

Enrolment

- 2.1 The Australian democratic process requires that all qualified electors enrol and cast a ballot at each Federal Election.¹ In order to give effect to this requirement, the Australian Electoral Commission (AEC) maintains the Commonwealth's electoral roll which contains information regarding all electors who have enrolled for Federal Elections.²
- 2.2 By its very nature, the electoral roll is a dynamic document requiring constant alteration and adjustment to reflect additions, deletions, transfers and corrections to the roll as they occur, or are notified to the AEC.
- 2.3 The Committee examined enrolment matters in some detail during this inquiry.
- 2.4 This chapter deals with those issues and makes recommendations accordingly.

Qualifications and disqualifications for enrolment

- 2.5 Australian citizens over the age of 18 and British subjects who were enrolled as at 25 January 1984 are entitled and required to be enrolled

1 CEA sections 101, 245.

2 The AEC also maintains electoral rolls for States and Territories in accordance with Joint Rolls Agreements.

for an address at which they have lived for one month or longer that is their real place of living.

- 2.6 Persons who are of unsound mind, are serving a prison sentence of three years or longer, or have been convicted of treason or treachery and have not been pardoned, are not entitled to enrol, or to remain enrolled.
- 2.7 Enrolment is compulsory for all eligible persons³ other than Australians residing overseas, Norfolk Islanders, itinerant electors and people aged between 17 and 18. These persons may enrol in accordance with other relevant sections of the Act.⁴

The enrolment process

- 2.8 Electors claim enrolment or make changes to their enrolment by completing an Application for Electoral Enrolment (*enrolment form*).
- 2.9 Enrolment forms must be signed by the claimant; and be attested by an elector or a person entitled to enrolment, who is required to sign the enrolment form as witness in his or her own handwriting.⁵
- 2.10 Electors may notify changes to their electoral enrolment details using the enrolment form, or, where the change is within the division for which the elector is already enrolled, by giving written notice to the Divisional Returning Officer (DRO).⁶
- 2.11 Enrolment forms are available for download from the AEC Website. They cannot be lodged electronically, as the AEC requires manuscript signatures.
- 2.12 Printed versions of the enrolment form are displayed and available at AEC Offices, State and Territory Electoral Offices and most Post Offices.⁷

3 CEA section 93.

4 CEA sections 94, 94A, 95, 95AA, 96, 99A and 100.

5 CEA section 98. The proof of identity provisions contained in the *Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004* have not yet taken effect.

6 CEA section 105 (1) (b) and (ba).

7 AEC, *General Enrolment - Frequently Asked Questions*,
www.aec.gov.au/_content/What/enrolment/faq_general.htm#4

- 2.13 The Nationals express their concern that the act of enrolling to vote is too simple:

currently all that is required to change your voting enrolment is to sign a card with a willing witness. There is no requirement to produce any information to attest to your enrolling address or to your identification. This arrangement is unreasonably easy and leaves the electoral roll open for potential abuse and should be addressed.⁸

- 2.14 DROs who receive and action claims for enrolment are required to ensure the enrollee has supplied all necessary information; that the application is completed and signed by both the applicant and a witness; and to undertake a series of eligibility checks prior to adding new enrollees to the roll or making alterations to existing enrolment details.⁹

- 2.15 The AEC's ability to carry out thorough checks during the surge in enrolments in the seven days between the announcement of the election and the closing of roll (the *close of roll period*) has been raised as a concern in this and all recent election related inquiries. It was also examined by the Committee in its 2001 inquiry into the Integrity of the Electoral Roll¹⁰ and the October 2002 Review of ANAO Report No. 42 2001-02, *The Integrity of the Electoral Roll*.¹¹

- 2.16 In response to a request for information regarding its ability to carry out thorough checks on enrolment during the close of roll period, the AEC has advised the Committee:

when the AEC processes an application for enrolment, every component of the enrolment form is checked for any anomalies and to ensure that it complies with the provisions of the Electoral Act, prior to the form being processed and the elector's name being entered on the roll. This occurs during close of rolls and in non-election periods.

An elector's name is not added to, nor amended on, the roll during close of rolls, or at any other time, if the DRO has reason to believe that the enrolment form is not in order or if there is any doubt as to the elector's entitlement to electoral enrolment. During the roll close period, the AEC applies its

8 Submission No. 92, (The Nationals).

9 CEA section 93A and 102 (1A). These checks are outlined below.

10 JSCem, *User Friendly, Not Abuser Friendly*: May 2001.

11 JSCem, *The Integrity of the Electoral Roll*, October 2002.

established procedures with the same degree of rigour as it does in a non-election period.

Applicants are not added to the roll, at any time, until verification of eligibility is completed. Where such verification is completed after the roll close, the elector is advised to complete a declaration vote at a polling place as their name will not appear on the Certified List of Voters.

Contact would be made before the application is processed in all cases, including during a close of rolls, where information contained on the form cast doubt on the eligibility of the person to be enrolled.

The AEC considers criteria such as name, address, date of birth, citizenship, prior enrolment history and signatures prior to processing an enrolment application. The verification of eligibility checking may include any of the following checks:

- address does not exist or does not match an enrollable address on our records;
- the enrolment would result in the enrolment limit for the address being exceeded;
- the name and date of birth do not match an existing enrolment in the same name;
- no previous enrolment exists and the elector is well over the age of 18;
- no signature of applicant and/or witness;
- the witness's signature appears to be in the same writing style as the signature of the applicant;
- a number of enrolment forms received at the same time that appear to have the same handwriting/style of signature or the same witness details; and
- citizenship (e.g. claims British citizenship but was not on the roll as at 25/01/84).¹²

2.17 The CEA provides for other actions that may occur to ensure the DRO is satisfied that the enrolment claim is in order before adding or changing the enrolment. These actions may include:

- contacting the applicant to confirm, clarify or complete information required to determine eligibility;¹³

12 Submission No. 205, (AEC), p. 6.

13 CEA section 102 (1A).

- checking that the name is not fictitious, frivolous, offensive or obscene;¹⁴
- checking to confirm the applicant is an Australian citizen by naturalization and confirming citizenship details;¹⁵
- checking address or property details with the applicant and/or other authorities to determine the exact location and address details of the residence where it does not appear on AEC records;¹⁶ and
- any other enquiries that the DRO thinks necessary to ensure roll integrity.¹⁷

The Committee's view

- 2.18 The Committee considers that the qualifications for electoral enrolment are appropriate, well accepted by the population, and generally well enforced.
- 2.19 The Committee considers that the process by which electors' effect enrolment is appropriately accessible by those who are, in the normal course of life, able to access appropriate services, especially in urban areas.
- 2.20 The Committee notes, however, that in some rural and remote areas, access to enrolment-related material and forms may be more problematic.
- 2.21 The Committee continues to be concerned about the lack of identity verification required when electors enrol and change enrolment detail. These concerns will be addressed more fully later in this report.
- 2.22 The Committee notes the AEC's response regarding the checking processes for enrolment forms, but continues to be concerned about the AEC's ability to carry out the thorough checks required to ensure enrolment integrity during the close of rolls period. These concerns will also be more fully addressed later in this report.
- 2.23 In addressing its concerns about the availability of enrolment related forms and information, and to ensure that all electors and potential

14 CEA section 98A.

15 CEA section 93(1) (b) (i).

16 CEA section 102 (1) (b).

17 CEA section 102 (1A).

electors are able to avail themselves of such information, whilst being prompted to update electoral roll details in a timely manner, the Committee makes the following recommendations:

Recommendation 1

- 2.24 **The Committee recommends that the Commonwealth Electoral Act be amended to require that electoral enrolment forms, AEC reply paid envelopes and enrolment promotional material be prominently displayed at all times in every Australia Post, Medicare, Centrelink and Rural Transaction Centre outlet, including any agency or sub-agency, to encourage electors and potential electors to meet enrolment obligations. Further, all such material should be displayed without fee to the Commonwealth.**

Enrolment of itinerant and homeless persons

- 2.25 The CEA provides for enrolment by persons who have living arrangements or special enrolment requirements that are outside the scope of “ordinary” enrolment criteria.
- 2.26 These persons include Australians residing overseas, Norfolk Islanders, itinerant electors, prisoners, Silent Electors and persons aged between 17 and 18 years.¹⁸
- 2.27 The inquiry received submissions and heard evidence which commented on and made recommendations regarding the itinerant elector provisions of the CEA, particularly in relation to homeless persons.
- 2.28 The ALP noted in its submission that:
- ABS estimates that on any given night in Australia there are 105,000 homeless people. Very few of them are enrolled to vote.
- Under section 96 of the Electoral Act, people can enrol as “itinerant electors”, yet in March 2005 only 5,860 people were enrolled that way.¹⁹

18 CEA sections 94, 94A, 95, 96, 96A and 104.

19 Submission No. 136, (ALP), p. 8.

- 2.29 The ALP requested the Committee to consider the following recommendation:

Rec. 18. That the AEC be requested to report to JSCEM on the effectiveness of Commonwealth and State programs currently devoted to improving and sustaining the enrolment levels of young and homeless Australians. That the AEC also be requested to provide recommendations on how to improve the levels of enrolment of those groups and other groups it identifies.²⁰

- 2.30 Professor Brian Costar and Mr David McKenzie made a detailed submission which canvassed some of the reasons that homeless people may be reticent to engage in electoral enrolment:

In 2004 the AEC joined Swinburne University to conduct a research project *Bringing Democracy Home - Enfranchising Australia's Homeless....* The project aimed to develop a better understanding of the homeless population and its voting needs as a group. The study found that approximately one half of participants experiencing homelessness had never voted or stated they did not ever intend to vote again. The barriers to their participation in the electoral process could be described as more social than mechanical in nature, and it is unlikely that changes in current electoral law or civic education campaigns will engage them.

Nevertheless, the Swinburne [and a similar Queensland] study has indicated that there are mechanical, social and ideological hurdles the Australian Government *can* address to enfranchise a significant portion of the homeless population who have either voted in the past and/or have expressed a desire to vote in the future. Some impediments that prevent them from engaging include: a too narrow understanding of what constitutes a 'current address' under the Act, a lack of understanding of itinerant voting and silent enrolment provisions, lack of transportation to or location of polling stations, a lack of awareness that it is permissible, in certain circumstances, for third parties to assist in the process of enrolment and voting, fear of becoming visible to government agencies, other than the AEC, on publicised lists, complexity of enrolment process and forms, overall lack of faith in the political system, fear

20 Submission No. 136, (ALP), p. 10.

of [especially retrospective] fines for failing to enrol or vote when eligible, etc.²¹

- 2.31 Many other submissions contained supporting information and recommendations in respect to the homeless, including that:

Section 96(2A) of the Commonwealth Electoral Act 1918 (Cth) should be amended so that Itinerant Electors are registered to vote in the Subdivision with which they have the 'closest connection'.

Section 96(8) of the Commonwealth Electoral Act 1918 (Cth) should be amended to increase the period of time that an Itinerant Elector may have a 'real place of living' from one month to six months.²²

The Committee's view

- 2.32 The Committee agrees with the comments made in relation to voting by Mrs Lindsay MacDonald and considers that they apply equally to enrolment:

While voting is compulsory, the Commonwealth should take responsibility for ensuring that every person entitled to vote is actually able to exercise this most basic of rights.²³

- 2.33 The Committee believes that the AEC must use its resources to ensure that appropriate forms of enrolment are available to and accessible by those who have an entitlement, but who may suffer disadvantage because of social circumstances.
- 2.34 Such groups may include the homeless, itinerant persons, illiterate persons, persons with a disability and persons who reside in remote and isolated areas.
- 2.35 The Committee understands that the AEC has made some progress in identifying issues associated with homelessness in partnership with Swinburne University and notes the contents of the *AEC's Research Report Number 6 – Electorally Engaging the Homeless*.
- 2.36 The Committee also notes that the AEC may be limited in its ability to be more proactive in its research and outreach activities due to funding constraints, however, the Committee is strongly of the view

21 Submission No. 105, (Prof. B Costar & Mr D MacKenzie), p. 5.

22 Submission No. 131, (PILCH), p. 8.

23 Submission No. 47, (Mrs L MacDonald).

that these issues deserve greater, more focussed attention and accordingly, makes the following recommendations:

Recommendation 2

2.37 The Committee recommends that:

- the AEC formulate, implement and report against a detailed, ongoing, action plan to promote and encourage enrolment and voting among persons and groups experiencing difficulty because of social circumstance; and
- that such persons and groups should include, but not be limited, to homeless and itinerant persons, illiterate persons, persons with disabilities and residents of isolated and remote areas;
- the AEC consult with and consider the views of organisations and groups representing homeless and itinerant persons, illiterate persons, persons with disabilities, residents of remote localities, and other appropriate bodies, to formulate appropriate strategies, programs and materials for use when the action plan is implemented;
- the AEC report back to the Committee prior to the next Federal Election with details of its action plan and implementation strategies;
- where appropriate, adequate funding be provided to enable the AEC to develop, implement and report against the action plan; and
- that following the next Federal Election, the AEC seek feedback from representative groups and community members regarding the effectiveness of the strategies implemented, and further develops its action plan to incorporate constructive suggestions where appropriate.

Silent enrolment

2.38 Silent enrolment means that the address of the elector will not be shown on the publicly available electoral roll. Electors can apply for a

silent enrolment if they believe that having their address printed on the publicly available electoral roll could put their personal safety or their family's personal safety at risk.²⁴

- 2.39 The Liberal Party of Australia detailed its concerns with the AEC's application of the provisions of the CEA in regards to Silent Electors. The Party's Federal Director, Mr Brian Loughnane, stated in evidence:

we have had reports of differences of interpretation and of very stringent interpretation in the discretion by DROs in considering applications for silent enrolment. In this day and age, when there are legitimate security issues facing public officials and people in the public eye, we believe that a reasonably flexible interpretation of the discretion that DROs have for applying silent enrolment is necessary, and a further consideration of this by the commission, I believe, is warranted.²⁵

The Committee's view

- 2.40 The Committee considers that there is a need to carefully balance the requirement for address details of electors to be available on the electoral roll, against the need to minimise or eliminate any risk to the personal safety of any elector.
- 2.41 Whilst considering that the current legislative provisions are appropriate, the Committee is firmly of the view that the AEC must apply those provisions fairly and consistently, always ensuring that the safety of electors and their families remains the highest priority.

Proof of identity

- 2.42 Despite the recent tightening of witnessing provisions for enrolment, the most significant roll integrity issue remains ensuring that the identity of the person claiming electoral enrolment is verified.
- 2.43 There has been much debate and Committee consideration in recent years regarding proof of identity for applicants for enrolment and changes of enrolment details.

24 AEC, "Silent Electors" in Research Report 3 - *Analysis of Declaration Voting* www.aec.gov.au/_content/How/research/papers/paper3/page3.htm

25 Mr B Loughnane, Federal Director, Liberal Party of Australia, *Evidence*, Monday, 8 August 2005, p. 22.

2.44 Submissions to this and previous inquiries have canvassed this issue, and there have been recent attempts by the Government to introduce Proof of Identity measures in order to prevent fraudulent enrolment activity and to ensure roll integrity.

2.45 The Chair of this Committee is on the record as supporting proof of identity for enrolment:

While there are some members that would oppose regulations for proof of identity for the electoral roll, I think the Australian public would do well to question why someone would oppose such a provision.

It is not foreign to require proof of identity. It is something that Australians are familiar with, are used to, and, in this day and age, support.

... having to go through more checks to be able to hire a video than are required to get on the electoral roll is something that needs to be fixed up, and quickly.

We know from previous debates that there are some members opposite who have opposed this legislation for various reasons... But there is no doubt that the Australian public, upon seeing these provisions when they come into effect, should they pass this parliament, will have no problem with them – no problem whatsoever.²⁶

2.46 There is a deal of history to proof of identity arguments. In its report on the 1996 Federal Election, the Committee recommended that proof of identity measures be adopted whereby electors would be required to produce at least one original item of documentary proof of identity.

2.47 At that time the Committee asserted that acceptable documents might include photographic drivers licences, Birth Certificates or extracts, Social Security papers, Veterans Cards, Citizenship Certificates, passports, Medicare cards, or in some limited cases, written references.²⁷

2.48 After considering proof of identity issues in some detail, the Committee recommended in its May 2001 report: *User Friendly, Not Abuser Friendly*:

26 Mr Tony Smith MP, Second Reading Speech, *Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Bill 2004 Cognate Bill: Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004*, House of Representatives, *Hansard*, 26 May 2004, p. 29217.

27 JSCem, *The 1996 Federal Election*, June 1997, p. 9, Recommendation 3.

that the States and Territories support the *Electoral and Referendum Regulations 2000* and the Commonwealth proceed to implement the amended regulations in time for the next federal election.²⁸

2.49 Those regulations would have implemented a system whereby documentary evidence of identity was required at time of enrolment.

2.50 Further, in its report into the conduct of the 2001 Federal Election, the Committee recommended:

that all applicants for enrolment, re-enrolment or change of enrolment details be required to verify their name and address. Regulations should be made under the Commonwealth Electoral Act 1918 to require people applying to enrol to provide documentary evidence of their name and address:

- by showing or providing a photocopy of their driver's licence or other document or documents accepted by the AEC in a particular case (or, in the event that all States and Territories make driver's licence records available to the AEC for data-matching purposes, by providing their driver's licence number); or
- where such documents cannot be provided, by supplying written references given by any two persons on the electoral roll who can confirm the person's identity and current residential address. These persons must have known the enrollee for at least one month.²⁹

2.51 The issue has, once again, been canvassed in many submissions to this inquiry.

2.52 Mrs Alison Cousland, an elector recently returned from overseas, notes that:

after living overseas for 19 years, I returned to Australia and added my name to the electoral roll. I was most surprised when voting in the Federal election not to have to provide identification.

Opening bank accounts, registering at Medicare, and signing up for a mobile telephone all required different combinations of identification to satisfy each organizations identification

28 JSCEM, *User Friendly, Not Abuser Friendly*, May 2001, Recommendation 4.

29 JSCEM, *The 2001 Federal Election*, June 2003, p. 48, Recommendation 1.

point system. And yet to vote, one of the privileges we have in a democracy, no identification is required.³⁰

- 2.53 Mrs Cousland's view receives support from The Nationals who submit:

currently all that is required to change your voting enrolment is to sign a card with a willing witness. There is no requirement to produce any information to attest to your enrolling address or to your identification. This arrangement is unreasonably easy and leaves the electoral roll open for potential abuse and should be addressed.³¹

- 2.54 The Nationals recommend:

that the requirements for changing address be altered to include the production of some form of significant identification, such as a driver's license, 18+ card, passport or birth certificate, along with documentation that shows a current residential address, such as a utilities bill or bank statement.

The process for changing ones enrolment details should be either undertaken by presenting oneself to an AEC office or to a JP to witness the production of these materials and then generate a change of enrolment form.³²

- 2.55 In a similar vein the Festival of Light claimed:

there is the question of false enrolment. We believe there should be identity checks which are as rigorous as those used to open a bank account. People are very familiar with opening a bank account and there should be no lesser scrutiny of people going on the electoral roll. Likewise, there should be adequate checks on the capacity to fraudulently alter another person's details, to make sure that it is a true correction to the roll.

- 2.56 The ALP, despite opposing any further strengthening of the verification of identity for enrolment, goes part of the way and submits:

30 Submission No. 30, (Ms A Cousland).

31 Submission No. 92, (The Nationals).

32 Submission No. 92, (The Nationals).

Those applying for enrolment or transfer of enrolment to provide their driver's licence number on the enrolment form, without further witnessing; and

If an applicant for enrolment did not have a driver's licence, the enrolment form to be witnessed by an elector who did have a licence and who would include their licence number on the enrolment form.³³

2.57 Similarly, the Premier of Western Australia, Dr Geoff Gallop MLA, argues:

firstly, on the matter of the integrity of our electoral and enrolment systems, it is important that any new measures adopted are appropriate to improving the electoral roll and thereby our electoral system.³⁴

2.58 On the other hand, Dr Gallop also notes:

as to electoral integrity, there is no persuasive evidence of electoral roll manipulation such as to affect the election result...

More rigorous identity tests may also considerably increase the time taken for electors to submit or update enrolment details and in the process discourage their involvement.³⁵

The Committee's view

2.59 The Committee, while noting that there are differences of opinion on the level of identity verification required for enrolment, is committed to ensuring that the process of enrolment is not conducive to electoral fraud or electoral roll manipulation.

2.60 The Committee notes that there have been past instances of electoral roll fraud. Whilst it is not proven that electoral roll fraud has changed or significantly affected election results, the Committee believes that the real issue to be addressed is the prevention of the possibility that electoral roll fraud may occur.

2.61 The Committee agrees with Mrs Alison Cousland and asserts that is not too onerous to require proof of identity for those seeking to enrol or change enrolment details.

33 Submission No. 136, (ALP), p. 9.

34 Submission No. 60, (Dr Geoff Gallop, Premier of Western Australia).

35 Submission No. 60, (Dr Geoff Gallop, Premier of Western Australia).

- 2.62 The Committee argues that providing identification at the time of enrolling will not cause delays or inconvenience to electors attempting to enrol. In fact, Australians are becoming more and more used to providing proof of identity for such mundane tasks as joining a video library.
- 2.63 Australians are already required to provide proof of identity for many everyday undertakings such as opening a bank account, applying for a drivers licence, signing up for a mobile telephone, seeking rental accommodation, enrolling in educational programs, applying for a Medicare card, applying for welfare benefits, applying for a passport, applying for a credit card, seeking credit approvals and accessing licensed premises, along with a myriad of other situations encountered daily which require proof of identity, age or address.
- 2.64 The Committee notes that applicants for pre-paid mobile telephone services are currently required to provide the service provider with one of more of the following, in order to prove their identity:
- an identification card issued to the purchaser or end-user by a tertiary education institution;
 - a licence or permit issued in the name of the purchaser or end-user under a Commonwealth, State or Territory law;
 - a passport issued in the name of the purchaser or end-user;
 - a statement issued under a Commonwealth, State or Territory law to the effect that the purchaser or end-user is entitled to receive a financial benefit;
 - a birth certificate in the name of the purchaser or end-user, or in a former name of the purchaser or end-user; and
 - a document that is recognised as a proof of identity under a Commonwealth, State or Territory law.³⁶
- 2.65 Why should the act of enrolling to vote and choosing who should govern Australia, arguably one of the most important steps in our democratic society, be subject to any less scrutiny and verification than purchasing and enabling a pre-paid mobile telephone, or, as previous inquiries have stated, joining a video library?
- 2.66 In the Committee's view, enrolling or changing enrolment details on the electoral roll must be supported by documentary evidence
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36 *Telecommunications (Service Provider – Identity Checks for Pre-paid Public Mobile Telecommunications Services) Determination 2000.*

sufficient to identify the enrollee and the address for which they claim enrolment.

- 2.67 The Committee's view is that acceptable identification³⁷ and proof of address³⁸ must be shown or provided to the AEC, or a person who can attest a claim for enrolment,³⁹ before an enrollee is added to, or their details changed, on the electoral roll.
- 2.68 Acceptable identification should include, but not be limited to:
- an Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old;
 - an Australian Defence Force discharge document;
 - a Australian marriage certificate;
 - a certificate of Australian citizenship;
 - a current Australian driver's licence or learner driver's licence;
 - a current Australian passport;
 - a current Australian photographic student identification card;
 - a current concession card issued by the Department of Veterans' Affairs;
 - a current identity card showing the signature and photograph of the card holder, issued by his or her employer;
 - a current pension concession card issued by the Department of Family and Community Services;
 - a current proof of age card issued by a State or Territory authority;
 - a decree nisi or a certificate of a decree absolute made or granted by the Family Court of Australia; or
 - a document of appointment as an Australian Justice of the Peace.

37 *Acceptable identification* should be defined as consisting of at least one document from a list of acceptable documents, which the AEC accepts as evidence of proof of identity. A number of suitable documents were listed in Schedule 5 of the *Electoral and Referendum Amendment Regulations 2001*.

38 Acceptable documentary evidence of an enrollee's address should be defined as a document from a list of acceptable documents, which the AEC accepts as evidence of proof of address

39 A previous list of persons who can attest claims for enrolment was in Schedule 4 of the *Electoral and Referendum Amendment Regulations 2000*. This list will require some amendment to remove references to ATSIC, and is reproduced at Appendix F.

- 2.69 Persons who can attest a claim for enrolment should include, but not be limited to:
- staff of the AEC or other Electoral authorities;
 - Commonwealth and State or Territory public servants,
 - bank or credit union officers;
 - finance company officers;
 - members of the defence forces;
 - Australia Post employees; and
 - other persons accepted by the AEC as persons who can attest a claim for enrolment.
- 2.70 Those enrolling, re-enrolling, or changing enrolment details should have the choice of providing the required documents either in person at an AEC office, or to a person who can attest a claim for enrolment, or by posting or faxing those documents (or certified copies of those documents) and the enrolment form to which they relate to the AEC.
- 2.71 Where certified copies of documents are posted or faxed to the AEC, they must be certified to be true copies by the enrollee and witnessed by a person who is currently an enrolled elector.
- 2.72 Where the AEC receives an original document by post, the AEC must return the document to the enrollee by registered post unless the enrollee agrees to its return by other means.
- 2.73 Where the AEC, or a person who can attest a claim for enrolment, is handed an original document, the AEC or that person must hand the document back to the enrollee, unless the enrollee agrees to its return by other means.
- 2.74 These requirements would greatly increase the integrity and accuracy of the electoral roll by proving the identity of the enrollee.
- 2.75 Once proof of identity and address is provided, the electoral roll should be annotated to record that acceptable proof of identity documentation has been sighted for that elector.
- 2.76 The Committee notes that there will be some cases where an enrollee does not hold an acceptable identification document.
- 2.77 Should the enrollee be unable to provide an acceptable identification document, they would be required to supply written references given

- by any two persons on the electoral roll who can confirm the enrolee's identity, and one proof of address document to the AEC.
- 2.78 The persons supplying the references must have known the enrolee for at least one month and must show their own acceptable identification document, or alternatively, supply their driver's licence number to the AEC.
- 2.79 In such situations, the AEC should check and confirm the identity details of the referees and not the enrolee. This could be achieved by the AEC conducting one or more of the following checks:
- sighting the acceptable identification document of the referees; or
 - checking the electoral roll to confirm that acceptable proof of identity had already been provided by the referees when they last enrolled; or
 - by confirming the authenticity of the drivers licence numbers supplied by the referees with the relevant motor licensing authority.
- 2.80 In cases where the checks proved the identity of the referees, the AEC should enrol or change the enrolled details of the enrolee on the electoral roll.
- 2.81 In relation to driver's license material, the Committee supports the AEC's comments about the desirability of expanding its *demand power*⁴⁰ to allow the AEC to access driver's licence details held by some State and Territory authorities. In the Committee's view this access would enable the AEC to give effect to the Committee's recommendations.
- 2.82 Specific recommendations in respect of the demand powers are included below in the electoral roll review section of this chapter.
- 2.83 The Committee notes that in certain circumstances, the electoral roll itself is used to verify the identity of certain persons. For over 30 years the financial sector has relied on electoral enrolment as one of the checks required before approving and issuing credit to applicants.⁴¹
- 2.84 The Committee is also aware that numerous other agencies and organisations rely on the veracity of the information contained on the

40 Submission No. 216, (AEC), p. 25.

41 Submission No. 70, (Institute of Mercantile Agents).

electoral roll for verification of identity, in order that they are able to issue other identification documentation.

- 2.85 For instance; verification of electoral enrolment details may form 25 of the 100 points required towards:
- the eligibility for obtaining an Identification Record for a Signatory to an Account under the *Financial Transaction Reports Act 1988* (FTR Act);⁴²
 - verification of identity for the Ministry of Transport in NSW;⁴³ and
 - a photographic student Identification card for the University of Newcastle.⁴⁴
- 2.86 The Committee believes that, in addition to the substantial need for roll integrity, organisations and agencies who issue identification documentation based on the accuracy of the electoral roll ought to be satisfied that the details contained on the electoral roll have been verified.
- 2.87 The electoral roll is a list of those Australians who share a common democratic right/privilege: Those who appear on it choose those who govern us.
- 2.88 Those who are not Australian Citizens, or who are by virtue of other circumstances, not entitled to join this roll, should not be permitted to do so.
- 2.89 Finally, the Committee believes that the integrity of the electoral roll will be enhanced and any risk of systemic electoral fraud mitigated to a high degree by requiring verification of identification and address for enrolment, and, as detailed later in this report, provisional voting.

42 www.austrac.gov.au/guidelines/forms/201.pdf.

43 www.transport.nsw.gov.au/licensing/100-point-check.html.

44 www.newcastle.edu.au/study/forms/idrequest.pdf.

Recommendation 3

- 2.90 **The Committee recommends that the Commonwealth Electoral Act be amended to require all applicants for enrolment, re-enrolment or change of enrolment details be required to verify their identity and address.**

Regulations should be enacted as soon as possible to require persons applying to enrol or change their enrolment details, to verify their identity and address to the AEC by:

- **showing or producing an acceptable identification document and a proof of address document to the AEC or a person who can attest a claim for enrolment; or**
- **where such proof of identity documents cannot be provided, by supplying written references given by any two persons on the electoral roll who can confirm the enrollee's identity and by supplying a proof of address document:**
 - ⇒ **persons supplying references must have known the enrollee for at least one month and must show their own acceptable identification document or supply their drivers licence numbers to the AEC); and**
- **enrolees should have the choice of providing the required documents in person to the AEC, or a person who can attest a claim for enrolment, or by posting or faxing the required documents or certified copies to the AEC with the enrolment form to which they relate; and**
- **where certified copies of acceptable documents are posted or faxed to the AEC, they must be certified by the enrollee to be true copies and witnessed by an elector enrolled on the electoral roll.**

Where the AEC or a person who can attest a claim for enrolment receives original documents from an enrollee, the AEC must return the documents to the enrollee by hand, registered mail or other means agreed to by the enrollee.

The electoral roll used at the 2004 Election

- 2.91 In accordance with the CEA, the rolls closed for the 2004 election at 8.00pm on Tuesday 7 September 2004, seven days after the issue of the writs for the election.
- 2.92 As demonstrated by the following table, the electoral roll continues to grow at a significant rate from election to election.

Table 2.1 Electors enrolled at close of rolls 1996 - 2004

Election	1996	1998	2001	2004
Electors at close of roll	11,655,190	12,056,625	12,636,631	13,021,230
Increase since previous election	2.7%	3.44%	4.81%	3.04%

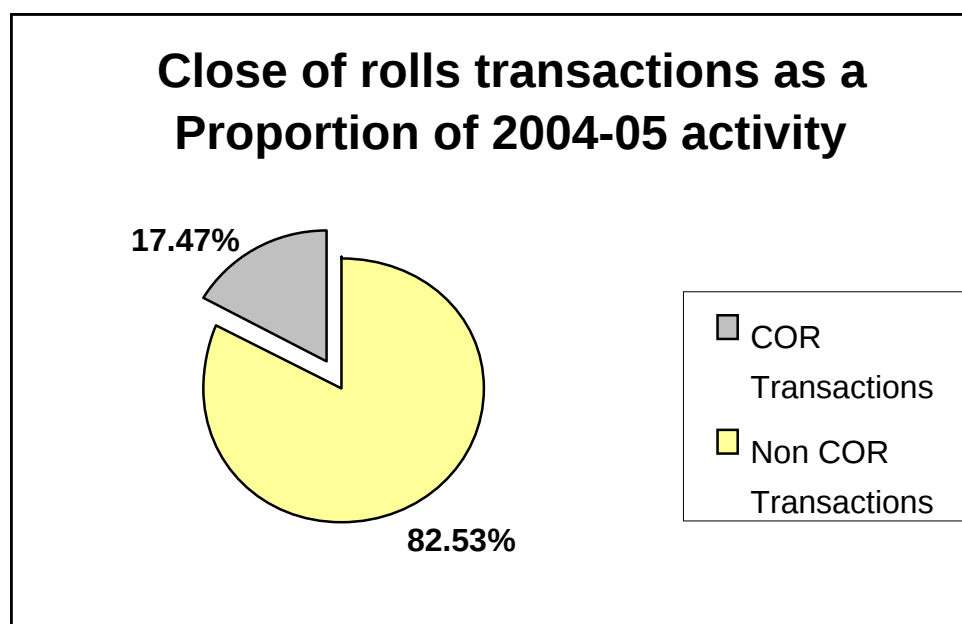
Source AEC, *Electoral Pocketbook*, 2005, p. 62.

- 2.93 Between the 2001 and 2004 Federal Elections, the electoral roll grew by some 384,599 electors. Of this growth, some 62,583 or 16.27% occurred during the seven day close of rolls period for the 2004 election.
- 2.94 In those seven days the AEC actioned some 520,086 transactions against the electoral roll.⁴⁵
- 2.95 In order to put that number into perspective, the Committee compared the total number of transactions during the seven-day close of roll period for the 2004 election (520,086), to the total number of transactions made to the electoral roll during the 2004-05 financial year (2,976,181).⁴⁶
- 2.96 These statistics indicate that close of rolls transactions represent nearly 17.5% of the total enrolment activity (transactions) for the 2004-05 financial year as shown in figure 2.2.
- 2.97 Put another way, the AEC was required to action nearly 17.5% of its total yearly transactions in the first seven days of the 2004 election period.

45 This figure is comprised of the 423,993 total enrolment transactions (column g of Appendix E) plus the 89, 529 objections, 6, 256 death deletions and the 308 duplicate deletions (columns i, j and k) removed from the roll during this period.

46 Submission No. 205, (AEC), Table 2, p. 13.

Figure 2.1 Close of rolls transactions as a proportion of 2004-05 enrolment activity



Source AEC Submission Nos 165, p. 11; 205, p. 13, Table 2.

- 2.98 Further analysis of the 520,086 close of rolls transactions indicates that in those seven days:
- 256,513 enrolment cards were received from electors at addresses that the AEC had contacted in the 12 months prior to the election, and who subsequently enrolled, re-enrolled or changed their enrolment details during the close of rolls.
 - In many of those cases, the AEC contacted those same addresses or electors on more than one occasion during that same 12 months.⁴⁷
- 2.99 The high volume of transactions made to the roll in the close of roll period has been noted in submissions to the Committee during each inquiry since the 1996 Federal election.
- 2.100 The majority of submissions to this inquiry repeat arguments and points of view that have been consistently put either for or against retaining the seven day close of rolls period.
- 2.101 The Festival of Light notes that the close of rolls period is the most vulnerable period for electoral fraud, due to the inability of the AEC to carry out thorough checks of enrolment claims:

47 Submission No. 221, (AEC), pp. 4-5.

a problem with this practice is that it allows a person a chance to identify a marginal electorate and attempt to enrol in that electorate under a false name, or to change his enrolment in order to vote in a marginal electorate. The large number of people who alter their enrolment details in the lead up to the election limits the scrutiny that the Australian Electoral Commission (AEC) can apply to each enrolment.

Coupled with the pressure of preparing for Election Day, this period is the most vulnerable time in the election cycle.

The possibility of dishonesty could be greatly reduced by closing the electoral roll on the day that an election is called.⁴⁸

- 2.102 This view is supported in the Liberal Party of Australia submission which states:

the integrity of the electoral roll remains a central concern for us, and in that regard we express our support for the attempts made by the Government to legislate for closing the roll to new enrolments on the day of issue of the writs for an election... We continue to be of the view that a flood of new enrolments in the days after writs are issued, at a time when they cannot be properly checked, are to the detriment of the integrity of the roll. Our view therefore remains that Parliament should pass legislation to close the roll to new enrolments on the day of the issue of writs.⁴⁹

- 2.103 The Nationals submission indicates a concern with the current close of roll arrangements:

Currently the roll closes somewhere between 7 to 10 days after the issue of the writs. This has allowed a large number of people change their address and update their details of enrolment with the AEC... While a large proportion of these are genuine cases, we are concerned that the long period before close of rolls could enable deceitful people or parties to shift voters from safer electorates to more marginal ones....

There has been evidence of false voter enrolments occurring in past elections, specifically in Queensland, and we are concerned that the Federal system has not been sufficiently changed to prevent this problem from occurring. While we

48 Submission No. 125, (Festival of Light), p. 1.

49 Submission No. 95, (Liberal Party of Australia).

have no evidence that we can submit to this inquiry from the 2004 election, our concerns are that the integrity of the rolls are in question while they remain open for such a long period during the campaign.

The point is not if false voter enrolment occurs, but whether the present system provides an opportunity for it to occur, and the limited opportunity available for checking if it has taken place. We believe that the current arrangements are unnecessarily generous. We note that other State jurisdictions have a system where their roll closes at the issue of the writs and it would appear to be working effectively.⁵⁰

2.104 Other submissions assert that a close of rolls period should remain.

2.105 The Premier of Western Australia, Dr Geoff Gallop notes:

As a related matter, moves to close the federal electoral roll on the day a poll is called will present particular difficulties for a large number of electors geographically dispersed throughout Western Australia and without immediate access to appropriate communication facilities.⁵¹

2.106 The PILCH Homeless Persons Legal Clinic submission makes comments supporting the retention of the close of roll period, noting:

Section 155 of the Act requires that the Electoral Roll remain open for 7 days after the election writ is issued. This is a limited timeframe within which an elector may lodge a claim updating his or her information. In the week following the announcement of the 1998 election, the AEC received a total of 351,913 enrolment forms which included new enrolments, re-enrolments and transfers of enrolments. While the Act requires that electors update their information on the roll within 21 days of a change of address, it is recognised that many people (homeless or not) do not discharge this requirement. It is only when a federal election is announced that most individuals notify the AEC of their changed circumstances.⁵²

50 Submission No. 92, (The Nationals).

51 Submission No. 60, (Dr Geoff Gallop, Premier of Western Australia).

52 Submission No. 131, (PILCH).

2.107 The submission from the Public Interest Advocacy Centre notes:

The last instance in which the electoral rolls were closed on the day the Electoral Writs were issued was under the Fraser Government in 1983. This effectively disenfranchised 90,000 voters.⁵³

2.108 The close of rolls argument and associated issues were examined at length during hearings. The Committee was presented with many arguments, both for and against closing the roll on the day of issue of the writ.

2.109 Mr Brian Loughnane presented the Liberal Party of Australia's view:

the Liberal Party support the government's efforts to legislate for the closing of the electoral roll for new enrolments on the day that writs are issued for an election.

We are of the view that a flood of new enrolments in the days following the issue of writs, when they cannot be properly checked, calls into question the integrity of the electoral roll.⁵⁴

2.110 The ALP's position on the matter was expressed by Mr Tim Gartrell in his opening statement:

I would now like to turn to the proposal for early closure of the roll. The Liberal Party, in their submission to this inquiry, claimed the roll needs to be closed early because:

... a flood of new enrolments in the days after writs are issued, at a time when they cannot be properly checked, are to the detriment of the integrity of the roll.

We agree that a flood of enrolments does occur after an election is announced. That is because many normal Australians, as opposed to political junkies like us, hear about the election and decide to sort out their enrolment. The Liberals claim that this phenomenon is to the detriment of the roll. That is not only a weird twist of logic; it is also not backed up by our history. No election has ever been found to be affected by inaccuracies or fraud relating to enrolments occurring at this time.⁵⁵

53 Submission No. 144, (Public Interest Advocacy Centre).

54 Mr B Loughnane, Federal Director, Liberal Party of Australia, *Evidence*, Monday 8 August 2005. p. 22.

55 Mr T Gartrell, National Secretary ALP, *Evidence*, Monday 8 August 2005, pp. 36–37.

- 2.111 The AEC's position on closing the roll was expressed by the Electoral Commissioner, Mr Ian Campbell, who gave the following evidence in response to a question from the Deputy Chair:

Perhaps I will tackle that question from a slightly different angle. Even with the seven-day close of rolls, I have no doubt that we now have people who try to enrol on days 8, 9 and 10. In that sense, wherever you draw a cut-off point, you will have people who, for whatever reason, did not get to enrol before the rolls closed – there is under current arrangements and there would be in any changed arrangements...

My point is that I could not draw any conclusion that a change in the closure date of the rolls would automatically lead to a particular number of electors who want to vote not being able to vote.⁵⁶

The Committee's view

- 2.112 When expressed in terms of enrolment workload (transactions only) it could be said that the AEC processed approximately 17.5% of the 2004--05 years enrolment transaction workload during the close of rolls for the 2004 Federal Election in only 3% of the available working time for the year.⁵⁷
- 2.113 Whilst acknowledging the efforts made by the AEC in attempting to ensure that the electoral roll is updated with integrity during the close of rolls period, the Committee considers that the volume of transactions which takes place during that period limits the AEC's ability to conduct the thorough and appropriate checks required to ensure that integrity.
- 2.114 The Committee notes that 60.5% of the enrolment transactions that occurred during the close of rolls period would not have been required, if electors had enrolled or changed their enrolment details at the time that their entitlement changed.⁵⁸
- 2.115 In the case of those turning 18, the Committee considers that the act of enrolling should be considered as much a symbol of transition to adulthood as applying for a proof of age card for entry to licensed premises or for a driver's licence.

56 Mr I Campbell, *Evidence*, Friday 5 August 2005, p. 55.

57 Assumes 227 working days and 7 days for close of roll.

58 Submission No. 221, (AEC), Attachment A.

- 2.116 The Committee believes that the seven day close of roll period for Federal elections actually encourages electors and potential electors to neglect their obligations in respect of enrolment, believing that they can play “catch up” during the close of rolls period.
- 2.117 This “period of grace” has served to decrease the accuracy of the roll during non-election periods as a result of electors neglecting their lawful enrolment obligations. Those that argue otherwise acknowledge that electors act in this way, but still seek to allow the situation to continue unabated.
- 2.118 The Committee notes, with a high degree of concern, that a significant number of electors failed to update their enrolment details in the 12 months before the 2004 election writs were issued, despite having been contacted and prompted to do so by the AEC up to 12 months before the election was announced. Those same electors were later responsible for a large proportion of the enrolment transactions that the AEC was required to process during close of roll.
- 2.119 Statistics provided by the AEC indicate, that despite AEC efforts and the significant amount of taxpayer funds expended by them in contacting electors prior to elections being announced, that same pattern is repeated election after election.⁵⁹
- 2.120 Not only do electors act unlawfully in not enrolling when entitled, they cause the wastage of a significant amount of taxpayer funds that the AEC is obliged to expend on postage and other measures, making repeated attempts to persuade those same electors to update their details on the electoral roll.
- 2.121 The Committee also agrees that the current close of roll arrangements present an opportunity for those who seek to manipulate the roll to do so at a time where little opportunity exists for the AEC to undertake the thorough checking required ensuring roll integrity.
- 2.122 The Committee believes that those who argue for the retention of the seven day close of rolls and who promote the argument that there is no proof that enrolment fraud is sufficiently widespread to warrant any action, have missed the point.
- 2.123 The fundamental issue facing this Committee is to prevent any such fraud before it is able to occur. Failure to do so would amount to neglect.

59 34.43% in 1999, 46.18% in 2001, and 60.5% in 2004. Submission No. 221, (AEC), Attachment A.

- 2.124 While the risk exists that fraud sufficient to change the result of an election might occur, we are failing in our duty to protect and preserve the integrity of our electoral system and our democratic processes and principles.
- 2.125 Accordingly, the Committee recommends that the roll should be closed at 8.00pm on the day that the writ is issued.
- 2.126 This change, along with the introduction of proof of identify and address measures for enrolment and provisional voting, will ensure the electoral roll retains a high degree of accuracy and integrity, while reminding electors that the responsibility for ensuring that the electoral roll is updated in a timely manner rests with them.

Recommendation 4

- 2.127 **The Committee recommends that Section 155 of the Commonwealth Electoral Act be amended to provide that the date and time fixed for the close of the rolls be 8.00pm on the day of the writs.**

Recommendation 5

- 2.128 **The Committee recommends:**
- **Section 155 of the Commonwealth Electoral Act should be amended to provide for the date and time of the closing of the rolls as soon as possible within the life of the 41st Parliament;**
 - **that the amendment to section 155 be given wide publicity by the Government and the AEC;**
 - **that the AEC be required to undertake a comprehensive public information and education campaign to make electors aware of the changed close of rolls arrangements in the lead up to the next Federal Election;**
 - **that the AEC review, and where appropriate amend, the wording of all enrolment related forms, letters, promotional**

material and advertising used for enrolment related activities to include a notification to electors that the rolls will close on the day of the issue of the writs for Federal Elections and referenda; and

- **that appropriate funding be made available to the AEC so it may comply with these and other recommendations agreed to by the Government.**

Electoral Roll review

2.129 The CEA requires the AEC to undertake reviews of electoral rolls with a view to ascertaining such information as is required for the preparation, maintenance and revision of the rolls.⁶⁰

2.130 The AEC conducts a number of activities aimed at reviewing the rolls.⁶¹ These processes are ongoing and include:⁶²

- Continuous Roll Updating (CRU), which incorporates:
 - ⇒ Data-mining of the AEC's electronic Roll Management System, or RMANS (on which the publicly available name and address detail of electors is stored);
 - ⇒ data-matching with other Commonwealth and State -Territory agencies;
 - ⇒ mailouts; and
 - ⇒ targeted fieldwork involving doorknocks.
- Direct enrolment;
- Marketing enrolment;
- Geographic Information System (GIS) Technology;
- Monitoring of death notices and information from State Registrars of Deaths;
- Address Register Maintenance;

60 CEA section 92.

61 This aspect of roll management was discussed in detail in JSCEM, *User Friendly, Not Abuser Friendly*, May 2001.

62 JSCEM, *User Friendly, Not Abuser Friendly*. May 2001, p. 23.

- Return to Sender mail, and
 - Information from members of the public and other organisations.
- 2.131 In examining the issues surrounding the updating of the roll, the Committee sought to gain an in-depth understanding of the amount of effort required of the AEC to update the electoral roll over a 3 year period, equivalent to a full three-year election cycle, which included a Federal Election.
- 2.132 The Committee sought statistics from the AEC in order to undertake such an analysis. In response to the Committee's request, the AEC provided statistics for the 2002-03, 2003-04 and 2004-05 financial years.⁶³ The 2004-05 financial year (Table 2.2) incorporated the 2004 Federal Election.
- 2.133 The statistics show that the AEC made 2,836,267 changes to the electoral roll in the 2002-03 financial year, 2,792,172 in 2003-04, and 2,976,181 in 2004-05.⁶⁴ Collectively, these years saw the AEC make some 8,604,620 enrolment changes, at an average of 2,868,206 transactions per year.
- 2.134 In the same three year period the electoral roll grew from 12,741,980 electors to 13,114,475 electors, indicating a net growth of 372,495 or 2.92%, at an average of 124,165 electors per year.⁶⁵

Table 2.2 Total Electors on the Electoral Roll at 30 June: 2002 - 2005

	30 June 2002	30 June 2003	30 June 2004	30 June 2005	Totals
Total Electors	12,741,980	12,818,739	12,961,467	13,114,475	
Transactions in preceding 12 months	N/A	2,836,267	2,792,172	2,976,181	8,604,620
Actual Growth	N/A	76,759	142,728	153,008	372,495
Growth %	N/A	0.6%	1.11%	1.26%	2.92%

Source AEC's Annual Reports 2002-03; Submission No 205, (AEC), pp. 12-13.

⁶³ Previously published in the AEC's annual reports for the respective years.

⁶⁴ AEC Annual Report 2002-03, Table 5; Submission No. 205, (AEC), Tables 1 and 2.

⁶⁵ AEC, *Enrolment Statistics as at 30 June 2005*
www.aec.gov.au/_content/What/enrolment/stats/2005/06.htm

- 2.135 The statistics indicate that for every 10 electors by which the roll grew during the three year period, the AEC was required to make an average of 231 changes to the electoral roll.
- 2.136 Further analysis indicates that for the individual years the number of changes made to the roll for each 10 electors added to the roll was 370 in 2002--03; 196 in 2003-04; and 195 in 2004--05.
- 2.137 Therefore, as can be clearly seen in the statistics, there is considerable variation in the number of changes made over a three year period, with a significant variation in the effect that those changes have on the size of the roll.
- 2.138 There may be any number of reasons for those differences. Federal, State, and local government elections and by-elections occur with varying frequency during any three-year period. Each of those events has a potential to impact on the enrolment rate and the number of electors on the roll.
- 2.139 In some cases these elections provide for a close of rolls period during which enrolment activity may peak. There are other cases where there is no close of rolls period.
- 2.140 Actions taken to remove electors from the roll because of death, a loss of entitlement to enrolment at a particular address or even duplicate entries on the roll may also occur at any time during any three year period.
- 2.141 These also have the potential to affect the enrolment rate and the number of electors on the roll.
- 2.142 There are however, three inescapable conclusions that can be drawn from any analysis of the above statistics:
- the electoral roll continues to grow;
 - the growth rate of the roll is not indicative of the number of changes required to keep the roll up to date; and
 - the roll requires constant update in order to ensure its accuracy for all elections for which it is used, not just for Federal Elections.
- 2.143 Submissions to this inquiry which canvassed electoral roll review issues generally focussed on the issue of whether or not CRU was the most effective way of updating the roll.
- 2.144 Mr Bruce Kirkpatrick and Mr Peter Brun argued in a jointly signed submission that :

the lack of a properly and efficiently maintained Habitation Review underlines the fact that that the AEC's CRU is a poor substitute for serving the Australian Democracy.⁶⁶

2.145 Mr Michael Danby MP, Deputy Chair of the Committee, disagreed:

in your submissions... you are critical of the continuous roll update that the Electoral Commission undertake. If you compare it to electoral systems across the world, isn't this the most advanced, integrated attempt to quickly update people's correct addresses using the databases of other agencies where people voluntarily give their names, like transport accident commissions and organisations like that?

My view is that you come to this committee with the same view that all of us hold: we want the electoral roll to have integrity. I cannot think of a system outside of doorknocking every home – which in some cases is appropriate – that is not like the CRU which could possibly be better.⁶⁷

2.146 However, Mr Peter Brun who, with Mr Kirkpatrick, presented evidence to the Committee about door knocks undertaken by them to test the accuracy of the roll, also notes in his submission:

whatever methods used by the AEC, it is impossible for the Electoral Roll to be completely up to date. Whenever the roll is examined, it will always be a snapshot of an earlier date.⁶⁸

2.147 The Festival of Light appears to support the AEC's use of CRU, noting in their submission:

the AEC operates a Continuous Roll Update (CRU) system that continuously applies a variety of checking procedures to the electoral roll in an attempt to find irregularities such as non-existent people.

These include comparisons of data with Australia Post, electricity suppliers, water suppliers and the Department of Motor Vehicles, and Sample Audit Fieldwork that involves visiting households of registered voters. In South Australia this process involved door knocking 7,206 households, however the results of this process have not yet been released.

66 Submission No. 35, (Mr B Kirkpatrick & Mr P Brun), p. 4.

67 Mr M Danby MP, *Transcript of evidence*, 12 August 2005, p. 14.

68 Submission No. 52, (Mr P. Brun).

If the AEC process is being applied properly, it is virtually impossible to create a fake address. Furthermore, only a limited number of people can be registered to vote in each house without prompting the AEC to investigate thoroughly. Investigations can even include an AEC representative knocking on the door of the house in question to identify each voter personally.⁶⁹

- 2.148 The AEC's operation of CRU was supported by the Committee in its October 2002 report *The Integrity of the Electoral Roll* which found that:

in conducting CRU "...the AEC, using data sourced from within the AEC and [data] obtained from external sources, undertakes data-matching and data-mining activities to identify addresses on the roll where residents have moved...new electors... electors to be removed from the roll... Using the results...the AEC sends letters and enrolment forms to individuals inviting them to enrol or update their details. As individuals respond... the roll is updated."

Since the inception of CRU, the AEC has improved its ability to periodically review the Electoral Roll. For example, it has increased the frequency of its reviews.

The Committee notes the Audit Report finding that... "the CRU methodology is an effective means of managing the Electoral Roll and is capable of providing a roll that is highly accurate, complete and valid."

It also notes the Audit Report's conclusion that CRU had developed in an 'ad hoc' manner, without strategic planning for a consistent national approach.⁷⁰

- 2.149 The ALP suggests that CRU might be improved by the introduction of Direct Address Change (DAC). The ALP submission notes:

DAC would allow the AEC to use the data it already receives from other agencies to update the elector records of Australians. This information would be received from suitable government agencies without seeking a specially signed elector enrolment or transfer of enrolment form.

Suitable agencies for DAC roll update would be the Australian Tax Office, Medicare, Centrelink and State and

69 Submission No. 125, (Festival of Light), p. 2.

70 JSCem, *The Integrity of the Electoral Roll*, October 2002, pp. 18-20.

Territory Motor Registries. The data required from these agencies is name, address, gender and data of birth. DAC roll updating would therefore take advantage of the proof of identity already supplied to these agencies by their clients for identification requirements for electoral roll updating.

DAC may provide advantages for the elector and enrolment processes because:

- (a) The elector would not have to separately obtain an enrolment card, complete it and forward it to the AEC as their enrolment details would be entered automatically from their advice to the particular DAC agency.
- (b) Proof of identity would already be provided as the change of address data has originated from an agency which has already confirmed the identity of the client through drivers' licences, citizenship documents, birth certificates, etc.
- (c) It would probably make the enrolment process simpler for electors in remote or regional areas who have limited access to government agencies. For example, it could extend enrolment services to electors who may be handicapped, from a non-English speaking background or reliant on governmental support.
- (d) DAC provides greater accuracy and integrity to the electoral roll as change of address data is provided from suitable government agencies from an identified source and contains elector specific details.

Importantly, DAC could allow for the provision of enrolment transactions via "*all of government*" change of address forms and/or also accommodate the promotion of government services through electronic transactions.⁷¹

- 2.150 The AEC notes the obvious value of using data from agencies such as Centrelink and the RTA in New South Wales. for CRU activities, especially in relation to youth enrolment:

In relation to youth and CRU, the AEC uses data supplied by Centrelink containing details of persons aged 17 and 18 to mail to newly eligible electors encouraging them to enrol. Data from motor transport authorities is also used to

71 Submission No. 136, (ALP), p. 10.

encourage youth enrolment through the AEC's Continuous Roll Update program.

The value of using motor transport data as a major data source to increase youth enrolment was demonstrated when the AEC first used the New South Wales Road Transport Authority data. The enrolment of 18 year olds in NSW increased from 41% to 79% within 2 months of the first mail out using this data.

Both Centrelink data and transport data, for those states where it has been obtained, are now included in every monthly mailout.⁷²

2.151 The AEC advises that it is continuing to refine CRU processes:

The AEC is continuing to refine CRU processes to improve the efficiency and effectiveness of activities, and gain consistency across states and territories.

2.152 The AEC has indicated to the Committee that there are data sources, which are currently unavailable to the AEC due to State and Territory privacy legislation, that would be of significant benefit to its CRU processes if an amendment was made to section 92 of the CEA:

the AEC has identified a number of state/territory government data sources, such as Road Transport Authority (RTA) driver's licence data, as valuable in identifying potential new electors and those electors that might need to update their current details. This data can also be used in 'background review' to confirm that electors' current roll details are correct. However, to date, the AEC has encountered problems accessing these data sources in a number of jurisdictions that have their own privacy legislation, preventing national access to a number of data sources, such as RTA data in the Northern Territory, Victoria and Queensland...

However, the issue of inconsistent access to state/territory government data sources could be alleviated if the demand power contained in section 92 of the Electoral Act covered all state/territory government agencies/officers rather than just state/territory electoral, police and statistical officers as is currently the case. Such an extension of the demand power

72 Submission No. 216, (AEC), p. 17.

would mean that if the AEC determines a particular type of data source is valuable for roll update purposes (eg. RTA licence data) we can obtain data from each state/territory without having to negotiate on a state by state basis. Further, as the disclosure of the data by the state/territory would then be “required or authorised by law” privacy requirements would be satisfied. While an amendment to section 92 was recently passed widening the demand power to include “other prescribed officers” of state/territory governments, the policy authority for this amendment was in relation to the introduction of a proof of identity requirement for electoral enrolment. This amendment is awaiting proclamation while negotiations with state/territory governments are carried out. In any case, once proclaimed, this provision could not properly be used for purposes other than for the verification of the identity of electors at the point of enrolment.⁷³

The Committees view

- 2.153 The Committee is of the view that the AEC should continue with CRU as its primary roll update and review activity.
- 2.154 The Committee notes that CRU already incorporates targeted Habitation Reviews in circumstances where the AEC considers it to be appropriate, and supports this approach.
- 2.155 The Committee agrees with Mr Peter Brun that “whenever the roll is examined, it will always be a snapshot of an earlier date”, however, the Committee is not convinced that there is sufficient argument nor evidence for returning to full Habitation Reviews.
- 2.156 The Committee endorses the view expressed by its Deputy Chair, Mr Michael Danby MP about CRU:

if you compare it to electoral systems across the world, isn’t this the most advanced, integrated attempt to quickly update people’s correct addresses using the databases of other agencies where people voluntarily give their names, like transport accident commissions and organisations like that?⁷⁴

73 Submission No. 216, (AEC), pp. 25–26.

74 Mr M Danby MP, *Transcript of evidence*, 12 August 2005, p. 14.

- 2.157 The Committee recommends that the AEC remain focussed and innovative in relation to CRU, in order to continue to develop and refine those processes to maintain and enhance the integrity of the electoral roll.
- 2.158 The Committee notes, and is impressed by the claimed marked improvement in 18 year old enrolment resulting from the AEC's initial use of data provided by Centrelink and the New South Wales Roads and Traffic Authority.⁷⁵
- 2.159 Similarly, the Committee acknowledges the AEC's concerns regarding the unavailability of certain State and Territory data due to privacy constraints.⁷⁶
- 2.160 The Committee supports the AEC's recommendation for a further strengthening of the demand power contained in section 92 of the CEA and recommends accordingly.
- 2.161 The Committee notes the ALP's assertion that CRU might be improved by the incorporation of Direct Address Change and notes that this matter has been brought before previous Committee Inquiries.
- 2.162 The Committee considers that the AEC is best placed to undertake a detailed consideration of this matter and report its findings to the Committee for further, more detailed investigation.

75 Submission No. 216, (AEC), p. 17.

76 Submission No. 216, (AEC), p. 17.

Recommendation 6

2.163 The Committee recommends that:

- the Commonwealth Electoral Act be amended to expand the demand power to allow the AEC direct access to State and Territory government agency data;
- the AEC continue with its Continuous Roll Update (CRU) processes as the principal method for reviewing the electoral roll;
- the AEC remain focussed and innovative in relation to CRU, in order to continue to develop and refine those processes to maintain and enhance the integrity of the electoral roll; and
- the AEC consider and report on the implications of the Direct Address Change proposal (contained in Submission No. 136) and provide a detailed report to the Committee on its findings by the end of 2005.