



## Electoral Commissioner

Our Ref: 15/488

Rebecca Gordon  
Inquiry Secretary  
Joint Standing Committee on Electoral Matters  
Department of the House of Representatives  
Parliament House  
CANBERRA ACT 2600

Dear Ms Gordon

### **Re: AEC appearance at public hearing inquiry into the Commonwealth Electoral Amendment Bill 2016**

Thank you for the opportunity to appear before the Joint Standing Committee on Electoral Matters (JSCEM) at today's public hearing. I undertook to provide answers to a number of questions.

1. In response to Mr Coleman's question [Proof Hansard, page 2], I offered to confirm internal analysis about the impact of the proposed savings provision on below the line informality, using data from the 2013 federal election.

#### *AEC response*

The AEC has conducted some preliminary analysis, applying the proposed informality savings provision, to data from the 2013 federal election.

- 480 948 ballot papers were completed below the line, of which 8445 were deemed informal (approximately 1.8 per cent).
- 67 816 below the line ballots were saved because of the current savings provision of up to three allowable errors.
- If the savings provision of five allowable errors was applied, an additional 4057 votes would have been saved (for a total of 71 873 ballots saved), leaving 4388 votes informal (approximately 0.9 per cent).
- Some 241 of those 4388 votes were also marked with a formal above the line preference and therefore were saved from below the line informality.

2. Senator Conroy asked the AEC [see Proof Hansard page 3] to confirm the date the AEC first saw the Commonwealth Electoral Amendment Bill 2016.

#### *AEC response*

I confirm the AEC first saw a draft of the Commonwealth Electoral Amendment Bill 2016 (the Bill) on 11 February 2016.

3. Senator Conroy asked [Proof Hansard, page 3] when the AEC met with the Department of Finance concerning the development of the Bill, and who from the AEC was involved.

*AEC response*

The AEC has ongoing dialogue with the Department of Finance in the ordinary course of its business. In addition to this the AEC has had specific meetings as follows.

The AEC has a regular and ongoing Senior Executive level meeting with the Department of Finance. Since June 2015 meetings have been held on the following dates:

- 9 June 2015
- 29 July 2015
- 15 September 2015
- 1 October 2015
- 25 November 2015.

The AEC participated in a working group to consider the three reports by the Joint Standing Committee on Electoral Matters on the conduct of the 2013 Federal Election. The working group, chaired by the Department of Finance, had the following membership:

- Department of Finance (Chair)
- Department of the Prime Minister and Cabinet
- Attorney-General's Department and
- Australian Electoral Commission.

Meetings of the working group were held on the following dates:

- 24 June 2015
- 30 July 2015
- 1 September 2015.

Additionally, the AEC met with the Department of Finance and the Attorney General's Department on 23 October 2015, and the AEC held a workshop with the Department of Finance on 27 October 2015.

Since 5 February 2016 the AEC has been in regular contact with the Department of Finance leading up to the introduction of the Commonwealth Electoral Amendment Bill 2016.

4. Senator Conroy requested [Proof Hansard, page 8] that the AEC provide all written communication with the Government about the Commonwealth Electoral Amendment Bill 2016.

*AEC response*

The AEC cannot provide the material requested, as it goes to the provision of policy advice to Government.

5. Senator Xenophon asked [Proof Hansard, page 9] If the bill were amended to require filling in a minimum of 12 boxes below the line, what practical technical hurdles would there be in addition to those arising out of what is being currently proposed in the bill.

*AEC response*

As I noted in my submission, the AEC would require a minimum of three months to implement changes to its systems. This includes time for development, implementation, testing and independent certification processes.

6. Senator Collins asked [Proof Hansard, page 12] which element of the Department of Finance or which minister's office had carriage of this and what consideration you are aware occurred within Government.

*AEC response*

Development of the legislation was managed by the Governance and Public Management Division of the Department of Finance.

The AEC cannot comment on the considerations of the Government.

7. Senator Macdonald asked the AEC to take on notice the following questions:
  - a. What is the impact on the AEC if voting below the line was optional preferential? That is, is more work involved?
  - b. Could the AEC cope as well if the below the line requirement was to vote 1-6 or 1-12?
  - c. I am interested in what if any additional work would be involved? Could the AEC manage this?

*AEC responses*

- a. The AEC cannot provide definitive advice without knowing the detailed shape of any proposed legislation. As I noted in my submission, the AEC would require a minimum of three months to implement changes to its systems. This includes time for development, implementation, testing and independent certification processes.
- b. Yes. As I noted in the AEC's initial submission and in my opening statement, the AEC is ready to deliver a federal election in line with the legislation in force at the time the election is called.
- c. The AEC cannot provide definitive advice without knowing the detailed shape of any proposed legislation. I reiterate that, subject to the provision of appropriate resources (including time), the AEC will be ready to deliver a

federal election in line with the legislation in force at the time an election is called.

Yours sincerely

Tom Rogers

March 2015