide to electors in advance of the writ issue or public announcement of the election date, advises electors of the relevant provisions relating to the lodgement of postal vote applications.

## **Response**

Not supported. The Government considers that this is a matter for political parties and candidates.

## **Recommendation 15**

The Committee recommends that the AEC should review its pre-polling arrangements with a view to ensuring that, wherever practical, pre-poll centres are located at appropriate Commonwealth, State or Territory government, or local government, agencies in regional areas.

## **Response**

Supported. The AEC will report the outcome of the review to the Special Minister of State. For the next election, the AEC proposes to trial the use of state government agencies to issue pre-poll votes in rural and regional areas of Queensland. The AEC will continue to consult with the Special Minister of State on the development of the trial. The AEC will also report the outcome of the trial to the Special Minister of State and assess the feasibility of extending a similar model to other areas of Australia.

## **Recommendation 16**

The Committee recommends that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to provide that:

- the AEC may set up and operate pre-poll voting centres in circumstances and locations where the AEC is required to quickly ensure that electors are able to cast votes; and
- in such circumstances, to require the AEC to do everything it practically can to advise relevant candidates, political parties and other stakeholders of:
  - the circumstances which prevail and require the AEC to take such action;
  - the location, dates and times on which the AEC proposes to operate the pre-poll centre; and
- to require the AEC to Gazette the pre-poll centre or centres as soon as practicable after it becomes aware of the circumstances that require it to set up and operate the centre or centres.

## **Response**

Supported. The Government will introduce the necessary legislation into Parliament.

## **Recommendation 17**

The Committee recommends:

- that the AEC comprehensively publicise the location of all pre-poll voting centres; and
- that the AEC ensure that standardised, prominent signage is used to identify pre-polling centres, so that electors and other stakeholders can immediately recognise and locate them from the day of opening and throughout election day.

## **Response**

Supported.

### **Recommendation 18**

The Committee recommends that the Commonwealth Electoral Act be amended to expand the definition of an eligible political party so that:

*Eligible political party* means a political party that is either:

- a parliamentary party; or
- a political party that has at least 500 financial members who are currently enrolled on the electoral roll; and
- is established on the basis of a written constitution that incorporates the minimum requirements for the constitution of a registered political party contained in the Commonwealth Electoral Act and complies with the State or Territory legislation to the extent that it applies.

### **Response**

Not supported. The Government believes that implementation of this recommendation would be an unwarranted intrusion into the internal affairs and activities of political parties.

### **Recommendation 19**

The Committee recommends that the Commonwealth Electoral Act be amended to provide minimum requirements for the constitution of a registered political party.

Potential minimum requirements would include:

- a clear indication that it is a political party;
- a statement that it intends to participate in the Federal Election process;
- certain minimum requirements in relation to its operations, specifically that it:
  - be written;
  - include the aims of the party, one of which must be the endorsement of candidates to contest Federal Elections;
  - include the process by which the party is managed in respect of its administration, management and financial management;
  - set out requirements for becoming a member, maintaining membership and ceasing to be a member;
  - outline the process for the election of office holders (including, but not limited to, the registered officer, the Executive and any committees);
  - detail the party structure;
  - detail the procedure for amending the constitution; and
  - detail the procedures for winding up the party;
- the constitution of all parties registered with the AEC be made publicly available on the AEC's website.

## **Response**

Not supported. The Government believes that implementation of this recommendation would be an unwarranted intrusion into the internal affairs and activities of political parties.

## **Recommendation 20**

The Committee recommends that the Commonwealth Electoral Act be amended to provide for the:

- deregistration of all political parties that are not parliamentary parties (as defined in section 123 of the Commonwealth Electoral Act) or are parties that have had past representation in the Federal Parliament; and that:
- all existing parliamentary parties and those with past representation remain registered, but be required (where appropriate) to prove that they meet the requirements for a parliamentary party:
  - where a parliamentary party has proven that it meets the relevant requirements during the life of the 41st Parliament, it will not be required to provide further proof;
  - where a parliamentary party has not proven its status as a parliamentary party during the 41st Parliament, it will be required to prove this by indicating which sitting member it relies on for its status;
  - where a party claims that it has past representation in the Federal Parliament, it will be required to prove this by indicating which past member it relies on for its status.
- all other parties would have to apply for re-registration, at which point they must comply with the amended registration requirements in the CEA, including the existing naming provisions contained in section 129;
- where a political party applies for registration using a name which does not conform with the requirements of section 129 of the CEA, the Electoral Commission shall refuse such registration;
- where the AEC refuses such application for registration, it must notify the applicant party that it is bound to refuse the registration and give the applicant party an opportunity to vary the original application;
- if the applicant party fails to vary the application the AEC shall refuse the registration; and
- all amended registration requirements must also be met in any case where a registered political party applies to change its registered name; or its registration is reviewed by the AEC in accordance with section 138A of the CEA.

## **Response**

Supported. The Electoral Integrity Act provides for the automatic deregistration of all currently registered political parties six months after Royal Assent, with exceptions for parliamentary parties and parties with past representation in the federal Parliament. Any political party that is deregistered will be required to re-apply for registration, and must comply with the current requirements in the Commonwealth Electoral Act, including the existing naming provisions. Political parties that re-apply

for registration within 12 months of deregistration under this scheme will not be required to pay the \$500 application fee.

**Recommendation 21**

The Committee recommends that the AEC be given appropriate funding to meet the additional obligations associated with de-registration and re-registration.

**Response**

Supported. The Government has already provided additional funding for this measure.

**Recommendation 22**

The Committee recommends that the AEC review the proportion of its election budget allocated to training polling booth staff.

**Response**

Supported.

**Recommendation 23**

The Committee recommends that the AEC ensure that it has sufficient staff to meet peak demands at known busy polling places, if need be through the use of casual staffing at peak times.

**Response**

Supported.

**Recommendation 24**

The Committee recommends that the AEC increase the thresholds for joint polling booths to a level to be determined through consultation with the JSCEM.

**Response**

Supported. The AEC will consult widely with stakeholders.

### **Recommendation 25**

The Committee recommends that, at the next Federal Election, those wishing to cast a provisional vote should produce photographic identification.

Voters unable to do so at the polling booth on election day would be permitted to vote, but their ballots would not be included in the count unless they provide the necessary documentation to the DRO by close of business on the Friday following election day. Where it was impracticable for an elector to attend a DRO's office, a photocopy of the identification, either faxed or mailed to the DRO, would be acceptable.

Those who do not possess photographic identification should present one of the other forms of identification acceptable to the AEC for enrolment.

### **Response**

Supported in part. The Electoral Integrity Act establishes proof of identity requirements for provisional voting. A provisional vote will now not be admitted to the scrutiny unless the elector:

- shows proof of identification in the form of a driver's licence or a prescribed identification document, at the time of casting the provisional vote; or
- shows the original or an attested copy of the elector's driver's licence or a prescribed identification document to an officer before the close of business on the Friday following polling day.

### **Recommendation 26**

The Committee recommends that the AEC continue its consultations with relevant parties and prior to the next Federal Election, as part of improving access to the franchise by those experiencing homelessness, as a minimum:

- target homeless persons in its public awareness campaigns, informing them about itinerant elector and other voting enrolment and options; and
- ensure that its training programs alert AEC staff to the needs of the homeless and other marginalised citizens.

### **Response**

Supported. The AEC will advise the Special Minister of State of the outcomes of its consultations.



**Recommendation 27**

The Committee recommends that the AEC consult with appropriate organisations to establish appropriate experimental arrangements to assist the blind and visually impaired to cast a secret ballot at the next Federal Election.

**Response**

Supported. Consultation between the AEC and appropriate organisations is well advanced to allow the AEC to develop appropriate trial arrangements for electronically assisted voting for blind and visually impaired voters to cast a secret printed paper ballot at the next federal election. It is proposed that the trial would be available to eligible electors at 30 pre-poll locations across Australia. The consultations will also inform the AEC's decision on the proposed location of the trial sites and the degree to which the trial could be extended to electors with a print disability.

**Recommendation 28**

The Committee recommends that, as a future direction, the AEC consult with relevant organisations representing people with disabilities to develop a disability action plan covering the full spectrum of access issues faced.

**Response**

Supported. The AEC will advise the Special Minister of State of the outcomes of the consultation.

**Recommendation 29**

The Committee does not support the introduction of proof of identity requirements for general voters on polling day at the next election. Instead, the Committee recommends that the AEC report to the JSCEM on the operation of proof of identity arrangements internationally, and on how such systems might operate on polling day in Australia.

**Response**

Supported. The AEC will undertake research on international experience on this matter and will advise the Special Minister of State of its findings.

### **Recommendation 30**

The Committee recommends that, at the next Federal Election, the AEC encourage voters to voluntarily present photographic identification in the form of a driver's licence to assist in marking off the electoral roll.

#### **Response**

Noted. The Government wishes to give further consideration to this recommendation once the report that the AEC will be undertaking in response to recommendation 29, on the operation of proof of identity arrangements internationally, is available.

### **Recommendation 31**

The Committee recommends that the AEC increase its efforts to improve understanding of the voting system and reduce the informal vote in electorates with a high percentage of constituents from non-English speaking backgrounds, including by development of new and innovative strategies.

#### **Response**

Supported. The Government will provide appropriate funding for the AEC to develop the necessary strategies to seek to reduce informal voting among culturally and linguistically diverse voters.

### **Recommendation 32**

The Committee recommends that there be four-year terms for the House of Representatives.

#### **Response**

The Government supports in principle a move to four-year terms for the House of Representatives, with a consequential extension of the Senate term. The Government notes, however, that there are a range of complex issues associated with the introduction of four-year terms for the House of Representatives. Therefore, the Government does not intend to hold a referendum on this matter either before, or in conjunction with, the next federal election.

**Recommendation 33**

The Committee recommends that the Government promote public discussion and advocacy for the introduction of four-year terms during the remainder of the current Federal Parliament.

**Response**

Noted. Please refer to the response to recommendation 32.

**Recommendation 34**

The Committee recommends that, in the course of such public discussion, consideration be given to the application of consequential changes to the length of the Senate term, and in particular, Senate Options 1 and 2, as set out in this chapter.

**Response**

Noted. Please refer to the response to recommendation 32.

**Recommendation 35**

The Committee recommends that proposals be put to the Australian public via a referendum at the time of the next Federal Election. If these proposals are successful, it is intended that they come into effect at the commencement of the parliamentary term following the subsequent Federal Election.

**Response**

Noted. Please refer to the response to recommendation 32.

**Recommendation 36**

The Committee recommends that voluntary and compulsory voting be the subject of a future inquiry by the JSCEM.

**Response**

Not supported. The JSCEM noted in its report that, according to several recent opinion polls, compulsory voting enjoys popular support. The Government also considers that the various competing views on voluntary and compulsory voting have already been adequately canvassed in the JSCEM's reports on several recent federal elections.

### **Recommendation 37**

The Committee recommends that compulsory preferential voting above the line be introduced for Senate elections, while retaining the option of compulsory preferential voting below the line. Consequently, the practice of allowing for the lodgement of Group Voting Tickets be abolished. This would involve amendments to the Commonwealth Electoral Act, in particular the repeal of ss. 211, 211A, 216, 239(2) and 239(3).

### **Response**

Not supported. The Government believes that changing the current system is likely to result in increased complexity and possible confusion for voters, leading to a potential increase in the level of the informal vote. Consequently, the Government considers that, at this stage, the existing arrangements should be retained.

### **Recommendation 38**

The Committee recommends that the system of compulsory preferential voting for the House of Representatives be retained.

### **Response**

Supported.

### **Recommendation 39**

The Committee recommends that the AEC be resourced to conduct a public education campaign, in advance of the next Federal Election, to explain the changes to the above-the-line Senate voting system.

In those States where the Commonwealth and State voting systems are different (i.e. New South Wales and Queensland), the AEC's education campaign should emphasise the necessity, in Federal Elections, of voting by the compulsory preferential, as opposed to the optional preferential, method.

### **Response**

Not supported. Please refer to the response to recommendation 37.

#### **Recommendation 40**

The Committee recommends that the AEC investigate technology that could facilitate electronic checking of the electoral roll through networked polling places. In doing so, it will be beneficial to monitor any international developments in which such technology is utilised. The AEC should report back to the Committee about any major developments in this area.

#### **Response**

Supported in principle, subject to successful resolution of concerns noted by the JSCEM about the cost, infrastructure and security of a networked system. The AEC will undertake an investigation of the technology and report the outcomes of the investigation to the Special Minister of State.

#### **Recommendation 41**

The Committee recommends that a trial of an electronic voting system be implemented at an appropriate location in each electorate to assist blind and visually impaired people, who currently cannot cast a secret and independently verifiable vote.

- In terms of the type of electronic voting system, and the most appropriate locations, the AEC should liaise with relevant groups, and then report back to the Committee with its proposal.
- Following the election, the AEC should report back to the Committee on all aspects of the trial.

#### **Response**

Supported. The consultations mentioned in the response to recommendation 27 will inform the development and implementation of the proposed trial. As noted in the response to recommendation 27, the proposed trial will only occur in 30 locations across Australia. Any trial of electronically assisted voting to assist blind and visually impaired electors will include the production of a printed output recording the preferences of the voter, to be used in the count.

#### **Recommendation 42**

The Committee recommends that the AEC identify, at an early stage, any legislative changes required to allow the paper ballot output of the system (whether electronic counting or a printed ballot paper) to be counted as a valid vote.

#### **Response**

Supported.

### **Recommendation 43**

The Committee recommends that the AEC trial remote electronic voting for overseas Australian Defence Force and Australian Federal Police personnel, and for Australians living in the Antarctic. The AEC should develop a proposal that considers matters such as security and verification of identity, and report back to the Committee.

### **Response**

Supported in principle. The AEC will arrange a trial of remote electronic voting for overseas Australian Defence Force (ADF) personnel, subject to satisfactory resolution by the AEC and the Department of Defence of systems and associated security issues. The results of this trial will enable the AEC to inform the development of the broader proposal on remote electronic voting as recommended by the JSCEM. The AEC will keep the Special Minister of State informed on progress and outcomes of the trial and the development of the proposal for the JSCEM.

The Government may consider the extension of remote electronic voting to overseas Australian Federal Police personnel and Australians living in the Antarctic, subject to the outcomes of the ADF trial.

### **Recommendation 44**

The Committee recommends that the AEC review section 328 of the Commonwealth Electoral Act to devise authorisation requirements for electoral advertisements, as distinct from general commentary, on the Internet.

### **Response**

Supported. The Electoral Integrity Act provides for the general authorisation requirements applying to electoral advertising to apply also to electoral advertisements placed on the internet.

### **Recommendation 45**

The Committee recommends that the AEC review section 328 of the Commonwealth Electoral Act to enhance the accountability and transparency of the electoral process.

### **Response**

Supported. The AEC will advise the Special Minister of State of any implications for federal legislation.

**Recommendation 46**

The Committee recommends that the Government give consideration to amendment of the Commonwealth Electoral Act to remove section 350, which carries criminal actions and penalties for defamation against electoral candidates.

**Response**

Supported. The Government will introduce the necessary legislation into Parliament. Cases of defamation would be dealt with in accordance with the civil law of defamation existing in the relevant State or Territory jurisdiction.

**Recommendation 47**

The Committee recommends that the AEC assess local and state legislation governing electoral signage and determine whether the Commonwealth Electoral Act should be amended to preserve candidates' equivalent rights to display electoral advertising during an election period.

**Response**

Supported. The AEC will advise the Special Minister of State of any implications for federal legislation.

**Recommendation 48**

The Committee recommends that the AEC review Sections 340 and 348 of the Commonwealth Electoral Act with a view to addressing issues of "misleading conduct" on polling day.

**Response**

Supported. The AEC will advise the Special Minister of State of any implications for federal legislation.

**Recommendation 49**

The Committee recommends that the disclosure threshold for political donations to candidates, political parties and associated entities be raised to amounts over \$10,000 for donors, candidates, political parties, and associated entities.

**Response**

Supported. The Electoral Integrity Act increases all disclosure thresholds in the Commonwealth Electoral Act for political donations and receipts from the existing amounts to an amount of "more than \$10,000".

### **Recommendation 50**

The Committee recommends that the threshold at which donors, candidates, Senate groups, political parties, and associated entities must disclose political donations should be indexed to the Consumer Price Index.

#### **Response**

Supported. As noted in the response to the previous recommendation, the Electoral Integrity Act increases all disclosure thresholds in the Commonwealth Electoral Act for political donations and receipts from the amounts noted above to an amount of "more than \$10,000".

The Act also indexes this new amount to the Consumer Price Index (CPI) and provides that the thresholds will not be reduced in years where the indexation figure is negative.

### **Recommendation 51**

The Committee recommends that the *Income Tax Assessment Act 1997* be amended to increase the tax deduction for a contribution to a political party, whether from an individual or a corporation, to an inflation-indexed \$2,000 per year.

#### **Response**

Supported in part. The Electoral Integrity Act raises the tax deductible threshold from \$100 to \$1,500 for an income year and extends deductibility to contributions and gifts from companies.

### **Recommendation 52**

That the *Income Tax Assessment Act 1997* be amended to provide that donations to an independent candidate, whether from an individual or a corporation, are tax deductible in the same manner and to the same level as donations to registered political parties.

#### **Response**

Supported. The Electoral Integrity Act extends deductibility for contributions and gifts to independent candidates and members. The legislation also extends deductibility for contributions and gifts from companies. In addition, the legislation now allows deductibility for contributions and gifts made to political parties registered under State and Territory electoral legislation.

The amendments enable corporate and non-corporate taxpayers to receive deductions for contributions and gifts made to independent candidates and members and political parties registered under State and Territory electoral legislation in the same way that



they can currently receive a deduction for contributions and gifts to political parties at a federal level.

### **Recommendation 53**

The Committee recommends that third parties be required to meet the same financial reporting requirements as political parties, associated entities, and donors.

### **Response**

Supported. The Electoral Integrity Act provides for third parties to complete annual disclosure returns if they incurred expenditure for a political purpose or received gifts over the disclosure threshold which enabled them to incur expenditure for a political purpose during a financial year. The disclosure threshold has been increased to an amount of "more than \$10,000" and is indexed to the CPI. Previously, third parties were only required to lodge disclosure returns for election periods.

### **Recommendation 54**

The Committee recommends that State, Territory and Federal education authorities coordinate their contributions to students' understanding and appreciation of Australia's system of government.

### **Response**

Supported in principle, subject to the outcomes of the current inquiry by the JSCEM into civics and electoral education.

### **Recommendation 55**

The Committee recommends that State, Territory and Federal education authorities increase their financial contribution to enable students in grades five and six to visit the National Capital to further their understanding of democracy.

### **Response**

Supported in principle, subject to the outcomes of the current inquiry by the JSCEM into civics and electoral education. The Australian Government has already increased its financial contribution in this regard in the 2006-07 Budget by providing a total of \$16.3 million over four years to fund the Parliament and Civics Education Rebate Programme. The programme is administered by the Department of Education, Science and Training.

## **Recommendation 56**

The Committee recommends that the Parliament refer electoral education to the JSCEM for further examination and report.

## **Response**

Supported. On 24 March 2006, the Special Minister of State asked the JSCEM to inquire into and report on civics and electoral education.

## **Minority Report issued by Mr Michael Danby, Deputy Chair, Mr Alan Griffin, Senator Kim Carr and Senator Michael Forshaw**

The Government notes the minority report issued by the Australian Labor Party members of the JSCEM. The minority report discussed the recommendations in the main body of the Report relating to proof of identity for enrolment, early close of rolls, postal voting, provision of photographic identification by provisional or general voters, four-year parliamentary terms, voluntary and compulsory voting, compulsory preferential above the line voting for the Senate, how to vote cards and funding and disclosure thresholds. The Government makes no further comment on the minority report.

## **Supplementary remarks issued by Ms Sophie Panopoulos MP**

The Government notes the supplementary remarks issued by Ms Panopoulos, addressing the issue of the four-year terms for the House of Representatives. The Government makes no further comment on the supplementary remarks.

## **Supplementary remarks issued by Senator Andrew Murray**

The Government notes the supplementary remarks issued by Senator Murray which address the issues of political governance, constitutional reform, government advertising, funding and disclosure and other matters. These issues have been raised by Senator Murray on a number of previous occasions. The Government makes no further comment on the supplementary remarks.