



Australian Government

Australian Government response to the
Joint Standing Committee on Electoral Matters report:

*The 2013 Federal Election: Report on all aspects of the conduct of
the 2013 election and matters related thereto*

MAY 2024

Introduction

On 15 April 2015, the Joint Standing Committee on Electoral Matters (JSCEM) tabled a report titled *The 2013 Federal Election: Report on the conduct of the 2013 election and matters related thereto*.

The Government's response to the recommendations of the Report follows below.

**Government Response to the Joint Standing Committee on Electoral Matters report:
The 2013 Federal Election: Report on the conduct of the 2013 election and matters related thereto**

#	Recommendation	Government Response
1	The Committee recommends that for future elections, the Australian Electoral Commission publish information on its website about ballot paper counting and handling issues on a regular and transparent basis during the count process.	<p><u>Noted</u></p> <p>The Government notes the recommendation. Given the passage of time, a substantive government response is no longer appropriate.</p>
2	The Committee recommends that the Australian Electoral Commission report to the Joint Standing Committee on Electoral Matters every six months on the implementation of recommendations made by the Keelty Report and by the Australian National Audit Office reports in response to the events of the 2013 federal election.	Refer to recommendation 1.
3	<p>The Committee recommends that the Australian Government consider and assess the formal separation of the roles of state manager and Australian Electoral Officer involving:</p> <ul style="list-style-type: none"> the appointment of Australian Electoral Officers independent of the Australian Electoral Commission; and 	Refer to recommendation 1.

#	Recommendation	Government Response
	<ul style="list-style-type: none"> the assigning of any non-election duties of Australian Electoral Officers to the Electoral Commissioner or other appropriate officer. 	
4	<p>The Committee recommends that the Australian Electoral Commission formalise all state manager positions to report on all election and roll management programme deliverables directly to the First Assistant Commissioners responsible for election and roll management programme business in order to ensure consistency and accountability.</p> <p>The Committee also recommends that all existing state managers be assessed for continued suitability in their positions, with new contracts to be drawn up with clear performance expectations and disciplinary and termination triggers stipulated as terms of employment.</p>	Refer to recommendation 1.
5	The Committee recommends that the Australian Electoral Commission develop a set of formal qualifications/certification for polling officials	Refer to recommendation 1.

#	Recommendation	Government Response
6	The Committee recommends that the Australian Electoral Commission prioritise development of appropriate changes to existing systems, or new systems, to allow for the compulsory recording and capture of data related to Division-level face-to-face training for polling officials.	Refer to recommendation 1.
7	The Committee recommends that the Australian Electoral Commission ensure that Officers-in-Charge of polling places be given a list of training completion for all staff reporting to them.	Refer to recommendation 1.
8	The Committee recommends that the Australian Electoral Commission develop a full set of relevant key performance indicators for all senior service delivery staff, to be measured and reported to the Parliament as part of federal election inquiry reporting.	Refer to recommendation 1.
9	The Committee recommends that the Australian Electoral Commission commence a corporate culture, leadership and performance measurement reform programme.	Refer to recommendation 1.

#	Recommendation	Government Response
	<p>This programme should be formulated in consultation with the Australian Public Service Commission and a suitably qualified organisational culture and management consultant, gained through an open market tender.</p> <p>This programme should then be overseen by a committee comprising:</p> <ul style="list-style-type: none"> • the Electoral Commissioner; • the Auditor-General; • the Australian Public Service Commissioner; and • an appropriately qualified private industry or academic subject matter expert on organisational culture and performance management. 	
10	<p>The Committee recommends that the <i>Commonwealth Electoral Act 1918</i> be amended to require a confirmation to be sought and received from a person prior to their enrolment being added or updated on the electoral roll due to any Federal Direct Enrolment or Update activity.</p>	<p>Refer to recommendation 1.</p>

#	Recommendation	Government Response
11	The Committee recommends that at the next meeting of the Electoral Council of Australia and New Zealand, the Electoral Commissioner continue to engage with the state electoral commissions regarding normalisation and harmonisation of electoral roll use and purpose.	Refer to recommendation 1.
12	The Committee recommends that section 200BA of the <i>Commonwealth Electoral Act 1918</i> and section 73AA of the <i>Referendum (Machinery Provisions) Act 1984</i> be amended to provide that notification of pre-poll locations, or potential locations, be made directly to candidates if publication is to be later than two days before the first pre-poll voting day.	Refer to recommendation 1.
13	The Committee recommends that the Australian Government examine the future viability of the broadcast media blackout.	Refer to recommendation 1.
14	The Committee recommends that section 206 of the <i>Commonwealth Electoral Act 1918</i> and section 20 of the <i>Referendum (Machinery Provisions) Act 1984</i> be amended so as to	Refer to recommendation 1.

#	Recommendation	Government Response
	allow the Australian Electoral Commission to provide a suitable pen for use by electors.	
15	The Committee recommends that the Australian Electoral Commission clearly set out on its website the requirements for satisfying subsection 194(1A) of the <i>Commonwealth Electoral Act 1918</i> and subsection 65(1A) of the <i>Referendum (Machinery Provisions) Act 1984</i> by overseas electors who are unable to satisfy the ‘authorised witness’ requirements of those sections.	Refer to recommendation 1.
16	The Committee recommends that, in areas with a significant Indigenous population, the Australian Electoral Commission consult with local Indigenous groups to ensure the suitability of polling places and set targets for the employment of Indigenous polling officials.	Refer to recommendation 1.
17	<p>The Committee recommends that the <i>Commonwealth Electoral Act 1918</i> and the <i>Referendum (Machinery Provisions) Act 1984</i> be amended to introduce the requirement that:</p> <ul style="list-style-type: none"> • voters must present a form of acceptable identification to be issued 	Refer to recommendation 1.

#	Recommendation	Government Response
	<p>with an ordinary pre-poll or election day vote. Acceptable identification should be defined as those acceptable at the 2015 Queensland state election (or the closest federal equivalent);</p> <ul style="list-style-type: none"> • where voters cannot provide acceptable identification they must be issued with a declaration vote; and • these declaration votes will be checked at preliminary scrutiny to ensure that the claimed enrolled address matches the electoral roll. If not, then the vote should be rejected. <p>The Committee also recommends that the Australian Electoral Commission be appropriately resourced to enable this change to be made prior to the next federal election and for a suitable education campaign to be undertaken to inform voters of the new requirements.</p>	
18	<p>The Committee recommends that the conduct of recount provisions at section 279B and elsewhere within Part XVIII of the <i>Commonwealth Electoral Act 1918</i> be reviewed, amended and separated in order to provide clearly separated recount provisions and processes for both House of</p>	<p>Refer to recommendation 1.</p>

#	Recommendation	Government Response
	<p>Representatives and Senate recounts. Additionally, any other relevant references to recounts within the <i>Commonwealth Electoral Act 1918</i> and the <i>Referendum (Machinery Provisions) Act 1984</i> should be amended to ensure consistency.</p>	
19	<p>The Committee recommends that the <i>Commonwealth Electoral Act 1918</i> and the <i>Referendum (Machinery Provisions) Act 1984</i> be amended to ensure that:</p> <ul style="list-style-type: none"> • the rules governing the role of scrutineers during both the scrutiny and the re-count of ballot papers during an election or referendum are harmonised; • all scrutineers for a candidate, party or other appointee may only object to a ballot paper once during the original scrutiny, once during fresh scrutiny, and once during a re-count; • the role of scrutineers in the investigation of prematurely opened ballot-boxes is clearly codified in section 238B; and • political party officials or candidates are able to appoint scrutineers on behalf of all their party candidates in order to 	Refer to recommendation 1.

#	Recommendation	Government Response
	allow for the oversight of both House of Representatives and Senate counts or recounts with the one appointment.	
20	The Committee recommends that the Australian Electoral Commission investigate the early procurement of appropriate premises in each state and territory for central ballot paper scrutiny and election activity with a high level of security and appropriate facilities and infrastructure.	Refer to recommendation 1.
21	The Committee recommends that section 290 of the <i>Commonwealth Electoral Act 1918</i> be amended to allow for the deadline for the nomination of candidate agents to be one week after the close of candidate nominations.	Refer to recommendation 1.
22	The Committee recommends that the Australian Electoral Commission hold regular by-invitation forums, at appropriate points in each electoral cycle, with the federal directors and registered officers of political parties in order to achieve improved engagement on relevant legislative, policy and procedural matters.	Refer to recommendation 1.

#	Recommendation	Government Response
23	<p>The Committee recommends that the Australian Electoral Commission consider undertaking, in consultation with the Joint Standing Committee on Electoral Matters, a wholesale review of the internal consistency and operational adequacy of the <i>Commonwealth Electoral Act 1918</i> in order to ensure that this Act is a cohesive, effective and contemporary piece of legislation that facilitates best practice election delivery.</p> <p>Such a review would also need to proceed in tandem with progressing the consolidation and harmonisation of the <i>Referendum (Machinery Provisions) Act 1984</i> with the <i>Commonwealth Electoral Act 1918</i> so as to create one consolidated Act responsible for federal elections and referenda.</p>	Refer to recommendation 1.
24	<p>The Committee recommends that adequate resourcing be allocated and prioritised to fund and support the implementation of the recommendations contained in this report.</p>	Refer to recommendation 1.

Dissenting Report by Australian Greens

#	Recommendation	Government Response
1	<ul style="list-style-type: none"> • A ban on donations from for profit organisations. • A cap on the amount of money that can be donated in a year to a political party or candidates. • Caps on expenditure by political parties, candidates and third parties. • Adequate public funding for political parties, including both funding for election campaigning and for other administrative work of the party. • Continuous disclosure of all political donations above \$100, within two weeks of all donations being made. 	Refer to recommendation 1 of the Majority Report.
2	The federal government to initiate discussions between states and the Commonwealth in regard to political donation disclosure thresholds, time periods for disclosures, and the definitions of donations and other incomes that must be disclosed with a view to developing uniform laws.	Refer to recommendation 1 of the Majority Report.

#	Recommendation	Government Response
3	Political parties to be required to disclose how much was spent during the election period on each type of expenditure, such as wages, advertising and printing.	Refer to recommendation 1 of the Majority Report.
4	Ban donations from the property development, tobacco, alcohol and gambling industries, and from companies that have entered a tender, public-private partnership or any other government contract or arrangement that confers a financial gain.	Refer to recommendation 1 of the Majority Report.