



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Conduct of the 2007 federal election and matters related thereto

TUESDAY, 17 MARCH 2009

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JOINT STANDING
COMMITTEE ON ELECTORAL MATTERS

Tuesday, 17 March 2009

Members: Mr Melham (*Chair*), Mr Morrison (*Deputy Chair*), Senators Birmingham, Bob Brown, Carol Brown, Hutchins and Ronaldson and Mr Danby, Mr Bruce Scott and Mr Sullivan

Members in attendance: Senators Birmingham, Carol Brown, Hutchins, Ronaldson and Mr Danby, Mr Melham, Mr Morrison, Mr Scott and Mr Sullivan

Terms of reference for the inquiry:

To inquire into and report on:

The conduct of the 2007 federal election and matters related thereto, including the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008, with particular reference to:

- a. the level of donations, income and expenditure received by political parties, associated entities and third parties at recent local, state and federal elections;
- b. the extent to which political fundraising and expenditure by third parties is conducted in concert with registered political parties;
- c. the take up, by whom and by what groups, of current provisions for tax deductibility for political donations as well as other groups with tax deductibility that involve themselves in the political process without disclosing that tax deductible funds are being used;
- d. the provisions of the Act that relate to disclosure and the activities of associated entities, and third parties not covered by the disclosure provisions;
- e. the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections;
- f. the availability and efficacy of 'free time' provided to political parties in relation to federal elections in print and electronic media at local, state and national levels;
- g. the public funding of candidates whose eligibility is questionable before, during and after an election with the view to ensuring public confidence in the public funding system;
- h. the relationship between public funding and campaign expenditure; and
- i. the harmonisation of state and federal laws that relate to political donations, gifts and expenditure.

WITNESSES

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**ROGERS, Mr Tom, Australian Electoral Officer (State Manager) New South Wales, Australian
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Committee met at 12.17 pm

CHAIR (Mr Melham)—I declare open this public hearing of the Joint Standing Committee on Electoral Matters and its inquiry into the conduct of the 2007 federal election. At today's hearing we will hear from the Australian Electoral Commission. This is the third time that the commission has appeared before the committee for this inquiry and the first time that the recently appointed electoral commissioner, Mr Ed Killesteyn, has appeared. On behalf of the committee, Mr Killesteyn, I congratulate you on your appointment. The committee looks forward to working with you in future.

Mr Killesteyn—Thank you.

CHAIR—In its initial submission, the Australian Electoral Commission suggested that the committee consider a number of changes to electoral law and administration, including treating home division pre-poll votes as ordinary votes to allow these votes to be counted on election night, retaining proof of identity for first time enrollees only, repeal of the requirement for provisional voters to produce identity documents, and providing online update of enrolment details by electors whose identities have been verified by the proof of identity process. This hearing provides an opportunity for the committee to examine proposals aimed at making the electoral process more accessible for electors.

[12.18 pm]

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

KILLESTEYN, Mr Ed, Australian Electoral Commissioner, Australian Electoral Commission

PIRANI, Mr Paul, Chief Legal Officer, Australian Electoral Commission

CHAIR—I thank today's witnesses for appearing. I now welcome representatives from the Australian Electoral Commission to today's hearing. Although the committee does not require you to give evidence on oath, I should advise you that these proceedings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. We have received a number of submissions from the AEC covering a range of matters. Do you wish to present any additional submissions or make an opening statement to the committee?

Mr Killesteyn—Thank you, Chair. I wish to make an opening statement. Let me commence by thanking you for your welcome and congratulations. I am both pleased and honoured to appear before the committee as the Australian Electoral Commissioner. I look forward to the opportunity to build on the substantial reputation that the AEC has established for delivering highly professional electoral services. Two thousand and nine marks the 25th anniversary of the establishment of the Australian Electoral Commission as an independent statutory authority and comes at a time when change to the electoral system to meet the needs of a modern society has widespread interest and is the subject of public debate and a government-led reform process. This anniversary is an opportunity not only to reflect on the AEC's achievements over the past 25 years but also to focus on how we can continue to deliver electoral services that are responsive to the needs of the Australian community for the next 25 years.

As I go about the task of developing directions for the AEC, I have been exploring how the AEC can build on its excellent reputation and good relationships with stakeholders by focusing on the need for modernisation of the federal electoral system. The AEC must keep pace with the Australian community's changing expectations regarding the delivery of services. We need to maintain and elector-centric outlook in the way we think about our business and services. We also need to continue and extend the productive relationships we have built with partners, such as the state electoral commissions, and invest in skills development and equipping our staff with contemporary systems and tools in our efforts to modernise AEC services to the community.

The joint standing committee is looking at many important electoral issues that we in the AEC will work hard to support, but I want to focus my remarks today on an emerging issue which is fundamental in our democratic system, and that is preserving and enhancing the franchise of Australian citizens. One of the biggest challenges currently facing the AEC is to ensure that Australian citizens get the chance to exercise their key democratic right—their franchise. One critical aspect of this is the need for the electoral roll to be as accurate and complete as possible at all times, including between federal elections, reflecting the fact that the roll is also used for state, territory and local government elections. In this respect I note that during 2008 there were

82 roll closures. The need for the roll to be up to date, and to be kept up to date, is self-evident. This demonstrates that the debate should be about how we can do that at all times, not just at the time of a federal election.

As at the end of February 2009, there were over 13.8 million electors on the electoral roll. While this figure represents an increase in the number of electors enrolled since the 2007 federal election—that is, 13.645 million—it does not match the increase in the number of eligible voters in the community. At the 2007 federal election an estimated 92.3 per cent of the total number of eligible voters were on the electoral roll. This represented an increase of 0.8 per cent on the estimated participation rate at the 2004 federal election. The enrolment participation rate has now dropped to a level of 91.63 per cent in spite of the increase in the number of electors currently on the electoral roll. Discussion of the participation rate in percentage terms, however, masks the true extent of the disenfranchisement that exists in the Australian community. We estimate there are about 1.2 million eligible voters currently not on the electoral roll and therefore are not able to exercise their franchise.

Even to achieve a 95 per cent participation rate, which is the AEC's stated target, would require nearly a further 700,000 new enrolments by mid 2010, based on population projections. To maintain the participation rate at the level we secured for the 2007 election—that is, 92.3 per cent—at the end of 2010 would require nearly 300,000 additional enrolments.

Mr DANBY—Could you give us that figure again?

Mr Killesteyn—To maintain the participation rate at the level we secured for the 2007 election—that is, 92.3 per cent—would require nearly 300,000 additional enrolments.

Mr MORRISON—By when?

Mr Killesteyn—By the end of 2010. Even this more modest target, of simply maintaining the participation rate, is around 100,000 more enrolments than the AEC was able to achieve with the large-scale enrolment stimulation activities employed ahead of the last election.

Our traditional approach to stimulating electoral enrolment has been based on targeted programs that match data from a number of government agencies with our roll database and the use of direct mail communication, field work and a number of other activities to encourage people to enrol and update their enrolments when they move house. Unfortunately, however, these methods are not as effective as they once were. Faced with a declining participation rate in early 2007 the AEC implemented an intensive, targeted enrolment promotion program. We used people-movement data from other government agencies as well as data mining of our roll system to try to identify electors who were not enrolled, or who were incorrectly enrolled, and to encourage them to get on the roll at their current addresses before the federal election.

This program operated for approximately seven months from March 2007 and was the first time the AEC had carried out targeted doorknocks on such a large scale. The program was run concurrently with a national advertising campaign and complemented by our ongoing enrolment-promoting mail-outs, a national enrol-to-vote week to encourage young people to enrol, and AEC participation in citizenship ceremonies around the country to assist new

Australians to get on the roll. This activity led to the 92.3 per cent participation rate ahead of the last federal election, one of the highest it has been since this measure was first calculated.

This targeted enrolment promotion demonstrated that well-funded and coordinated activities, including media and public awareness activities, can promote significant growth in enrolment in the lead-up to a federal election. Such activity always will be part of any efforts to preserve and enhance the franchise. Significantly, however, it is worth noting that the roll stimulation activities and advertising came at a cost of some \$30 million, some \$24 million of which was advertising costs. While some funds came from government in relation to informing the community about the proof of identity and roll closure changes, nearly two-thirds of those costs were funded by the AEC through accessing its cash reserves. This strategy of roll stimulation through large-scale advertising funded from AEC reserves is not sustainable, nor can we rely solely on a peak of enrolment activity in the lead-up to a federal election announcement to boost enrolment participation.

The AEC's continued use of snail mail to reach people whom we believe need to get on the roll or update their enrolments is not delivering a sufficient response to achieving higher participation rates. In 2007-08 the AEC wrote to more than three million people as part of our roll review and roll stimulation activities and received back only slightly more than 700,000 completed enrolment application forms. Community attitudes towards and responses to hard copy direct mail have been undergoing change in response to growing volumes of junk mail and the switching of many daily personal and business communications to electronic alternatives, such as email and SMS.

Australians increasingly expect as the norm convenient 24-hour access to business and government services. The requirement to fill in a paper application form to update enrolment is seen by many to be outdated compared with the electronic channels they use to interact with businesses and many other government agencies.

The AEC needs to adopt new ways of thinking about the challenge of preserving and enhancing the franchise of Australian citizens. Focusing on promoting the community's voluntary compliance with the electoral laws is one key dimension of the new perspective which is required. AEC public awareness raising and education programs must promote an understanding of electoral obligations in the community, while our services should be improved in ways that make it as easy as possible for people to comply with these obligations.

Enabling electors to update their electoral enrolment details electronically would help to bring AEC enrolment services more in line with contemporary community expectations regarding services. For example, if we focus on those already registered voters who merely update their enrolment as a consequence of a change of address or name, over one million of the 1.3 million enrolment transactions that the AEC did last year could have been done electronically, hence would represent a major advance in modernisation of the AEC's enrolment service. Australian consumers, particularly younger Australians, expect that service providers, business and government will make available relevant services and products they want at the time they need them. They also expect that providers will make their products and services easy to access, preferably 24-7, and conveniently from their own home.

Electors are visiting the AEC website in increasing numbers both for information and to find various electoral forms. During October 2007 alone—that is, the election close of rolls period—more than one-quarter of enrolment forms received were obtained from the AEC website. Two point six million people went onto the AEC's Internet site before the last federal election to confirm their enrolment details. This is key evidence that rapidly growing numbers of electors prefer to manage their enrolment online with the AEC.

The increase in the number of scanned and emailed enrolment applications received by the AEC before the 2007 election also is evidence of a growing community preference for electronic enrolment services. Allowing these electors to update their enrolment details online when they move house would immediately and directly engage with electors at the time they are visiting the AEC website. Online updating of enrolment information through a secure channel would be a safer way of transmitting personal information than the current method, which an increasing number of people are adopting, of scanning and emailing the AEC completed enrolment forms.

In an attempt to move towards meeting consumer expectations, the AEC is introducing later this year a smart form on our website which will allow an enrolment application to be completed online and the data to be captured by our roll system. The enrolment form, due to legislative requirements, must still be printed, signed and sent to the AEC where the electronic record will be matched with the paper record before any change is made to the electoral roll database. This need for a follow-up paper form is a major risk to the efficacy of this much-needed innovation. The moment of truth will be getting the signed form back from the enrollee, as their enrolment transaction will not update the electoral roll until the AEC gets the signed form. That is prescribed by legislation.

Other innovative methods of updating enrolment details have been canvassed, including the direct address update, which was covered in considerable detail in the AEC's second submission to the committee's inquiry into the 2007 federal election. Moving towards meeting consumer expectations for more convenient enrolment services does not necessarily weaken in any way the integrity of the electoral roll. Ensuring that the integrity of the electoral roll is maintained must be a key consideration with the introduction of any new service that makes it easier and more convenient for people to enrol or to update their enrolments. Thorough checks and balances can be built in to ensure that the integrity of the roll is not compromised in any way.

To sum up, in my view there are aspects of our existing legislative framework that represent something of a straitjacket, limiting the scope for new, innovative ways of providing convenient enrolment services to the Australian community. I believe that without legislative change to allow some electronic options for updating enrolments, we run the risk of further decline in the enrolment participation rate.

I hope I have provided some useful comments today about one of the biggest challenges facing the AEC, which is ensuring that all Australian citizens get the chance to exercise their franchise. To this end I have shared with you some of my thoughts about how we could modernise our enrolments services and I have spoken about the need to review legislative limitations on developing some new approaches in this area.

This is not a plea for funding for the AEC. Rather, I want to promote discussion about providing the AEC with a modern legislative framework to more effectively undertake its core

task of preserving and enhancing the franchise for all Australians—a legislative framework that would allow us to use the best of the traditional methods of strengthening the roll at the same time as opening new channels for transacting enrolments. The AEC certainly is ready and keen to engage in this challenge.

CHAIR—Mr Killesteyn, if the committee were to go down the path of recommending what you suggest, what are the checks and balances that would need to be recommended to ensure that the integrity of the roll is still very much at the forefront?

Mr Killesteyn—Essentially, if we move down the path of some form of electronic communication the only thing we are changing is the medium on which we get the data. Once we have the data, which essentially includes name, address, date of birth and the POI information, then all of the same and existing checks and balances that we currently employ to determine the integrity of the enrolment transaction would be so employed. This would include, obviously, checking the POI information, the drivers licence details with the NEVDIS program, which is the national database of drivers licences; it would include us, as we now do, checking the form of the address and that the address is an appropriate address, not a business address but is a residential address; it would include us doing name and data matching with other forms of databases that are held by other government authorities. All of those checks and balances would continue as they currently operate.

CHAIR—There are additional checks and balances you would recommend, if this were to come into play?

Mr Killesteyn—We already are discussing in another aspect of the committee's deliberations questions about whether the form of the tier 1 evidence that currently is presented under the POI requirements could be extended. In terms of that debate, we would simply look to see whether there are other forms of evidence that could satisfy tier 1 requirements.

CHAIR—In relation to the Northern Territory, would you concede that that is a special case, given the high indigenous population that might require something like the reintroduction of something that formerly was AIATSIS.

Mr Killesteyn—AIATSIS, that is correct. This is where it is important to understand the demographics of what is happening in relation to the participation rate. It is quite clear, given the experience of businesses and governments in relation to transacting business electronically, that it will not be for everybody. This is very much targeted at a cohort of people, particularly a younger cohort and probably up to the age of 40, where there is clear evidence that this is a much more mobile workforce and therefore likely to be much more proficient and adept at using information technology.

The analysis that we have done shows that the participation rates in those cohorts is much lower than are the participation rates in that part of the community that is regarded as more stable, which is people of your age and my age, I guess. Therefore if we go down this path, we will probably need to use the same sorts of processes and enhanced processes to focus on those other parts of the community, such as the indigenous community, where totally different solutions will be needed.

CHAIR—Okay.

Mr MORRISON—Just on the same point, and then I will defer to my colleague—in putting forward your suggestion, I assume that the agency has undertaken a pretty thorough risk assessment of this. What were the matters identified in the risk assessment of going down this path, particularly in potential for abuse, authorisation, digital signatures and the ability not to have one, et cetera—a range of issues that I am sure your risk assessment process has identified. Could you outline what they are?

Mr Killesteyn—Yes. It is important to focus on those risks. Ultimately any decision to move down a path of electronic transactions requires you to look at all of the risks. As you move down this path it is also worthwhile to focus on who you are trying to target. The majority of our enrolment transactions is associated with a change of address, not with a brand-new enrollee. In terms of any risk management strategy, it would probably be prudent to focus solely on those that are changes of address when you already have information about the elector on our file, including a signature.

A process that allows a person to simply update their address details could be managed from a risk approach by different approaches. For example, if you have a change of address transaction, as a response the AEC could, in managing the risk, send out an acknowledgement to that address that has just been updated, to the voter in the name, and it would act as a way of mitigating the risk of people inappropriately adjusting records. You could have the confirmation from the elector that the record has been appropriately changed.

Mr MORRISON—But my question was: What are the set of risks that the AEC has identified in moving to the electronic medium? You have referred to one, which is the potential for others to be adjusting people's enrolment information. They can put in other email addresses that returns can go to and can confirm them that way. How do we know that the person who was seeking to change their enrolment details is that person, and not someone acting on their behalf?

Mr Killesteyn—It is exactly the same way in which we currently do it.

Mr MORRISON—You have a signature in the way you currently do it.

Mr Killesteyn—Yes, and we can use that signature as well by confirming with the individual through a letter that that is the appropriate person who ought to have changed the address. These are the processes that currently are in place. At the moment when a change of address comes in, there is no confirmation of direct matching. That would be done through subsequent audit—for instance, sampling techniques. We have the sample audit field work that tests that our roll is accurate. There are a whole bunch of processes.

Mr MORRISON—But the issue is that the first initial contact with you is when the change of enrolment details is signed. What we have here is a first initial contact. I am not necessarily opposed to the proposal; I am just trying to understand how we will get to the same level of confidence of knowing that the first initial contact is from the person we are saying it is. It may well be the case that someone writes back and says, 'Your address has been changed'. They may not have done that. Someone may have done that on their behalf and they did not initiate the

process. There is a proactive process under our system for people to say, 'I am correctly enrolled and part of the system.'

Mr Killesteyn—Yes, and the proactive process, or at least the process that we currently have, is leading to the outcome of a declining participation rate. There is balance: On the one hand, we are seeing an outcome of the existing processes which make it hard for people to comply, and as a consequence of that a falling participation rate; and on the other, a suggested alternative process that makes it easier for people to put that information and then allow the AEC to do the subsequent checking through a range of audit programs, or whatever, to determine that these electors are bona fide.

Mr MORRISON—I understand that so—

Mr Killesteyn—If I may, that would also include a necessary set of enhanced administrative and criminal provisions to ensure that there are serious sanctions for people who attempt to defraud the system.

Mr MORRISON—Let me deal with it this way—I want to defer to my colleague: Could the AEC provide to the committee a response that sets out what the risk assessment has been and identifies what all the risks are, and if you so choose, identifies the mitigating measures you might take to address those risk factors? The committee needs to have a good understanding of your very detailed and practical assessment of it.

Mr Killesteyn—Okay.

CHAIR—A compare and contrast would assist: What happens at the moment and the result of it compared with what will happen under the new system, so that we can see what is additional and what is being deleted.

Mr BRUCE SCOTT—You referred to over a million people in the Australian population being disenfranchised. Do you have any evidence of where these people are? Are they in more metropolitan or outer metropolitan areas? Is your statement geographically based? You must have some figures or some statistical data indicating where these people most likely live.

Mr Killesteyn—Yes. The information is based on census data provided by the ABS.

Mr BRUCE SCOTT—Yes.

Mr Killesteyn—We then make a calculation, which is based on recommendations from the ABS, about how to estimate the eligible population. That is primarily driven by an age demographic rather than necessarily by a location demographic. The evidence we have of the 1.2 million is broken down by an age demographic rather than necessarily by a location demographic, unless I have other information which is different.

Mr Dacey—I am seeking some information from behind me, Mr Scott. It is quite difficult in relation to the ABS data to get it down to the divisional level, but some of the preliminary work we have done indicates that it is more the case of disenfranchisement in metropolitan areas than in rural areas.

Mr BRUCE SCOTT—And the age profile?

Mr Dacey—It is more the case of under 35s.

Mr BRUCE SCOTT—That was what led you to the suggestion that that age group or that cohort is more likely to use Internet or electronic access to get on the electoral roll.

Mr Killesteyn—Just to illustrate our estimates, as you break down the components of the participation rate to more and more disaggregated levels, the level of confidence starts to decrease. But to give you some indication of participation rates by age group, I suggest on a national basis you consider that the 18 to 24 age cohort's participation rate is estimated as at 31 December 2008 at 79.82 per cent; in the cohort 25 to 34, it is 87.45 per cent; in the 35 to 44 cohort, 91 per cent; for the 45 to 54 cohort, it is 93.8 per cent; for the 55 to 64 cohort, it is 96 per cent; and over 65, it is 97 per cent. You can see a clear progression based on stability of household. Therefore these sorts of electronic solutions lend themselves to directly appealing to that younger cohort and turning that participation rate around.

Mr BRUCE SCOTT—Would that younger cohort be more mobile and likely to move location to location?

Mr Killesteyn—That is quite clear. We have many people who are highly mobile—they are working overseas and interstate.

Mr DANBY—Even just travelling overseas.

CHAIR—Mr Killesteyn, the census has in it some statistics that show the mobility of the population every five years on an electorate by electorate basis. I know in my electorate of Banks, in 1986 it was the most stable electorate in the country, but it now ranks about eighth. That demonstrates that the transfers into other areas over a five-year period are becoming greater and greater.

Mr Killesteyn—The latest 2006 census data show that 15.52 per cent of people are not at the same address as they had one year ago.

CHAIR—That is right.

Mr Killesteyn—That is approximately 2.8 million people, and 36.6 per cent were not at the same address five years ago, which is 5.8 million people.

CHAIR—I suppose the benefit of what you are suggesting is that this is not about the process of getting additional people on the roll; this is existing people being transferred. One still becomes one. It is a situation in which it is just putting them in their accurate place in a more user friendly way.

Mr Dacey—Hopefully, Chair, it will go some way towards us finding those people we currently refer to as missing. They have been on the roll, but they have gone off the roll, and they do not come back on the roll either because of a lack of awareness about changing their address or the difficulties they encounter in changing their address.

Mr BRUCE SCOTT—If the committee agreed and the recommendations were adopted, would that also lead to this being used for an application for a postal vote? If it is secure for enrolment purposes, surely it would be secure for applications for a postal vote and perhaps the transmission of a ballot paper.

Mr Killesteyn—I am not going to answer you directly, Mr Scott, but I think there is a whole range of processes in which the AEC can think about better electronic and modern means of conducting its business. Postal voting is one of those but we would have to look, in exactly the same way as has been suggested, at the risks associated with that. There obviously is a question about whether the level of transparency, which is a hallmark of the system, would be satisfied in that way. Clearly if you have a paper vote, there are issues around its being able to be properly scrutinised. If you have an electronic vote, it is somewhat different, and it takes you to a wholly different debate about whether electronic voting is something that we wish to pursue.

There are other processes that the AEC can adopt electronically, including for example the engagement of polling officials, which at the moment is entirely paper based and can be done electronically, as it is currently being done in other jurisdictions, such as New South Wales.

Mr BRUCE SCOTT—You use the ABS statistics to ascertain the location of where people live?

Mr Killesteyn—It is one of the sources of information that we use for the location of people. There is a whole range of other information we use, such as from local government, drivers licence data, and data from Centrelink and other government agencies.

Mr BRUCE SCOTT—It is just that I represent a rural and regional electoral. Right now the Queensland election campaign is occurring and we get calls, although we are not engaged in it. The electoral roll says they live on a particular road rather at their postal address where their mail is received. It has happened before federally. They do not get their application for a postal vote processed in time, or they do not get their postal vote. You might like at that, since you are new to the job, and focus on their geographic identity rather than their postal address. We have a number of cases of postal address at the moment, and for some reason they just get lost in the system.

Mr Killesteyn—I understand. The level of accuracy of addresses as the data moves further and further away from the metropolitan area is an issue. That really emphasises the task of the enrolment process and being very confident about the address. It leads a whole range of checks that people in our divisional offices conduct at the time, including a lot of subsequent work to confirm addresses and the accuracy of addresses. But as the mapping of Australia continues to become more and more sophisticated, we continue to tap into those new sources of information and then review the accuracy of our own address register.

Mr BRUCE SCOTT—Can I put it another way: with federal, state and even local government electoral boundaries continually changing, it adds another dimension of confusion which emanates particularly from rural mail services. People are on the one side of the electoral boundary and the electoral material has gone out based on an electorate basis rather than on a region where people actually live, and you can probably find them more easily based on where

they live than you can based on ABS data by statistical region, which is often the basis for the electoral roll.

Mr Killesteyn—As I say, the ABS data is only one source.

Mr BRUCE SCOTT—I encourage you to have a look at that in your new role.

Mr Killesteyn—Certainly.

Mr DANBY—Mr Killesteyn, I congratulate you on your verbal submission. I found it very refreshing. I have so many questions for you, I almost do not know where to begin. Let us begin with multiple voting. Based on the supplementary submission, I just want to drill down into 2001 and make sure that all of this is on the record. First of all, I take it that now the figures for 2007 are not what they were from 1990 to 2000 when we had 12 million enrolled voters. It is now 13.6 million.

Mr Killesteyn—Yes.

Mr DANBY—That is for 2007. Is that also the case for 2004? How many enrolled voters did we have in 2004? Can we come back to that?

Mr Killesteyn—I will come back to that.

Mr DANBY—I would like the figures for 2001 as well. In 2001, according to your table, we had a number of recurrent or multiple voters at 16,949, and the number of responses requiring no further action was 88 per cent of those. Taking away from that a further five per cent from whom you received no responses, and about which you suggest in your additional submission that that should be taken more seriously, the number of admissions of multiple voting out of those 16,949 was 896. Of the admissions, 82 per cent of them were due to confusion, poor comprehension, or age. The number referred to the AFP was 138. Is it right that only five of those were accepted for investigation?

Mr Killesteyn—That is correct, sir.

Mr DANBY—So with somewhere between 12 million and 13.6 million of the possible cases, there were only five proven cases of electoral fraud.

Mr Killesteyn—Yes.

Mr DANBY—When you refer to getting the balance right between the non-enrolment of 1.2 million Australian voters and the necessity, which I accept, of preserving the integrity of the electoral roll, we had only five proven cases of electoral fraud, even for investigation in 2001.

Mr Killesteyn—Yes.

Mr DANBY—To me that says something about where the balance is and where this committee should be looking. I must say I found your figures in your submission frightening. They indicate that just to maintain where we were, we need to put 300,000 additional enrolments

to get us back to 92.3 per cent. You only did 200,000 last time, and that was with \$30 million of funding, which nearly gutted your agency financially. Is that correct?

Mr Killesteyn—'Gutted' might be a strong word, but it is something that we cannot repeat going into the next election because I am running out of reserves. Prudent financial management, which is one of the things I am paid to do, suggests that I need to have reasonable reserves to cover employee entitlements.

CHAIR—Can I interrupt in relation to multiple voting?

Mr DANBY—Please.

CHAIR—It is an issue that concerns me. I know it formed the basis of a lot of what drove some electoral change in the last couple of years. The table you have given us showing multiple voting has an asterisked notation stating that of the admissions or aged category, 98 per cent were 70 years of age or over.

Mr Killesteyn—Yes.

CHAIR—That was due to confusion, poor comprehension or age for the so-called admitted incidences. Has that been a statistic that has been consistent for the past three elections?

Mr Killesteyn—Mr Dacey will have a much better view of this, given his experience, but as I understand it, the issue concerning aged people in the community and particularly those in care facilities who are being cared for and getting confused about whether they have voted once or more, and where they have voted, is a pretty common example of the sort of thing that we uncover, once we have prima facie evidence that a person has voted twice.

CHAIR—Based on your table, it seems to me that in 2007 there were 955 that were considered, as against 835 in 2004, and 739 in 2001.

Mr Killesteyn—Yes.

CHAIR—If anything, it increased. It must be conceded that there was a higher enrolment, which is why the number increased.

Mr Killesteyn—Yes, but the percentages are roughly the same.

CHAIR—That is why I am interested in the footnote stating that 98 per cent of admissions were for the age group of 70 or over. If I may be permitted to make an assumption on the basis of what the table states, that indicates that confusion among other things is the cause, not a deliberate attempt to effect multiple voting across the board in our electoral system.

Mr Dacey—That is correct, sir. When we are talking multiple voting, the vast majority of these—and I might be able to get some figures—are people who have voted not more than twice. Usually with confusion among the elderly, it is that they may be in a nursing home, for example, and receive a postal vote application and cast a postal vote, and on the Saturday when their family takes them out, they say 'Let's go and vote'. I can give you a breakdown of the confused

and whether or not the 1,167 voted or not: it was 610; poor comprehension was 188—those sorts of issues.

Mr DANBY—Obviously they are not people who have done that deliberately.

Mr Dacey—Not deliberately.

Mr DANBY—With the intention of bodgying the electoral roll or bodgying up some election.

Mr Dacey—Mr Danby, there is also a distinction between what might occur in multiple voting or people voting twice and enrolment fraud, or potential enrolment fraud, which is quite different to election fraud.

CHAIR—Mr Dacey, the reason I am concerned about this and trying to obtain some accurate figures for the committee is that, on my recollection, multiple voting was a driving force behind proof of identity and other changes that led to the disenfranchisement of more than 100,000 voters because there was the perception that this could have been a deliberate attempt and we needed more integrity in the system to ensure that multiple voting was not manipulated to change divisional results. Your figures seem to indicate to me that—

Mr Dacey—It is relatively stable.

CHAIR—It is relatively stable, but also that 98 per cent of it relates to individuals who are 70 or over. It relates to confusion or poor comprehension in aged care facilities.

Senator RONALDSON—With the greatest respect, that is leading.

CHAIR—It is in his table. I am quoting from his table, Senator.

Senator RONALDSON—The more important question is that the voter is over 70. The person who cast multiple votes was not necessarily that person over 70, was it? The multiple votes could have been cast on behalf of that person. That table does not indicate that all those multiple votes were multiple votes from the one person by accident, does it?

Mr Killesteyn—No, Senator, but prima facie we have evidence here that the issue of multiple voting is confined to a cohort which is relatively old. Obviously there is always the possibility that someone may be manipulating the situation, such as a younger person or a family member who is trying to manipulate the situation. But really there is no evidence of systematic attempts to manipulate either an individual to cast their vote in any particular way, or to systematically vote more than once.

Mr Dacey—Senator, during the last election we had no specific allegations raised with us about impersonation at a polling place or anywhere else. Quite often the multiple or dual voting, particularly among the 98 per cent who are over 70, would be a person having both a postal vote or a declaration vote, and an ordinary vote. So they are voting in an establishment probably before polling day, and in a polling place on polling day. In relation to admissions when a relative had voted for someone else, of the 13 million voters at the last election we had 20 cases

in which someone admitted that they had voted on behalf of someone else, so it is a very small number where that has been an admission.

Senator RONALDSON—That 98 per cent, they are people who have identified to you that they had cast multiple votes.

Mr Dacey—In the main, two votes, yes.

Senator RONALDSON—And remembered multiple voting.

Mr Killesteyn—They remembered the circumstance that could have led to the casting of two votes; that is, they may have done it pre-poll, and then subsequently again at a mobile booth. They can account for the fact that we have recorded more than one vote.

Mr DANBY—We are onto page four of the original submission.

Senator RONALDSON—In what context was that question put to the multiple voters over 70? Is the question put, ‘Did you’, or was the question, ‘Could you have’?

Mr Killesteyn—As I understand it, once we do the comparison of the certified lists, that generates a population of possible multiple voters. We then go through that possible population of multiple voters to see whether there is a clear explanation of why that may have come about. For example, if there are two Mr Joneses, and one is an ‘AS’ and one is an ‘AF’, and both ASs have been crossed off by the polling official, that could be an explanation for the multiple voting.

Once we have reached further refined lists in which we cannot necessarily identify a polling error, a letter will go to the individual asking for an explanation. It is simple put in the context of ‘It appears as though you may have voted more than once. Do you have an explanation?’ Out of that process, the age, nature and circumstances of the individual become evident. Generally it is by way of the explanation that people offer, in response to a question that is put to them, this sort of data which comes to light.

Mr Dacey—And through those explanations, Senator, we then categorise which group that can fall into.

Senator RONALDSON—So those responses identify the fact that someone in a Mercy Home might also have gone out and voted at a polling booth—

Mr Dacey—That could be one example.

Senator RONALDSON—Six or eight kilometres away.

CHAIR—Or be taken.

Senator RONALDSON—And people volunteer that.

Mr Dacey—People, or their family would respond to the correspondence.

Mr Killesteyn—There are things from the AEC's point of view we can better employ to avoid this circumstance in the future. For example, I am giving consideration, particularly in cases in which elderly people are voting from aged care facilities, that we provide them with some form of thankyou letter, perhaps, that they retain to indicate that they have voted. When a family member comes along and says, 'It's time to go and vote', there would be an indication that they have already done so. We can manage this and reduce the incidence of what I might call innocent multiple voting circumstances.

Mr MORRISON—We have been going through this conversation for a while. Mr Danby has pointed out that the level of multiple voting, based on cases that proceed and can be established, is five.

CHAIR—In 2001.

Mr MORRISON—In 2001, and we do not yet know what those figures are yet for 2007, I take it?

Mr Dacey—The number of voters?

Mr Killesteyn—They are in the table.

Mr DANBY—It is referred to in the ABS. It is on page four.

Mr MORRISON—And that is under our current system with its protections, controls and various other things. I take you back to the risk assessment question I asked before. The question is: If you go down the path of seeking to liberalise how these processes are run, I do not know if you can necessarily draw a linear relationship between what in the past you expected in relation to fraud transpiring to how it might occur in the future because your two systems will be completely different, if you go down a much more liberalised path to hit the targets that you mention in your submission.

Mr Killesteyn—Firstly, I would not use the word 'liberalise'. What I simply point to is an alternative means of getting information from the prospective enrollee about their enrollee details—a more modern form of communication which every other government agency is using, including the Australian Taxation Office, in a highly successful way. None of the examples that I can point to, such as tax or Centrelink or other government agencies—

Mr MORRISON—Your comments relate only to the process of the online changing of enrolment.

Mr Killesteyn—What I am simply saying is that it is not liberalisation. It is simply setting up a different form of getting information and then applying the checks and balances that we currently employ to ensure the integrity of those voters. It is probably a fairly heroic leap to suggest that, as a consequence, that system of transacting enrolment could lead to some other incidences you refer to.

Mr MORRISON—I understand. Your comments are confined to the process of electronic enrolment, but if the committee were to be of a mind to consider broader liberalising of

enrolment requirements, we could not naturally assume, irrespective of whether fraud and other offences are committed innocently or purposely, that we can apply past rates to the future, if we will have completely different systems and have a far more liberalised system.

Mr DANBY—It is the same characterisation.

Mr MORRISON—It may well be, but if the committee considers other liberalising arrangements—

Mr DANBY—Different arrangements.

Mr MORRISON—No, liberalised arrangements.

CHAIR—The point is that the three elections referred to in the table—

Mr MORRISON—Whether it will be tougher.

CHAIR—They are very similar when you look at the higher enrolments. It has not reduced dramatically as a result of changes that were introduced post those two elections.

Mr MORRISON—People are making assumptions about what the rates will be in the future.

CHAIR—You cannot.

Mr MORRISON—I do not think we can, based on what we have in front of us.

CHAIR—We cannot.

Mr MORRISON—While I am not asserting that, I do not think it is appropriate for other members to assert that either.

CHAIR—We cannot, but we know that a number of people have been rejected as voters as a result of amendments that were brought into the Electoral Act based on the assumption of multiple voting. Mr Sullivan is chafing at the bit to ask one question, and then I will come back to Mr Danby.

Mr SULLIVAN—That is exactly the point that I wanted to ask a question about, Chair. Mr Killesteyn, thank you for your attendance. Information that you provided to us as a result of my request relates to the number of votes not included in the count as a consequence of persons not turning up at the Electoral Commission within the specified period to provide proof of their identity. That number Australia-wide was 27,842. The number of apparent dual voting that you investigated was 20,633, of which 18,037 were found to have a reasonable explanation and led to no further action being taken, leaving 2,594 possibly fraudulent multiple voting instances. To eliminate 2,594 possibly fraudulent instances of multiple voting, we have to disenfranchise 27,824 voters.

Mr DANBY—It is more than that when you consider all the ones we deterred.

Mr SULLIVAN—A decision for this committee is whether the harm we caused is greater than the harm we are trying to fix. It seems to me that, at 10 to 1, the harm we have caused is much greater, considering that 27,824 people's votes were not included because they did not turn up with proof of identity. The results for the three most marginal electorates in the country, all of which were held by the Liberal Party, could have been changed by the number of votes that were withheld.

Mr MORRISON—Did you know how they were going to vote, did you?

Mr DANBY—Based on their enrolments and the way they did it last time.

Mr SULLIVAN—I said, 'could have changed'.

CHAIR—I do not mind you laying the framework, but ask your question.

Mr SULLIVAN—My question is: Does the Electoral Commissioner believe that the harm caused is justified in terms of the—

CHAIR—That is not a matter that he should be asked to respond to. That is a matter for this committee. I am interested in eliciting evidence and stating facts, not in an opinion that that question calls for. It is inappropriate. They are political decisions, not policy decisions.

Mr Killesteyn—I would say, Chair, I think—

CHAIR—I am sorry to do that to you, and I will come back to you, but I am not going to allow it.

Mr Killesteyn—Chair, thank you for that protection. The only thing I would say is that I think the debate really should be how you—

CHAIR—Improve?

Mr Killesteyn—How we enhance the roll at all times, not just focus necessarily on the close of rolls period. I am not denying any issue about the close of the rolls, but my submission is more about preserving, enhancing and strengthening our roll at all times, and what we need to do to ensure that that happens.

Mr DANBY—Precisely on that point, rather than focusing just on the thousand elderly and confused voters, I want to go back to the main game as far as I am concerned, which is the 1.2 million voters who are not enrolled. I am mindful of your problem with direct mail and the effect on your resources, and I want to come back to something to which you referred in your verbal submission, which is how transfers on the roll could be done electronically. You are saying that if people use the Internet and email to effect a change of enrolment, what you can do is check their scanned form against their already existing signature, and that if we change the legislation that could be a way of validating their enrolment, rather than using snail mail responses that are signed.

Mr Killesteyn—Mr Danby, a scanned form is one thing that could be used, and scanning is now a relatively simple technology that is available in the home. One option is for a system that would ensure that the person scans their signature and presents that as part of the electronic enrolment transaction. There are other models that equally could be used, which are much more efficient in one way, by confirming information with other government sources, such as Centrelink or the roads and traffic authorities, whatever. There are lots of different options.

I would not want to get into a discussion about a possible solution because it is one of the things that deserves considerable investigation about what the solutions are. If the committee was minded to go down this path, it would seem to me a better way to deal with the issue is to provide flexibility to allow solutions to change over time.

Technology will not stand still. It will change, and solutions to these issues also will change. If you design a system now for electronic lodgement and prescribe it, the greatest danger is that in five years time it will be totally irrelevant to the technology. It is more about providing perhaps a principles-based option for electronic lodgement and providing some other authority that can sign off on the system, including using principles of integrity. That other authority might be the existing commission, which is a model used in other state jurisdictions.

Senator CAROL BROWN—When you investigate this initiative of electronic change of address, will you be looking at how that might work for homeless people living in supported accommodation? If someone becomes homeless and at a home after being enrolled, will you also be looking at that?

Mr Killesteyn—I would probably go back to my earlier answer about looking and understanding the different demographics in the community. I guess there will be some in the community for whom this type of facility will not be relevant. For those people who are disadvantaged, for homeless people or for the indigenous community, there is a range of different strategies that need to be employed. It is somewhat unrealistic simply to sit back and hope that people within a disadvantaged group will go onto the Internet and use that. That really is about a much more intensive and targeted approach to ensuring that those people have been enfranchised.

One of the greatest advantages of going down this path is that if you can deal with the large bulk of people who are not enrolled in smarter and efficient ways—automated ways to the extent that you can—it releases people to do the more intensive work for those people who really do need a different approach, such as the homeless. At the moment we are so busy just simply processing enrolment forms and doing all of the data entry that we just do not have time to apply specialised approaches to those people who need something different.

Senator CAROL BROWN—But you already have discussions with workers who deal with homeless people and SAAP organisations.

Mr Killesteyn—That is true.

Senator CAROL BROWN—And people who stay with those organisations have computers.

Mr Killesteyn—That is true, and there may be computer solutions that are available, particularly if they are engaging with the people who are managing those groups or supporting them. All I am suggesting is that going down one path that deals with the bulk frees us up to provide much more tailored solutions for others who need more investment, if you like, or a greater intensive effort.

Mr DANBY—I wish to ask a question about proof of identity. In your supplementary submission, you suggest one form of acceptable tier 1 proof of identity would include Australian passports. I did not realise that Australian passports are not included in the table of acceptable documents currently.

Mr Dacey—Mr Danby, tier 1 is restricted currently to drivers licences, or, if you are overseas, to Australian passports.

Mr DANBY—But you cannot use an Australian passport in Australia, despite the fact that it has your signature in it.

Mr Dacey—If you do not have a drivers licence, you currently cannot use an Australian passport in Australia as tier 1.

Mr DANBY—What other forms of documents would you consider to deal with the issue of the integrity of the roll that will allow us to deal with the main issue of 1.2 million unenrolled Australians?

Mr Dacey—We have suggested documents such as passports, veterans' affairs or defence cards, or defence cards. We can look at all sorts of documents, but we need to look at the integrity of those documents and what sort of proof of identity is required for people to access or have available those documents.

Mr DANBY—Do veterans' affairs cards have a picture and signature?

Mr Killesteyn—No, they do not, but it is worth noting that one of the issues around drivers licences, particularly with the aged community, is that some of them do not have a drivers licence, which in a sense forces them into the tier 2 and tier 3 ranges. If you embrace a card such as a gold card or a white card, which have the same levels of integrity before a person is issued with those cards, it gives you confidence that they are truly who they say they are, and you open up an easier path for those people to get themselves on the roll or to change their enrolment details.

Mr DANBY—That makes sense.

CHAIR—Mr Sullivan has a few short questions and I have a few that I will flesh out.

Mr SULLIVAN—Thank you, Chair. My two questions go to online transactions and to enhancing the franchise in the younger age group. I will deal with the online transaction question first. It seems to me that provided we could be confident of the security of online transactions, there are a number of things that could be done easily, such as making changes to enrolment details. Enhancements could include, and Mr Scott would be very happy later on, being able to

apply for a postal vote online. Has the AEC looked at any of the bank models? I am very conscious of protecting my vote and my money. I bank online. As a model, that will always be improved by the key users. Have you looked at that as a prospective key for a model?

Mr Killesteyn—There are lots of good models that we can look at. I have to say that frankly we have been a little constrained in the breadth of our thinking by having to deal with a system within the confines of the legislation. If those confines were broadened or changed, we could look at a whole range of other models that might be available, such as the tax office or banking. All those models have lessons that we would probably look to in designing the best system for us, given the level of integrity that we need and the surety that we need to give you and the Australian community about the integrity of the roll.

Mr SULLIVAN—I think online banking is a good model, particularly if it is improved upon over time rather than trying to provide every service that somebody might want online in the first instance. My second question refers to enhancing the franchise of younger voters. I noted the relatively low proportion of 18 to 24 year olds, and you say 80. Given the way that that cascades downwards from the older age to the younger age, I would imagine that the 18 to 21s represent something greater than 80 to give you an average between the 18s and 24s and 21s to 24s. My interest is in those young people. Apparently I can ask your view because one issue in your submission is whether we should allow provisional voting at age 16, rather than age 17 which is currently the case.

Mr Dacey—That is provisional enrolment.

Mr SULLIVAN—Would you have a view in relation to this very mobile group of people who leave home to commence flatting, get into an argument over the cornflakes, and go to another flat tomorrow? Do you have a view on allowing for young adults in that age group to have their enrolment coupled with the enrolment of their parents, which most likely be at their childhood home, until they reach a period when we would expect them to become a little more stable in their residential patterns? I understand that has some issues in relation to fraudulent enrolment. The question is: Have you considered attaching a young adult to their childhood home or their parents' residence as a stable address for a period?

CHAIR—Answer what you are able to answer. We will deal with the rest.

Mr Killesteyn—If you focus an effort on increasing the awareness of all people, including young people and those who are about to become electors in their own right, and that includes systems by which you not only identify them early but also engage with them early, it seems to me that that is likely to lead to the outcome you are looking for, which is for people, once they turn 18, to complete their enrolment. In many respects for young people it is not the issue of getting them enrolled in the first place, but keeping them enrolled once they are enrolled. They have 101 things that compete for their attention, such as careers, studies, relationships and so forth. The mechanisms that focus on engaging them in modern ways and keeping them engaged is a better strategy than is perhaps trying to tie them to another group which they may or may not like someone attempting to do.

CHAIR—I have a few questions I want to ask and I know that Senator Ronaldson also has a few. What we do not get to ask we might put in writing and obtain supplementary answers from

you. I propose to invite Mr Tom Rogers, the Australian Electoral Officer for New South Wales, to give evidence. We have a written statement from him, which will be incorporated. We will at least give him an opportunity to say a few words. We have done that with ever state electoral officer, and I want to include him.

We have little time left, but my first question relates to the impact of the changed close of rolls rules. In your current submission, which we received into evidence today, at point two it looks to me like there was a notional look at rolls closing after seven days as against what the law said. You are telling us that 31 people who were 17 missed out, and that 4,068 18 year olds missed out as a result of the early closure of the rolls compared with what the law previously provided. Is that correct, Mr Killesteyn?

Mr Killesteyn—Yes, that is correct.

CHAIR—Are you able to provide the committee with the figures for all potential electors who might have missed out, which you can identify from that early close of rolls, to what would have happened if it was a seven-day close of rolls, or is it too late to get those figures?

Mr Dacey—We thought we already may have provided it in an earlier submission.

CHAIR—If you have, I am sorry. I am just asking if you have those figures.

Mr MORRISON—If I may assist, Chair, they are provided in the AEC's first submission.

CHAIR—Okay. I do not have your first submission.

Mr Killesteyn—Yes.

Mr MORRISON—I know it well.

CHAIR—You must have a photographic memory.

Mr MORRISON—It shows the level of those who were denied in 2007 and 2004.

CHAIR—If it is there, that is fine. I have not seen that. I want to take you to an earlier submission because I want to get these matters fleshed out, if I am right. In an earlier submission—there are so many submissions—which is your third submission to the inquiry, I am interested in particular some of the tables showing the number of provisional voters that have been rejected in 2007 and 2004.

Mr Killesteyn—What page and date is the submission?

CHAIR—The date of the submission, which is the third submission and not the current submission, is 11 November 2008, and there are two tables on page 51. One is in annexure two, which deals with the 2004 votes and is on page 46, and page 51 deals with 2007 voters. The figures that I extract are that in 2004 there were 180,870 votes in the category of provisional votes, of which 67,068 were rejected, and that was a objection rate of 37.08 per cent. In 2007

there were 167,682 votes, of which 124,549 were rejected, and that is a rejection rate of 74.28 per cent.

The main reason for rejection for 2004 was that 63,100 were not enrolled, whereas in 2007 there were 91,103 who were not enrolled and formed part of that rejection. The other figure in which I am interested is that the basis for rejection in 2007 for 27,529 was that proof of identity was not supplied; in other words, the only people who came back in 2007 were 5,845 and they could provide proof of identity. Those figures have not changed since you submitted them to us? I know it was a short-cut.

Mr Dacey—No, they have not.

Mr MORRISON—They had a week to do that, is that right?

Mr Dacey—They had a full week to come back, until the Friday after polling day.

CHAIR—And the truth is that there was a signature on every one of those declaration forms that could have been compared to a signature of the elector that the Australian Electoral Commission already had, and it could have acted as proof of identity and allowed those votes to be included in the count.

Mr Dacey—That could have been done.

CHAIR—Previously that was what was done in prior elections.

Mr Dacey—It was one of the processes that we undertook previously.

CHAIR—Thank you. In relation to British subjects, you gave us a table and you have talked about that in your supplementary submission, which has 159,095 people on the electoral roll.

Mr MORRISON—Say that again?

CHAIR—Prior to 1984, British subjects on the roll stayed on the roll. The figures we have been given are 159,095, which is 1.15 per cent of the current enrolment. I just wanted to get stated on the record that you are certainly not wedded to the figures you have because there might be people who subsequently became naturalised as Australian citizens. But that is the best figure that you can do.

Mr Killesteyn—As at 28 February 2009, the figure is now 157,481.

CHAIR—Because people are deceased or have moved on.

Mr Killesteyn—They are those who are recorded as British subjects on our electoral roll.

CHAIR—And you have listed those by category, so that we have as many aliens as are listed on our electoral roll who are able to influence our electoral results.

Mr MORRISON—Under grandfathering arrangements, Chair.

CHAIR—I am not disputing them. I just wanted to make the point how we go out of our way to retain the franchise for people. Let me say that because the AEC has given us statistics on a division-by-division basis, on my analysis there are 62 electorates where over 1,000 of these people resided, seven electorates where over 2,000 of these people were residing, and one electorate where over 3,000 people were residing and who, according to the High Court, are currently aliens under the definition. However, they retain their right to vote because they were on the roll prior to 1984.

Mr MORRISON—Just as a follow-up question, what additional cost is there for the AEC associated with maintaining these people on the roll?

Mr Dacey—None.

CHAIR—That is not the issue.

Mr Dacey—No cost, once they are on the roll.

Mr MORRISON—You said that we go out of our way to extend the franchise. I am just wondering what going out of our way cost us, or cost the AEC.

CHAIR—We have not gone after them and required them to enrol or take out citizenship by a certain time to maintain their electoral status.

Mr MORRISON—But in terms of the AEC, there is no cost associated with keeping these people on the roll at all.

Mr Pirani—Mr Morrison, there is a cost, and it mainly emanates from a situation in which a person is ejected from the roll who previously was on the roll. If they are a British subject, they cannot get back on the roll.

CHAIR—Is that right?

Mr Pirani—We have a number of cases every year. For example, in the lead-up to the last election I had three applications made to the Administrative Appeals Tribunal. We had to go back and get the original claim forms dating from 1983. We had to go through a process to try to work out the background for an individual when they were ejected from the roll, ascertain the basis for that objection, and deal with the decision that they were no longer eligible.

Mr MORRISON—Out of 180,000, there were three?

Mr Pirani—There were three.

Mr MORRISON—Three with whom there was a problem, and compared with other cases that you are faced with at the AAT, how many other electors were involved in those?

Mr Pirani—I do not have any others at the moment and I had none in the lead-up. The issue is the difficulty we have going back to check the records prior to 26 January 1984. We have to get back into the original documents, which were scanned, and try to produce those for an AAT case. As I said, I had three urgent ones—two of them in WA, I think, and one in Victoria.

CHAIR—I have one more question before I invite Senator Ronaldson to ask his questions, and that is to do with the informality survey from the 2007 election. I do not know whether you have mentioned it. Where are we at in relation to that?

Mr Killesteyn—We have done the study of the informal vote. We have a first draft of the report which my people have been through. I expect that it will be released publicly in the next couple of weeks. We are very close.

CHAIR—Thank you, Mr Killesteyn.

Senator RONALDSON—In relation to the efficiency dividend, I take it from what you have said that your real dollar terms will be the same as they were in 2003-04 once the efficiency dividend is completed.

Mr Killesteyn—I am sorry, could you repeat the question?

Senator RONALDSON—Once that efficiency dividend's reduction in funding is completed over a four or five year period, is the real dollar back to the real dollar in 2003-04 effectively, if all those gains are wiped out?

Mr Killesteyn—The arithmetic suggests that the additional \$28 million, which was provided as part of the last review of our financing arrangement as a consequence of the application of the efficiency dividend, will be wiped out, yes.

Senator RONALDSON—So in real terms the funding has been reduced by the process of this efficiency dividend.

Mr Killesteyn—That is correct.

Senator RONALDSON—I want to go back to multiple voting. I hope you will not think I am being unreasonable, but it seems to me that when you are talking about a day of action from the AFP and AFP resources, et cetera, and the fact that you have had to write to the AFP with a view to re-establishing a service agreement, the realities are that there is very little chance of ever being prosecuted for multiple voting. Is that not so?

Mr Killesteyn—Given the evidence that is required to establish intent, that is correct, Senator.

Senator RONALDSON—What is a day of action? I know what it is in other contexts.

Mr DANBY—A day of real action?

Mr Killesteyn—A day of action was a concentrated period that we had negotiated with the AFP to look at all of the cases and make decisions about what action would be taken, rather than having a process whereby there were ongoing referrals spaced over certain times.

CHAIR—So you do it as a job lot.

Mr Killesteyn—A job lot. Yes, I think that is a neat description, thank you.

Senator RONALDSON—I take it that if it is done by way of a job lot, probably in inconvenience as opposed to anything else, we would have had to set resources for a day. Once the AEC got its day, I presume that was the end of the AFP's real interest. Would it be fair to say that?

Mr Pirani—The AFP makes decisions about how it allocates resources on the basis of priorities of different offences or potential offences. Like any other agency, we have to negotiate with the AFP to get our share of that. What I have sought to do is renegotiate a more sound and transparent basis with the AFP on how we will negotiate over a share of the resource, given the sorts of offences that we are talking about.

Mr DANBY—Presumably the AFP focuses on the tiny number of cases that involve these allegations of multiple voting. Simply the fact that the AFP spoke to them might act as deterrence in the future.

Mr Killesteyn—That is possible. Senator, I agree with you that such prosecutions are difficult to mount. Nevertheless it is important for us to demonstrate when a person potentially is defrauding the system that we are intent on taking action, even though ultimately it may not lead to a formal prosecution. There is a demonstration effect, which is equally as important as is simply ending up with a successful prosecution.

Senator RONALDSON—But I presume you almost have to categorise the likelihood of a successful prosecution before you even give those matters to the AFP, simply because, if you are confined to a day of action, you know what limited resources the AFP has. Presumably you do your own culling of matters that will be referred. You are effectively cutting your referral cloth to suit the likely resources the AFP will have. It is almost a dual weeding out, is it not?

Mr Pirani—Senator, certainly there is a culling, though the culling normally is not done just on the basis of the AFP resources. The main focus of the culling is the prosecution policy of the Commonwealth, in particular, the matters covered in paragraph 2.10 of the prosecution policy of the Commonwealth, which are the circumstances in which the DPP has said it is not in the public interest to proceed with a prosecution. Our policies and guidelines are moulded based on the criteria, of which there are approximately 30, that are set out in the prosecution policy of the Commonwealth.

Senator RONALDSON—But you have to make that judgement before you do the referral.

Mr Pirani—That is part of the weeding-out process that we go through.

Senator RONALDSON—That must be a purely subjective decision.

Mr Pirani—No, Senator, because when you have a look at the sorts of matters involved, such as the age or infirmity of the person, there is a whole range of factors involved. They are not just subjective because they are the sorts of matters that the DPP itself applies in relation to proceeding with any prosecution. We take account of that in relation to our policy of selecting cases to go forward. We also have a look at the type of evidence before we have before we refer it to the AFP and make sure that at least we have a prima facie case on the evidence presented to us before we go to the AFP. There is no point in referring a case when we do not have prima facie evidence.

Senator RONALDSON—I am mindful of the time. In relation to the efficiency dividends, have you made any decisions about what effectively has to go to accommodate the efficiency dividend and the reduction in real dollars? Have you gone through that process yet?

Mr Killesteyn—No, I have not. We will be going into the internal budget deliberations for 2009-10 shortly. I have yet to see the final shape of the budget. I cannot make any decisions until I see what the appropriation is ahead for the next year and the years after that.

CHAIR—If there are any questions in relation to that, I am happy to incorporate them in a letter to the Electoral Commissioner, if he will provide answers.

Mr Killesteyn—Okay.

CHAIR—In view of the time I will ask—

Senator RONALDSON—Perhaps—

CHAIR—Yes, Senator Ronaldson?

Senator RONALDSON—Okay, I will get that by way of a letter. Something has to give. It is quite clear from the dividend and the nature of the real dollars available that something will have to give. I want to know whether it will be prosecutions, staffing numbers, advertising, or whatever it will be. Clearly something has to give.

CHAIR—I think this is going to strain bipartisanship.

Mr Killesteyn—Senator, that is what I am paid to do—make those sorts of decisions in the best interests of ensuring that we enhance the participation rate and that an election is well run.

Senator RONALDSON—You might get a plus-efficiency dividend if it is done properly.

[1.43 pm]

ROGERS, Mr Tom, Australian Electoral Officer (State Manager) New South Wales, Australian Electoral Commission

CHAIR—I now welcome Mr Tom Rogers, Australian Electoral Officer and state manager for New South Wales. Mr Rogers, we do have your written statement. You may still make a statement, but obviously an abridged one. I propose to obtain a resolution from the committee that that statement be incorporated into *Hansard*, Mr Rogers.

Resolved (on motion by **Mr Melham**):

That this committee authorises the statement of Mr Tom Rogers to be incorporated.

The document read as follows—

As the AEO for NSW for the 2007 Election, I can report that the NSW aspects of the election proceeded smoothly, administrative and operational arrangements worked well, and electors enjoyed a largely trouble free day. However, to provide some context for you, the three broad areas in this statement I will cover are: communication/public awareness activities; enrolment; and voting for the 2007 federal election.

Communication & Public Awareness

To promote the overall communication aims of the AEC, particularly to maximise participation by all electors, a wide range of initiatives were implemented in NSW during 2007. I will take this opportunity, though, to highlight just some of the initiatives targeting young people, culturally and linguistically diverse Australians (CALD), and Indigenous Australians.

Please note, though, that these examples do not reflect the significant work undertaken by our divisional offices in undertaking local public awareness activities that also played an important part in the overall communication strategy.

Indigenous Australians

In New South Wales, three Community Electoral Information Officers (CEIOs) were employed and based in Sydney, the far north coast and the central/far west. They visited close to 100 indigenous organisations to raise awareness of the federal election and distribute information on enrolment and voting. Their activities also included attending indigenous events such as: the Annual Aboriginal Rugby League Knockout; the Indigenous Employment Expo; the National Indigenous Tertiary Education Student Games; and the Croc Festival in Kempsey.

Media promotion was also an important element of this program with articles appearing in the Koori Mail, pre-recorded messages on the National Indigenous Radio Network, and a segment on the SBS indigenous TV program 'Living Black' on how Indigenous Australians were being encouraged to speak up and have their say.

Youth

Young people were a high-priority audience for the AEC's enrolment promotion and public awareness activities. In addition to national activities, NSW also utilised direct mail campaigns to target young people.

With access to TAFE data for the first time, the AEC conducted a direct mail campaign to approximately 18,000 17 & 18 year old TAFE students just prior to the announcement of the federal election. Student data from the Board of Studies was also utilised in direct mail campaigns throughout the year to encourage eligible 17 and 18 year olds to enrol to vote.

During the federal election, young people were also a focus with Schoolies events occurring during the election period. NSW staff worked with event organisers for Schoolies on the Gold Coast to send a text message on the Tuesday prior to election day to 10,110 schoolies reminding them to vote on election day. Working with our colleagues in the AEC's Queensland Office,

information was also placed in information booths at Schoolies, in the accommodation manager's guide and provided to accommodation groups on the far north coast of NSW.

CALD

In NSW, staff attended five multicultural festivals in metropolitan Sydney with the SBS outside broadcast van to promote enrolment at these events in the lead up to the 2007 federal election.

These events were held at locations including—Auburn, Cabramatta, Darling Harbour, Fairfield and Lakemba.

Media

Radio news releases were used for the first time in NSW and were particularly successful in achieving significant coverage of the AEC's key election messages. (A radio release involved the pre-recording of radio news grabs to accompany a printed media release or other activity.)

For example: 'Reminder to vote on election day' was reportedly used approximately 315 times across 126 radio stations. In some cases, some stations were still using the grabs on election day as a reminder to people to vote).

Radio news releases were also able to be used to target areas of the state—more specifically, they were used to target radio stations broadcasting in divisions with high numbers of candidates in the lead up to election day with messages about formality.

In New South Wales live to air radio interviews were also particularly successful in communicating the AEC's key election messages. Interviews that included talkback assisting callers with their enrolment and voting problems received positive feedback from radio listeners.

For example, during one interview, a caller to talkback radio was embarking on a cruise before election day and was unsure of how to vote. NSW staff followed up to check the cruise details and identified six cruises in total that would be departing Australian ports either on or before election day, affecting over 9000 passengers.

Cruise passengers were then provided with information on their voting options based on their cruise itinerary through various means including letters, emergency notification to travel agents, 'pillow letters' on the cruise and, in a first, a voice trial was made to 1089 passengers departing on a cruise providing them with brief details on their voting options in a recorded message to their phone.

Enrolment

As at 31 January 2007 there were some 4,320,718 million electors on the NSW electoral roll.

As at 23 October 2007, the date for the close of rolls for the 2007 federal election, there were some 4,495,336 million electors on the New South Wales electoral roll (an addition of 174,618).

As other AEOs have pointed out in their statements, in early 2007, the AEC initiated a number of strategies to attempt to boost roll numbers. In particular, the national Targeted Enrolment Stimulation (TES) program had a significant impact on reversing the decline in the electoral roll.

As part of the NSW program, staff targeted approximately half a million people at approximately 374,000 addresses and were supported by advertising, media and public awareness activities.

As at 7 September 2007, staff had visited 374,299 addresses in person and collected 89,750 enrolment forms at the time of the visit (23.98 per cent of addresses visited).

Overall, 111,555 enrolment forms were received from this program (29.80 per cent of addresses visited). Of this total, 13 per cent were new enrolments, 18 per cent were re-enrolments and 69 per cent were changes of enrolment.

Voting

In NSW a total of 423 candidates nominated for the 2007 federal election, of which 79 candidates nominated for the Senate and 344 for the House of Representatives. Some 4,366,339 million votes were cast at the 2007 election across New South Wales of which the majority of these votes, some 3,449,290 million (approximately 80 per cent of the total vote), were ordinary votes.

The number of declaration votes in NSW increased in line with the general national trend and the changing voting patterns now evident in federal elections (Note—the average nationally was 16 per cent, NSW was approx. 13 per cent).

In looking at figures for the different type of declaration votes, the number of provisional, absent, and postal votes remained more or less stable in NSW, however, the increase was in the number of pre-poll votes which jumped from 241,660 in 2004 to 351,785 in 2007 (an increase of 110,125).

Blind and Vision Impaired

As part of the national trial, seven divisions across NSW (Bradfield, Cowper, Cunningham, Farrer, Lowe, Parkes, Parramatta) provided electronic voting machines for electors who are blind or vision impaired to cast a vote—a total of 168 votes were cast at these centres. NSW staff worked with the Australian Human Rights Commission to set up media opportunities to promote the location of these voting centres during the election period.

Informality

Unfortunately, informal voting remains at a high level in NSW. In 2007, the overall informality rate for the House of Representatives elections in NSW was approximately 5 per cent: whilst this represents a reduction from 6.1 per cent in 2004, it is still the highest in Australia.

Additionally, there are a number of divisions where the informality rate is well above the national average - for example: Banks 6.4 per cent; Bennelong 6.2 per cent; Blaxland 9.5 per cent; Chifley 8 per cent; Fowler 7.7 per cent; Grayndler 6 per cent; Prospect 7.7; Reid 7.6 per cent; and Watson 9.1 per cent.

Strategies implemented for the 2007 federal election in an attempt to reduce the levels of informality included:

- an attempt to employ language appropriate staff for selected polling place.
- some polling places played a DVD of translated formality television advertisements;
- the three questions issuing officers are required to ask of electors were translated into 21 languages;
- How to Vote Guides were translated into 21 languages, and
- polling staff in Divisions with the highest 2004 informality levels were provided with extra training.

These strategies were also supported by an advertising campaign and complemented by a program of public awareness activities. The AEC intends to continue to research and analyse the informal voting figures from the 2007 election to understand which mix of the strategies listed above may have had the greatest impact in working to reduce the informality levels at the 2007 federal election.

I am now happy to answer any questions you might have.

Mr Rogers—Thank you, Chair. I will not go through the statement in any detail, given that I have provided that to the committee. However, perhaps I will just point out to the committee that what I have attempted to do is provide a slice of some of the New South Wales specific activities we undertook. One area that I should probably highlight for committee, which remains of concern to me, is the level of informality in New South Wales. I have included a small piece about informality. I hope that some more information comes out of the informality survey so that we may have some better data with which to target some strategies at the next election. In essence, the informality rate in New South Wales is higher than in any other state within Australia.

The top 10 electorates for informal votes in Australia are in New South Wales. It is an area on which we must focus in future elections. I might leave my comments at that. I am happy to take any questions that any member of the committee might have.

CHAIR—Just in relation to informality, I notice that Banks is one of those electorates. Those electorates have been consistent in the last couple of elections, as I understand it, in terms of informal votes.

Mr Rogers—That is correct, yes.

CHAIR—My understanding also is that part of the reason is the high NESB population in a lot of those electorates.

Mr Rogers—There is probably a perfect storm comprising a number of factors, but that is absolutely one of the factors. The number of candidates on the ballot paper also can have an impact as well as the proximity to other electoral events. Other factors in New South Wales might be that the state electoral system is different from ours, and that might confuse voters as well. I think there is more than one aspect that exists.

CHAIR—The perfect example of that was when Auburn had a by-election for the state seat just prior to the federal election and Reid's informality went through the roof, if I may colloquially say so. Is it fair to say also that when the safety net was removed in relation to the Langer provisions, that had an impact on increasing informal voting in those electorates to a higher proportion, or is it the same proportion as it is for others?

Mr Dacey—I could not say if it was a higher proportion.

CHAIR—But it went up anyway.

Mr MORRISON—The level of informality at state elections in those same areas where the voting is optional preferential, is it lower or higher?

Mr Rogers—I do not have that information but I can check on it.

CHAIR—Good.

Mr SULLIVAN—Mr Rogers, thank you for coming in. I understand your perfect storm of factors and that one is obviously going to be confusion between the state and federal systems. Have you done any work to look at how informality in Queensland is going, given that they have the same optional preferential voting and have had since 1992? I think the rate is decreasing.

Mr Rogers—I am fairly sure that that will be encompassed in the final report. We have done that level of analysis as well.

CHAIR—I thank all for their attendance today. Mr Killesteyn, we will correspond with you if we have further questions.

Resolved (on motion by **Senator Ronaldson**):

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

CHAIR—I declare the public hearing closed.

Mr Killesteyn—Thank you, Chair.

Committee adjourned at 1.47 pm