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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Conduct of the 2004 federal election and matters related thereto

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**JOINT STANDING COMMITTEE ON
ELECTORAL MATTERS**

Friday, 5 August 2005

Members: Mr Anthony Smith (*Chair*), Mr Danby (*Deputy Chair*), Senators Brandis, Carr, Forshaw, Mason and Murray and Mr Ciobo, Mr Melham and Ms Panopoulos

Members in attendance: Senators Forshaw and Mason and Mr Anthony Smith and Mr Danby

Terms of reference for the inquiry:

To inquire into and report on:

Conduct of the 2004 election and matters related thereto.

WITNESSES

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Committee met at 9.35 am

CHAIR (Mr Anthony Smith)—I declare open this public hearing of the Joint Standing Committee on Electoral Matters inquiry into the conduct of the 2004 federal election. To date the committee has received 174 submissions, many of which were detailed, well-written and self-explanatory. Accordingly, the committee does not need to hear from every person or group that has made a submission. The submissions have raised numerous issues which the committee is examining. While examining some of those submissions, the committee identified a number of issues on which it needs to take additional evidence at this fifth round of hearings in Canberra. We have already had hearings in Dalby, Longreach, Ingham, Brisbane, Tweed Heads, Melbourne, Adelaide and Perth. We have hearings in Canberra today and Monday and in Sydney next Friday. I would like to thank today's witnesses for appearing and to remind you that, although the committee does not require you to give evidence under oath, the hearing is a legal proceeding of parliament and warrants the same respect as proceedings in the House itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence today will be recorded and is covered by parliamentary privilege.

I expect today's hearing will cover a broad spectrum of issues that will require some specialist comment. So that we can proceed smoothly from topic to topic and person to person, we will begin proceedings by inviting all the witnesses to come forward and identify themselves to the committee. Because we have a number of people with expertise or experience relevant to postal voting operations specifically with respect to the 2004 election, we will begin proceedings with the consideration of that issue.

[9.37 am]

CAMPBELL, Mr Robert Ian, Electoral Commissioner, Australian Electoral Commission

DACEY, Mr Paul, Deputy Electoral Commissioner, Australian Electoral Commission

DAVIS, Ms Barbara, First Assistant Commissioner Business Support, Australian Electoral Commission

EVANS, Mr Tim, Director, Election Systems and Policy, Australian Electoral Commission

PICKERING, Mr Tim, First Assistant Commissioner Electoral Operations, Australian Electoral Commission

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HORNER, Ms Philippa, Consultant, Minter Ellison Consulting

O'BRIEN, Mr Denis, Partner, Minter Ellison

CHAIR—Welcome all, and a particular welcome to you, Mr Campbell, in your new role and for your first committee hearing. The committee has received four submissions so far from the AEC—Nos 74, 168, 165 and 172. They have been authorised for publication, with specified attachments to be kept confidential. I also welcome Mr Paul Mansfield. QM Technologies has not made a submission but it has been invited here because of its expertise in postal voting arrangements. Finally, I welcome Mr Denis O'Brien and Ms Philippa Horner, from Minter Ellison. Minter Ellison has not made a submission but it has made a number of recommendations in its inquiry into postal voting administration in the 2004 election. Those are incorporated in the AEC's submission No. 74. I invite Mr Campbell to make an opening statement on behalf of the AEC, and we will then proceed to questions. As I indicated at the start, we will deal with the postal vote issue first. Later in the morning, or perhaps this afternoon, we will move to other issues relating to the Electoral Commission.

Mr Campbell—The AEC is pleased to be here today before the committee to discuss both the operation of the 2004 election and the issues raised in the many submissions to the committee. To date we have made four submissions to the committee. These discuss postal voting and provide an overview of election statistics and responses to questions asked by the committee in public hearings. Officers of the commission have presented evidence at a number of the locations around Australia that the chair mentioned. Hopefully, therefore, the committee has a pretty fair idea of the range of experiences that we bring from the divisional, state head office and central office perspectives.

In opening, I must say that the AEC was very disappointed, is very disappointed and continues to be very disappointed that the 2004 federal election was marred by poor service delivery to some postal voters in a number of parts of Australia. I cannot say it any stronger than that. We accept full responsibility for the failure in the postal vote production process. We regret the

inconvenience, confusion and concern caused to all involved. Obviously that was to more than the voters—it was to all involved—but we have to look forward. We are concerned that it happened, but our minds now have to turn to what we can learn from the failure of 2004. We must strengthen our resolve and our commitment to ensuring that similar events do not happen in future elections.

When preparing for the next federal election, improved delivery of postal voting services will be a priority. This will include a number of things that we have already embarked upon, but it will take some time and will go into next year. It will include examining all the issues of 2004, and I think we will go through a number of those during the course of the morning. They include a risk management plan, a tender process for the production and dispatch of postal votes, detailed implementation planning and improved quality assurance processes with the successful contractor that will come out of the result of the tender process. As I indicated, no doubt we will discuss that more.

Hopefully—probably more than hopefully—we expect that process to provide all stakeholders with confidence before the next election that our postal voting services are reliable and dependable. We will go into more detail in the next two hours. I do not propose to go further into the detail—I think it would be best if it comes out in questions—but, as a result of the submissions that the committee has already received, we have prepared a fifth submission. We have already foreshadowed it to the committee, and it covers a number of the issues that have been raised in other submissions. We have also taken the opportunity in that submission to go through in detail what happened with postal votes in the period running up to the election, as well as the various things that we will put in place in the next 18 months. I will give that submission to you, Chair, and we have brought copies for all members. Lest I be accused of dropping a piece of paper on you without giving members a chance to read it, Mr Pickering and I envisage that, in the questioning and discussion that occurs in the next several hours, we will cover every word that is in that part of the submission. What you are getting is a written version that you will be able to read at your leisure after the hearing; however, we envisage covering everything that is in that submission.

Finally, we bring formally to the attention of the committee two corrections to previously lodged submissions. In submission 3, on page 13, we advise of an incorrect descriptor in a table in our submission No. 1. Finally, in the submission I am about to hand over to you, we advise in page 2 of an error in text on page 4 of our second submission, relating to enrolment figures. They are minor but they are errors that need to be corrected. With that, I will close my opening statement by presenting a copy of our fifth submission.

CHAIR—Is it the wish of the committee that the submission referred to by Mr Campbell, dated today, 5 August, be accepted as evidence for the committee's inquiry into the conduct of the 2004 election and authorised for publication?

Mr DANBY—I second that, with the proviso that you will cover everything that is in here. I am sure members of the committee would like to be able to ask questions in the future if there are things in here we have not thought of.

CHAIR—It is so resolved. Mr Campbell and his people will refer to all the postal vote issues throughout this morning. That will sit neatly with our agenda and it will give members the

morning and mid-afternoon to look through any other issues that are there that look quite broad ranging. I will start with some questions, Mr Campbell. Please defer to any of your colleagues if they are better placed to answer. I start by thanking you for your opening statement and the very candid admission that some things went seriously wrong. The important thing is to look forward to prevent that from happening again. For the sake of the committee, I want to briefly run through some of the things that went wrong so we are all clear and we know the basis on which we are asking the questions.

We have obviously had some first-hand evidence at the locations where things went wrong—in Dalby, Longreach and Ingham. That is specifically why we travelled to regional Queensland. Just so we are clear about the facts, am I right in saying that the major problem was that, when the election was called, the general postal votes—those people who are listed as general postal voters—were always first to go? The mail house began processing them and, as with any mail house processing, a certain percentage were spoilt in the process and the AEC was under the impression that those were being corrected and sent out. What happened at the end of the day was that they were not sent out and it took quite a way into the election campaign—in fact, until the last couple of days—before the AEC realised that and took steps to rectify it. Is that a fair summary of what happened?

Mr Campbell—That is a fair summary of what happened in that period.

CHAIR—Is it fair to say that the majority of the problems were with those general postal voters, which were the first run?

Mr Campbell—That is right, yes.

CHAIR—With the mail houses, there was one contract but two mail houses. Is that right?

Mr Campbell—At this point I might ask Mr Pickering to go through the detail of what happened from those early days through to the last week.

Mr Pickering—Yes, we did have two locations.

CHAIR—One was in Brisbane?

Mr Pickering—No, one was in Sydney and one was in Melbourne. The arrangement was for the contractor to undertake the production of postal vote certificates at both of those locations. We had previously operated out of Queensland with the same contractor in both 1999 and 2001—and that may be where you are thinking of the Queensland production—however, that arrangement was changed. For the 2004 election, we operated from New South Wales and Victoria.

CHAIR—Did the problems with general postal voters not receiving their postal votes occur at one location or two?

Mr Pickering—The problem with the nonregeneration of the spoils that you refer to occurred in one location, in New South Wales only.

CHAIR—In Sydney?

Mr Pickering—Yes.

CHAIR—And it did not occur in Melbourne?

Mr Pickering—No, it did not.

CHAIR—It will not surprise you that some of us here have differences of opinion on some issues, but one thing we are all familiar with is direct mail in one form or another. You cannot do a large direct-mail run without there being a certain number of spoils—that is part and parcel of it, which you would accept—and the issue is how you deal with those. Is it fair to say that, in Melbourne, they were dealt with in a different way if there were not any problems?

Mr Pickering—That might be something that QM can answer.

CHAIR—I do not want to ask too many questions about this. I want to open it up to my colleague the deputy chair and to Senator Forshaw and Senator Mason. Obviously the mail houses were contracted, but the AEC was responsible in an overarching sense. Did you have personnel at each of those locations throughout the campaign?

Mr Pickering—Yes, we did. We had quality assurance officers located at both of those sites. We had two officers on, with one looking after each of the sites, with one officer on duty at any one time.

CHAIR—What was their task with respect to the spoilt direct mail-outs? Let me put it in simple language: normally, if you put 1,000 through, one or two per cent might be destroyed. They would end up in a box or a pile and there is some way of reconciling those against a new print-out. I assume that the AEC was overseeing that?

Mr Pickering—Yes, that was the plan. The quality assurance officers had procedures that incorporated management and oversighting of the spoils regeneration, but it was dependent upon a report that would be provided by the contractor at each of those sites to enable them to manage and see documentation of the spoilt batches being regenerated. That was unable to be done in the first few days of the Sydney production, and that was where the problem occurred. It was a different case in Melbourne, where there was a master run-sheet. The quality assurance officers were able to check the production run and the spoils being regenerated, and we did not have any problems at that site.

Senator MASON—I am trying to follow: why wasn't it possible to do it in Sydney?

Mr Pickering—It was stipulated by the AEC to the contractor, but it was not ready when the election was announced and the production commenced. You might wish to ask QM about that.

Senator MASON—So it was part of the stipulation, but it was not contractually complied with?

Mr Pickering—That is correct.

CHAIR—We might pursue that. That is a good point. I have just a couple of general questions. There was a problem in Sydney. Mails with ballots were spoilt and they were not replaced and sent out. The evidence we have heard is that, after a short period of time, general postal voters in the affected areas were aware there was a problem by virtue of the fact that they are postal voters at every election. Because of their remote location or disabilities or other factors, they knew that things were running a bit late and they began calling the AEC. There seemed to be a bit of a breakdown for most of the election campaign. When you discovered something was wrong, how did you reconcile it? Let me be blunt: did you find a big box of them somewhere?

Mr Pickering—We queried the contractor about the reconciliation of the Sydney site. The initial advice from the contractor was that all the postal vote certificates had been produced and dispatched. We received advice on the Thursday before polling day that that was not the case. They had identified, through a review of their production process, that a batch of spoils had not been regenerated. I want to stress that this is not trying to apportion total blame onto the contractor. The AEC accepts full responsibility for the failure of the quality assurance measures that we had in place. What we have learned for the future is that it cannot stop with the quality assurance procedures. We need to have backup procedures of those quality assurance procedures if the relevant documentation that is required in the contract is not there. So they are things we can talk about with regard to moving forward.

CHAIR—I acknowledge that and welcome that. That was certainly in Mr Campbell's opening statement. Let us go through the process so we know the basis. On the Thursday—after general postal voters had said they had not got their ballot papers—the AEC, through whatever argy-bargy went on over those three or four weeks, realised there was a problem and there needed to be a special executive council to allow you to issue the ballot papers?

Mr Campbell—I will make one comment, and Mr Pickering might elaborate on it. There is another issue that might help to explain why it unfolded in such a tortuous way. There is no doubt—as you heard at a number of the Queensland hearings in particular—that we were getting phone calls from a lot of people about nonreceipt of general postal vote forms. It turns out that, in addition to the spoil problem that you and Mr Pickering have just discussed, the production and dispatch of general post voting forms was slower than anticipated. So, in those several weeks, there were a large number of phone calls—I do not have the numbers but my colleagues might be able to quantify—from people in two categories. Both of them were making the general comment that they had not received their general postal voting application form. Most of those were affected by the slowness of production but, unfortunately, 1,800 were affected by the spoils issue that you are talking about.

CHAIR—So you are saying there was a general delay, which you would say masked—

Mr Campbell—'Masked' may be too strong a term.

CHAIR—It gave you less reason for concern.

Mr Campbell—No, that is the point: it gave us great reason for concern. In effect, though, it was concern about one issue, not two,

CHAIR—So you were focusing on the fact that there was a delay, which was the bulk of the calls you were getting.

Mr Campbell—All the calls we were getting ultimately came into a delay basket. In effect—and it goes through in our earlier submission—because we had been told that the spoils had been done and we were not aware of the way that Australia Post and the Sydney printing area were working, and because we had this widespread issue across the country, we thought the calls were about delays. This is no excuse—we are not here making excuses; we are just trying to explain how it happened—but the spoiled electoral papers were in 24 of the Queensland 28 divisions. So the 1,800 were spread over 24 divisions.

CHAIR—Could I stop you there. Whilst that would undoubtedly be the case, there would be more in certain divisions than others by virtue of the fact that farmers in remote locations are generally postal voters.

Mr Campbell—Some divisions have a greater number.

CHAIR—So you would have had a handful in some.

Mr Campbell—Maranoa, I suspect.

CHAIR—Yes.

Mr Campbell—The reason I mentioned the 24 out of 28 is that we knew we had a general slowness issue but, because they were widespread, it was harder to pick up. The point that you are putting back to me is that Maranoa is a good example, and maybe we should have looked more closely. As I stress, that is not an excuse. We are not making excuses here; we are trying to explain it so we can use that next time to work out where our QA process should be enhanced.

CHAIR—I am glad you have raised that point.

Mr DANBY—Before you go on, I have a technical issue. Mr Campbell, were you deliberately referring just to general postal votes being slow and spoilt or was it all postal votes?

Mr Campbell—No, it was all postal votes.

CHAIR—That is a good point. So we get to the Thursday and, for the first time through the election, everyone agrees there is a problem. Was a special executive council required?

Mr Campbell—Yes, there was.

CHAIR—It was so people would get those postal votes. That was required because they would have got them after the election, on the Monday or the Tuesday. That all happened but, even then, there was a minor problem where 100 or so Queenslanders got New South Wales Senate ballot papers. So, when they finally got their ballot, they got the right House of Representatives ballot but they got a New South Wales Senate ballot.

Mr Pickering—That is correct. That occurred within the AEC. That was not a responsibility of the contractor.

Mr Campbell—It was related because it was done manually at the end, but it was unrelated to the first error. It was a completely different error. Do you wish Mr Pickering to go through how that error arose?

CHAIR—No, I think we will come to that in questioning. I just wanted to ascertain the fact that that had happened. So, for the first time since Federation, the mighty state of Queensland got to vote in the New South Wales Senate election.

Mr Campbell—I do not know about the adjective ‘mighty’ but certainly it is right about Queensland.

CHAIR—A hundred of them.

Mr Campbell—No, Chair, only 12. Ultimately only 12 voted with the New South Wales ballot paper.

CHAIR—This is my last question. What will you do differently next time with regard to on-the-ground mail contractors? Whoever your staff are, what will they do on a day to day, hour to hour basis to check that this does not happen again?

Mr Pickering—We are looking in the future at a more holistic way than just looking at the process of the contractor. We are trying to look at the areas where there were failures. We say that a failure occurred in that we were not proactive enough with our stakeholders in the lead-up to this particular problem. One of the things that we propose to do in the future is to improve the communications with those stakeholders and to be more proactive in that process. I will come to this in a minute, but it goes right down to identifying the status of production runs so that interested parties are aware of exactly where their lodgment details are up to.

We will also undertake a thorough risk analysis of the process. We will develop contingency plans for the future so that we know the particular shortfalls in our current quality assurance processes. We will review that from the beginning right through to completion. Since our first meeting, we have undertaken a Werriwa by-election with the same contractor. Prior to that run, we did a full risk analysis of the by-election procedures. We incorporated the quality assurance processes and risk mitigations associated with that, and we did not have any problems whatsoever with the Werriwa by-election. So we feel that that process is a valuable step forward.

On the issue of the management of the production run, before we get to that stage we need to recast the request for tender documentation and clearly identify some of the recommendations of the Minter Ellison report relating to expected service levels. We need to make sure that we test potentially successful contractors’ ability to meet the capacity and throughput that we require.

CHAIR—I am sorry to cut you off. Specifically, in very simple terms, we want to know what the AEC staff will do in two-and-a-bit years time when an election is called and we will go through all of this again. Next time, when the AEC staff go to the mail house on day one, what

will they look for? How will they audit this? Whilst it is a big production, at the end of the day it is essentially a pretty simple checking process. What will they do differently—physically?

Mr Pickering—Next time there may well be more sites than we experienced in 2004. That is the first point. The second one is that we will provide more quality assurance staff than we have in the past. The reason we used the numbers we did in the 2004 election was that that was the number we used in 2001 and it went faultlessly. So we were working on a false assumption that that was an adequate number.

CHAIR—So, next time when the AEC staff are there, am I right to assume that on day one they will ask: ‘Where is the list of those ballots that have gone out? Where is the list of those that were spoilt? Where is the physical evidence of those?’ They will sight them one by one. They will then sight their replacements one by one, they will ensure they are sent out and presumably they will destroy the spoilt ballot papers.

Mr Pickering—In a nutshell, that is correct. What we propose to do is to ensure that each record has a unique identifying number on it. That was stipulated in 2004 but was not put in place in time for the 2004 production run. It made the process much more difficult in the reconciliation. We will ensure it is in place and tested prior to the next election, and it should do what you have just outlined.

CHAIR—That is great. This is my last question before I call on the deputy chair. Will there be anything internally with respect to liaison with your divisional officers? The reason I raise that is, whilst the AEC has rightly copped a lot of criticism for what can only be described as a stuff-up, the evidence we have had right across Australia is that your divisional officers operated very effectively and were aware of this problem way ahead of the AEC centrally. In fact, in Queensland the evidence was that there was a great deal of frustration. With the benefit of hindsight, it seems that you have a great resource on the ground in terms of picking up problems first. That was just an observation and a part-question too, I suppose.

Mr Pickering—The divisional officers did a fantastic job during the 2004 election. They received some of the complaints that were coming in about non-delivery, but they may well have misread the signal—as we did in Canberra, as the commissioner just outlined. There were the two issues running. There was not a divisional returning officer in Australia who knew about this other issue that emerged on the Thursday before polling day. They were all thinking the same as we did—that it was slow coming out. It was very frustrating not only for them but also for us.

Mr Campbell—Perhaps I could add two thoughts to that, but they are related thoughts. Mr Pickering said—and this might be drawn out in questions—that the stakeholders are very important. In reading the transcripts of your Queensland hearings I think it is obvious that some of the general postal vote people were quite frustrated about the information they were getting back when they rang. I can understand that but, from my side of the fence, the one thing we need to do for the next election is to be a little more discerning and discriminating when we receive complaints. In a sense we probably fell into a trap of knowing that we had a major issue, which was the slowness, and therefore assuming that everything that came in related to that. With respect to drilling into the stakeholder issue that Mr Pickering raised, that will be very important for us in our interaction with individual voters and with candidates’ offices when they ring up and make the point.

The second issue I raise is something that we need to work through, but I raise it because of your comments about the DROs. It also comes out of some of the Queensland hearings. A number of people who made submissions and gave evidence quite forcefully pointed out that some regional areas of some divisions do not have mail services every day. I do not want to use the word 'irregular', but they have only one or two mail services per week.

CHAIR—And that is with no inclement weather.

Mr Campbell—Sometimes those mail services go by something of a circuitous route around Australia. They do not just go from one post box to another; they go through regional centres. We are taking account of that. One of the things we will be working through—so I cannot give you the answer—apart from how we handle call centres and having people in call centres know where a particular locality is and whether or not it is classified as very remote, is how we might be using the divisional office to distribute some of those when we know that the mail services are not as regular as they might be in metropolitan Australia.

CHAIR—You could do that well ahead of time.

Mr Campbell—With rural seats that have this issue of a large number of GPVs who are not in towns or provincial cities but in rural and remote areas, one of the propositions we are looking at is whether or not we split them out from the central posts and do them with the local process or whether we enter into some other mailing arrangement with them so they do not go through a convoluted process of going through two provincial centres beforehand. It is too early to say exactly how that will work out, but we have that as a process, and we are already starting to look at which of the divisions might fall into that category.

CHAIR—Mr Pickering, you mentioned that you would have individual identifiers on the mail next time, which sounds like a step forward. If somebody rings in and says, 'I've applied for a postal vote but I haven't got it yet,' will you have a capacity with your call centres to say, 'The application has been received and it was posted yesterday,' or 'It's been received and it is expected that it will be posted in two days'? The reason I raise this is that it is something that is pretty common nowadays. The masochist side of me keeps me renewing my membership with the Carlton Football Club, for instance. I always send off the cheque at the end of the year, and I ring up and they say, 'Yes, we have received it. Your card is being processed; you'll get it next week,' or 'It was mailed yesterday.'

Mr DANBY—That is better than St Kilda; they take my money and do not send me the card.

CHAIR—There you go. It is a pretty basic sort of thing. I am just wondering whether you have that capacity next time, because that might ease a lot of the concerns.

Mr Pickering—Yes, we do have that proposed. That was one of the points on the way forward that I was going to outline. We are having meetings with Australia Post to identify lodgment frequency and service delivery locations and include that in our databases. We also propose to enhance our automated postal voting information system to identify and log the dates of lodgment, and that will be available to our call centre operators and to our divisional staff to be able to answer in a much more pointed way.

CHAIR—Good. So someone would ring and say, ‘Here’s my name; here’s my address.’

Mr Pickering—That is right. I should add that we had information that they were able to access that said when we received it for the 2004 election, but that was not good enough. When we received it, the problem we were encountering, which the commissioner has just gone through, was that the slowness was with us. So while the postal vote application was with us—

CHAIR—But, just to be clear, that is a separate problem from the one we have been talking about for 45 minutes, isn’t it? The general postal voters do not apply; they have preapplied.

Mr Pickering—That is right. But sometimes a lot of the call centre queries that come in are related to people who are about to go on holidays and may well have put postal vote applications in. I was just broadening the discussion. The bottom line is that the systems will have the capacity to identify the date of lodgment, and that will be very useful for answering queries at the call centre.

Senator MASON—My question relates specifically to the chair’s question; I just want to get this right. Are you saying that with general postal votes in the future you hope to be able to track the progress of each individual ballot by the use of an individual identifying number?

Mr Pickering—If we need to, but we will still be using batches, because that is the most efficient way to process large numbers of mailing documents. But within that document there will be no repetition, so if a particular batch number is lost or records within that batch need to be regenerated there will not be the capacity for any problems like drawing on a wrong file for squirting on the address of that particular record. So it is an issue that increases the integrity of the mailing process.

Senator MASON—If there is a Mr and Mrs Smith living at a property in Maranoa, can you say to them, ‘Your ballots were sent on such and such a date’? Can you be that specific?

Mr Pickering—Yes, we can.

Senator MASON—So it is right down to the individual.

Mr Pickering—Yes. If their information is in the automated postal voting information system, we can drill down and get that information.

Mr DANBY—Mr Campbell commented on the slower distribution of the GPVs and postal votes. Mixed up with these spoilt ones from the Sydney mailing house that obviously caused a problem, how many general postal votes did you have before the election was announced? How many forms had you planned to mail out from Melbourne and Sydney?

Mr Pickering—There were 132,000 GPVs in our system when the election was announced.

Mr DANBY—So the plan was that the Melbourne and Sydney mailing house would do bits of the 122,000 that were mailed out to all of Australia as soon as the election was announced.

Mr Pickering—They are the postal votes that take priority in the whole process.

Mr DANBY—Quite sensibly, because you have them in the system.

Mr Pickering—It should be pointed out that no postal votes can be generated until nominations close. One of the things that we learnt in this experience in 2004, with a week extra in the election period prior to nominations closing, was that postal vote applications keep pouring in. That is not to say that GPVs could not also still be completed and applied for during that time. So we started production on the Sunday after we got the printed Senate ballot papers.

Mr DANBY—With the 122,000 GPVs, what are your criteria for ‘slow’? Did you expect them to be out in the first week? You must have had your own guidelines and been a bit disappointed with what happened.

Mr Pickering—Yes, we did. We expected them to be out by the end of the first week. And it is 132,000.

Mr DANBY—Fine. What ended up happening? It took two weeks.

Mr Pickering—Yes, it did take until towards the end of the second week before the backlog that we have been talking about was cleared.

Mr DANBY—Was that because of a problem with Australia Post or because the production took longer? What happened?

Mr Pickering—There was a range of problems. There were plant production problems, which you may wish to talk to QM about, in Sydney. There were no problems, which I was aware of, in the Melbourne production site. But there were also—

Mr DANBY—That will be very good for conspiracy theorists from Queensland who thought there was a special plot in Melbourne against them.

Mr Pickering—There were some delays in the production in getting the raw materials to the production sites. There were also freight issues between the Melbourne and Sydney plants.

Mr DANBY—What was your division of labour between the Melbourne and Sydney production plants? Why did you have two?

Mr Pickering—That might be a question for QM because that was put in the proposal that came back to us.

CHAIR—We might save that until later because we will be talking to QM and Minter Ellison separately.

Mr Campbell—We might have a simple answer to that.

Mr Pickering—It was our call as to how many plants the contractor operated with. We decided on two in good faith, thinking that would have a number of benefits. The first one was that it would put through twice the production of one site. The second one was that it gave us a

backup site in case of a disaster at one of those sites. So it was quite a logical decision for us to go for two sites.

Mr DANBY—I probably should address this question to Mr Pickering because it is more historical than current. Previously in the 2001 and 1998 elections you used outsourced mailing houses like this?

Mr Pickering—We used the same outsourcers.

Mr DANBY—And the same two plants or just one?

Mr Pickering—No, QM Technologies has a number of sites and we used the Queensland site—

Mr DANBY—In both 2001 and 1998 elections?

Mr Pickering—No, in 1999—the referendum—and the 2001 election we used QM Technologies for this process.

Mr DANBY—Were there any problems previously with postal votes or other problems with the referendum or the 2001 election?

Mr Pickering—No, there were not.

Mr DANBY—So you had the belief that this would go ahead quite smoothly, as it had in the past. What did you do prior to that? Were the DROs responsible office by office for getting these applications out?

Mr Pickering—You have heard in evidence the terms ‘central print’ and ‘local print’. The central print is what we have been talking about for the last hour—the idea of a central production process. The local print is the descriptor used for the postal votes produced at divisional offices and prior to 1999—1998 and before—the divisional offices did all the local print.

Mr DANBY—And it would be up to them to get the local printer and get their list of GPVs off to their local GPVs in the constituency?

Mr Pickering—No, it was actually a manual process undertaken in the divisional offices with a smaller—

CHAIR—They would physically print out the letters and package together—

Mr Pickering—Yes, and with all the vagaries of human failings going on with that particular process as well—

Mr DANBY—And some officers would have been better at it than others, and all of those kinds of things.

Mr Pickering—Yes, and there would have been a great differential in workload even back in 1998. There has been a growth in postal vote applications since 1998 until now and we expect another growth—

Mr DANBY—And that is where I was going. I suppose the fact that the trend in postal votes overall is increasing is driving the use of mail houses and outsourcing and taking it out of the divisional returning offices. That is correct, isn't it?

Mr Pickering—Yes, that is correct. If the trend continues we are expecting that between 900,000 and one million postal votes will need to be processed at the next federal election.

Mr Campbell—That would have to have a qualifier though, because the last election was held in a time of school holidays in several states and of course school holidays will impact upon the number of postal vote applications we have.

Mr DANBY—So it might have been slightly exaggerated last time—

Mr Campbell—I suspect it is the worst case scenario next time—

CHAIR—There are two ways of looking at that, aren't there? One is that the total numbers are increasing, and there is a range of factors for that. The other is that of the 150 seats, while there is going to be some disparity, the range we are talking about is between the few thousand and perhaps 10,000.

Mr Campbell—Ten thousand or 11,000—

CHAIR—I think that in my electorate there might be 5,000 or 6,000 postal votes. Mr Danby would have more. It is just the nature of his electorate—

Mr Campbell—I think that Maranoa might have the most.

Mr Dacey—There are approximately 12,000 in Maranoa, for example. That is probably the highest in the country.

CHAIR—But in the whole scheme of things, compared with other mail-outs that occur at election time, 12,000 over a couple of weeks is certainly not exceptional. I do not want to put motives on Mr Danby but it is the sort of thing that he would probably do over a weekend three or four times during an election. A whole electorate mail-out is generally 50,000 addresses and, in terms of the technology, that is now available—it certainly was not, I would accept, 10 years ago—

Mr Pickering—On that point, we have had some recent experience. In the Werriwa by-election, we undertook a large amount of local print—that is, the printing was undertaken in the divisional office. There were 5,129 postal votes lodged in the Werriwa by-election, of which 3,344 were local print—that is, there were around 3½ thousand postal votes undertaken in the divisional office, which required the printing of preformatted envelopes and the House of Representatives ballot paper, which is perforated for security purposes, and the insertion of instructions and a return envelope. We have anecdotal evidence that the volume in the division

of Werriwa caused the printers to start smoking under the workload. That was just on the basis of throughput with the existing IT equipment in the AEC's divisional offices at the moment. Of course, if the resources were to change, it would be a different ball game.

Mr Campbell—There is obviously an issue here about the extent to which we have central printing versus local printing.

Mr DANBY—And it is also about the volume of your business.

Mr Campbell—That is right. The Melbourne operation worked perfectly last time, as did the Queensland operation on the last two occasions. The other issue is the workload placed on the divisional office once the election has been called. They have to gear themselves up with polling places, pre-polling places, staff for the day, training of staff, the dispersion of materials and all those sorts of issues. So it is not as if the divisional offices do not have a significant workload in the weeks leading up to election day. We have a mix between the possibility of human error, with people enveloping, and the possibility of mechanical error or a failure of QA processes. I suspect that the risk of human error—and these are risk management issues that we have to address in the commission—will be greater than the risk of QA failures, even though one QA failure has been extremely embarrassing for us.

Mr DANBY—I want to go back to the general issue that I think is driving all that—that is, the increase in postal votes. Do you know how many postal votes there were at the 1998 election, the 1999 referendum, the 2001 election and the 2004 election? I know from the previous testimony of AEC officials that the trend is upwards.

Mr Campbell—I think most of the figures are in one of our earlier submissions. I do not have the number for the 1999 referendum. In 1996 there were 414,163, in 1998 there were 606,991, in 2001 there were 567,000—

Mr DANBY—So there is a drop there?

Mr Dacey—Yes.

Mr Campbell—There is a drop there.

Mr Dacey—There were school holidays in 1998.

Mr Campbell—So, in effect, there is a trend, but 1998 exaggerated the trend because of school holidays. In 2004 there were 774,071.

Mr DANBY—That was also school holidays.

Mr Campbell—Again, we may have a school holidays seasonal blip in there.

Mr DANBY—And you are anticipating that this might go up to between 900,000 and one million votes?

Mr Campbell—In a worst-case scenario, on trends, yes. My guess is that it will not be that high. I suspect that we are having a trend within Australia towards absentee voting in one form or another.

Mr DANBY—Do any of you have an idea of the components of this? Is the GPV rate going up at the same rate or faster? I am talking about the permanent postal voters. Is there a marked disparity or is it generally similar? I do not want anything too specific; I just want to understand who is behind all of this. For instance, at the last election, of the 774,000 postal vote applications, you had 132 in the bag as GPVs.

Mr Campbell—I will go through the other four elections. For 1993 there were 40,775 GPVs. Sorry, we will start in 1996. In 1996 there were 51,512, in 1998 there were 62,677 and in 2001 there were 109,817. So, if you have a look there, between the elections of 1998 and 2004 there has been a bit over a doubling of GPVs.

Mr DANBY—It looks like it was about a bit over 10 per cent in 1996 and it is a lot more than that in both the 2001 and 2004 elections.

Mr Campbell—In effect, just over 100 per cent over two elections.

Mr DANBY—That is interesting in itself.

Mr Campbell—My colleagues point out to me that that in some measure would be related to the fact that we now have an ageing population. Obviously, for aged people, general postal vote applications are very important.

Mr DANBY—I may be wrong, but I seem to have picked up an attitude from some of the AEC submissions in your presentations previously that the AEC has some doubts about the trend towards postal voting. Is that overstating it? I also picked up—and I am not being critical of you for this—that you thought that federal parliamentarians collectively were partially responsible for this by driving the postal vote application process?

Mr Campbell—If you look at the submissions we have lodged in recent times, that theme does not come through. There is no doubt that postal vote applications are coming to us from a number of sources, including political parties. But ultimately what we have to do in an election time frame and a pre-election time frame is administer an election system so that people can get to cast their vote before the closure of polls at six o'clock on the day of voting. The system allows for various forms of absentee voting, and we will administer a system that has those. If you or your colleagues in other parties are doing something that might end up having an increased number of applications of postal votes generally, we will manage and work within that. I make no observation about whether you should or should not be doing it; we work within the system and the system allows that.

Mr DANBY—Maybe my observation was wrong. Again, I notice in the submissions the fact that there were only, I think, 65,000 Australian voters who voted by postal vote who were overseas, but there are some 800,000 people overseas—and I am not sure what the definition is for them being Australians who live overseas. If the parliament were to ask you to increase the number of Australians overseas who are able to participate in the electoral process by getting

themselves registered for postal votes long beforehand, that would make your problem of the increase in postal votes worse. Are those figures of 65,000 overseas voters and a potential of 800,000 right?

Mr Dacey—I am not sure about the potential 800,000. Sorry, I have just been informed that that is an ABS estimate of the number of Australians overseas, and my understanding is that the 65,000 is correct.

Mr Campbell—But of course a number of people who are overseas vote at high commissions. For example, our largest polling booth in a federal election is actually the High Commission in London, where I think we have some 20,000 people cast votes.

Mr DANBY—Does the Electoral Commission have any ideas on how people who live overseas could vote via a postal ballot?

Mr Dacey—I am not sure what you mean.

Mr DANBY—Of those 800,000, how would people registering themselves as a GPV in their electorate say, 'I want you to send my postal ballot from the Australian Embassy in Brussels to Bergen op Zoom'?

Mr Dacey—That would certainly be possible if being overseas were one of the criteria for being registered as a general postal voter. But you would still face the same issue of the delays in mail, particularly mail to overseas. I would suspect that many of those people overseas would not be included in that 65,000 who voted, because many of them, for example, might have just gone overseas and have voted before they left, or they might have applied directly back to our divisional offices for a postal vote. The figure of 65,000 I think is the number that availed themselves of the voting facilities we set up in overseas missions. So, of a total of 65,000 people who voted from overseas or who use our overseas facility, 52,000 had pre-poll votes, meaning they went to one of our sites in one of our missions overseas and filled out a pre-poll vote. The remaining 13,000 had a postal vote through one of the missions overseas. But 52,000 presented in person overseas.

Mr DANBY—By the way, I do not want to alarm you. I am not suggesting that the AEC devote huge resources to driving the vote up from 65,000 to 800,000 and capturing all of these spare Australians via postal votes. That would be enormously complicated. But Australians, if they are aware of it, can get a postal ballot?

Mr Dacey—That is correct. They can get one either directly back through us or through any of our missions. We have about 100 missions operating overseas. Of course, many people overseas are remote from those missions, so it is difficult.

Mr DANBY—How does it work? Do you send a ballot via the embassy or is it redirected from Australia? What happened with the 13,000 postal votes?

Mr Dacey—The 13,000 postal votes would have come through the missions. I would imagine that Australia House, for example, would have had several thousand people who were living in

the UK apply to London for a postal vote. London would have posted that out to them in, say, the north of the UK and then that person would send that ballot back through London.

Mr DANBY—I think the ABS statistic of 800,000 Australians is probably very wide. What evidence do people have to provide to get a postal ballot via a foreign mission?

Mr Dacey—That they are absent from Australia is sufficient evidence for them to have a postal vote.

Mr DANBY—And then the AEC check that they are on the roll?

Mr Dacey—That is correct. They are declaration votes, so the votes are sealed inside declaration envelopes, and those checks are made on the roll back in Australia before those votes are admitted.

Mr DANBY—That leads neatly to my next question, which Mr Smith was anxious that I ask as well. We have had a number of submissions to us from individuals about the last postal vote application not being as good as previous ones from the point of view of privacy. Mr Campbell, do you or any of your officials have any views on that?

Mr Pickering—Do you mean the postal vote certificate?

Mr DANBY—Yes.

Mr Pickering—We have wrestled with the particular issue for a number of elections—and we refer to it in our submission—of whether or not to use a double envelope. Without going into the detail, it is a matter of trying to find a compromise between maximising the admission of votes that may be placed outside the declaration envelope and inside the outer envelope, which is informal under our current legislation, and the privacy issues of the elector concerned. If we use a single envelope, which we did in the 2004 election, the number of rejected ballot papers is far lower than when we have used a double envelope arrangement. That is the problem that we are faced with. If we use a double envelope, under the current legislation, if electors do not follow the instructions and put both ballot papers inside the internal envelope, we run the risk of a higher number of rejected, mainly Senate, ballot papers.

Mr DANBY—Can you tell us what you do if they get it wrong and leave their ballot paper outside the sealed envelope and it is therefore invalid?

Mr Pickering—Yes. The current legislation does not allow admission of votes that are outside the declaration envelope.

Mr Dacey—At the 2001 election, when we used double-enveloping, approximately 10 per cent of postal ballots were spoilt in that way.

Mr DANBY—So they could have been valid votes but because they were not inside the declaration envelope they could not be counted?

Mr Dacey—Absolutely, and quite often it would be the larger paper, the Senate paper, which was outside the inner envelope and inside the outer envelope, but because it is not in the inner envelope we cannot accept those votes under the current legislation.

Mr DANBY—Can you quantify that please? It was 10 per cent of what?

Mr Pickering—These details are in our third submission in tables No. 4, 5, 7 and 8 on pages 16 and 18.

Mr DANBY—What do they show?

Mr Pickering—They show the number of missing House of Representatives ballot papers by election, over the range of elections. It also shows the trend that Mr Dacey just outlined and the number of missing Senate ballot papers. So it shows figures for those two papers and the trend that occurred with those.

Mr DANBY—The trend was upwards, therefore you decided to solve it at the 2004 election by going to a different system?

Mr Pickering—Exactly. Just to give you an idea and as an example, for the Senate ballot papers in 1996, when it was not double-enveloped, we had 2,429 ballot papers missing. In 1998, when double-enveloping was first introduced, it rose to 26,113. In 2001 it went to 34,271. You can see that it was an issue that we had to address. Going back to the single envelope in 2004 dropped that number down to 2,387. So it was successful on that front, but we did get a rise in complaints on the privacy issue, and that is the issue I raised before.

Senator FORSHAW—Could you define again what ‘missing’ means?

Mr Pickering—‘Missing’ means that it is not inside the declaration envelope.

Senator FORSHAW—Right, but it could be in the outer envelope. Does it also include ballot papers that are not returned—say, they send their House of Representatives one back but not the Senate one?

Mr Pickering—Yes, it does.

Senator FORSHAW—So it is a total figure?

Mr Pickering—Yes, it is.

Senator FORSHAW—Do you have statistics—you can point us to the submissions if they are in there—about the number of non-returned ballot papers from postal votes?

Mr Pickering—I will find out for you. We will have to take that on notice.

Mr Campbell—I would say that in taking it on notice we might have to be very careful, because some people who do not return ballot papers vote in other ways.

CHAIR—It is a good question that Senator Forshaw has asked. Please take it on notice. If you have it today that would be useful, but if you do not we can have that as part of our report consideration.

Mr Campbell—We might have a clarification there about the number who vote in another way.

CHAIR—For the sake of clarity, why don't you take Senator Forshaw's question on notice today and give us as much comprehensive data and breakdown as possible. That will be the easiest way. We can get that next week. There is no problem.

Senator MASON—Before I move to postal votes, I have some questions on the issue raised before about privacy. I was wondering, Mr Pickering, whether the idea of an individual identifying number for each ballot paper, with an improved capacity to track individual ballot papers, would in fact make the privacy issue worse in future. That may make the casting of votes less private, potentially, or at least of greater concern to the public. What do you think about that?

Mr Pickering—I think we are talking about two different issues. When I was talking about unique identifiers, it was actually to do with the management of a production run of postal votes, certificate envelopes and the rest of it. It had nothing to do with the ballot papers or the postal vote certificate. There will not be any numbering or whatever on those. This is a management tool that is used in the production of large volumes of mailing documents as a check indicator from start to finish of where something is. It is a tracking—

Senator MASON—Like engineers have when they follow processes bit by bit and check where particular things are. I am a lawyer; I do not understand how it is done, but I think I can follow that. So the bottom line is there will not be increased problems with privacy with an improved tracking process for the distribution of postal votes?

Mr Pickering—No, and I was talking about the solution to the privacy issue being the double-envelope process, but legislation does need to be considered to allow envelopes in that outer envelope to still remain in the count if that figure is to come back down to something reasonable.

Mr Campbell—Perhaps it would help if I encapsulated it in one or two sentences. It is tracking until the ballot package is dispatched through the post. We track it in our system, but once it gets into the postal system the tracking stops. That is probably the best way to describe it. It is a bit like your engineers analogy: it tracks the pertinent part of the process and then the tracking stops and we cannot follow it after that.

Senator MASON—Thank you for that. I have a few questions, if I might, on postal votes and what happened in Sydney and Melbourne—or Sydney in particular. I think you gave evidence that in the 2001 election and in the referendum there had been no problems with this contractor. Is that right?

Mr Pickering—That is correct.

Senator MASON—Regarding the 2004 election, I think you mentioned in your opening statement that they had breached their contractual obligations in this case. Just remind me, Mr Campbell, what was the issue of QM failing to deliver on the—

Mr Campbell—Mr Pickering might be better placed to give you the details of how they did not report and what happened with the spoils.

Mr Pickering—There were a number of things that came out in the Minter Ellison inquiry. One of those was our stipulation of a unique identifier. That was not introduced in that particular process. The second thing was the identification of the fact that a run summary sheet or master run sheet at the Sydney production site, in order for our QA people to be able to do a balance, was not produced. That is in summary.

Senator MASON—And I think you said that there were two AEC quality assurance officers for both Melbourne and Sydney—one on at each time.

Mr Pickering—That is correct.

Senator MASON—And you thought that was sufficient?

Mr Pickering—In hindsight we think that that number needs to be bolstered. That is what I spoke to the chairman about as being the way forward. However, we were basing our decision to have two people on our positive experience in the 2001 election, when we had two QA officers. We were not expecting it to be a 24-hour continuous process either; we were expecting the backlog to be cleared, as we said earlier, in the first few days. So there would have been a bit of a hump and then a standard next-day turnaround, as we proposed, but that did not turn out to be the case for those two weeks.

Senator MASON—For how many hours a day, initially, were QM operating? Did you say 24 hours a day?

Mr Pickering—Yes, they were operating 24 hours in Sydney and several eight-hour shifts in Melbourne.

Senator MASON—And you had just two AEC QA officers in Sydney covering the 24-hour shifts?

Mr Pickering—That is right.

Senator MASON—And you thought that was sufficient?

Mr Pickering—The intention was that they would not be working 12-hour shifts. That was the manpower planning arrangement that was put in place. As it turned out they were working 12-hour shifts. These people were trained and were advising their supervisors that they were handling the particular process. It was a very hectic time, as you can imagine, and that was let run.

Senator MASON—But the QA staff realised there were problems, didn't they?

Mr Pickering—Yes, they did, and they were reporting to us on a regular basis. But the problem they related to us—

Senator MASON—Can I ask about the process? Let us talk about the QA staff in Sydney for the moment. They reported back to the central office in Canberra?

Mr Pickering—Yes.

Senator MASON—Whom did they report to? I do not need to know their names.

Mr Pickering—They reported to our operational section in Canberra.

Senator MASON—What concerns did the QA officers express?

Mr Pickering—At the Sydney office?

Senator MASON—Yes, at the Sydney office.

Mr Pickering—In general, it was the slow throughput of the backlog. That was the main thrust coming through and that was the reason for (a) our concern and (b) our thoughts that this was the basis of the queries coming in through the call centre.

Senator MASON—Just remind me again what section that was of the AEC?

Mr Pickering—It was the operational section.

Senator MASON—From the operational section was that concern passed up to the executive—to Mr Campbell or to you, Mr Pickering? What did you understand at the time?

Mr Pickering—Yes, I was acutely aware that the postal voting process was not clearing the backlog as quickly as we had planned. I was very concerned about it and I was advised that there were a number of reasons for that but that they were surmountable and that the backlog would be cleared. This is where we come back to the 24-hour production process. The situation was such that in order to clear the backlog we were forced to do many more 24-hour shifts than was originally planned.

Senator MASON—Did you ever call QM? Did you or any member of the executive ever call QM directly and ask what was going on?

Mr Pickering—Members of the executive did liaise with QM but it was not me.

Senator MASON—And they were echoing the concerns that you just raised, about the backlog? I do not want to put words in anyone's mouth.

Mr Pickering—Yes, the director of the election operations section was in contact with QM, as was the senior executive in charge of that area. He flew to Melbourne and had a meeting with QM.

Senator MASON—In Melbourne?

Mr Pickering—In Melbourne, towards the end of the second week—on 27 September.

CHAIR—A lot of these dates are in my memory but 27 September is not. The election was 9 October.

Mr Pickering—That is correct. It was the second Monday of production.

Senator MASON—How many days was that?

Mr Pickering—We started production on Sunday of the week before.

Mr Campbell—On Sunday, 19 September.

CHAIR—The election was called. The campaign was a week longer than normal. Nominations closed—

Mr Pickering—They closed on about 15 or 16 September.

CHAIR—They closed on a Friday; I remember that well.

Mr Campbell—We started printing on Sunday, and by the Monday week—so in effect it was eight days after we started printing—the bells were well and truly ringing, if I can put it that way.

Senator MASON—In retrospect, Mr Pickering, do you think that response was sufficient in terms of its timing and the seniority of the people dealing with QM?

Mr Pickering—Yes, I do. The issue of slow throughput, which was the issue that we were trying to address, was the responsibility of the senior executives who went to Melbourne. I had full confidence that the matter would have been discussed and a way forward resolved at that meeting.

Senator MASON—At that meeting was the issue of a non-regeneration of spoils canvassed or was it still—to use the chair's word—masked?

Mr Pickering—It was still not known about by the AEC or by QM. It was not known by anyone at that stage.

Senator MASON—Did divisional returning officers have any relationship with QM? Did they have the capacity to call QM and ask what was going on, or was it all done through central office and then to the quality assurance advisers? What was the process there?

Mr Pickering—No, the divisions did not have a direct communication link with QM, the contractors. The process was for the divisional staff to communicate through their state head

offices and then to central office. We were the conduit for issues being raised and communication being made with QM.

Senator MASON—I understand about the masking of the issues; I do appreciate that. I am concerned about whether enough questions—and the right questions—were asked and, if concerns got from the DROs back to central office and then from central office back to the QA offices, whether that happened quickly and sufficiently explicitly. In retrospect, do you think it did? How do you think you can improve that? Next time, will you simply have two QA officers: one on duty at each time? Will you have more people, more senior officers or what?

Mr Pickering—For the quality assurance?

Senator MASON—Yes.

Mr Pickering—I outlined earlier our proposal to bolster the number of quality assurance officers involved in the process of postal vote production in future. We also propose to introduce a more thorough training and information scheme associated with that particular process. That will address the issue of the quality assurance. As far as the communication side of things goes, I just need to stress that we would not have been able—no one would have been able—to pick up, even based on the communication coming in from our divisional staff. That was getting through; it was coming through the channel I outlined before—

Senator MASON—Back to central office?

Mr Pickering—Yes, back to central office via the call centre and from our own telephones. All of that combined was giving us a very clear indication that there was a problem with the slow receipt of postal votes. The commissioner outlined earlier what we thought was the reason for that.

Mr Campbell—Perhaps I could add one point to that. If there is another lesson to be learned from this exercise, it is to not always jump to the obvious conclusion as the sole conclusion. I think this is the point you are leading to, because that is what happened. In hindsight—and you used the word ‘retrospect’ a moment ago, which is a great human faculty—I suspect that the one thing that we did not do that we should have done was an analysis of the time delay. In other words, if the data had allowed us to, we should have had a look at some of those and asked how long they had been the system, because we knew they were being delayed. We could have asked, ‘Have we had some in the system for two weeks, and where are they?’ and maybe done a sample of those. That is something that would have flown if we had asked, ‘What if we have a problem in addition to a general delay in printing?’

It is very easy in hindsight to look at these things and say, ‘There is a lot to be done.’ There are a number of lessons to be learnt from that, but one is that, even though we know there is an obvious answer, we should do a double check along the way to make sure there isn’t something else in there as well.

Senator MASON—The election period was longer this time, wasn’t it?

Mr Campbell—The period for the postal votes was not longer.

Senator MASON—No, that was not, but the campaign period was longer.

Mr Campbell—The campaign period was, but not the period for the postal votes, because they do not come into play until after the nominations close. The extra week before the issue of the writs et cetera does not count. All it does is to perhaps increase the number of postal vote applications.

Senator MASON—But wouldn't that have assisted in finding out on the Thursday before the election that certain people had not received their postal vote?

Mr Campbell—No, the extra week does not help you because it does not come into play in this process. This process starts after closing of nominations, and of course the extra week impacts upon the period before the closure of nominations. By the time we got to the last Thursday, it was obvious that there were difficulties. The point I am making is that the lesson we should learn from this is that, when you have an issue like this and something has to be done, you cannot let it slip because you do not have an extension process. The lesson we should learn from this is that when we know there is an obvious problem there we should look at it to see if there is a secondary problem as well. I do not know whether we could have done that at the time, because you would have to look at what data were available. But that is a lesson in what we will be watching for next time.

Mr Pickering—We did not just rest on our laurels in gathering this information on complaints of delayed receipt of postal votes. We actually thought that the problem was with Australia Post, because we were getting conformation from the contractor that all this material had been lodged. Our QA people had looked at the Australia Post lodgment details and satisfied themselves that the material had been lodged. So we were getting information—

Senator MASON—But it had not; that is the problem.

Mr Pickering—That is what we learned on the Thursday before the election.

Senator MASON—I know.

Mr Pickering—But that was the information we had to work with at that time, and so we thought the bogeyman was Australia Post—which we all do when mail is not delivered. We got onto Australia Post and said: 'This material was posted many days ago and still has not been delivered. What is the problem?' We sent them away to try to justify this delay in the material being posted. That was in the lead-up to the Thursday, when QM were able to advise us that these spoils had not been regenerated.

Senator MASON—So again, in a sense the real problem was being masked?

Mr Pickering—Exactly.

Senator MASON—I was watching a DVD last night called *The Fog of War*. It is a documentary about Robert McNamara, the defense secretary to Kennedy and Johnson. He gave 11 lessons that he had learned from the Vietnam war in his book *In Retrospect*, and one of the lessons was to ask the right question.

Mr Campbell—The point I am making is not to jump to the obvious conclusion as being the sole conclusion.

Senator MASON—You are right. I would like to move to a specific question from constituents in Queensland, Mrs Doyle and Mrs MacDonald. Remind me, Chair, did Mrs Doyle give us evidence in Longreach?

CHAIR—That is right, in Longreach. She travelled from Blackall.

Senator MASON—Is that in the seat of Maranoa?

CHAIR—Yes. She drove down from Blackall to give evidence at about 4 o'clock in the afternoon in Longreach.

Senator MASON—That is right. Mrs Doyle's submission is submission No. 46. Mrs MacDonald is also from a property near Blackall and her submission is submission No. 47. The issue—and, in a sense, Mr Pickering just raised this—is about the post, but in both cases it is also about the performance of the AEC. Mrs Doyle says that she and her husband both applied for a postal vote. They sent their applications off in the one envelope and her husband's ballot papers arrived but there wasn't one for her. Coincidentally, Mrs MacDonald and her husband both applied for permanent postal voter status in August 2004. She said that in due course a postal vote arrived for her husband but there wasn't one for her.

So in both cases they were not happy of course, because both Mrs Doyle and Mrs MacDonald did not receive their ballot papers while their husbands did. I just raise that because that is very unfortunate. They both receive only two mails a week, Monday and Friday, and when it rains out there—I know because I have been there—the post does not go out. You would be aware of that—the black soil on the unpaved roads. They both suggested that the capacity for pre-poll voting should be increased. I think it is in Dalby, Emerald or Warwick where you can pre-poll in Maranoa, and in all cases it is a long way from Blackall. I was wondering if you have any sort of plans to ease the plight of people living on stations, such as Mrs MacDonald and Mrs Doyle, in terms of making it easier to pre-poll vote?

Mr Pickering—That is something that we have on our radar for moving forward after this experience. We will be doing a full review of our pre-poll voting centres throughout Australia, not just in Queensland, with a particular sensitivity to evidence that has been taken in front of this JSC and also the experiences that we have had through the 2004 election.

Senator MASON—Just briefly in terms of lessons, I think you mentioned this risk analysis process that you have developed, and you have used it already in the Werriwa by-election?

Mr Pickering—We undertook a risk analysis for the by-election, but that has a separate set of production processes that are different from those for a full federal election so we will redo the full risk analysis and mitigation strategy for a federal election. That is yet to be undertaken.

Senator MASON—Is that a public process? Will this committee be able to look at the results and the process that you go through in that risk analysis?

Mr Pickering—Yes, absolutely.

Senator MASON—We would probably be interested—wouldn't we, Mr Chair—in the risk analysis process that the AEC is now adopting?

CHAIR—Yes.

Senator MASON—I think we would be interested in that, Mr Pickering.

Mr Pickering—When it is complete I will send it up to the committee.

Senator MASON—In a sense it is easier then for the committee to assess ameliorating action and so forth that the AEC is taking.

CHAIR—Certainly.

Senator FORSHAW—I have a couple of questions, and a couple of them may be ones that you want to take on notice. Firstly, do you have data on or do you track the numbers of people who are regularly applying for postal votes who are not on the list of general postal voters? And, if you do, is that showing up any particular trend or does it have any significance?

Mr Pickering—Not at this stage. Do you mean on an individual basis?

Senator FORSHAW—Yes. I suppose with modern campaigning, which has been going on for years now, with political parties sending out their postal vote application information and the greater prominence being given to the availability of postal voting and so on, I am wondering if it is producing an increasing number of people who are applying at each election for a postal vote but who are not on a general postal voting list or whether from election to election you get large numbers of totally different people who are applying because the circumstances of that election are particularly ones that would entitle them to postal vote?

Mr Pickering—We are not tracking that information on an individual basis. That is the short answer. But we are looking at the trends of postal voting in the non-GPV category. We are looking at that with a view to the timing of the year, for example school holidays versus non-school holidays and the like, from an administrative point of view in being able to service that particular requirement as distinct from looking for trends on an individual basis.

Senator FORSHAW—I was wondering whether the increasing number of postal vote applications was a result of the same people applying at each election and getting into a pattern. It may well be that many of those people have the same reason. They may happen to work on that particular day each year. You may have already given us some of this information, but we have heard about the issue of delays in Queensland. I am a New South Wales senator. What was the situation in New South Wales with delays in postal voting or errors in sending out postal vote material? You said that in Queensland 24 out of 28 divisions were affected. What was the position in New South Wales?

Mr Pickering—I do not have the break-up of statistics division by division, but that was an analysis of the spoilt ballot papers in Queensland. In clearing that backlog there were general

delays, which applied to New South Wales and all the states with postal votes in the backlog. There would have been a general process of delay experienced in New South Wales. The second issue that we spoke about in our first meeting was that 568 postal vote certificate envelopes were sent to the wrong people—568 people received two postal vote certificates, one for themselves and one in the name of someone else, and 568 other applicants did not receive their material. That was a production error that occurred in Sydney. It was rectified and the AEC wrote to the affected electors and sorted that process through. They were the two issues in New South Wales that I am aware of.

Senator FORSHAW—Another issue, and I think it has been raised elsewhere, was that people contacted me and said, ‘I haven’t got my postal vote,’ but they had already gone on holidays and it had been found when it was checked through that they had put down their home address for the receipt of the ballot paper material. It is a question of the clarity of the form, which should draw to the attention of people that, if they are going to be leaving before the ballot papers are likely to arrive—and of course most people do not necessarily know when that is going to happen—they should ensure that they have a forwarding address. Have you given any thought to that issue? I think there can be a problem of people automatically putting down their enrolled address, their home address, for receipt of the ballot paper material.

Mr Pickering—This is in the fifth submission, which is in front of you, but I am happy to elaborate on it now. We are going to undertake a review of the postal vote application form. You may recall that a recommendation for consideration from the Minter Ellison report was to also allow the elector to indicate the date by which they required the postal material. If that recommendation is supported, we will have the opportunity to incorporate with some graphic detail the address so that they can link the idea of when they are going away and the address to which they would like the postal vote sent. A sensitivity we have with a lot of our forms is having multiple address fields on the one form. It can be very confusing when we ask for a person’s enrolled address and then say: ‘Where would you like it sent to? Write below.’ If they do not read the form properly, they can muck up those address fields. It is something we are aware of and, as I said, a review is being undertaken in early 2006.

Senator FORSHAW—It is certainly something that was drawn to our attention, more so on this occasion than I had heard in the past. That may also be linked, I would guess, to the fact that certainly in New South Wales it was school holiday time. I think this is the final issue I have. As a senator I am naturally interested in the Senate postal vote process and particularly in the counting afterwards. As I understand it, and maybe you can clarify this for me, votes that are postal or absentee votes come in to where there might be a central scrutiny, say, in a capital city. This is particularly with votes from overseas, but I am not so sure of what happens with those from interstate. They then may be sent back to the district AEC office and processed there as to whether they are above or below the line. If they are below the line, they then get sent back into the central tally room to be counted, which is where all of the below-the-line votes get sent.

There seems to be a fair amount of double- and triple-handling. I am not sure if there is an easier way to do it. This was explained to us when we had a session at the central scrutiny in Sydney before they started to process the ballot papers. I want to take this opportunity today to get you to clarify that process for me. Is there a way of making this easier? For instance, why should Senate ballot paper votes that come from, say, overseas have to go back to the district

office if they are below-the-line votes to get determined there and then come back to be counted? Why can't the checking and the counting be done in the first instance?

Mr Pickering—The only fly in the ointment with what you are suggesting is that the divisional returning officer is the officer required under the current legislation to do the admission of the votes during what is called preliminary scrutiny. They do the checks in those divisional offices before the envelope is opened. That needs to be done somewhere. Whilst you are suggesting that it might be good to do it in a central location—

Senator FORSHAW—I am not sure that I am suggesting that. I suppose I was at least putting it on the table. I am not recommending that that happen.

Mr Pickering—The infrastructure that the AEC has in place at the moment is that it has 150 divisional officers with the legislative responsibility of doing that admissibility of the votes. That is where all those votes, including all the declaration votes received on polling day plus the overseas postal votes plus all the others, come in for this preliminary scrutiny. Then, depending on the particular process, the House of Representatives ballot paper, which is in the same envelope, gets dealt with in one way and the Senate ballot paper, as you correctly outlined before, is handled in another way. Because of the introduction of the centralised Senate scrutiny system, those below-the-line ballot papers are brought into a central location within each state and keyed into a machine and the scrutiny is undertaken on a computerised basis.

Senator FORSHAW—What happens if a Senate postal vote comes in from a person who is in another state? Where does that get sent to? Does that go directly to the divisional returning office?

Mr Pickering—I am sorry, I missed your first question.

Senator FORSHAW—If somebody went overseas their votes comes to the central point then goes out and comes back if they voted below the line. Do senate postal votes in a particular state go directly to the particular division that they—

Mr Pickering—No. The House of Reps and Senate ballot papers are sealed together in the declaration envelope. They stay together until the preliminary scrutiny is undertaken in the divisional office. Until that is done, they stay together. Then the ballot papers are separated for their particular scrutiny process. I should also add that less than five per cent of Senate ballot papers go back to central scrutiny. It is not a small number in New South Wales, but in comparison to the total number of Senate ballot papers, it is a small number compared to those that remain in the divisional office.

Senator FORSHAW—I do not dispute that, but it is also correspondingly a longer process for the actual keying in of the below-the-line votes and getting all of that onto the computer and the number of checks that have to be done. It just seemed a bit strange that there is a time delay with votes coming in from overseas no matter how many there are coming into, say, the Sydney central scrutiny. They are being sent out to the electorate and being determined whether they are above or below the line. If they are below the line then they have to come back again. That is the point I was getting at. It may not be many but it is—

Mr Pickering—I appreciate your concern but the legislation does provide for 13 days, as you would be aware. That period for return of postal voting material does give us the opportunity to move that material without there being an impact on the striking of the quota or the scrutiny being undertaken.

Senator FORSHAW—When you see 60 or 100 computers, or whatever it is, all lined up there at central scrutiny and then you hear that half of these votes are going back out and then coming back in, you start thinking, ‘Is the technology really helping us or not?’

Mr Campbell—I would like to make one very brief point now that we have entered the part of the hearing on postal votes. The comment I want to make I did not make in my opening statement because at the beginning I wanted to quite clearly spell out that the AEC accepts responsibility and we are going to do everything we can to ensure that such a problem does not occur. I hope that we have made that position clear. What I do want to add, and I think it is more appropriate that I do it now rather than at the beginning, is that notwithstanding the problems that we had—and they were significant, substantial and very serious—in the end the AEC did administer an election where 12.4 million people voted at well over 7,000 polling centres and through pre-poll arrangements. With the exception of what we have spent the last two hours talking about, although I was not here at the time, generally I think the AEC ran a very good election process. The magnitude of what the AEC achieved in that period of time was quite substantial but unfortunately marred by one particular set of processes.

CHAIR—Thank you for that.

Proceedings suspended from 11.24 am to 11.42 am

CHAIR—We will resume the hearing. I believe Mr Pickering wants to add to an answer.

Mr Pickering—I wanted to make a clarification, if I could, because I might have misled the committee, especially in relation to an answer that I gave Senator Mason before the break. It was in relation to what was and what was not in that contract. I understand I said earlier that there were requirements in the contract for master run sheets to be provided, and also unique identifiers. That, in fact, is not correct. The contract provides for QM and AEC undertaking verification for data for such quality assurance checks as the AEC considers necessary. It was not as specific as I said earlier.

Senator MASON—Does that mean you did not specify that individual identifiers were necessary?

Mr Pickering—That is correct, yes.

Senator MASON—But now you think they are?

Mr Pickering—We certainly do. In the post contract design and scoping, we discussed with the contractor the establishment of a daily progress report. That was the issue; it was not in the contract. I just wanted to clarify that for the committee.

Senator MASON—It was a progress report?

Mr Pickering—It was the daily progress report from QM to enable our QA people on the ground to do reconciliations with the spoils.

Senator MASON—And that was part of the contract condition?

Mr Pickering—It was not part of the contract. That is what I wanted to clarify.

CHAIR—Thank you for that, and thank you for making that correction at the earliest opportunity. It is my understanding that we have further submissions from the AEC. They are your third and fourth submissions, received as No. 168 and No. 172 respectively, with regard to the hearing. There are two aspects: one is a confidential CD and the other is printed material relating to postal vote applications, postal vote ballot papers sent to constituents, postal vote ballot papers returned to the AEC in correct format, postal votes with Senate ballot papers in an unauthorised envelope, postal votes returned to the AEC missing Senate ballot papers, and some other documents. It is my understanding that you are agreeable for the printed document to be taken into evidence, but that the CD will at this point remain confidential because you are updating it, and you will submit a—

Mr Campbell—We will split the CD into two. We will put the part of the information that is not confidential on a separate CD and give it to the committee.

Mr DANBY—I understand that the pages of statistics on new enrollees by constituency are not confidential, so that will be public material and any personalised stuff that is on the CD will be kept separate.

Mr Campbell—That is right. On Monday we will give the secretariat a CD with the non-confidential components.

CHAIR—All right. We are clear on that. Given that this information is available to every sitting member in their own constituencies, as I understand it, it will save people interested in the topic a lot of busybody work. Just so we are clear on it, we will take volume 6, the printed volume, but not the CD, into evidence. There being no objection, it is so resolved.

Senator MASON—Mr Pickering, this follows on from your supplementary answer just before. The committee is grateful for your candour today. Maybe you could replicate that candour in relation to this question. You have been forthright about the faults concerning the AEC, and we appreciate that. However, were you satisfied with QM's performance in the 2004 federal election?

Mr Pickering—That is a difficult question to answer in a holistic way because, from 1,500 feet, the AEC was dissatisfied with the performance of QM, our contractor in the 2004 election. However, we were very satisfied with other parts of the process. As I said, they had a very good track record and we had a very good experience with that same contractor in 1999 and 2001. So, in comparison with those events, we were disappointed with the performance of the contractor in 2004.

Senator MASON—Did that disappointment lead you to reconsider your contractual relationship with them?

Mr Pickering—The contract with the contractor at the time, QM, was up for review on 30 June. There was an option to renew and the AEC did not take up that option.

CHAIR—With the remainder of this first session, I would like to hear from QM Technologies and then from Minter Ellison—who have undertaken the review and have had the benefit of hearing some of the evidence in the previous hearings, no doubt, and today—as a bit of a wrap-up, and then hear any final words from the AEC or, for that matter, QM or Minter Ellison, on any aspect to do with it. That will conclude our discussion today on this particular postal vote issue. This afternoon, as I outlined this morning, we will move on to other issues to do with the Electoral Commission.

Mr Mansfield, thank you for coming and sitting patiently through the hearing. To start with, I want to address some general questions to you. There is not a great number, but you heard my questions at the start. Clearly, there was a major error with respect to the processing of some of those postal ballots. Today, the AEC have candidly said, through Mr Campbell, that there were errors on their part. Could I take you to your operations? Looking back on it, what would you do differently in terms of ensuring the lines of communication were clear and that the focus on those spoilt mail packages ensured that there was not a repeat of what occurred in 2004? Perhaps also—and take your time on this—you could talk about the differences between the two locations, because clearly in one location it went flawlessly and in another there was a problem. So I would ask you to do that and to make any other remarks that you would like to make based on what you have patiently sat through this morning.

Mr Mansfield—Firstly, my chairman has asked that I bring something to the standing committee's attention. May I read a statement from the chairman?

CHAIR—Absolutely.

Mr Mansfield—It says:

Will you please advise the Joint Standing Committee that, as Chairman of QM, I have asked you to bring to their attention the fact, which they might not be aware of, that I am a former partner of Minter Ellison. I retired from the partnership on 30 June 2001, and from that date I have had no access to client records within the firm. I was consultant to the Brisbane office until 30 June 2005, where my role was to mentor young lawyers. I was unaware that the firm was engaged to report on the AEC matter until I read that fact in the Financial Review. I have had no contact with anyone in the firm involved in the AEC matter and do not know whether they were aware of my role in QM when the work was done.

CHAIR—Thank you very much for reading that. Who is the chairman, just so that we are aware?

Mr Mansfield—Nerolie Withnall.

CHAIR—So the point there is that she is attesting through you that she had worked at Minter Ellison, she stayed on as a consultant but was unaware that Minter Ellison were undertaking the review; she had no part in it. The presumption there is that you were wanting to raise that up front, which we welcome, to say that, if there were any allegation of a possible conflict of interest, that would be wrong. Is that the point that you are making?

Mr Mansfield—Yes, that is correct.

CHAIR—Thanks for raising that at the start; that is good. I now ask you to address to us any remarks that you would like to make from your perspective.

Mr Mansfield—As to my role in the election from QM Technologies' perspective, I was actually the General Manager, Victoria, at the time of the election and managed that operation. In the end, I became the central contact in the second week for the AEC in running that operation and trying to feed back this information through QM. Originally, the contact for the AEC was through Sydney. That changed in midstream through the process. It was making sure that QM had the right executive management to give priority to the issues and resolve them. It has been a while since I have heard your question. I guess that is the first bit you want me to cover.

CHAIR—Perhaps we should take you to Melbourne. From your perspective the print run is done, you are in the mail-out business and you handle huge volumes. There is always a certain percentage that are spoilt. What is your process for ensuring that those spoilt ballot papers and letters—those mail packages—are replaced and dispatched with accuracy? How does that occur when everything is running properly, as it did in one location? What went wrong in the other one? This would be from what you know.

Mr Mansfield—I will give some of the things to put in context as to how we were operating. It was a challenging environment. Just before the election there were two separate sites set up. I am not sure if you are aware, but the process is that QM prints, it goes through an external envelope manufacturer and then it comes back to QM for mail processing.

CHAIR—So you print the letter, the ballot paper—

Mr Mansfield—The form, which is an A3 form.

CHAIR—Do they all stay there and you wait for envelopes to come?

Mr Mansfield—It actually goes out and gets converted into a postal vote application envelope and form.

CHAIR—And then it comes back?

Mr Mansfield—Then it comes back, and that gets inserted into an envelope.

CHAIR—And you run it through your machines?

Mr Mansfield—We run it through the machine.

CHAIR—Then, once however many thousands had run through the machine, a certain percentage got eaten up, or whatever happened.

Mr Mansfield—There could be spoils in two locations. There could be spoils when they create the envelope at the envelope manufacturer, and there could be spoils when we process it on our machines to insert it into the envelope.

CHAIR—In terms of my earlier questioning, that is useful information you have just given us. My earlier assumption was a bit simplistic: that you would get the sorts of spoils that Mr Danby and I would be familiar with in the direct mailings we do in another capacity. There are certainly those spoils in a big run but there are other possibilities as well.

Mr Mansfield—Initially, the plan with New South Wales was that we would print in both sites. We would send it to the external envelope manufacturer and it would come back. The envelope manufacturer was in both states at that point. Just before the election, the New South Wales envelope-manufacturing site closed down.

CHAIR—Did it just cease to exist? Did it go broke?

Mr Mansfield—The management of that company closed down that manufacturing site and centralised to Melbourne, so we had a change in process over a short time frame just before the election was called.

CHAIR—In fairness, that added some pressure. Let's just go straight to the heart of the matter, though. If you are printing 100,000 mail packages of any description—let's leave the election aside for one tick—what you have described shows there are some complexities. In big mail-outs there will always be those sorts of complexities, won't there?

Mr Mansfield—Yes.

CHAIR—Paper will have to come from 10 different sources and someone else will have to do the envelopes; that tends to be the way of the world. What process do you go through, in a nutshell, to say: 'Okay, we've had 100,000 go through. What's the number that we know have worked? What's the number that haven't? And how do we now replace those and ensure that the spoilt balance and the spoilt mail-out packages are replaced and sent out, and the relevant ones destroyed?' How do you do that? Obviously, it worked in one location. In an ideal world it works. That is certainly your aim. What is your process?

Mr Mansfield—The standard process followed is that, when you are processing the mail, each mail piece does have an identifier and is processed through the mail machine. When there is a spoil in the machine, the operator will pull that spoil out and place it aside in a spoils area to be contained. At the end of the run, they would total them up. They would go into a spoils folder and then go back to the IT department. We would grab the numbers—

CHAIR—Off the computer file, and do them again.

Mr Mansfield—off the computer file and regenerate the file, which we would be printed and flow back through.

CHAIR—Let's just take my 100,000 example. You run 100,000 and perhaps 1,000 or 2,000 are spoilt, which is a natural consequence of the mechanised process. You have a system in place whereby they are taken aside, and they go back to be fed through and posted again. Obviously, that happened in the plant where there were not any problems. What failed on those first few days—I have to stress, because it seems to be what the evidence was—in the plant where there were problems?

Mr Mansfield—The process failure at that point was a bit of confusion over the spoils process. During this particular run, every single mail piece is scanned at the back end of the mailing machine, and the machine tells you which ones did not make it past that point. In theory, the process was that you generate an automatic report from the mailing machine, and that would generate the spoils file without the intervention of physically grabbing them all.

CHAIR—But your people working at the plant were, presumably, still manually grabbing the spoils, putting them in the folder and going back. Is that right?

Mr Mansfield—In the initial run, the configuration of the camera sitting at the end of the mailing machine was causing a lot of diverts. It was classifying them as spoils. There was actually nothing wrong with them; it was just misreading the sequence number on the envelope. A decision had to be made on whether you lodge those as having nothing wrong with them or whether you treat them as spoils and regenerate them.

CHAIR—What happened with the ones that were obviously spoilt?

Mr Mansfield—The ones that were obviously spoilt and crushed up?

CHAIR—Yes.

Mr Mansfield—They were regenerated.

CHAIR—They were?

Mr Mansfield—Yes. I found that out when I dug into the issue deeper—I was not actually on site.

CHAIR—This was in Sydney, wasn't it?

Mr Mansfield—It was at the Sydney site. There was not a lot of documentation left to investigate, so it made it difficult.

CHAIR—So, in fairness, what you are saying is that the ones that were obviously spoiled—the ones that had been put through the shredder of the machine or crunched up and spat out—were regenerated. Which ones were not?

Mr Mansfield—The ones that were diverted from the machine.

CHAIR—Where were they diverted to?

Mr Mansfield—They get diverted underneath the machine, collected and put aside.

CHAIR—So really you have two safety nets, if I can put it that way. Safety net No. 1 is the staff, who say, 'That's obviously wrecked—that has to go back for reprocessing.' That worked?

Mr Mansfield—Yes.

CHAIR—And safety net No. 2 is where the machine itself diverts them and they go under the machine, as you have said, presumably into some tray. They would manually go back, wouldn't they?

Mr Mansfield—Of that particular run my understanding was that they were put aside. What could not be verified was whether they were actually lodged because there was nothing wrong with them or whether they should actually be—

CHAIR—There were some lodged or none lodged?

Mr Mansfield—None of those diverts were lodged.

CHAIR—So nothing—

Mr Mansfield—As we now know, none of those were lodged.

CHAIR—And you were not there, so I stress for the parliamentary record that I am not casting aspersions on you. You were in Melbourne. This was all happening in Sydney. You were not there, I presume—and I point this out, for fairness, on the record—when it actually happened?

Mr Mansfield—No.

CHAIR—You were not there at all, in fact, but you were brought in to manage both later on. So obviously they were identified. There was confusion over whether in fact they were able to be sent or not because there was not anything physically obviously wrong with them, but the machine had rejected them.

Mr DANBY—The machine did not reject them; it diverted them.

CHAIR—It diverted them. Anyway, they had not gone out. So you knew they had not gone out.

Mr DANBY—The person who was responsible—

CHAIR—Correct—the person in Sydney knew they had not gone out. I do not mean you personally, Mr Mansfield. Was a decision taken not to send them or was a decision taken—

Mr DANBY—Mr Mansfield used the expression that it could not be verified what to do with them. Who could not verify it? What does 'verify' mean in this context?

Mr Mansfield—Just the decision-making process of whether they should be lodged, and that was discussed with AEC, whether we should treat them as spoils and just basically shred them.

CHAIR—And redo the whole lot?

Mr Mansfield—Yes.

CHAIR—And what was the consequence of those discussions?

Mr Mansfield—I was not part of any of those discussions. I do not know if calls were made on QM's behalf not to bring that to the attention of AEC and to treat them differently.

CHAIR—Okay.

Mr DANBY—I suppose you could say that was inconclusive from your perspective.

CHAIR—Yes. In each plant there were AEC staff working—is that right?

Mr Mansfield—Yes, correct.

CHAIR—So it is fair to say without jumping to conclusions that it was not a case that they were diverted by the machine and nobody knew about it? It was not as though, to put it in simplistic terms, they sat under the machine and then at the last minute someone found out; it was an issue for discussion. It is fair to say, isn't it, that, given there were AEC staff there, even though you were in Melbourne, your staff at your plant in Sydney would have discussed it with them or should have discussed it with them?

Mr Mansfield—I guess I am not sure.

Mr DANBY—I do not think it is fair to say that, because Mr Mansfield does not know. The problem is that we do not know whether a discussion took place at all with the AEC person or whether in the first few days, when this GPV thing was done, there was in fact anyone there from the AEC.

CHAIR—Yes. We might come back to that. That raises my next question. Obviously you are here today on behalf of the Melbourne plant, but the Sydney people presumably were not available?

Mr Mansfield—I am not sure of the request made to QM. I was asked by my CEO to attend.

Mr DANBY—When you were doing a similar mail-out in Melbourne, did the machine also divert things?

Mr Mansfield—The problem with the initial runs was the configuring of the machines. After that, the diverts were very minimal.

Mr DANBY—But it happened in Melbourne too; you handled it in Melbourne.

Mr Mansfield—Correct.

Mr DANBY—What did you do with the diverted ones in Melbourne?

Mr Mansfield—We opened the envelopes and refeed them through the machine so that the machine could verify that they had been processed.

Mr DANBY—And then you had them mailed out.

Mr Mansfield—Yes.

Mr DANBY—So all those diverted in Melbourne were handled by redoing the envelopes, using the same forms and seeing that they were all mailed out. Did you have a discussion with the AEC person in Melbourne office about that?

Mr Mansfield—With the central office.

Mr DANBY—I suppose we can ask the AEC about this too. In both Melbourne and Sydney, was an AEC person who was a quality assurance officer there the whole time?

Mr Mansfield—We would not run a shift without them being on site.

Mr DANBY—Was the printing going on during the day, or was it 24 hours a day?

Mr Mansfield—On some days it was for 24 hours.

Mr DANBY—So that means that, on some days, there had to be an AEC officer there for 24 hours of the day?

Mr Mansfield—Yes.

Mr DANBY—I will come back to the AEC on that. How many AEC officers would have been there during a 24-hour period? Someone would not stay there for the whole 24 hours.

Mr Mansfield—They would do it in 12-hour shifts.

Mr DANBY—Was there a similar procedure in Sydney?

Mr Mansfield—I am not sure of the exact time lines for Sydney.

Mr DANBY—May we divert back to the AEC, Chair?

CHAIR—Yes, and then I want to ask a question of clarification based on something you have asked.

Mr DANBY—Was there a similar situation in Sydney? Maybe it is important to move at this point to Mr Pickering, who earlier said that one of the AEC quality assurance officers was not present in the first few days in Sydney. Why was it different from Melbourne? Have I got it right or wrong?

Mr Pickering—The answer to your first point is yes. The answer to your second is that you have it wrong. There was a QA officer from the AEC there for the whole time.

Mr DANBY—In Sydney?

Mr Pickering—In Sydney and in Melbourne.

CHAIR—I want to clarify an important question raised. Mr Mansfield, what you have said makes sense in terms of the evidence. Let us just go straight to Melbourne, where you were—because you are here talking about Melbourne, where you were, but you are also talking about Sydney, where you were not. We appreciate that you will not have all the answers to what happened in Sydney. We do know that, in both locations, the computers electronically diverted a certain number and that they were in question. Let us leave Sydney aside. We know that in Melbourne your people had discussions with the AEC central office. Correct me where I have the sequence wrong: you had this batch, you considered what to do, you liaised with the AEC, you opened every single one of them, ran them again—or went through whatever process you did—and there was not a problem in Melbourne, where you worked. Is that fair?

Mr Mansfield—Correct.

CHAIR—When your people in Melbourne spoke with the AEC, presumably they had a discussion saying: ‘We’ve had the physical spoils and we’ve dealt with them. We’ve had these others that the machine diverted and it’s a bit inconclusive. They could be right and we could just post them all. Some of them could be wrong.’ The upshot of those discussions, whether it was your suggestion or theirs is immaterial at the moment, was that they were all opened and redone. At that point it would have seemed fairly obvious, wouldn’t it, that a similar thing would have happened in Sydney with the same machines?

Mr Mansfield—It is obvious now, looking back. But I guess that knowledge was not there when we were managing the project. There was confusion on a number of days.

Mr DANBY—We have heard what Mr Pickering said: there was an AEC officer with your manager in Sydney. Where was the AEC officer in relation to the folding machine?

Mr Mansfield—In Sydney or Melbourne?

Mr DANBY—In Sydney.

Mr Mansfield—In Sydney, I am not sure where exactly they were sitting on the floor. Typically, they are provided with a desk in close proximity to the production site.

Mr DANBY—Did your Sydney manager mention these diversions to the AEC officer or was there a failure of communication about this?

Mr Mansfield—It is really hard for me to answer that because I am going on historic information I now know, rather than the sequence of events and exactly when conversations happened at that point.

Mr DANBY—Is it possible that there was a conversation but, in the busyness of all of these mail-outs, it was just not pursued or was forgotten?

CHAIR—This is what is important for the future. Today, the AEC I think have been very up front and candid about the problem. It is not necessarily the case—and this is important for the

committee's deliberations—that the processes you had Melbourne were wrong; it is that the proper processes might not have been followed. Of course, it could be a combination of both. I understand what you have said about the busyness, but in Melbourne it happened a certain way and in Sydney it did not. We know from the evidence that, whatever happened in Sydney, no decision was taken to do anything with them, because we know that it got to the Thursday before the election. That is an important point we are trying to draw out. We are not trying to accuse people of something.

Mr Mansfield—I understand what you are trying to get to, and I wish I had some more information that would make it all click into place.

CHAIR—Maybe we can ask the AEC about this towards the end.

Senator MASON—Mr Mansfield, you were managing the Melbourne site, and you were sent today by the general manager of QM to represent QM here—is that right?

Mr Mansfield—I was sent by the CEO.

Senator MASON—Do you have any idea why the manager of the Sydney site did not join us?

Mr Mansfield—I think I was chosen because I took on the central role of being the contact for QM as a company in the second week and for the remainder of the election.

Senator MASON—You took over the central role, but you cannot actually give us much evidence about what happened at the site at the time of the problem, as the chair has illustrated this morning.

Mr Mansfield—Yes.

Senator MASON—I am still unsure about the process, so forgive me. We know that, both in Melbourne and in Sydney, the postal vote packages went through and were diverted. Why did the machine divert them? For what reasons did the machines divert them?

Mr Mansfield—It is an OCR camera and it is actually reading a number on the envelope. Where that is not configured correctly initially it might misread the number. If it does not read the number, the default is to divert. That goes back to having individual sequence numbers; that is the point at which you can clarify that that mail piece has been lodged.

Senator MASON—In Melbourne where you were site manager, was the process to open those diverted packages and redo them?

Mr Mansfield—Correct; to put them back through the mailing machine.

Senator MASON—Was that just a technical process? You did not need to consult with the AEC quality assurance people, did you?

Mr Mansfield—It was not going to be the initial process.

Senator MASON—What do you mean by that?

Mr Mansfield—Initially, anything that got diverted or was not processed through the machine was going to be treated as a spoil, regardless, and printed and put through the whole manufacturing process in its entirety. With the volumes and nothing physically being wrong, this was a method of actually getting them out the same day rather than waiting another two days.

Senator MASON—What do you mean? Do you mean the method you adopted in Melbourne?

Mr Mansfield—It was the method we adopted nationally in the end, when I took control centrally with AEC. We adopted that same process at both sites.

Senator MASON—Which was what?

Mr Mansfield—Opening up the envelopes and putting them back through the mailing machines.

Senator MASON—That was just a technical or process issue that you had to overcome because of the volume of the material.

Mr Mansfield—Correct.

Senator MASON—You did not need to discuss that with AEC central office or anyone else, did you?

Mr Mansfield—It was discussed.

Senator MASON—What was discussed with them?

Mr Mansfield—How to treat those diverts.

Senator MASON—Why was that question asked of AEC central office?

Mr Mansfield—We are working closely with them. We wanted to make sure up front. Any change in process is something you would work on with them. Otherwise we could be taking on things we think are not relevant. They are looking at the bigger picture compared to us.

Senator MASON—In Sydney there were diverts in the first couple of days. There were diverts and you do not know how they were dealt with.

Mr Mansfield—We know how they are dealt with now.

Senator MASON—You do not know how they were dealt with by Sydney at that time.

Mr Mansfield—No.

Senator MASON—That is the issue for us.

Mr DANBY—Senator Mason, perhaps you might want to ask the AEC.

Senator MASON—Yes, Mr Danby, you are probably right. I want to know how those diverts were dealt with. Mr Mansfield, you do not know how those diverts were dealt with initially. I understand that your central control later on—

CHAIR—Senator Mason, you have raised an important topic. We have here Minter Ellison, who did the review, and the AEC. We know that at the end of the day they were not dealt with in Sydney because that is why we ended up with postal ballots afterwards, and the AEC have candidly said that today. Mr Mansfield is from Melbourne and he is telling us what he knows. Perhaps you should direct your questions to the AEC and Minter Ellison. What do they know about the Sydney operation and how that—

Senator MASON—What do we know about those diverts, Mr Campbell?

Mr Campbell—I think there are two questions on the table that have not been answered. Mr Danby asked both of them and you are also asking the second one. The first one is: where was the AEC workstation? That has not been answered. The second question is: what, if anything, did the AEC say on the Sydney site on that first day? We have an answer to both of those although we might want to drill into both of those answers.

Mr Pickering—The answer to the first question is that the AEC QA officer was right next to the machine, in a general sense. The answer to the second question is that the diverts, which in our terminology are part of the spoilt batch, as Mr Mansfield identified, were brought to our QA officer's attention and it was agreed that they would be reprocessed. That is all the information I have on that particular point.

Senator MASON—In Sydney?

Mr Pickering—Yes. It was handed back to QM at the time when they were brought for a decision and the decision was to rerun.

Senator MASON—Mr Mansfield, correct me if I am wrong: this is the same process that you adopted in Melbourne.

Mr Mansfield—That is correct.

CHAIR—Minter Ellison have done an investigation and—no criticism at all of you, Senator Mason—I am conscious that we have been going since 9.30 am. With your agreement and Mr Danby's we can allow them to make a statement with respect to what happened in Sydney, from what they could tell, given they have done a review, before we do an entirely separate one. Then we can come back to the questioning.

Senator MASON—Sure.

CHAIR—It might bring forward some answers in a more speedy way. I do not know whether Mr O'Brien wants to go to the heart of exactly what we are talking about. If you think we have got something grossly wrong, please correct us. The heart of the issue that we have got to now is this Melbourne-Sydney difference.

Senator MASON—Sydney, on day one, in particular.

Mr O'Brien—I will ask my colleague Philippa Horner to address that particular issue. Would it be useful for me to make a general statement to put on the record why we are here today?

CHAIR—Yes, and that is why I have asked you now. The AEC has candidly said that there is an error. Everyone has said that there is an error. They do not want it to happen next time. I am happy to take their assurance that it will not happen next time. You can understand the public need to know what went wrong and how that will be prevented. If it was human error, it was human error; if it is a flaw in the checking processes, we need to know that as well.

Mr O'Brien—Thank you. Following the 2004 election, the Australian Electoral Commission engaged Minter Ellison to undertake an independent inquiry into aspects of the postal voting process at the election. We delivered our report to the Australian Electoral Commission on 20 December 2004. I understand a copy of that report has been provided by the AEC to this committee. The commission, for its part, has indicated that it supports most of the 27 recommendations we made in the report. The report really speaks for itself as to our findings in relation to—

CHAIR—Just on that, so that you are aware, the executive summary and recommendations are public documents. The report itself is something we have seen but it is not a public document.

Mr O'Brien—Yes. I am aware of that, Chair. The report does speak for itself, as do our findings in relation to the terms of reference we were given and the summary of those findings basically appears in chapter 15 of the report. I will not refer here to the recommendations, but there are various recommendations made basically to address processes in the future. That list of recommendations is a public document, as you said. It might be useful for me to say a word about the issue raised by Mr Mansfield. When we were engaged by the commission, we did our usual conflict of interest searches to ensure that there was no conflict of interest and it was quite clear that there were none. I realised later in the inquiry that a former partner of Minter Ellison was a director of the company but that was all I was aware of. That is what Nerolie Withnall has said through her statement this morning. I am saying the same thing, there was no conflict of interest—I wanted to make sure that that was on the record.

CHAIR—I again thank Mr Mansfield for making that point and you for making that point. That is the important thing in any possible perceived conflict of interest, but you can be assured in a bipartisan nature that that is not a concern. I am sure that Minter Ellison, as great a firm as it is, has many former partners. The thing is that, if they are former partners and do not have access to the firm in any material sense, you are quite right in saying that that is not an issue and it is not one we are bothered with.

Mr O'Brien—At the outset of the inquiry, Minter Ellison engaged Philippa Horner, a consultant who had worked on this project through our consulting arm, Minter Ellison Consulting, because of her very fine analytical skills and her independent approach to things and also because we were aware through other work that Philippa had done with us for the Australian Electoral Commission that they were aware of her fine attributes too—just to explain Philippa's role in the process. On the particular issue that you raised about how the diverts were addressed, as far as the findings in our report are concerned, I might ask Philippa Horner whether she would like to say something about that.

Ms Horner—Thanks, Denis. To give you an idea, there is a whole chapter—chapter 5, 'Problems with the spoils and the production of PVPs'—so there is a huge amount of information.

CHAIR—That is in the confidential report?

Ms Horner—Yes. Chapter 11 is called 'Spoils and diverts in the production of PVPs'. It goes through in immense detail. I might say that I spent quite a number of hours speaking to Mr Mansfield directly when I went to Melbourne to see the site. I also went to the Sydney site. So I was able to see what the arrangements were, presumably on the day—this would have been maybe six weeks after the events—and talk to the people involved at the time.

This is a very detailed report. I have just spoken to the commissioner because it is confidential and he said that I can mention this directly. Mr Mansfield made a very important point about what went on in Melbourne. Because of the particular attributes of these runs, their complexity and the fact that—I do not know whether it has been mentioned yet—for each type or batch of PVPs you may be putting different documents in each package, it is rather complicated. Each time you are dealing with a different electorate you will obviously have a different style because you have different ballot papers, but you obviously are going to have different Senate papers depending on where the elector to whom you are sending the material is located. So if you are doing it in batches, you might have batches of 800, you might have batches of 200 or you might have batches of 8,000. That means that you might be changing the settings of the machines quite often. So it is quite a complicated process. I think it differs a little bit from where you are sending out hundreds and hundreds of the—

CHAIR—The single item.

Ms Horner—Exactly. That is what made this quite complicated.

CHAIR—That is a very important point.

Ms Horner—The point about the disproportionate number of diverts that occurred in the initial process—they were using the camera, which tried to line up what was on the outside and what was on the inside—is that you had a high proportion of diverts which turned out to be okay to be posted. Mr Mansfield made the point that they had to physically remove those from the line and put them through again. That was obviously different from what they would normally expect to do if they were producing a line of stuff commercially. So that is important. They were already making a change from what they normally would do. The point was that in Sydney they did not adopt that change; they did something else.

Mr DANBY—Could you say that again, please?

Ms Horner—The point I think Mr Mansfield made is that what they did in Melbourne was out of the ordinary. They had to do something physically to extract them—

CHAIR—In Melbourne they adjusted their procedures.

Ms Horner—Exactly. So the question was not that Melbourne was not applying—I hope I have not got Mr Mansfield wrong here—the normal rules; they already had to do something different because of the high number of divers, which was unusual. Sydney also had a high number of divers. I might just read this bit out of the report, which I understand you have.

CHAIR—If the AEC is happy with that.

Ms Horner—Yes.

Senator MASON—What page is that?

Ms Horner—It is page 80 of the document I have got. I do not know whether it is page 80—

CHAIR—I remind members that the report itself is confidential but the AEC have given permission just for this section to be read out. I mention that to members because it would be wrong to refer to other—

Ms Horner—The heading is ‘What happened at QM Sydney in relation to divers?’ If you have got it there I can be very brief. It says:

... it became apparent by Wednesday 22, September—

remember, they started on Monday, 19th—

that in a small number of files, a large number of envelopes were being diverted—up to 10 per cent% ... They were all treated as genuine spoils by QM Sydney—

‘genuine’ meaning that they had to be, as Mr Mansfield said, regenerated from the beginning—

and showed up as such in the QMail processing records. On examination, however, it was apparent that up to 90% of these divers were caused by misreads by the [camera] and were good divers or bad divers that were capable of being made good.

I will just divert for a little while and say a good divert means one which had been identified as being bad by the machine misreading. In other words, it was physically fine but the machine misread the numbers—putting it very plainly. The bad divers were ones that were—

CHAIR—The machine got right.

Ms Horner—Yes, but they were not so damaged that they could not be put in the post without being put through the whole process again. The genuine spoils were the ones which really did have to be reconstituted. So that accounts for that expression. It continues:

This meant that in fact only around 1-2% of the batch were envelopes that required regenerating rather than 200-500 in a batch of 10,000. Because the markback of the diverts was a manual process, these large quantities could take up to an hour to process. The AEC QA officers reported that QM Sydney staff resisted marking back of diverts because of the concern about 'batch integrity'.

I think Mr Mansfield adverted to that in the issue of batch integrity. The document continues:

In relation to the regeneration of ... bad diverts, AEC QA officers reported that only one machine operator was able to regenerate replacement envelopes on the mail processing machine at the end of a run. QM Technologies say that because marking back these diverts involved an overriding of the QMail reporting and recording processes—

which Mr Mansfield adverted to—

It could only be authorised by a senior operator. This would 'limit [the] risk of items being "made good" without meeting the criteria' and would provide an audit trail 'so that quality issues [could] be traced back to an individual'.

In other words, there was an issue where, if you start overriding the system, how can you maintain the integrity? It continues:

The high level of diverts experienced initially with some files ... very soon highlighted the differing expectations of the AEC and QM Sydney—

about how these diverts were to be managed. So what happened was that they did not come up with the same solution in Sydney as they did in Melbourne, which was the important thing.

CHAIR—That is a very good point, Ms Horner. I do not want the committee to dwell on this for an exceptional length of time, because the AEC have been candid in saying, 'We realise there is a problem and we want to ensure that it does not incur again.' The commissioner and Mr Pickering have been very forthright this morning, which I thank them for, in saying there are going to be reviews, and there have been assurances that this will not happen again. In hindsight, there had not been an agreed procedure for how to handle diverts—and that may well be, in fairness, because the number of them was unanticipated. Would that be right?

Ms Horner—Certainly in relation to the diverts that were caused by the misreading by the camera.

CHAIR—By the misreading—that is right. In fact, if it had not been for the Melbourne office taking additional measures—which meant that there was not a problem there—we would have had the same thing in Sydney and Melbourne.

Ms Horner—I do not know whether we should speculate about that.

CHAIR—Okay, that is fair. But we do know that what they did in Melbourne resolved the problem.

Ms Horner—It resolved an issue that came up.

CHAIR—And what they did in Melbourne, on balance, seems a fair way to proceed next time.

Ms Horner—As with most things that go wrong, it is an accumulation of a lot of things along the way contributing to an outcome. This was but one contribution, and I think the intention would be that you do not get to a situation where something misreading on the last day produces the outcome.

CHAIR—I have only one final question. As I said, I do not want to dwell on this. I will direct this generally, and if you have handled it in the review in great depth, tell us. In the previous election, was this camera technology used?

Ms Horner—No. My understanding is that this is the first time it was used.

CHAIR—That is a fair point for everyone involved, I think, if we are adopting an understanding attitude.

Mr DANBY—Could I ask a technical question of the Minter Ellison people—maybe it is also something the AEC could answer—and then I will not ask anymore. Why didn't the AEC quality assurance officer in the Sydney office pick this up? I do not ask that as any criticism of them, because now we know what the solution is and the Melbourne procedure will be adopted in another plant if this is proceeded with. Are there other things that an AEC quality assurance officer should be doing in the future to spot other problems that we do not know about, such as this one? Why didn't the AEC person pursue this, given that they knew something about the diverts?

CHAIR—Let us leave that to the end. I want to give the AEC a chance to give a quick comment before the luncheon adjournment. We will have a break and then move on to other issues.

Senator MASON—I was going to ask the same question.

CHAIR—Then we will let the AEC have a final word and I will make a comment to wrap it up before we have a break—after which, you will be pleased to know, we will move on to some other issues.

Mr Campbell—I might ask Mr Pickering to answer that question and then make a final comment.

Mr Pickering—It is quite obvious in retrospect that the AEC's QA procedures were deficient in the situation we have just outlined. The advice that I have been given in relation to the specific days that we are talking about is that the AEC's QA officer discussed this particular issue with the QM supervisor and left it with the QM supervisor to regenerate the spoils. That is my understanding as to the level of AEC involvement. However, for that particular batch run, the QA officer, without saying it was all finished and assuming it had gone through, also checked the lodgment documentation at the point of lodgment with Australia Post and satisfied himself that

all the product had been lodged. As it turns out, we know from earlier evidence that that was a misleading document in that the arrangement between the printing industry and Australia Post is that spoils can be included in the lodgment notification even though they do not exist. They have five working days to regenerate those spoils, but the billing process still goes through.

CHAIR—That is a billing issue. In fairness, it could be unintentionally misleading. It would be open to confusion.

Mr Pickering—It certainly caused confusion for our QA officers when they tried to do a reconciliation.

CHAIR—And the reason that exists, I presume, is so that QM do not have to issue separate invoices or be issued with separate invoices by Australia Post?

Mr Mansfield—It is an agreed procedure by Australia Post.

Mr Campbell—We are not making any comments on that process. What we are saying is that our QA person actually went to a second step of checking, and something that was not transparent in that checking led them to the conclusion that all the spoils had been lodged.

CHAIR—What happened on the Wednesday or Thursday before election day when it was clear that you knew there was a problem—and you had obviously discovered that it was in Sydney? Was it then discovered that the diverts had been kept and were still there? How did you go through the reconciliation process of being able to identify them? I presume they were still there physically, were they?

Mr Pickering—The issue of the nonregeneration of the spoils was brought to our attention at 7.30 pm on Thursday, 7 October—

CHAIR—It was that late.

Mr Pickering—by a director of QM Technologies in Sydney.

CHAIR—Presumably they realised there was a problem—

Mr Pickering—That is correct.

Mr Mansfield—Further information was brought to my attention by Australia Post. AEC had been dealing with Australia Post. I then went about doing as detailed an investigation as I could. I spoke to AEC auditors who were on-site at that point. I spoke to staff and put together some time lines so that I would be able to come back with the facts.

CHAIR—But you were able to identify which ones had not gone out, because they were still there. Is that right?

Mr Mansfield—Yes.

Mr Campbell—I think it is clear from the document that the problem was suspected some days before the Thursday, but it took some days of checking to work out—

CHAIR—You do not often realise instantly.

Mr Campbell—And it took some time to manually check which ones were the 1,800.

CHAIR—You were able to do that?

Mr Campbell—They had done that by the Thursday night; we knew by the Thursday night.

Senator MASON—I just want to clear this up: the ways the divers were dealt with in Sydney and in Melbourne on the first day were different. We know that. Is the evidence then that the AEC's quality assurance officers did not know that those divers were being dealt with differently? Is that correct?

Mr Campbell—The advice I have is that at both sites the AEC quality assurance person did the same thing, which was, in interaction with the QM people, say to treat the divers as spoils.

Senator MASON—But that does not answer my question. The AEC's QA officers did not know that the process was different, did they? The process, we have just established, was different in Melbourne and Sydney.

Mr Campbell—For that first day.

Senator MASON—Yes, when the problem occurred.

Mr Campbell—But I think we are talking about the process that occurred over a time.

Senator MASON—No—right at the beginning, when the problem occurred.

Mr Campbell—But when it was drawn to the attention, in both sites, as I understand it, of the AEC people—

Senator MASON—We are talking about the divers. What happened to the divers was dealt with differently in Melbourne and Sydney, correct?

Mr Campbell—But what was read out of the report by Minter Ellison was that the AEC quality assurance person reported that they told the Sydney operation to, in effect, treat them as spoils.

Senator MASON—Sure.

Mr Campbell—They said, 'Do it this way,' which is effectively the same thing that happened in the Melbourne operation. What appears to have happened is that the Sydney—if I understand what is being said—QM operation did not follow that instruction for that day.

Senator MASON—Correct. We are agreeing that your officers were not aware that what was happening was different in Sydney and Melbourne on that first day.

Mr Campbell—That is right, yes.

Senator MASON—Were you aware, Mr Mansfield, that the processes for diverts in Sydney and Melbourne were different on that first day?

Mr Mansfield—No, I was not aware.

Senator MASON—Thank you.

CHAIR—It was important that Minter Ellison were here for the evidence and to make your statement, given that you did the review. We do have your recommendations, and they are quite substantive. Just as a courtesy, given that you are here—you do not have to do this—is there anything you wish to add or reflect on in any way with respect to avoiding this problem in the future?

Mr O'Brien—The recommendations we have made are intended to address the future. I do not think there is anything further we want to add to that. There is an issue which you will no doubt want to sort out with the Australian Electoral Commission about our report and the fact that it is a confidential document except for the bits that have been released. I guess that is really a matter for the committee and the commission to work out.

CHAIR—The government have given this report to us. That is certainly beyond the purview of this committee. We have been given confidential access to it to aid us in our deliberations, but the recommendations are, of course, public and are most useful. Could I just wrap up by thanking everyone for appearing, and thank the AEC for preparing for today's hearing and being candid about what was a problem. I think you deserve great credit for saying that there is a problem and calling a spade a spade. You are also right to point out that there are a lot of things that happen in elections and a lot of things went right in the last election; this was one thing that went wrong. The important thing is that it does not happen again. I think there will always be mistakes, but the issue is to prevent them re-occurring and to do the best possible job we can. Mr Mansfield, I particularly thank you simply because I am sure you are not accustomed to appearing before committees, and I am sure that this is not your strongly held desire when you go to work each day. It can be a bit of a difficult process. You are managing the Melbourne plant because of the nature of the election campaign and the pressure that unfolded. You were called in for added responsibilities. Thank you for answering everything to the best of your ability. It has given us some great insights.

Proceedings suspended from 12.45 pm to 1.55 pm

CHAIR—I welcome everybody back. Obviously there is a whole range of matters to deal with this afternoon. You have made a number of submissions which have been helpful, and they are all public and on the record. They are certainly part of our deliberations and consideration. As I said at the very outset, we do not need to take additional public evidence on every single aspect of those submissions. You are in a different category from most people who are making submissions in that, at the end of the day, you administer the whole operation, so you may well

make future submissions if there is anything in particular you want to raise. I know that there are a few things that members here wanted to raise this afternoon. In fairness, I will point out that throughout the earlier hearings members, particularly the deputy chair and members and senators from the opposition, raised issues about specific numbers of people who change their enrolment details in the first seven days of the election period, which is currently a live topic of debate on electoral matters. In the interests of not burdening every single hearing throughout Australia by asking divisional returning officers for figures, I gave an undertaking to the deputy chair that, if the AEC were to put forward those figures by electorate, we could have a central discussion about it here in Canberra, which seemed a sensible course. That will be something that will come up, probably now, I suggest. The deputy chair has some questions, and it will not shock you to know that I will have some questions, which, I anticipate, will come from different directions.

The other thing I want to do in the time available is to give you some notice about fleshing out, in a more bipartisan spirit, another important aspect that has come to light—that is, some of the submissions we have received from disabled and blind groups refer to technological advances that they think could make a real difference to them, particularly in the electronic voting area. I refer specifically to evidence we received in Melbourne and Adelaide, where groups representing the blind, or the sight impaired, are making submissions on trying to get a secret ballot, as it were. Of course, by definition these people must vote with the assistance of either a carer or an AEC official and, in either case, that can be a difficulty. They point out that electronic voting and some of the other technological advances now make it possible for them to vote in a secure way, perhaps at the divisional returning office or perhaps in a prepoll sense. Without undercutting their submission, their aims and objectives are to have this sort of facility at every single polling booth and, as a first step, that is something we have discussed with them. That is one live issue I want to get your views on. The other is technological advancements in general—I am aware that at the last election in one electorate or polling booth, and you will correct me at the right point, I am sure, you had a computer based system for when people's names were crossed off as they voted—and where you see things going in the future to greater enhance the integrity of voting on the day.

That is a bit of a summary. At the very end I will allow members to ask your view on any other aspect. We do not have a lot of time and, as I said, we could go on for a considerable period of time. We will start with Mr Danby on the issue of when the rolls close. I will certainly ask some questions on that. If Senator Forshaw and Senator Mason have any, they will throw some in as well. If we do that perhaps for the first 45 minutes or so and then use an equivalent amount of time for some of the information technology issues I just raised and then we will have a quick wrap-up. Rather than have an opening statement, we might move to Mr Danby's questions.

Mr DANBY—I appreciate what the AEC has done following the Dalby hearing. I am looking at the three tables in here on the close of the roll transactions by division, time and by age and new enrolments. There is a phrase I had not been familiar with describing that five-day period of grace that people have had elections post 1983 called the 'roll-close period'. Is the 'roll-close period' the term the AEC uses to refer to the five-day period after the election is announced?

Mr Dacey—It is the seven-day period.

Mr DANBY—It is five working days, isn't it?

Mr Dacey—Working days? Sorry, yes.

Mr DANBY—Can I take you through the different tables in attachment C. The first one is ‘New enrolments by division and age’. What is the total number of new enrolments Australia wide and how do you define ‘new enrolments’ who use that five-day period to enrol? I think it is on page 1,500 of the one that was confidential until this morning.

Mr Dacey—It is the period for the 2004 election. We are looking at the period from the announcement of the election, which I think the Prime Minister announced on Sunday, until the date of the close of the roll.

Mr DANBY—Which was the following Sunday?

Mr Dacey—The following Monday week.

Mr DANBY—So it is Sunday to Monday?

Mr Dacey—Yes. New enrolments are those electors who are enrolling for the first time. Sorry, the close of rolls was the Tuesday week from the announcement of the election?

Mr DANBY—That seems to be more than five working days. Is it seven working days?

Mr Dacey—It is currently seven days from the issue of the writ, and the writ was issued on the Tuesday. The election was announced on the Sunday, the writ was issued on the Tuesday and the rolls closed on the following Tuesday.

Mr DANBY—I see, it is seven full days from the issue of the writ?

Mr Dacey—That is correct.

Mr DANBY—Does it say in the legislation that it is five working days as well?

Mr Dacey—No, it does not.

Mr DANBY—Okay. Australia wide the number of new enrollees by division and age in table 1 on page 1,500 was 78,816—is that correct?

Mr Dacey—Yes.

Mr DANBY—I must say that it surprised me a bit that, while they are concentrated in the younger age groups, it is certainly not a matter of just 17- to 21-year-olds. Though some of the biggest years seem to be 18, 19 and 20 there is a very substantial group in the 20 to 24 age group that enrolled for the first time as well.

Mr Dacey—That is correct.

Mr DANBY—Do you have any commentary on that? Why does it take some people so long?

Mr Campbell—I think we need to clarify that. Some of these people might have been enrolled at some time in the past and this is a new enrolment now. They are not necessarily enrolling for the first time, I think.

Ms Davis—They may have provisionally enrolled when they turned 17 so they are also included in those figures.

Mr Campbell—I apologise. New is ‘never before’—these are the ones who have never enrolled before.

Mr DANBY—Does that include provisional enrolments?

Ms Davis—Yes. My understanding is that the 78,000 figure includes provisional enrolments of 17-year-olds.

CHAIR—So that we are clear, they would be included in there because they are provisionally enrolled. At 17 they have got themselves on the roll but they do not become a live voter until they turn 18, obviously.

Ms Davis—Yes, that is right.

CHAIR—But they are counted in that 78,000—

Mr Dacey—Only if they turn 18 before polling day.

Ms Davis—Yes.

CHAIR—But if they don’t turn 18, are they counted in there or not?

Mr Dacey—No, they would not be because they are not enrolled as such.

CHAIR—So in that sense, although they are counted in they have met the requirements for enrolling. It is just merely that they have not turned 18.

Ms Davis—Yes. It is just that the enrolment application form might have been received before that close-of-rolls week, but the way the statistics are compiled they are included. I do not have in front of me how many of those are in that category, but we may be able to get it for you if you are interested.

Mr DANBY—The overwhelming bulk of people are aged 17 to 25 who constitute thousands state by state and use that period to enrol?

Mr Campbell—Who used that period in the last election.

Mr DANBY—But that is repeating a phenomenon in previous elections.

Mr Campbell—In effect the legislative provision enables them to enrol in that time frame.

Mr DANBY—Yes, I am aware of that, and that has only been since 1983?

Mr Dacey—Since the 1983 amendments came into force, yes.

CHAIR—The 1984 election.

Mr DANBY—What happened prior to then? I know what happened in the 1983 election. In effect, that prompted this committee to make recommendations, which the AEC took up and put into practice in the 1984 election, that gave people a period of grace because there were, as I remember it in 1983, over 300,000 people who changed address or who were new enrollees—in other words, people covered in tables 1 and 2 who were not able to vote in that election.

Mr Dacey—With the exception of 1983, historically there had been a period of time between the announcement of an election and the issue of writ and that varied from five days in 1949 to 63 days in 1958 with the average gap in the period from 1940 to 1983 inclusive being 19 days. So except for 1983, it was the only time that that occurred. There was always a gap between announcement of election and issue of writ.

CHAIR—How could that gap be so large?

Mr Dacey—I am not sure.

CHAIR—I am sure that you are reading factually.

Mr Dacey—I am sure that I am reading it factually. In 1958 there were 63 days between the announcement of the election and the issue of the writ.

CHAIR—That is two months. I was not around them. Mr Danby was around in 1983. I was only 16 in 1983 and I had other priorities. Would you be able to check that?

Mr Dacey—Sure; we can check that.

CHAIR—It would appear at first blush that that is a technicality.

Mr DANBY—It may be that politics in those days was not so intense, and they felt able to announce elections earlier and then issue the writ closer to the period of time.

Mr Campbell—Although there was intense politics at that time between some parties and some offshoot parties.

Senator MASON—And within some parties.

CHAIR—There was, but only in Victoria!

Mr DANBY—Would you anticipate that, all things being equal, if there were a proposal to close the electoral roll on the day the election was announced—in other words, to go back to the

1983 event—a similar number of people who were new enrollees might miss out on being able to register to vote?

Mr Campbell—I do not think that I could agree with that hypothetical conclusion, unless the law was changed on the day that the election was announced and the writ issued.

Mr DANBY—Why?

Mr Campbell—If the law were changed we, as the commission charged with the responsibility of administering the law, would do all we could to inform people of the change so that they would know that they did not have that period of seven days in which to enrol.

Mr DANBY—If the law changed, I am sure the Electoral Commission would be asked to do everything they could to make sure that people did avail themselves of that opportunity. But, from the historical precedent, people do not have politics at the front of their minds, especially younger people and the ones who have never voted before. Despite all of the educational campaigns of the AEC, if you were interested in seeing that the democratic franchise was as wide as possible, there would have to be a concern that you might lose some of those people that you were able to pick up with the seven days that we have now.

Mr Campbell—Perhaps I will tackle that question from a slightly different angle. Even with the seven-day close of rolls, I have no doubt that we now have people who try to enrol on days 8, 9 and 10. In that sense, wherever you draw a cut-off point, you will have people who, for whatever reason, did not get to enrol before the rolls closed—there is under current arrangements and there would be in any changed arrangements. The point I am making is that, at the moment, there is obviously a pretty fair understanding out there by a lot of people, particularly young people—although some people may not understand and they are the ones who go beyond the seven days—that they have this period of time in which they can enrol.

I see it as an important responsibility of the AEC—and I suspect of other stakeholders in the system—that, if the law were changed, to embark upon informing people that the law had changed. As you have drawn out, 60,000-odd of those people in the last election were under age 25. We would seek advice on how to target the particular age cohort of 17 to 25. We would target universities, tech colleges, schools, youth magazines and all of those sorts of things; you could go on forever. My point is that I could not draw any conclusion that a change in the closure date of the rolls would automatically lead to a particular number of electors who want to vote not being able to vote.

Mr DANBY—Are you saying that in 1983 the big number of people who were disfranchised was due to the very late announcement and the zero education campaign? People were not told that they were not going to have the average of 19 days to enrol that they had in previous elections between the announcement of the election and the issue of the writ.

Mr Campbell—No, I am not talking about 1983; I am talking about what we would do now. You are working from the figures of 2004, and I understand that. I am saying that I cannot agree that a similar number or whatever would not be enrolled to vote if the law were changed to say that you did not have the seven days. Were the law to be changed, unless it were changed on the last day—and obviously that would not happen—we would have knowledge, other stakeholders

would have knowledge, and we would therefore put quite a bit of resourcing into letting people know it was happening. That might still mean that some people did not get the message, but the point is that at the moment some people do not get the message about the seven days, and they walk in on the eighth day.

Mr DANBY—But you do run educational campaigns particularly focused on young people. I have seen them; they are very good. And we know for sure that, as you say, some 60,000 people use the existing period to enrol, by which we expand the number of people who are going to turn up to voting booths on the Saturday. Those people are on the roll where otherwise they would not have been.

Ms Davis—The AEC has been giving some thought to strategies that we might employ in the light of the discussion that has been going on. As the commissioner said, we would be of a mind to be redirecting the moneys we currently put into advertising in the lead-up to an election. Overall, for the 2004 event, that was in the order of \$8 million. We would be redirecting that particularly to targeting 18- to 25-year-olds through certain mechanisms, including the internet, for instance, and some of the other very successful strategies that we have had.

As well, we have been giving some thought to how we might use our dispersed network of offices in a longer-term strategy, such as perhaps the roving caravan model of going out and talking about the need to enrol. So we have been having some deliberations as to how we might, if the law were changed, have to redirect the strategies that we have employed in the past.

Mr DANBY—But you already have—and perhaps you can tell me what the cost is as I do not know—an education program where you encourage young voters to enrol?

Ms Davis—Yes, we do have some entrees. Traditionally, our focus has been on primary age schoolchildren through our electoral education centres. We have been redirecting that to those just about to enrol—the senior secondary students. So that change in profile is happening.

In addition, we have campaigns out where the youth are. You might recall that in January 2004 we were out with a Rock Enrol initiative at the Big Day Out concerts. So we have initiatives like that and we have profiles within the tertiary institutions, but we are also concerned to reach youth who are not in educational institutions. One of the studies that we have entered into is a longitudinal study in collaboration with some academic institutions. It is known as YES, the youth enrolment study, and it has been revealing some very interesting information about youths' attitudes towards voting per se. Also, we have been in discussions with people about what strategies the AEC might put in place and strategies that other interested stakeholders might be putting into place. So it is an area of increasing effort within the administration.

Mr DANBY—I am very aware of that, I commend you for it and I think it has been very effective, especially the reorientation towards secondary schools. I am aware of a lot of DROs doing things in politics classes and in high schools to encourage 17-year-olds to enrol. But even with that more focused effort and the advertising and educational programs that you focus on, you are still saddled with the fact that 76,000 people use the seven-day period to enrol. Knowing the mentality of a lot of the kids who choose that time to enrol, my fear is that, however good your advertising, the only thing that is going to force people who are not that interested in politics—and I think that is the class of people that we are talking about—to enrol at the last

minute is the actual event of an election. Losing that period of time may lose them, which is something I would be very concerned about.

Ms Davis—I have been given some figures in relation to our previous discussion that might hearten you to some extent. There is a figure of around 13,000 17-year-olds. Of that 13,000, 5,000 enrolled in the close of rolls period but the remainder had requested the application for enrolment prior to the close of rolls periods. We can give you exact figures. That is for additional information.

Mr DANBY—That is very good. Do you think it is partially as a result of your educational activities?

Ms Davis—We would like to think so. Of course we can only speculate in these areas.

CHAIR—Also the fact that elections are coming is not a state secret in Australia. In the lead-up to an election, unless it is particularly early, most young people would have thought: 'There is an election coming; I must get my enrolment done.' Is that a reasonable assumption? It would certainly be true for a proportion of that population.

Ms Davis—Perhaps also for this last event the later it became, it was more obvious that there would be an election. Again, it is only speculation.

Mr Dacey—Once that speculation starts and indeed if the parliament is running towards its full term, obviously then we would know to kick in and gear up our PR programs to remind people to fulfil their duties and enrol to vote.

Mr Campbell—As I said twice earlier, I would suspect that the other stakeholders in the process would do exactly the same thing.

Mr DANBY—Table 2, 'Change of enrolments by enrolment card, division and age': I am not sure quite what it means by enrolment card but I understand changes of enrolment by division and age. Is the total for Australia 255,113?

Mr Campbell—In the 2004 election, yes.

Mr DANBY—Is that typical of the pattern in elections between 1983 and now?

Mr Dacey—It is fairly reasonable from historical figures.

Mr DANBY—Are these people who use that seven days to update their enrolment, who have changed address—

Mr Dacey—Who have changed their name or address or whatever, between or within an electorate. They are people who have filled out a form to make a change.

Mr DANBY—If they had lived in Deakin but moved into Casey without correcting their enrolment, what would happen to them if they turned up to a polling booth on election day?

Mr Dacey—If they turned up to a polling booth on election day in their new electorate?

Mr DANBY—Yes, in Casey.

Mr Dacey—They would not be on the electoral roll for that electorate. They would be given a provisional vote. That provisional vote would then be checked back in the office and, all being in order, the Senate vote would be counted and the House of Representatives vote would not be counted.

Mr DANBY—The House of Representatives vote would not be counted even though—

Mr Dacey—Unless they actually voted in Deakin. If they voted for the address for which they were on the roll, both ballot papers would count. If they attempted to vote for the new address and they gave that new address as their enrolled address—

Mr DANBY—So despite your best efforts with the continuous roll update, people might have shifted. Would these people be unit or flat dwellers more often than house owners?

Mr Dacey—I guess you could say that unit or flat owners are more transient than others. It is difficult to speculate.

Mr Campbell—But there are a significant number of house sales every weekend around Australia which will result in address changes. So we do not know the proportion of the 255,000 that might be, if you like, renters versus owner-occupiers, but it is fair to say that in that 255,000 there would be significant numbers of both.

Mr DANBY—So you would have to do an extensive education campaign amongst people if the law changes to tell them that if you are changing rental accommodation or you are buying a new house you had better change your electoral enrolment straightaway; otherwise you are a dead duck as far as voting is concerned.

Mr Campbell—The answer that we gave in respect to the new enrolments is exactly the same answer as here: yes, we would have to embark upon an education program to say that the provisions had changed.

Mr DANBY—But the Electoral Commission does have existing programs to advise people that they need to tell the Electoral Commission of their changes of address long periods prior to elections. You would think that people would avail themselves of this opportunity, but we still have the hard numbers in front of us saying that 255,000 people choose to do that in the seven-day period.

Mr Campbell—We cannot agree that a change of the law would result in a particular number of people not being able to vote. It may well be that if there were a change in the law and we and other stakeholders embarked upon education arrangements some people would be surprised that there is an existing seven-day period. There may well be a lot of people out there who think that once the election has been called it is too late for them to enrol. What we are saying is that this is what happens under the existing legislation and if the parliament decides to change the

legislation on the provisions of closure of rolls we would embark upon education programs and I would envisage that the electorate would very quickly work out what the new rules were.

Mr DANBY—I am not as confident as you, Mr Campbell. I think that this is passed on through families and their familiarity through the decades with what the arrangements are. I am fearful that a lot of people who should do the right thing do not necessarily do the right thing and if they are not picked up by your efficient CRU activity they will be counted out. I think that in a compulsory voting system we have to do everything we can to count people in rather than find ways of counting them out. I cannot see, if a system is working and you pick up between 255,000 and 276,000, why you would change it when you are keeping the franchise as big as possible. That is surely the attitude we as democrats should all have: to keep as many people on the compulsory voting roll as possible when we have a compulsory voting system.

CHAIR—If I could follow on in that line of questioning and perhaps flesh out a few of those issues. I have been on the public record before, even as a member of this committee, as having a different view to the deputy chair on this matter. Although there are things we agree on, this is not one of them.

Mr DANBY—There are many things we agree on.

CHAIR—Yes, that is right, but this is not one. Mr Campbell, it is the case, isn't it, that at the moment the law says once you are 18 and you are eligible to vote you must enrol? Then, in a somewhat contradictory way, it says that if you do not follow the law that says you must enrol when you are 18 and you are an Australian resident you can do so in the seven-day period.

Mr Campbell—That is right, yes.

CHAIR—That is the way it works. You made the point that if there were a change there would naturally be a behavioural response, which is a sensible point that I will go to in a second. But there has been language thrown around throughout these hearings that, if there were a change, that would disenfranchise people. If the law says you must enrol when you turn 18 and you are eligible and if there is every capacity for people to do that, it is not a disenfranchisement, is it? It would be a choice if people have not taken up their opportunity to enrol.

Mr Campbell—It is a consequence of something they have not done.

CHAIR—One of the things I want to go to directly, which the deputy chair might be interested in, is the fact that this debate takes place in isolation at a federal level, and we have our friends in the opposition who throw terms around like 'possible disenfranchisement' on an assumption that, if there were a change, not one person would get the new message before the next election. I am putting it in more colourful language than I would expect you to. But is it the case that the federal law at the moment is not the law of every state?

Mr Dacey—That is correct.

CHAIR—Is it the case that this outrage—that is being advanced by my friend and colleague the member for Melbourne Ports, in his terms—at a proposition that the government might move to close the rolls when writs are issued already occurs in New South Wales, doesn't it?

Mr Dacey—In New South Wales, the rolls close at 6 pm on the date of the issue of the writ, but there is a fixed term, a fixed state election.

CHAIR—That is right. That is true, but what about in Tasmania?

Mr Dacey—In Tasmania, it is 6 pm on the date of the issue of the writ. There is a minimum of five days from dissolution or expiry to the issue of the writ, but it closes on the day of the issue of the writ. In the Northern Territory, it is 8 pm, two days after the issue of the writ.

CHAIR—Two days, not seven. We have had Tasmania, Northern Territory, New South Wales. They are the only ones I am aware of.

Mr Dacey—Victoria—I can give you the lot, if you like.

CHAIR—Victoria does not have seven days, does it?

Mr Dacey—Victoria has three days.

Senator MASON—Queensland?

Mr Dacey—Queensland has between five and seven days.

CHAIR—The Queensland system is similar to the federal system. But the point I am making to you is that the federal system is by no means the universal system for the states.

Mr Dacey—No, it is not.

CHAIR—In many respects, one or two states might have a system similar to the federal system—Queensland is an example—but many more have a different system involving a fewer number of days. That is a fair generalisation?

Mr Campbell—Yes.

CHAIR—Another point you made about a behavioural effect was obviously a good one because, if the seven-day period did not exist, you would inform people of a change in the law, as you would with any change in the law. You would do so through your current structures, which I know take place in schools. Is that right?

Ms Davis—That is correct.

CHAIR—Do you do anything with real estate agents? Maybe it is the real estate agents performing a community service but, when people buy houses—

Mr Dacey—We actually use information from agencies such as rental bond boards to get information. We would also do something more targeted. As Ms Davis mentioned before, currently in that seven-day period, we spend several million dollars and have targeted television

and press campaigns at reminding people to get on the roll. If those funds could be diverted to a time before—

CHAIR—You would do it earlier?

Mr Dacey—If there is a snap election, it could cause some difficulties. But, if we are heading towards, as I said, the end of a parliamentary term and there is an awareness that an election is in the wind, we could target where we currently target in those seven days and bring it forward and use those sorts of funds to have particular campaigns.

CHAIR—You have a range of information campaigns to inform people about various things at various points in time? If people enrol in that seven-day period or change their details—let's just say they do it, to take the extreme case, on the seventh day, at the last possible opportunity—you would have a capacity down the track to check whether those details were right, but what capacity do you have before election day—in other words, before their ballot is cast?

Mr Dacey—Actually, this issue has been visited previously by a joint standing committee post 2001 and also by the committee that looked into the integrity of the roll. We in fact perform very similar checks during that period. Whilst the rolls close on the seventh day, our checking process does not necessarily stop on the seventh day. Currently, we still have some time post that seven-day period to make necessary inquiries to satisfy ourselves that the people are eligible. So we still continue to process them.

CHAIR—Would you send them a letter?

Mr Dacey—There is insufficient time to write to them, but certainly there is sufficient time to make telephone inquiries, for example, if there is some particular doubt.

CHAIR—Okay, so you cannot put them through the same system of checks that you generally would for somebody—

Mr Dacey—Not in all cases.

CHAIR—No, not in all cases. It seems to be commonsense, without casting any aspersions on the AEC at all—that is not my intent—that you do your best to check them in that seven-day period with people enrolling. You might conduct a number of checks, but it would be fair to say you could not conduct the extensive checks you could on someone who was on the roll for six or seven months and there was some doubt over their eligibility to be on the roll in a certain place. You would normally take some weeks to do those extensive electoral roll checks. You write to people, the mail is returned, that sort of thing.

Mr Dacey—Yes, maybe in some exceptional circumstances, but of course what we would not do is put someone on, even now, during that period if we still had doubts. We still maintain the integrity of the system by our returning officers having to be satisfied that those people are eligible before they are placed on the roll.

CHAIR—But as you said before, you cannot carry out the most extensive checks.

Mr Dacey—If there were extensive checks required, and I would suggest that in most cases in unusual circumstances where correspondence might be needed, then certainly there is not time for that.

CHAIR—Thank you for that. The other point I want to go to is Mr Campbell's point. He said, quite rightly, that there would be a problem if the law change immediately before the election. Say the law was passed through the House and through the Senate, and an election was called a day or so afterwards—in other words, the seven-day period was taken away and there was not adequate time to inform people. You made that point, Mr Campbell. As a corollary, if there were to be a change from that AEC's administrative position, the sooner the better. Would that be right? If parliament were minded to make a change, the sooner that took place, then naturally you would have a greater capacity and a greater length of time to inform people prior to the next election.

Mr Campbell—I would want to talk with my colleagues in the commission, but I suspect that we probably would—I understand what you are saying, but I suspect we probably would not go into any significant educational programs until we were getting closer to the period of the election, when that period of time—

CHAIR—But in terms of planning—

Mr Campbell—But in terms of planning and working through strategies and media campaigns and dealing with stakeholders and working out universities and things like that, the answer is yes.

CHAIR—I am not trying to put you in a difficult position. I venture to say it would be the case with every change to the electoral law that the longer the period of time you have obviously the more prepared you can be. That is just a statement of fact without trying to pull a policy position from you, which I know you—

Mr Campbell—You are not putting me in a position by saying that the more notice we have for any administrative change, the better off we would be.

Senator FORSHAW—I have a couple of questions to follow up on that discussion. I suppose one thing the government could do is run an expensive advertising campaign about proposals to change the act even before the legislation was put through the parliament. With this position where there are differences in the states and territories to the federal situation, is my understanding correct that it is the federal roll that is the pre-eminent electoral roll that is relied upon by the states and local governments to access?

Mr Dacey—Yes. We in the AEC, in the main, maintain the roll on behalf of state and local government.

Senator FORSHAW—So, when a person enrolls, even if they are going to enrol for the state election or for the federal election, it gives them entitlement to the others? They are really relying upon what you do during the period between federal elections and also in that period leading up to a state election, to ensure the accuracy of the roll so far as you can determine?

Mr Dacey—That is why we have a continuous roll update program—so that the roll is as up to date as we can manage to get it at any time. Conversely, some of the states are more proactive than others in having their own campaigns. So we exchange information and we rely on each other to a certain extent.

Senator FORSHAW—Just to remind me, can you tell me—in numbers or percentages—how many people who are on the roll when an election is called and change their enrolment—such as a change of address—in the period between the election being called and the expiry date?

Mr Dacey—For 2004 that was 255,000 people.

Senator FORSHAW—If they did not change their enrolment details—if they were prevented from doing so—would they remain on the roll?

Mr Dacey—In the main, they would remain on the roll for their previous enrolled address.

Senator FORSHAW—They would have to because at that point of time you would not be focused upon a major check.

Mr Dacey—We would not be focused on removal.

Senator FORSHAW—So these people are not showing up, are they, in your ongoing checking of the roll by sending letters out to people?

Mr Dacey—That process ceases at the announcement of an election, anyway.

Senator FORSHAW—So at the last election, it had not come to your notice that those 255,000 people were in a position where they were still on the roll but at a previous address? Is that the case? I am not talking about new enrollees. I am talking about those who change their enrolment in that period.

CHAIR—Just so that we are not at cross-purposes, and so that I understand the question you are answering, do those figures relate to people changing their enrolment from one electorate to another or do those figures include changes of enrolment within electorates as well?

Mr Dacey—Only from electorate to electorate—

Senator FORSHAW—Hang on, let them finish.

Mr Campbell—It relates to any change of enrolment details.

CHAIR—There are—and it is probably the same in your electorate—a significant proportion of people who change address. There is a certain number; I am not sure whether those figures include that or not. I am just wanting to make sure that I get the number right.

Senator FORSHAW—Okay, but at the end of the day I am talking about the total number of people who are on the roll one could say incorrectly in terms of some aspect of their

enrolment—namely a change to their address—whether it is in the same electorate that they were previously enrolled at or—

Mr Dacey—The figure is for total changes. Just to clarify, it was suggested that those 255,000 could well be seen as those that the AEC has not picked up in the past—

Senator FORSHAW—That was not put as a criticism; I was leading to a point.

Mr Dacey—We may well have targeted them in the past by sending them a letter saying, ‘We know you have changed your address,’ but they may not have responded.

Ms Davis—On page 11 we have the breakdown of interstate and intrastate transfers.

Senator FORSHAW—Page 11 of which submission?

Mr Dacey—It is at page 11 of submission 2.

Senator FORSHAW—I would like to follow this through. I am leading to this: is it the fact that all of those people are still entitled to vote—to turn up at the polling booth and say, ‘I live at 20 Smith Street,’ when they do not, they live somewhere else? Because they are on the roll at that address and they are that person, they can vote.

Mr Dacey—If they are on the roll they have an entitlement to vote. And some of those people may not have had an entitlement to enrol somewhere else because they may have only recently moved. So they may not have lived there long enough to get an entitlement to register at their new address.

Senator FORSHAW—I was also going to come to that. That is the one-month period, we are talking about—

Mr Dacey—That is correct.

Senator FORSHAW—where, if you move, and you notify a change of address, you have to be resident there for a month before you can formally be put on the roll.

Mr Dacey—That is right.

Senator FORSHAW—What happens to those people in that month? Let us say an election is called in that period.

Mr Dacey—They do not have an entitlement so they would be voting for their old address because they still have their entitlement for the old address.

Senator MASON—They still have their entitlement?

Mr Dacey—They still have their entitlement.

CHAIR—To take Senator Forshaw's point: if someone shifted house into his electorate—

Senator FORSHAW—My electorate is the whole state.

CHAIR—A better example would be: if somebody moved into Melbourne Ports 10 days before an election, there is no way, with or without a seven-day period, that they would be able to get on the roll there, but they would still have an entitlement in their previous—

Mr Dacey—By virtue of the fact that they do not have an entitlement to enrol for Melbourne Ports.

Senator FORSHAW—That is as I understand it. In any event, at this point in time under the current arrangements we have a situation where, whatever that number was—

Mr Dacey—255,000.

Senator FORSHAW—We have 255,000 people who, if they did not notify the AEC, would be in a position where, if they all voted, would be voting at an address that they no longer lived at.

Mr Dacey—For 2004?

Senator FORSHAW—Yes.

Ms Davis—And if they had not already been captured by one of our other processes. There might have been a mail-out under our CRU program that is in train.

Senator FORSHAW—This is more a debating point, but this is one of the issues associated with the proposal to cut the roll off on the day the election is called. That actually maintains a position where the roll technically is deficient, in that it has quite a substantial number of people on it at an address that they no longer live at. I am not suggesting that it is illegal—that is another issue—but that is what that process does. It denies an opportunity to change, to get it correct at least to that extent.

Mr Dacey—As Mr Campbell has pointed out, if that change did occur we would then have to rethink strategies for targeting people. Our current mail-outs, for example, could be changed. Our current mail-out, if we get information that someone has moved, says: 'We understand you have recently moved. Here is a new form.' We might, for example, change that mail-out letter to say: 'We understand you have recently moved. There is now not in place any longer the seven-day period to enrol before an election, so it is important that you fill out your form now.' So there are different strategies that we would need to investigate if those new arrangements come into place.

Mr DANBY—I would like to ask you one technical thing about the table you refer to on page 11. What is the difference between re-enrolment and intra-area transfer?

Mr Dacey—Re-enrolment is for a person who has been on the roll and has been off the roll and comes back onto the roll, as opposed to a new enrolment, which is for someone who has not been on the roll at all.

Mr DANBY—Does that mean within an electorate—say if someone transfer suburbs within the same electorate? Is that re-enrolment?

Mr Dacey—Re-enrolment is for someone who has been off the roll for a period of time.

Mr DANBY—And then comes back on.

CHAIR—They have been on it at some point in their life before. They might be 30, they might be 25—

Mr Dacey—An intra-area enrolment is within the same electoral division.

Senator FORSHAW—I have one final question. I will ask it now but it may relate to issues we discuss later. Do you have figures for the number of what I might call double votes, either from the last election or the previous one? That is where a person has been crossed off the roll as having voted more than once. Do you keep those figures and do you have them?

Mr Dacey—We do. We are in the process of finalising those figures, which we traditionally supply to this committee.

Senator FORSHAW—I apologise; I am a new member so I am learning as I go.

Mr Dacey—We do that regularly with the committee and, because the process takes so long to finalise, it is one of the last submissions that we put in.

Senator MASON—I have a quick question on an issue we have not discussed today. Recently the committee took evidence in Adelaide from Dr Kathryn Gunn, who is Deputy Director of the Communication Project Group. She assists disabled citizens in employment and so forth. It is submission No. 28, on page 117 of volume 1 of the submissions to this committee. It really relates to assisted voting. It is an issue that I know we have discussed in previous reviews. Her evidence was that in some cases the carers of disabled people are unduly and improperly influencing their vote. The issue of assisted voting has been raised before in the context of Indigenous Australians. We have had this same debate in a different context. What Dr Gunn suggested in her submission was that, rather than disabled people necessarily voting with someone of their apparent choice, a neutral person from the Australian Electoral Commission, a polling official, should go into the booth with them, because she thinks that you cannot necessarily trust the carer. How do you think we should address Dr Gunn's concerns? Is there a way of addressing them? It is a tough question.

Mr Dacey—I guess it comes down to the trust that the person has in the carer. If there is a choice, the person who cannot vote without assistance can have the choice of a friend, a carer or an electoral official. One of the ways that several of the submissions have suggested we might get around this would be to give those people an opportunity to vote without assistance, through some sort of electronic means, for example, if there were certain concerns about carers. You hear

anecdotal things, but over many years nothing has been brought to my attention in terms of a formal allegation about a carer anywhere improperly influencing someone as to the way they vote.

CHAIR—I will assist you in this, because you were not at our Adelaide hearing. We heard some evidence in Adelaide from groups who said that the disabled person felt awkward sometimes in either respect. It may be that they have a great relationship with the carer, as is often the case, but nevertheless they feel awkward asking them not to be present and taking up the option of an AEC official. Sometimes it is the other way around. That was what the groups were saying. To cut through some of this, what they are really suggesting is that—and it is a good point that Senator Mason raises; one we wanted to get to this afternoon—the technology is now catching up and there is the capacity for electronic voting. We have had submissions from blind groups and other disabled groups about having this sort of facility available in the future. They made reference to the fact that the ACT had a facility at the last ACT election.

Mr Dacey—In the last two.

Ms Davis—I might address Senator Mason first. I think in this area—and you have probably heard this yourself from the disability groups—it is important to distinguish between the types of disability. Very recently we had a meeting with some of the peak disability bodies in Melbourne—the second of a series of meetings where we were discussing these sorts of issues. It is quite relevant that even with a group such as that there are disparate opinions about this issue. We might be talking about the importance of being able to vote in secret for someone who is blind or has vision impairment, but on the other hand there are people who represent those with mental disabilities who still have the right to vote. In that case the issue of our trust of the carer or helper becomes more important to them.

So in the consideration of this matter it is one of these very grey areas—you have obviously found this yourselves, as we have done. In communicating to these people that we will do everything we can, the main messages we heard from them were in relation to both access and participation, which is an even broader issue. Another message strongly coming through was that one size does not necessarily fit all. It is important to keep that in mind, and we will do that from our perspective. That is something I can relay to you from that discussion. In relation to, more specifically, provisions for vision impaired people, we employ a range of strategies around producing audio tapes and braille for people if need be, but again the main message, as you have obviously heard, was being able to have a secret vote. That is why they are lauding the opportunities that ACT residents had in the past two elections. I do not know if the committee is familiar with how that actually worked.

CHAIR—The ACT commission are appearing before us on Monday with all the equipment to show us first-hand.

Mr Dacey—Our position is really that we see some form of electronic voting—we will not get into debate here as to what sort of electronic voting, unless you want to take it further—as just another system or an alternative that allows people to have a vote just as postal voting is an alternative to attending a polling place. It is just another system that could be in place to give particular groups in the community an advantage. There are particular disadvantaged groups—

whether through disability, remoteness or type of occupation—that could take advantage of some form of electronic voting.

Senator MASON—The argument—the chair touched on this and I heard the same thing in the context of Aboriginal Australians as well—is that their so-called carer or friend may in fact be intimidating them to vote in a certain way and that many people would be happier if the option of a friend were not there but rather that the choice was simply one of receiving assistance from an official of the AEC if needed. Does that make sense? They would rather not have the choice because that compromises their vote.

Mr Dacey—I can understand that point of view, but on the other hand you could understand the point of view that a visually impaired, frail, elderly, 90-year-old man or woman may want a friend or a family member there rather than some stranger. So you have both sides of the issue.

Mr Campbell—Of course, if that were to happen on a large-scale, there is a resourcing question. It comes down to how we would actually manage it—whether it would happen on polling day or pre-poll. There are a lot of considerations here, as Mr Dacey said. If one size cannot fit all and we go down that path, we then have to work out how it would be done.

CHAIR—I might continue on that, though I know Senator Mason has some more questions, and specifically talk about the groups representing blind and vision impaired Australians, because we have heard from a number of them. They made what we thought was a pretty good case—I think it is fair to say the committee was unanimous on that—around simply wanting the right to a secret ballot. To paraphrase their submissions, and they all varied slightly, in an ideal world down the track they would like that electronic voting facility at every polling booth. But, as a first step, how would the commission feel about implementing some sort of electronic system that you were happy with at the divisional pre-polling office and including a capacity for people with that disability to vote on any day of the pre-polling? This, of course, would present extra opportunity because they could come in at any time and have an automatic right of a pre-poll that other voters do not have. It could also be open on election day. That is something we discussed with them and they thought it would be of advantage, because that is obviously where the divisional returning officer is on the day for interstate votes. It is also where the expertise is and you are not relying on employees who are just there for the day at the local school. How would you feel about that?

Mr Campbell—We would feel positively about anything that we can do to help people who are having difficulty voting—obvious difficulties, not convenience voting. You are not talking about convenience voting here—

CHAIR—No.

Mr Campbell—But of course, within a resource base. The pre-poll idea is very interesting and we would be very enthusiastic.

Mr Dacey—It is something we would be certainly keen to trial. We are getting into a bit of detail, I suppose, but we might suggest some alternatives in terms of premises if we have particular premises that are not particularly suitable for access. But as a general principle we would look very favourably upon it.

Ms Davis—You might be familiar with the fact that in the case of the Victorian elections they have set up two pre-poll centres of that ilk. At least one of them was in Kooyong, a place called Vision Australia, which is especially set up for people with vision impairment. That made the voting process with them much easier in terms of access to the premises and being familiar with that particular disability. So while the suitability of the premises is our aim for divisional officers, they would not all be up to scratch, or up to par, in that sense.

CHAIR—As a first step, would it not be good if there were some certainty for those people so they would know that throughout the pre-poll period, which is some 15 or 20 days, although travelling is a difficulty, they could vote at the pre-poll vote or at another election and on election day?

Mr Campbell—It gives them time to organise it because of transport difficulties. Accessibility would improve.

Senator MASON—In all these contexts, the privacy of the vote was the big issue followed secondly by the integrity of the vote—in other words, assuming the carer or whoever recorded your vote as you had requested. As Mr Dacey has said, if you have, perhaps, electronic voting, it can be private and also secure.

Mr Dacey—That is correct.

Mr DANBY—Do I understand from the answers to the chair and to Senator Mason that the AEC intends to look at obtaining these electronically assisted voting systems in one polling booth per federal electorate to be used at the pre-polling in each electorate for the next election?

Mr Dacey—Provided we have the legislative base to do so. That is a matter for the committee to consider and recommend. We cannot currently do it under the act.

Mr DANBY—So you need a legislative change.

Mr Dacey—Yes.

CHAIR—And then there is a resources issue.

Mr DANBY—The point I am making is, taking up the submissions, the goodwill of the chair and Senator Mason, and your openness to this idea, the mechanism that you are confident would enable it to work is one per electorate available at the pre-polling and then some other place on election day. You would not need it in every polling booth or—

Mr Dacey—I think it is one step at a time. We certainly would not like to suddenly go out—

CHAIR—In our submissions some of the groups said they wanted it everywhere. In discussions—and without putting words in their mouths—it was put that that would be difficult in a resource sense even if it were possible. Resources were not the worry; my worry was having the trained staff to be able to deal with it. Nothing would be more frustrating than turning up to a school and you not having the expertise and the staff there.

Mr Campbell—It would be the sort of thing where we would want to walk before we would run. I think Mr Dacey used the term ‘pilot’ a few minutes ago. I would make just another observation in following up a question you asked earlier about the timeliness of legislative change and how much time we would want. This would be one where we would really like as much time as possible. My guess is if we had legislative change, we would then want to try and do something about it in 2007 and we would have to work that through.

CHAIR—And you would want to consult with all of these groups and run a couple of ballots and that sort of thing.

Mr Campbell—Most definitely, yes. So there is quite a bit to be done. You would not have it nationwide in the first instance.

CHAIR—Thank you, that is good. I think it is something the committee unanimously feels pretty strongly about it. If we need a legislative change it is certainly something we can consider. As I said, we have the ACT electoral people coming in first thing Monday morning, so if any of you would like to attend that you can—it is really a demonstration rather than an interview.

Mr Campbell—We will have one or two staff members up here to observe.

CHAIR—Let us move on to some technical issues while we are on IT. I am particularly interested in looking forward to any of the IT advances you think you can bring to elections in Australia. I note that at the last election you ran a pilot program, either in one federal electorate or in one booth in a federal electorate, where you had the electoral roll on computer so that if somebody voted in one booth it would register across all the other booths in that electorate.

Ms Davis—It was 15 electorates.

CHAIR—Was it? I have done you are a disservice.

Mr Campbell—I will ask Mr Tim Evans to respond. I think it might be easier if he answers directly—he is more au fait with this, and he ran it.

CHAIR—Mr Evans, could you acquaint us with that pilot program.

Mr Evans—Certainly. The recommendation from the JSEM inquiry into the 2001 election was for the AEC to conduct a pilot using laptops with the electoral roll on it in the 10 or so polling places where the largest number of absent votes had been cast at the 2001 election.

CHAIR—So it was a targeted pilot program?

Mr Evans—Yes. It was a tool to assist in the correct identification of the electorate for people having absent votes. We conducted the pilot in 10 polling places. We had another 10 polling places of similar size that were identified as a control group so we could then check the efficacy of the tool in assisting the issue of correct absent votes in one set of polling places against the outcome of absent votes in the similarly sized set of polling places—a pilot group and a control group. It was only about issuing absent votes. It was not in any way the trial you described,

which was having people marked off on the roll electronically and that information being networked within a division.

CHAIR—So if somebody came in and sought to vote—

Mr Evans—Sought an absent vote.

CHAIR—sought an absent vote—you could tell where they were from, I suppose.

Mr Evans—That is correct.

CHAIR—Let us just step back from this. Senator Mason and I have asked questions on this in previous hearings, and take these questions not as a criticism of the AEC, because you work with what you have got, and nor am I trying to pin you down to something for the next election—make that the first caveat. It is the case that society has moved with a lot of IT changes in the last 10 or 15 years but, at first blush, our electoral system has not really moved with those changes. On the one hand, there are probably some good reasons for that to do with security. But, on the other hand, it is the case that we are operating with paper rolls where—please correct me if I am wrong; I would be relieved—you can vote at a pre-poll booth the day before election day and, if you are so minded, you can turn up and vote the next day—and there is nothing the AEC can do about it at that point.

I concede that is the less likely option. But it is possible that somebody could vote at a pre-poll booth and someone else could vote in their name the next day, election day—that is, the pre-poll voting lists are not reconciled with election-day voting lists. I understand that that is the way it is. I know the response would be that we would catch up with that in the end, but, if somebody fraudulently voted in somebody else's name, all the ballots that were cast would be counted.

In perhaps most suburban and outer suburban electorates there are 35 polling booths. The other obvious proposition is that somebody could vote in someone else's name in all of those. I concede up front that you do not have floods of cases of that, but to me the important thing has always been preventing fraud as best as possible. Often big organisations have four- and five-year forward plans. Do you have forward plans about electronic voting in five or 10 years time? Could whoever has the most expertise give us some idea of what is happening in IT around the world in some of the other democracies?

Mr Campbell—Please do not take these comments in a negative way—some of them might be perceived as negative. As an organisation we are very interested in whatever you might want to call electronic voting, and that can cover a whole host of issues. Some other people around the table here will be able to give you chapter and verse on what is happening in other nations. We are at the moment doing some pretty serious thinking on e-voting issues, both on direct recording and voting using the internet. A vote can be electronically recorded or it can be done using electronic means. So there are two issues. As my colleagues will tell you, a variety of things are being done around the world, some of which might work here and some of which would not. Our preferential voting system makes life a little bit more difficult because a number of others have first-past-the-post voting, which make it easier.

CHAIR—When you talk about voting systems, that would only apply to electronic voting.

Mr Campbell—That is right.

CHAIR—I am talking more about electronic recording and enrolment.

Mr Campbell—You recall that I had two issues there—

CHAIR—Yes, I do.

Mr Campbell—recording and e-voting. We are looking at both. In the sense of wanting an organisation to be looking forward—

CHAIR—You are looking at both.

Mr Campbell—we are looking at both and trying to work out what is and what is not possible. But you have to know there are two very different things. The preferential system we have means that some things that work quite easily in other countries would not work here. I want to put one other issue on the table before I hand over to my colleagues to go through some of the broader issues in e-voting. We currently have over 7,000 polling booths. In most of those we have more than one person with the paper roll, as you call it. There is a cost of wiring up those facilities which are not ours, mainly schools and other community facilities. For a one-off event every three years, a significant infrastructure may well be required. Even if we come up with a you-beaut scheme, the government and the parliament might say, ‘We just don’t think that’s worth it.’

I said the beginning that I am not trying to be negative. I would certainly like us to move forward as quickly and as far as we can using what are seen to be modern forms of communication, recording and activity, which the community are used to. I think it is fair to say that we do have those issues and to be able to have a one-off event every three years when we are not hardwired into the buildings is something that we will have to address very openly and clearly. I will now hand over to my colleagues to talk to you about some of the things that are occurring overseas. That might bring us back to what might be possible in Australia.

Mr Evans—If I understand correctly, you were talking about a system where a person, upon entering a polling place, had their name marked off electronically and the fact that they had been marked off as attending at that polling place was then recorded on rolls available in other polling places in that electorate so that multiple voting could then not occur.

CHAIR—It would be a way of alerting you immediately at that point in the day—and this is not even putting on the table the issue of identification—that either that person had voted and someone else was trying to vote in their name or someone else had voted in their name first. It could trigger you to do further checks. Also, take the case of somebody who turns and says, ‘I am here to vote,’ and the Electoral Commission asks, ‘Have you been recorded as already voting today?’ Perhaps the next step would be to ask, ‘Could you show some identification?’ That would prove that the person was either fraudulently voting or that in fact they really were that person and someone else had already voted in their name, at which point you could ascertain the situation. You would obviously divert them to another table and prevent any further fraudulent activity throughout the rest of the day. I fully accept that there are a number of issues; it is not

just the paper rolls, it is the paper rolls combined with the fact that we do not ask for identification on election day—and that is a whole other debate.

Senator FORSHAW—And we do not have non-compulsory voting.

CHAIR—Yes. Perhaps, just to assist you, take an example. The simplest one, for me, is the pre-poll one. I have always found it quite strange. I take Mr Campbell's point that there are 7,000 polling booths with probably 10 people at each one.

Mr Campbell—Close enough, yes.

CHAIR—The pre-poll ones always seem to me to be an obvious first step. It is a limited number of votes, but you do have them available straight up and, by definition, before the first vote is cast on the Saturday.

Mr Evans—Perhaps I could give you two international examples that I am aware of that go some way towards solving the problem that you put forward. In the United Kingdom at local government elections in 2002 in the London borough of Camden, they trialled a voting system where all attendance early voting—'pre-poll voting' in our parlance—was undertaken on a direct recording electronic voting machine or DRE. They had five pre-poll voting centres set up. They were set up in libraries in the borough, so they were in property owned by the London borough and were already linked up on a local area network operated by the borough. In English local government elections, postal voting concludes a week before polling day and pre-poll voting then opens. So you have a period where you can no longer apply for a postal vote, and that is a week before polling day. In that week after postal voting stops and before polling day itself, pre-poll voting is available. That pre-poll voting was available on DREs. There was a roll loaded in each of the DREs that recorded the names of people who had already had a postal vote, so that group of people were not able to multiple vote. Then, because they were wired up on a local area network, as a person cast their vote and their name was marked off, that information was held on a shared database. So if that person or somebody endeavouring to personate that person attended another polling place or the same polling place at another time, that name was already marked off as being recorded. A key element there is that there was a local area network in existence in the council and the information could be shared in real time between the DREs at the several sites.

In Germany there are trials being conducted, which I think are more aspirational than the example that I gave you in London, where they are endeavouring to set up an intranet network linking all places where polling occurs so that DREs can be plugged into those using that intranet and then that same sharing of information can occur. Again you are looking at voting that occurs across a voting period, rather than on a polling day, which means that there is a reasonable return on investment for that infrastructure.

CHAIR—Could I just clarify one thing. With postal votes, are they crossed off the paper rolls—if someone has applied for a postal vote and been given one?

Mr Evans—No, they are not.

CHAIR—I thought they were. Are they prevented from pre-polling, perhaps?

Mr Evans—No, they are not.

CHAIR—So, potentially, someone could do all three.

Mr Evans—Bearing in mind that you admitted earlier that you were 16 at the time and therefore you might not have a good recollection, up until 1983 we did mark off, or endeavour to mark off, postal vote applications on certified lists before they were distributed to polling places. But at the time we had alpha split issuing points so we had a smaller number of certified lists, a smaller number of divisions, for that matter, and a smaller number of postal voters, so it was an exercise that could be attempted. But, again, it was more aspirational and it was those postal vote applications that had been received earlier in the piece. It would rarely have been all postal vote applications up to the Thursday before polling day, particularly in rural divisions where you need about a week to distribute material across the area.

CHAIR—On a more bipartisan matter—and this goes back to postal votes but, have no fear, we are not going to reopen that whole issue again—we heard in our hearings in Dalby, Longreach and Ingham about the combination of mail deliveries being twice a week and, therefore, the limited number of mail opportunities for people to put in their application and get the ballot papers back. There were submissions, including from the member for Maranoa, Mr Scott, that you should give consideration to an electronic form of application for registered general postal voters, so that would take one set of mail deliveries out. He raised a broader point than the issue we were discussing this morning, and it is in that vein I raise it, and that is that there have been occasions where, although the postal delivery is twice a week, sometimes it cannot occur for a couple of weeks due to a flood. That certainly has happened during an election period—I think in 1993. He made the point that 10 years or so ago he probably would not have advocated this, but in the last 10 years farmers in particular have become very reliant on computers: they use them to do their banking, to liaise with the tax office and the like and for a whole range of matters. If they were a registered general postal voter—that is, they were on your books—for whatever checks you needed to do in terms of identification and hurdles they needed to clear, they could send in some confirmation that they were still a general postal voter; they would not need to apply. Other people could make an application ahead of time or make an application over the internet to you and you could send out the ballot papers. Is that something you have looked at?

Mr Campbell—I suspect the answer is technically yes, but legislatively it may be more problematic. Mr Evans could speak to that.

Mr Evans—I believe we made a recommendation to this effect in our submission 1. Our particular issue is that we need to have the postal vote application signed by the witness. There is currently an exemption under the Electronic Transactions Regulations 2000 to part 15 of the Commonwealth Electoral Act which covers postal voting. We have recommended that the committee support an amendment to those regulations so that electronic transactions are permissible for those parts of the Electoral Act that apply to the submission of a postal vote application. A postal vote application would still need to be downloaded from our web site and signed but then, if a person had the wherewithal to scan that paper document and send it as an email attachment, that would be a way of accepting the form. Unfortunately, because we have that requirement for a signature, we cannot go to the next step, which you might have seen on other organisations' web sites—not electoral organisations but on, say, a Centrelink web site.

They might have a form that can be completed online. You push the send button and it is submitted electronically at that time. As long as the Electoral Act requires a postal vote application to be signed, we cannot go that step. Certainly we would accept a scanned email attachment of a signed document.

CHAIR—So you could do that already.

Mr Evans—No. As we have the exemption under the Electronic Transactions Regulations, we need that exemption to be withdrawn so that we can then do that.

CHAIR—In general terms, without tying you to a particular proposal, if the act were amended to give you greater freedom to go down this path, you are saying that there are many options you could explore and that the policy of the AEC is more within the act, and that is something we should really consider.

Mr Dacey—It is not the Luddites of the AEC. We are very keen to keep things moving along.

CHAIR—In that vein, I know there have previously been some recommendations but are there any particular areas that should be looked at?

Mr Dacey—We would be happy to put something to the committee.

CHAIR—That would assist the committee. I have only raised applications.

Mr Campbell—We are thinking about e-voting issues generally. We would like to bring that to a head sooner rather than later and we envisage giving it to you in the form of a submission.

CHAIR—Has anyone got any further questions on the new technologies?

Senator MASON—Not really, but I asked Mr Pickering earlier today about the pre-poll and so forth. I read more closely what you said about that and how the commission had looked at the Queensland Electoral Commission's experience and that you were investigating further opportunities for pre-polling in large electorates such as Maranoa.

Mr Pickering—That is correct.

Senator MASON—That is all.

CHAIR—That has been a useful discussion. There is a now a brief opportunity for members to raise particular issues with the AEC. It has been good hearing from you. We heard from you at the start of the hearings and we had some in camera evidence and some discussions. We have some hearings with political parties still to go on Monday and on Friday we will be in Sydney. We envisage those will be our last hearings. If we need to hear from you in the next fortnight would you be happy to come back and tidy up any loose ends?

Mr Campbell—We will be more than happy.

CHAIR—Senator Forshaw, do you have any further questions?

Senator FORSHAW—Not specifically. I will put on the record one of the constant concerns that gets raised with me. It is that on polling day there are different interpretations given to decisions about where the entrance to the polling place is and where people can stand. It is an interminable problem, because at one polling booth all the people are on the footpath 100 metres from where the booth is and at the next one down the road they are literally on the doorstep—not interfering, but inside the school grounds. If you try to sort out these issues with the officer at the polling place and then with the overall divisional returning officer, you do not seem to get them resolved. I am not sure whether you have given thought to trying to get some standard approach, particularly at schools.

Mr Campbell—I understand the point you are making. I will make two comments. You might find that one is not mainstream. The first comment I want to make is that we use facilities that are not ours—including schools, as you have indicated. We use almost every primary school in Australia, and they have different access points and different traffic arrangements. Obviously there are provisions within the act about a distance of six metres and those sorts of issues. If we tried from a central point to be totally mandatory, we would end up coming to the lowest common denominator, which would not work for anybody.

To my mind, we are better off being in a situation where commonsense, hopefully from all parties, prevails and where the good humour of everybody involved prevails. I think 99.9 per cent of the time it does. Every so often a member or a senator will notice where that does not occur, and that can be brought to our attention and we can see what we can do. We have the constraint that we do not use purpose-built facilities, but if you wander around on election day you will see that in the main the system works pretty well.

Senator FORSHAW—I do not want to make a big thing of it or waste time on it. I suppose one of the things that we have tried to do is to work with the returning officer in advance of polling day to try to get these issues sorted out. We believe we have done that—for instance, how many gates will be open at a particular school. The problem is that on the day you can get instances where there is a difference of opinion. Someone will say, ‘Hang on; he said that we could stand outside the door to the room.’

Mr Campbell—And of course the DROs, the AEOs and the people in Canberra are being rushed off their feet with all sorts of queries. It is one of those instances where my feeling is that a little bit of goodwill and good spirit can go a long way on the day. In effect, we put close to 12 million people through those queues and through those booths in one day.

Mr DANBY—You do a better job than the American elections.

Senator FORSHAW—We found that people were complaining that all the people handing out the how-to-votes were out on the footpath but that when they walked the 100 metres to the doorway of the hall in the school grounds there was a bigger queue for the sausage sizzle than at the doorway as the sausage sizzle was allowed to be right next to the doorway. It is a trite thing but something that gets raised constantly.

Mr Campbell—At the booth that I voted at in the last election—and I voted very early—it wasn’t a sausage sizzle; it was a garden stall.

Senator FORSHAW—Not a cake stall?

Mr DANBY—I want to come back to something I should have dealt with previously—that is, I have some specific things to ask Mr Dacey about a letter that he very kindly wrote to me after a complaint was made at the last election about deceptive and misleading conduct. I want to go back to the table on page 11 of submission 5 and to the tables you provided in submission 6 on pages 1 to 29, attachment C. The three tables in submission 6 are new enrolments by division and age; change of enrolments by enrolment card, division and age; and re-enrolments by division and age. I was under the misunderstanding that re-enrolments were people who had re-enrolled in that division, but you explained before that re-enrolments were in fact people who for some reason had been off the roll and who had come back onto the roll.

You advised me before that people who transfer suburb within an electorate are in fact covered by the table on page 11 of submission 5 and that is called intra-area transfer. So these three tables in attachment C are for three different groups of people who would not have been on the roll in the House of Representatives. They were not able to use that five-day period. That includes people who were off the roll. The number is 78,000 re-enrolments. You told me beforehand we had 255,000 changes of enrolment, 78,000 new enrolments and 78,495 re-enrolments.

Mr Dacey—That is correct.

Mr DANBY—With respect to those three lots of people, as per Mr Campbell's suggestion before, if the law were to change, you would have to do something substantial to get those people to be aware of a change in the political circumstances in the legislation and get them back on the roll. But that 78,000 includes re-enrolments. I thought they would have been covered but, in fact, that is a separate category of people. Intra-area transfer is 98,515. Those people would be allowed to vote anyhow. They would just go along to their polling booth in one suburb and they would say, 'I'm actually enrolled at another house in the suburb.' But, because it was in that constituency, they would not have any problem voting. These are the 98,000 intra-area people.

Mr Dacey—That is correct.

Mr DANBY—But these other people may get their Senate vote in the three other tables in submission 6 but might not get their vote in the House of Representatives—

Mr Dacey—Unless they vote for their currently enrolled address.

Mr DANBY—Thank you. That covers all my attempts to differentiate the various tables. I want to turn to a very specific matter having dealt with the global big picture in the AEC this afternoon. Mr Dacey, you wrote in response to a complaint from my campaign manager and me following the last election about a green coloured how-to-vote card distributed by the Liberal Party, which I contended was misleading in terms of the act. You advised me that after consideration the Electoral Commission did not consider it misleading in terms of the act. I would like to pursue this a bit and follow an example by Senator Brandis at Tweed Heads where he examined various how-to-vote cards. I thought it was very thorough. I did not agree with him but I am following a methodology that I believe he set up. He got the official Liberal how-to-vote card and pointed out its format, which was the traditional Liberal Party format all around Australia. He had a colour one of it too, as I do here. I am holding up a Liberal how-to-vote card.

The words 'Vote Liberal' are in big black letters at the top and there is a big picture of the Prime Minister, John Howard, on the side of it, as there was on all Liberal Party how-to-vote cards. It is a pretty typical Liberal how-to-vote card around the country. I am now holding up a green coloured how-to-vote card. It does not say 'Vote Liberal'. I cannot see the word Liberal at all—yes, here it is.

Senator FORSHAW—You only have one side of it though, haven't you?

Mr DANBY—The other side is here too. Both of them make it very difficult to see the word 'Liberal'. You can see it down the bottom in very small print and there is no picture of John Howard. I am now holding up a Greens how-to-vote card, which is surprisingly similar to this other card. I feel there is some similarity between the two of them, Mr Dacey. I sent you coloured copies of both these when I put in my submission about misleading and deceptive conduct. They are both vertical in format and predominantly green in colour. They are in marked contrast to the official Liberal how-to-vote card, which is Liberal blue and has the big 'Vote Liberal' at the top and the nice picture of the Prime Minister at the side.

CHAIR—Let the record show that it is a nice picture, too.

Mr DANBY—Mr Dacey, I would contend that a voter who did not know who the Liberal candidate for Melbourne Ports was, perhaps a first-time voter with no great familiarity of politics, might have easily assumed that this green coloured how-to-vote card was the Australian Greens card, given the general resemblance. In this particular case it was not a close contest but in a close contest we must make efforts to ensure voters are not misled. I believe that a small number of voters may have been misled with this green how-to-vote card, which was misleading.

The Electoral Commission should be very concerned, within the intent of the act, about this very different card, particularly since I wrote to them pointing out the context of the distribution of the card. They were distributed, Mr Dacey, as the information I sent you details, by people at various polling booths in Melbourne Ports in 2004. You can see, for instance, here, here and here the Liberal Party booth worker wearing a blue T-shirt. You can also see people wearing here, here and here—and they were at every polling booth—green T-shirts, suggesting, in my view, the Australian Greens, handing out a how-to-vote card which was very similar to the Greens how-to-vote card. Young women wearing green hats and green T-shirts and handing these green cards out quite separately from the Liberal Party might suggest something different from the official Liberal Party act.

The final point is that in my submission to you I presented a number of affidavits from people who were at polling booths. For instance, the statutory declaration of Mr Paul Russell said that people handing out the green coloured how-to-vote card said to voters, 'Vote the green alternative.' David Littlewood's statutory declaration said that a girl wearing a green T-shirt and a green baseball cap was handing out green coloured how-to-vote cards and saying, 'Vote for the environment.' I will cite only one more instance but I sent you more than the three statutory declarations I am citing. A Mr Richard Barber, who was handing out how-to-vote cards for the Australian Greens in south Melbourne, said that when he offered his card to voters they replied, 'No thanks, I've already got yours,' referring to the green coloured covert Liberal Party card in Melbourne Ports. He says, 'I personally spoke with voters who confirmed to me that they had

been deceived or misled by this action.’ Mr Dacey, understandably, I came to a different conclusion from you, but I do think this is an extraordinarily detailed documentation of an attempt to deceive and misled voters within the terms of the act.

I make the point to you that these people were on every polling booth in Melbourne—all young women, all in green T-shirts and all with green hats. While you wrote to me that it was not, in your view, something you could take up, I do point out to you that when the TV cameras arrived on all of the polling booths to film this kind of behaviour, suddenly all of this stopped—the green T-shirts disappeared. My point is that it should not have been up to the Green party, me, my polling booth workers or voters in Melbourne Ports to deal with this. It is regrettable that your electoral officials had to constantly deal with outraged voters who felt, either before or after they voted, that they had been deceived and misled.

Mr Dacey—Thank you, Mr Danby. I certainly understand where you say you are coming from. Unfortunately, in doing that job the I have to do, particularly during the election period, I have to look at the legislation as it stands and, in particular, section 329 of the act and previous judicial consideration of section 329 and what ‘misleading’ means, particularly in relation to the famous case of *Evans v Crichton-Browne*; previous advice from the Director of Public Prosecutions; and previous advice from senior counsel. In making that determination, I have to basically determine whether the AEC is of the view that that particular how-to-vote card is misleading. I could form no other view, on the basis of the particular evidence in front of me, that it was not in fact misleading. It is quite clear that it is a Liberal Party how-to-vote card. It does not have to fit with a standard.

There is not a standard for how-to-vote cards, unfortunately. That is not regulated in the act. There are no regulated colours for parties. There is a general understanding in the community that parties have particular colours; but if, on the face of it, it is not misleading and it is not misleading the elector in terms of depositing their ballot into the ballot box, it is a legitimate House of Representatives how-to-vote card which says, ‘Mark “1” for the Liberal candidate, David Southwick.’ It mentions ‘Liberal Party’ in several places. It talks about Liberals-Nationals for the Senate, it talks about some of the environmental achievements of the Liberals. So, in applying section 329 of the act, I had no choice but to determine that, in the AEC’s view, and in my view—I was the one who responded to you—it was not misleading.

Mr DANBY—Mr Dacey, I understand that. Under the section of the act that you cited, does ‘misleading and deceptive conduct’ go only to the how-to-vote card or the context that I have given you about the team of green T-shirts—

Mr Dacey—It is about misleading and deceptive publications. So it is quite narrow.

Mr DANBY—So all the other stuff in the affidavits about what people were being told at the polling booths, the apparitions that appeared before young voters, in particular—all of that melded with a how-to-vote card is not enough?

Mr Dacey—It is not enough, and there is no regulation or section of the act that would allow us to enforce any of that.

Mr DANBY—Thank you very much.

Senator MASON—Just quickly on Mr Danby’s issue, Mr Dacey, you raised some interesting points. Do you have a copy of this how-to-vote card in front of you? On page 1, there is a picture of Mr Southwick and it says, ‘Some of the environmental achievements of the Liberals include:’ and then there are six dot points.

Mr Dacey—That is correct.

Senator MASON—The instruction at the bottom is to turn over for the how-to-vote details, and it gives the green coloured ballot paper for the House of Representatives. It mentions Mr Southwick’s name, and next to that it says ‘Liberal’. Below the House of Representatives ticket it shows a Senate ticket, is that right?

Mr Dacey—That is correct.

Senator MASON—And it says, ‘Simply place number 1 in the Liberal/The Nationals box above the line’—it mentions ‘Liberal’ there again. Then on the white ticket it mentions ‘Liberal and The Nationals’ again. Right down the bottom it says—it is smaller print, I concede—‘Authorised by Julian Sheezel, Liberal Party of Australia.’

Mr Dacey—That is correct.

Senator MASON—Unless, of course, Mr Danby, someone could be confused by Mr Howard’s photograph and Senator Brown’s photograph—they are very similar!

Mr DANBY—But Senator Mason, you are not contending that the Prime Minister’s picture is on this so-called ‘green Liberal’ how-to-vote card.

Senator MASON—No. I was merely being churlish, that is all, Mr Danby.

CHAIR—That is very uncharacteristic of you, Senator Mason.

Senator MASON—Thank you, Mr Dacey.

CHAIR—Nowhere on that how-to-vote card does it mention the name of another party, namely, the Greens?

Mr Dacey—No, it does not.

CHAIR—So it is not a situation where you have a confusing party name, such as the Liberals for Forests which uses part of the name of a another existing party. It does not in any way mention the name of any other party other than the Liberal Party—is that so?

Senator MASON—Except The Nationals.

Mr Dacey—The Nationals for the Senate, yes.

Mr DANBY—Except by word of mouth, which is the greatest—

CHAIR—We will leave the merit of that for another day. I have one final technical question. I know you have done an audit of the Isaacs electorate in terms of the accuracy of the electoral roll. Is that a fair summary? Someone sent it to me—I presume it was you.

Ms Davis—Yes.

CHAIR—Have you done one for Parramatta? If so, where is that at? It might be under way. A constituent is thinking that you are doing one.

Mr Pickering—The answer is, no, we have not done it in Parramatta. We did Isaacs as a result of a recommendation previously to the AEC.

CHAIR—I was aware of that.

Mr Pickering—That was a full division-wide door knock.

CHAIR—And nothing is happening in Parramatta?

Ms Davis—Maybe you were thinking of some work that we are doing in Western Sydney in relation to the informal vote.

CHAIR—That could be it.

Ms Davis—That was prior to the election. We were doing it because we were concerned about informality in that area and we were doing some work with the community. We will be soon publishing some results in relation to the informal ballot. Unfortunately all of those efforts we went to and the specific study in Port Adelaide are not revealing particularly promising outcomes. We will have the informal by the end of the month.

CHAIR—Not in time for our Sydney hearings?

Mr DANBY—Is this just Port Adelaide, or Parramatta?

Ms Davis—This is generally the analysis of the informal vote.

CHAIR—That is fine. You can furnish that to us—

Mr Campbell—We will forward that to the committee secretariat.

Mr Dacey—There was some issue in one of the submissions for Parramatta, which you might be referring to—the HS Chapman Society submission. They were talking about running some door knock in Parramatta—

CHAIR—They were thinking of that, were they?

Mr Dacey—We certainly did not run our own door knock. We may have done some follow-up work or some targeted work but not to the extent that—

CHAIR—But that would not be Parramatta specific. That would be part of your work? Thank you, that is handy to know. We will take the how-to-vote cards as evidence. That concludes our deliberations, and I thank everybody for coming.

Resolved (on motion by **Mr Anthony Smith**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 3.54 pm