
The Parliament of the Commonwealth of Australia

Advisory Report on the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012

Joint Standing Committee on Electoral Matters

March 2012
Canberra

© Commonwealth of Australia 2012

ISBN 978-0-642-79638-7 (Printed version)

ISBN 978-0-642-79639-4 (HTML version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website:
<http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.



Chair's foreword

Australian Electoral Commission (AEC) figures indicate that there are 1.5 million eligible Australians not on the Commonwealth electoral roll. These are people who have failed to enrol, or did not update their address details and have consequently been removed from the roll. Under the current arrangements if they do not complete and submit a form to the AEC, they will not be able to vote at the next federal election or referendum.

The Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012 (the Bill) will provide the AEC with greater flexibility to improve roll completeness. Schedule 1 of the Bill will enable the AEC to directly enrol eligible people who are not currently enrolled, based on data received from trusted third party sources.

The Bill also makes provision for people who are unaware they have been removed from the roll by objection action and subsequently attend a polling place to vote. Schedule 2 of the Bill provides for the reinstatement of some electors and for their provisional votes to be fully, or partially, admitted to the count if requirements are met.

The direct enrolment and reinstatement measures complement those in the Electoral and Referendum Amendment (Maintaining Address) Bill 2011. That Bill provided for direct update of address details of already enrolled electors and changes to the objection process to reduce the number of eligible electors removed from the roll.

Direct enrolment is an administrative tool to enhance the completeness, accuracy and currency of the roll. It will augment other mechanisms for roll stimulation, such as targeted mail-outs, fieldwork and education programs. Direct enrolment is a logical extension of the existing Continuous Roll Update (CRU) process. The Bill

also makes provision for the AEC to communicate with affected individuals about their direct enrolment.

The AEC is the appropriate body to determine which agencies will provide reliable data best-suited for roll administration. The AEC recognises that not all data sources are suitable for direct enrolment. The third party data sources that the AEC will rely on for directly enrolling an eligible person have been tried and tested in the existing CRU and objection processes. The data will also be subject to further checks to verify the identity, eligibility and address details before any action is taken to directly enrol someone.

Direct enrolment will provide a service to eligible electors and allow the AEC greater flexibility in its administration of the roll. No evidence was provided to the committee which demonstrated poor data management or use by the AEC in the past. Furthermore, New South Wales and Victoria have successfully implemented direct update and enrolment legislation for their respective state electoral rolls.

In 2009-10, nearly 350 000 eligible electors were objected from the roll. At the 2010 federal election, around 280 000 votes were rejected because these electors were incorrectly enrolled or not enrolled. Prior to the 2007 federal election the AEC had the discretion to admit the votes of people found not to be on the roll and reinstate them to the roll if they had been removed under the objection process. However, under the current arrangements the AEC cannot do so. Allowing the AEC the flexibility to reinstate these electors and to admit their provisional votes to scrutiny could have saved many of these wasted votes. The Bill returns an appropriate safety net for those electors who have clearly demonstrated their intention to vote by attending a polling place and casting a provisional vote.

The Bill, in combination with the Maintaining Address Bill, aims to balance the effects of the objection process on the roll and enable the data collection systems, which are deemed strong enough to object an elector, to be used to assist eligible electors to meet their electoral obligations.

On behalf of the committee I thank the organisations and individuals who assisted the committee during the inquiry through submissions or participating at the roundtable discussion in Canberra. I also thank my colleagues on the committee for their work and contribution to this report, and the secretariat for their work on this inquiry.

Daryl Melham MP
Chair



Contents

Chair's foreword	iii
Membership of the Committee	ix
Terms of reference	x
List of abbreviations	xi
Recommendation	xii

REPORT

1 Introduction	1
Referral of the Bill	1
Origins and purpose of the Bill	1
Direct changes to the roll	2
Declaration votes and objection action	5
Requirement to enrol	7
CRU and objection processes	7
New South Wales and Victorian enrolment activities	9
Overview of the Bill	10
Schedule 1—Enrolment without claim	10
Schedule 2—Declaration votes and objection action	12
Date of effect	13
Objectives and scope of the inquiry	13

2	The issues.....	15
	Overview.....	15
	Roll completeness	16
	Background.....	16
	Analysis.....	19
	Conclusion	21
	Receipt and use of third party data	22
	Background.....	22
	Analysis.....	23
	Conclusion	27
	Extending AEC enrolment powers	28
	Background.....	28
	Analysis.....	29
	Conclusion	29
	Signatures	30
	Background.....	30
	Analysis.....	30
	Conclusion	31
	Human rights and privacy	32
	Background.....	32
	Analysis.....	32
	Conclusion	36
	Declaration votes and objections	37
	Background.....	37
	Analysis.....	38
	Conclusion	40
	Overall conclusion	41

DISSENTING REPORT

	Dissenting report – The Hon Bronwyn Bishop MP, The Hon Alex Somlyay MP, Senator Scott Ryan and Senator Simon Birmingham	43
	Introduction	44
	Integrity of the Electoral Roll	44
	Privacy Concerns.....	48

Fraudulent Voting.....	49
Problems in NSW.....	50
Conclusion	51

APPENDICES

Appendix A – Submissions	53
Appendix B – Hearing and witnesses	55

TABLE

Table 1.1 How changes to declaration votes and objection action will operate	13
--	----



Membership of the Committee

Chair Mr Daryl Melham MP

Deputy Chair The Hon Alexander Somlyay MP

Members The Hon Bronwyn Bishop MP

The Hon Alan Griffin MP

Ms Amanda Rishworth MP

Senator Simon Birmingham

Senator Carol Brown

Senator Helen Polley

Senator Lee Rhiannon

Senator Scott Ryan

Committee Secretariat

Secretary Mr Stephen Boyd

Inquiry Secretary Ms Samantha Mannette

Senior Research Officer Ms Zoë Smith

Administrative Officer Ms Natasha Petrović



Terms of reference

On 16 February 2012 the Selection Committee requested the committee inquire into and report on the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012.

Under Standing Order 222(e), reports of the Selection Committee are treated as having been adopted by the House when they are presented.



List of abbreviations

AEC	Australian Electoral Commission
ANAO	Australian National Audit Office
CRU	Continuous Roll Update
PIA	Privacy Impact Assessment
the Bill	Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012



Recommendation

2 The issues

Recommendation 1 (paragraph 2.117)

That the House of Representatives pass the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012 as proposed.