

Voting in the pre-election period

- 3.1 The primary method of voting in an election is “ordinary” voting, where electors attend at a polling booth in the division for which they are enrolled, have their name marked off the certified list of eligible voters, and cast their vote.¹
- 3.2 The CEA provides alternative methods by which those electors, who may, for reasons such as being more than eight kilometres from the nearest polling place on polling day, undertaking domestic or overseas travel that would prevent attending a polling place in the elector’s enrolled division, or serious illness or carer responsibilities, be unable to cast an “ordinary vote”.²
- 3.3 The alternative methods of voting are collectively called “declaration” voting, because, when using one of these alternatives, the elector must complete a declaration that they are entitled to vote, in place of having their name marked off a certified list.
- 3.4 The declaration is later compared against the elector’s enrolment record to determine the admissibility of the vote by checking the information contained in the declaration.³
- 3.5 The two methods of declaration voting that electors may utilise in the pre-election period are *postal voting* and *pre-poll voting*.

1 Submission No. 165, (AEC), p. 16.

2 Application for postal and pre-poll voting is provided for in sections 183 and 200A of the CEA and the grounds of application are specified in Schedule 2 of the CEA.

3 Submission No. 165, (AEC), p. 16.

- 3.6 The 2004 election was conducted during school holidays in Western Australia, South Australia, New South Wales and the Australian Capital Territory. School holidays inevitably have an impact on the number of declaration votes cast, as many electors are absent from their real place of living.
- 3.7 The 2004 election timetable allowed for an election period of over five weeks, providing electors with an extra week in which to lodge postal vote applications, however, there was no such increase in the time available for those who wished to cast pre-poll votes.
- 3.8 This chapter details the Committee's examination of the conduct of postal and pre-poll voting in the lead up to and during the 2004 election period.

Postal voting

- 3.9 The postal voting provisions in the CEA date back to Federation. The provisions have been significantly amended over time, but the principles involved remain the same. Postal voting is one of two mechanisms to enable electors who cannot attend a polling place on polling day to fulfil their voting obligations under the CEA.
- 3.10 There are two mechanisms for obtaining a postal vote. The first is to complete a postal vote application (PVA) after an election has been announced or the writs have been issued, whichever is first. The second is to apply to become a general postal voter (GPV). An application to become a GPV can be made at any time. GPVs are automatically sent postal votes at each election.
- 3.11 In each case, the elector must have grounds for making the application. Generally, the grounds are that the elector is unable to attend a polling place on polling day.
- 3.12 During an election, postal voting packages are sent to GPVs and electors who submit PVAs. The packages generally contain the ballot papers, a postal voting certificate envelope, and some information on how to complete and return the postal vote.
- 3.13 Postal voters must fill in the ballot papers, seal the ballot papers in the postal vote certificate envelope, and complete the declaration on the postal vote certificate envelope on or before polling day. The elector must then return the completed package to the AEC, where the

appropriate Divisional Returning Officer must receive it within 13 days after polling day.⁴

- 3.14 The AEC received 793,904 valid PVAs from electors at the 2004 federal election. This compares to 562,733 in 2001 and 606,991 in 1998.⁵
- 3.15 The number of GPVs has increased from 62,677 to 132,929 in the same period, accounting somewhat for the growth in applications processed at each election.
- 3.16 Postal voting was by far the largest single issue identified as causing concern to those who made submissions, and to a large degree, by those who gave evidence during the inquiry.
- 3.17 Those concerns can generally be categorised into 2 groups:
- issues caused by or related to the use of the Automated Postal Vote Issuing System (APVIS), and
 - other postal voting issues.
- 3.18 The major issues caused by, or related to, the use of APVIS were:
- non-receipt or the delayed receipt of postal votes by those who had lodged postal vote applications or were registered as GPVs;
 - receipt of postal votes by one member of a family but not another, when those PVAs had been submitted together at the same time;
 - inadequate and inconsistent responses by the AEC to electors, Members of Parliament and their staff, who were enquiring about the whereabouts of postal votes;
 - lack of timely and accurate advice to stakeholders about postal voting problems;
 - incorrect ballot papers sent to some postal voters;
 - incorrect postal voting material sent to some postal voters;
 - inadequate awareness of geography and distance issues by AEC call centre staff when dealing with electors' enquiries relating to postal voting;
 - lack of postal services and alternative voting arrangements in regional areas;

4 Submission No. 74, (AEC), p. 2.

5 Submission No. 168 (AEC), p. 14, Table 2, (includes GPVs).

- inadequate contractual arrangements for the provision of postal voting services;
- inadequate planning and project management of the postal voting process by the AEC, in the lead up to and during the election period;
- inadequate quality assurance procedures for the production and regeneration of postal voting material;
- inadequate tracking and reporting mechanisms for postal vote production; and
- the election period encompassed school holiday periods for some States and Territories in Australia, with the result that many electors were engaged in travel, and because of the non receipt of postal vote material they were left unable to access interstate voting facilities as an alternative.

3.19 Other postal voting issues of a more general nature were:

- PVAs rejected by the AEC because they were signed before the issue of the writ;
- lack of privacy of postal vote certificates; and
- the inability of electors lodge PVAs by email or on-line.

The problems experienced in regional Queensland

3.20 In order to gain an insight into the effect on electors and to hear from those possessing first hand knowledge of the difficulties caused by the 2004 Federal Election postal voting experience, the Committee held its first round of hearings in Dalby, Longreach and Ingham, as many of the submissions and complaints about postal voting had originated in regional Queensland.

3.21 As it turned out, electors in this region had experienced the full range of issues that the Committee sought to understand and were the most affected by the postal voting failures.

3.22 Those electors and their representatives provided the Committee with a great deal of insight into the distress and confusion caused to electors by the postal voting failings.

3.23 The Hon. Bruce Scott MP, the Member for Maranoa, summed up many of the concerns in his evidence to the Committee at Dalby:

tyranny of distance is a huge factor in a seat like Maranoa, which covers almost 50 per cent of the landmass of Queensland...

The centralisation of the distribution of ballot papers has caused huge confusion and disenfranchised many voters in Maranoa and, I would suspect, other parts of Australia. I assume that the Electoral Commission in Canberra took that decision, but it failed to recognise that, once you centralise the process, you lose contact with the divisional returning officers. The office of the division of Maranoa is here in Dalby. In centralising the distribution of postal ballot papers, given the obvious magnitude of the electorate, local contact and local understanding of the geography were lost.

I will outline how people in Maranoa who apply for a postal vote get their ballot papers. Those papers come by mail services that emanate nearly always in Queensland but often outside of the electorate. Distribution of some of the ballot papers is done by remote air service, which sets out from Port Augusta, South Australia. I am sure that those contracted to distribute postal ballot papers would not have been aware of that. It may be a minor factor, but it makes the point that, when you centralise distribution, you lose local understanding of a task that must be conducted for the successful running of an election.

Many of our constituents who were obviously very keen to exercise their democratic right of voting and making their views known through the ballot box alerted us to the fact that they had not received their postal ballot papers. We advised the local divisional returning officer and were then advised to record that concern with the Brisbane office. It was by following this trail that we found the process was being controlled out of Sydney. But, in the early phase of the election, no-one seemed to be listening to us when we put before them the problem that constituents had identified. Putting aside the political interests of any political party, people were disenfranchised of their democratic right; they had applied for a ballot paper and it had not arrived. That was a major concern of mine and obviously I wanted it rectified. I was the sitting member and my office was getting complaints. No-one seemed to be listening. Everyone said, 'It's in hand; the ballot papers are being processed and will be

in the mail.’ As events unfolded, many of the ballot papers from the central agency in Sydney were never distributed in time. On some occasions we would get calls from people saying that the postal ballot had arrived for their wife or for their husband, but not for their son or daughter.⁶

- 3.24 The Committee was made aware that the postal voting problems were not just confined to the late or non-issue of ballot papers through APVIS.
- 3.25 The AEC only became aware on the Thursday night prior to the election (7 October 2004) that 1,832 postal voting packages that it believed had been previously sent to electors, had in fact not been sent.⁷
- 3.26 On Friday 8 October 2004 (the day before the election) the Governor General issued a proclamation under section 285 of the CEA, which extended the time during which certain affected postal voters could vote and return their ballot papers to the AEC.
- 3.27 The AEC instituted action to despatch postal voting packages to those affected. Postal voting packages were hand packed by AEC staff and despatched from the AEC divisional office for Maranoa.
- 3.28 Shortly after polling day it became apparent that some of those postal voters, for whom special arrangements had been made and whose postal voting packages had been re-issued directly from the Maranoa Divisional office in accordance with the special proclamation, had been incorrectly issued with New South Wales Senate ballot papers, instead of Queensland Senate ballot papers. The Hon Bruce Scott stated:

when the Electoral Commission finally decided there were some ‘spoilt’ – as they call them – ballot papers that had not been distributed and that the time had run out for these postal votes to be received by the voters prior to polling day, special provisions were made by order of the Governor-General to allow people to receive them after polling day and to allow them as valid votes on their return. This was at the end of a long campaign...

6 The Hon. B Scott MP, *Evidence*, Wednesday, 27 April 2005, Dalby, p. 4.

7 Mr D Orr, Assistant Commissioner Elections, AEC, *Evidence*, 28 April 2005, Ingham, p. 17.

We received the news that some had received them perhaps in Friday's or Saturday's mail and that, certainly on the Monday and Tuesday after polling day, they had received the House of Representatives ballot paper, but some had received a New South Wales Senate ballot paper and not a Queensland ballot paper.⁸

3.29 The AEC then took action in respect of the 577 electors who might have received the wrong ballot papers.

3.30 Mr William Woolcock of the AEC told the Committee:

on 13 October last year, I was asked by my head office to come out to Dalby. They told me that they wanted me to assist in the proclamation of ballot papers recovery process. We were aware that a number of New South Wales Senate ballot papers had been despatched. I was asked to come here and I came straight away. I worked here for seven days. I started on 13 October and finished on 20 October...

My job was to oversee the process. We were aware that 577 electors had received the repackaged proclamation votes. In those ballot papers that had been dispatched there were 100 New South Wales Senate ballot papers. We contacted the electors on the list. We were able to use the phones that had been set up for the election night results. We engaged up to 11 casual staff – not all at the one time – on this process. Some staff were making phone calls while others were accessing telephone numbers. The staff on the telephones worked to a script. Basically, they were asked to contact the elector concerned who was on the list, ask them whether they had already voted in the election – in other words, because their ballot papers had not turned up, they may have made other arrangements...

And had an ordinary vote, and that was the case with most electors. If they had not voted and the repackaged proclamation ballot papers had turned up and they had not already filled them out, we asked them to see which Senate ballot paper was there, to see whether the correct ballot paper had been included. Where an incorrect Senate ballot paper had been received and these people had not already voted, we made arrangements for a replacement Senate ballot paper

8 The Hon. B Scott MP, *Evidence*, Wednesday, 27 April 2005, p. 4.

to be sent to those electors. As I said, we needed to contact 577 electors. From the figures I have, 563 could be contacted. Of those 563, 528 had voted, most of those by an ordinary vote. In other words, they had hopped in the car. They had realised that their ballot papers were not going to turn up, so they had gone and voted. Ten electors needed replacement ballot papers. We then used an AEC courier in about seven of those cases and went out and gave them the replacement ballot paper. The person voted and our officer brought those papers back. I think in three cases, because of the distance involved, we faxed a replacement ballot paper direct to the elector.⁹

3.31 In later evidence to the Committee the AEC indicated that, of the 563 electors reissued with postal voting packages in accordance with the proclamation, only 12 electors had actually voted on and returned the NSW Senate Ballot paper to the AEC.¹⁰

3.32 The Committee was told that complaints about non-delivery of postal voting material were raised with the AEC early in the pre-election period, but that it appeared to those raising concerns, that the AEC wasn't listening, or didn't understand the nature of the problems. Mrs Sonja Doyle commented:

we live on a property 85 kilometers south of Blackall and our access to Blackall is mostly via a black soil road which becomes impassable when it is wet. Our mail service comes twice a week. When it rains we may not get a mail delivery for some time. My husband and I do not normally have a postal vote, so we are not normally on the permanent postal voting register, mainly because we have often worked on the polling booths in Blackall. This year we hoped it would rain and it looked like it might rain, so we applied for a postal vote. The two applications for the postal votes were sent off in the one envelope. My husband received his postal ballot but I did not receive mine. I waited for the next mails to come and then I rang the AEC. They told me that the postal ballot could be posted right up until the Friday before the election. That was not good enough for me because it would have meant that I would not get it, I would not get it back and I would be effectively disenfranchised. I contacted Bruce Scott's office in

9 Mr W Woolcock, (DRO, Groom), *Evidence*, Wednesday, 27 April 2005, pp. 16-17.

10 Mr I Campbell, (Electoral Commissioner, AEC), *Evidence*, Friday 5 August 2005, p. 8.

Dalby and asked the Dalby AEC to issue me with ballot papers as there was a very limited number of mails before the election. I reapplied by fax to Dalby AEC and subsequently the ballot papers from the Dalby AEC arrived in the next mail on Monday. So I was one of the lucky ones; I got my postal ballot.¹¹

- 3.33 In response to a question from Senator Mason about whether she was happy with the service she received from the AEC, Mrs Doyle said:

with the Dalby office, most definitely. I did not feel that the people at the call centre knew what the urgency was or how remote I was, but I do not know where they were actually situated – I did not ask; it is my fault for not asking. In my first contact with the AEC, I really did feel that they did not realise that my mail services were limited and I was in danger of not receiving my ballot until after the very last mail when I would not have been able to vote.¹²

- 3.34 The Nationals claimed:

we understand that the AEC's call centre misinformed people who could get through to them to ask where their ballot paper was, telling them that their ballot papers had been sent when in fact the only confirmation they could reliably provide was that the AEC had lodged their requests for ballot papers to the contracted distributor.¹³

- 3.35 The Committee became aware that the AEC's communication failures were not limited to external stakeholders. Communications between the AEC, its systems and its staff were also found wanting.

- 3.36 This exchange during the Dalby public hearing outlines some of the problems:¹⁴

Senator MASON – Senator Brandis has put his finger on the nub of the problem. While you are quite right in saying that a lot of things happened at election time, Mr Woolcock, what worries us is that there were complaints made – and we have evidence taken in Longreach from constituents that they had rung the AEC, the call centre and Mr Scott – but that these

11 Mrs S Doyle, *Evidence*, Wednesday, 27 April 2005, p. 2.

12 Mrs S Doyle, *Evidence* Wednesday, 27 April 2005, p. 4.

13 Submission No. 92, (The Nationals).

14 See *Transcript of evidence*, Wednesday, 27 April 2005, p. 28.

complaints were not picked up as part of a systemic problem with the Maranoa postal votes. That really is the issue for us. We just do not know why it took so long. You gave the evidence that it was the Thursday before the election – 7 October – before there was a realisation that there was a systemic problem. That is weeks after Mrs Doyle and Mrs MacDonald both complained about how, in their case, they had only received ballot papers for their husbands and not for themselves. That is the problem. We want to know why, with all these complaints, there was not a realisation that there were systemic problems with the postal votes in Maranoa. What is wrong with the process?

Mr Woolcock – Once again I can only say to you that, as I understand the process, if the contractor had told the AEC about the damaged postal votes on 20 or 21 September this would not have been an issue. I think there was a stage about 10 days before the election, if my memory serves me correctly, that the AEC became aware of problems with the delay in the production of postal votes. Our advice at our level, if I am correct, was: ‘These issues are being addressed. Yes, there have been delays. It has been caused by the volume of postal vote applications received this time.’ I think the AEC may have even published advertisements to say that postal votes were on the way.

3.37 The Committee further explored the communication issue:¹⁵

Mr CIOBO – I take up Senator Mason’s point – although it may not be possible to ask about Maranoa specifically. You say that if someone calls and says, ‘I haven’t received my ballot papers,’ or ‘My husband and I have applied for our ballot papers but only my husband has received his,’ or something like that, that is tagged in APVIS. Is that correct?

Mr Boyd – If somebody rings with that particular complaint, we can interrogate the APVIS system, which will tell us: ‘Yes, that person’s postal vote has been issued,’ and when it was issued. If they are a registered general postal voter, as these particular 577 people are, the expectation is that they would be the first cab off the rank. That is the idea of it. Generally they are registered for distance reasons, and the system will place them first for the issuing of their ballot papers. If that

15 See *Transcript of evidence*, Wednesday, 27 April 2005, pp. 28–29.

were the case, we would say to them, 'The application has been processed and, if your partner has received them, we expect that you will receive them shortly.' At that time we did not know any differently.

- 3.38 The Committee was thus informed that the APVIS was unable to track the issue of postal vote packages at all. It was, in fact, only able to provide an indication that the postal voting had been extracted from the system on a particular day, not that the postal voting packages had in fact been posted.
- 3.39 The Committee sought information and recommendations from affected postal voters about alternative strategies that might be adopted for future elections.
- 3.40 The Hon. Bruce Scott MP recommended a return to the issuing of postal vote material from State or Divisional Offices, and claimed such a return would see an improvement in the delivery of that material because local AEC officers would have a better local geographic knowledge of the area and the its postal services.¹⁶
- 3.41 The Hon Mr Scott also claimed that on line checking of postal vote application status by applicants could be considered. This would allow applicants to satisfy themselves that their applications had been received and processed, or alternatively allow them to lodge another application if necessary.¹⁷
- 3.42 Ms Shandra Baker suggested that call centres should be state based:
- I believe the call centres need to be state based. They would understand each state and each state's problems. I do not know where the call centre was based but, as I said, the standard response was 'It's in the mail'. That went on until two days before the elections. Obviously, as these people were not going to receive their ballot papers – I am talking about the GPVs – they drove to polling booths. I heard that in some cases they drove for three hours because they did not trust the AEC to get their ballot papers to them.¹⁸
- 3.43 Mrs Doyle indicated that pre-poll voting and electronic voting should be considered as alternatives:

16 Submission No. 1, (The Hon. B Scott MP).

17 Submission No. 1, (The Hon. B Scott MP).

18 Ms S Baker, *Evidence*, Wednesday, 27 April 2005, p. 35.

I would have to say that first and foremost is voting in person... —I would rank pre-poll next, then electronic and I would rank postal voting last.¹⁹

- 3.44 Mr Bob Hoogland, Chief Executive Officer, Winton Shire Council favours pre-poll voting as used for state elections:

the idea of pre-poll voting is very important to us. We confirm what Mrs Doyle said: the staff at the government agents or courthouses are very experienced. They are people who have a significant responsibility in a number of areas, including but not limited to state elections. Very often in Winton one of these staff could actually form a Magistrates Court. They are very experienced people and quite capable of conducting pre-poll and absentee voting.

Absentee voting is an issue for us. A lot of tourists visit here during the tourist season. If the election were held in, say, the middle of July, literally hundreds of tourists would be in Winton, let alone throughout western Queensland. They do not know that they should have voted before they came. They wander into a polling booth expecting that they will be able to cast a vote. There would have been more than a dozen in Winton alone who were disenfranchised because they had an expectation they would be able cast an absentee vote.²⁰

- 3.45 Mrs Lindsay MacDonald notes the lack of pre-polling facilities and suggests that technology may assist those wanting to vote:

at federal elections, pre-poll voting is not available to us, as the only centres where this was permitted in the seat of Maranoa were Dalby (10 hours away) or Emerald (5 hours away). Neither of these towns is in any way a 'centre of interest' for us, giving us no reason to travel to either of these places...

- There are now many people in remote areas of Australia with good access to high speed Internet services through satellite, which makes them independent of the often problematic telephone system, which can cause problems when faxing.
- Email is therefore a more reliable way to return written material, which is feasible when people are able to scan the document and attach it to an email.

19 Mrs S Doyle, *Evidence*, Wednesday, 27 April 2005, p. 7.

20 Mr B Hoogland, *Evidence*, Wednesday, 27 April 2005, p. 12.

- It is possible to set up an email requiring an immediate acknowledgement of receipt of an email, something not easily done with a fax.
- All forms should be available for download from the Internet. It remains a mystery to me why the form I needed was not available except by mail.
- Greater thought should be given to use of technology in facilitating voting, particularly for those most remote. 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. In view of vastly improved telecommunications services, inclement weather and poor mail services should no longer be the reasons why people are not able to vote.
- I submit my quarterly Business Activity Statement online. In order to do this, I downloaded the appropriate software from the ATO, and received a digital certificate in order to communicate with them. If I can conduct my confidential business with the ATO in this manner, I believe it must be possible to develop a system for registered postal voters to access the AEC in the same way.²¹

3.46 Ms Shelley Colvin provided an overview of the concerns of electors and others in the region when she stated during evidence:

from my perspective, I cannot stress highly enough that isolation must be recognised as the biggest factor contributing to the failure of our voting procedures in Australia. There are very few mobile polling booths that travel around aged care facilities. The only ones in Maranoa were in Chinchilla, Dalby, Roma and Warwick, yet we have aged care facilities in Longreach, Emerald, Charleville and Blackall. People who were travelling thought it was possible to do interstate polling anywhere but it was only available in some towns—I think they were Longreach and Dalby but I am not certain which ones.

When postal votes did arrive, the individual's details were on the back of the envelope and there was only one envelope. The full name, address and date of birth were typed on the back of these envelopes. Usually there are two envelopes to preserve anonymity but, when posted, that information was readily available to be seen through the post office. That means there was a security risk for bankcards and so forth, let

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

alone a chance that someone could tamper with or destroy the vote. Some of the postal votes that eventually did arrive had the wrong Senate papers enclosed – for example, those in Charleville.²²

3.47 In hearing evidence from witnesses in regional Queensland, the Committee gained a deeper understanding of the issues faced by such electors when delays to postal voting materials were occasioned.

3.48 Electors in other areas also faced the problems experienced by postal voters in regional Queensland. The Member for Brisbane, the Hon. Arch Bevis MP made a submission to the inquiry where he stated:

I received many complaints from constituents about

- extreme delays between dispatch of their application and receipt of their ballot papers, and
- lack of privacy with constituents' full private details required to be shown on the external face of the return envelopes.

An inordinate number of complaints came from people who had lodged postal vote applications and rang to complain they had not received their ballot papers in most cases ten or more days had elapsed.²³

3.49 The Hon. Mr Bevis' concerns were supported by the ALP which was:

very concerned about the relatively higher number of administrative errors in the issuing of postal ballot papers and difficulties encountered by postal voters during the 2004 election. These issues must be addressed through a thorough revision of the postal vote process.

The ALP endorses the concerns about the administration of postal voting in the 2004 election raised by the Hon Arch Bevis MP in his submission to this inquiry...

The ALP fully supports recommendations 24 through 27 of the AEC commissioned report into postal voting at the 2004 election and requests that an open and public discussion take place as part of a comprehensive review of pre-polling and its

22 Ms S Colvin, *Evidence*, Wednesday, 27 April 2005, p. 24.

23 Submission No. 94, (The Hon. A Bevis MP).

advantages as an alternative to address the increasing demand for postal votes.²⁴

3.50 The Nationals stated that:

the problems with the management of postal votes at this election were not just limited to large rural electorates. Another example occurred in the electorate of Richmond. Here the margin was very close in respect to the final outcome and again, as with Maranoa, many campaign staff hours were spent making representations to the AEC and assisting postal voters as a result of ballots, which had either not turned up, or were turning up very very late compared with when the voter had requested the ballot paper. It is possible this single area of incompetence by the AEC could have altered the result in this seat.²⁵

3.51 Senator Ruth Webber later told the Committee that postal voting problems had occurred in Western Australia:

as the committee would be aware, the AEC decided to centralise the processing of postal vote applications; ending the long standing practise of processing them at AEC divisional offices.

This led to backlogs and delays that threatened to disenfranchise many postal voters. I know of many cases where elderly people applied for postal votes in the first week of the campaign but did not receive their ballot papers until the day before polling day. Considering that this was quite a large problem in metropolitan areas, there is little doubt that it had quite a substantial impact in our remotest country areas.²⁶

3.52 The Hon. Dick Adams MP, Member for Lyons, noted that electors in Tasmania also experienced delays:

As I believe you are aware, there were a number of difficulties with postal votes. The office received requests for over 500 postal votes and found there were delays in the

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

25 Submission No. 92, (The Nationals).

26 Submission No. 49, (Senator R Webber).

returns so that many people did not get to vote until the Friday before the election.²⁷

- 3.53 Mr Brian Loughnane, the Federal Director of the Liberal Party told the Committee:

quite obviously the issue of the administration of the postal votes at this election was a matter of very great concern to the Liberal Party. It was very well known to, I think, everyone in this room and everyone in Australia that the government was getting toward the end of its three-year term so the likelihood of an election being sometime in an approaching time frame was known to everyone, including the Electoral Commission. The fact that the election was ultimately held during school holidays and that was one of the contributing factors that led to a fairly significant increase in the number of postal votes could on any reasonable scenario planning have been expected, and I do believe that it is a matter of concern that there were these issues with the administration of postal voting.²⁸

- 3.54 The Department of Defence indicated that it had concerns with postal voting arrangement and had raised them:

with the AEC throughout the consultation process about the ability of ADF personnel, particularly those on war-like deployments (ie Operation Catalyst), to meet the stringent timings that electoral legislation requires for casting postal votes. The major risk in the process was assessed to be the time required for mail to reach the Middle East Area of Operations (MEAO) and return to Australia (up to two weeks each way). Even with a six-week election campaign, from issue of writ to the day of the election itself, there was little room for delays.²⁹

- 3.55 The Committee was left in no doubt that the postal voting problems were widespread; however, it noted that it appeared the worst effects had been felt by electors in regional Queensland.

27 Submission No. 10, (The Hon. D Adams MP).

28 Mr Brian Loughnane, Federal Director of the Liberal Party, *Evidence*, Monday 8 August 2005, pp. 23-24.

29 Submission No. 132, (Department of Defence).p. 1.

How does APVIS Work?

3.56 The AEC describes APVIS thus:

the Automated Postal Vote Issuing System (APVIS) provides automated support to divisional offices for the printing, production and distribution of postal votes. It comprises both a subsystem of the Roll Management System (RMANS) and services provided by a contractor.

It was first used to support the issue of postal votes at the 1999 referendum and subsequently at the 2001 and 2004 federal elections... There were no production failures arising from automated support for postal voting services in 1999 and 2001.

Under APVIS, postal votes are issued both by AEC divisional offices and a contractor. When an AEC officer enters a postal vote application into RMANS, the default outcome is for that data to be sent to the contractor for printing of a postal vote certificate, and lodgement with Australia Post. This is called "central print".

The AEC officer can also choose to flag the data for "local print". This means that the postal vote certificate is printed on the divisional office printer, and lodged by the DRO at their local post office.

Local print is used to produce postal votes for electors who require the material immediately. Examples include an elector who is about to go overseas and does not have an overseas forwarding address, or an elector who lives in an area with a limited postal delivery service and the next service is leaving the following day.

Local print is also used to produce postal votes for electors whose applications are received in the week immediately preceding polling day, when central mail lodgement is unlikely to result in the elector receiving their postal vote on time.³⁰

3.57 After reviewing all material provided to it, the Committee understands the major operations involved in treating a PVA for Central Printing to be:

30 Submission No. 192, (AEC), p. 18.

- The PVA is received, checked for completion and the details data entered into the APVIS by Divisional staff. The data is stored in the APVIS subsystem of RMANS in preparation for download and transmission to the Contractor.
- The AEC centrally extracts the batched data for all current PVAs from the APVIS and electronically transmits it to the Contractor.
- The Contractor receives, verifies and sorts the data, and then laser prints flat sheets on which the postal vote certificate, the elector's details from the PVA, and the correct House of Representatives ballot paper appear.
- The flat sheets are transported to an envelope making plant, where the sheets are folded and formed into postal voting certificate envelopes.
- The postal voting certificate envelopes are returned to the mail house where they and the remainder of the postal voting material are inserted into outer envelopes.
- The postal voting packages are then lodged with Australia Post.

Working out what went wrong

3.58 A number of submissions indicated that the problems in postal voting were associated with the AEC's decision to outsource its postal voting operations. Senator Ruth Webber commented:

as the committee would be aware, the AEC decided to centralise the processing of postal vote applications; ending the long standing practise of processing them at AEC divisional offices.

This led to backlogs and delays that threatened to disenfranchise many postal voters.³¹

3.59 Other submissions and evidence suggested that the trend to an increase in the number of postal votes might have been responsible. The Nationals stated that the Party understood that:

AEC divisional staff, when giving estimates on the numbers of postal votes expected, did these figures on the basis of the growth in the number of electors in their division proportioned to the previous election's number of postal

31 Submission No. 49, (Senator R Webber).

votes. This in itself failed to take account of the fact that this election was being held during a holiday period, which results in more people being away from their normal voting area than usual.³²

3.60 Dr Kathryn Gunn stated:

I am aware that there were some problems caused by an unusually large number of applications for postal votes at this election.³³

3.61 In its first submission to the inquiry the AEC identified the problem as a contract management issue:

The most significant issue arising during the election related to contract management and the delay in the processing of some postal votes and related problems.³⁴

3.62 The AEC commissioned an independent inquiry into postal voting at the 2004 Federal Election:

On 29 October 2004, the AEC contracted Minter Ellison to conduct an inquiry into postal voting at the 2004 federal election. The terms of reference for the inquiry were as follows:

To investigate the problems encountered in certain aspects of postal voting at the 2004 federal elections and to provide a report on the following key matters:

- What went wrong with postal voting processing;
- How the AEC dealt with issues as they arose;
- An examination of the context and process failures and successes;
- Recommendations for any changes that should be made for the future.

Specifically, the inquiry is asked to address the following non-inclusive list of issues:

- the initial deluge of postal vote applications;
- delays in delivery;
- the 568 postal vote certificates sent to incorrect addresses;
- the delayed regeneration of 68 ACT and 2,043 Queensland spoilt postal vote certificate envelopes;

32 Submission No. 92, (The Nationals).

33 Submission No. 28, (Communication Project Group – Dr K Gunn).

34 Submission No. 74, (AEC) p. 3.

- the 1,832 spoilt postal vote certificate envelopes from a central print batch lodged on 20 September 2004 that were not regenerated;
- the inclusion of New South Wales Senate ballot papers in some mailouts of postal voting material for Queensland.

The inquiry is also asked to consider:

- whether APVIS is the optimum method of preparing and distributing postal voting materials; and
- whether risks to servicing voters in country and remote parts of Australia might be reduced by alternative methods.³⁵

- 3.63 The AEC provided a copy of the Minter Ellison report, *inquiry into Postal Voting Administration in the 2004 Federal Election*, and recommendations to the Committee as part of the AEC's first submission to the current inquiry.³⁶
- 3.64 The Committee accepted the submission into public evidence while authorising the submission's Attachment A (the Minter Ellison report) and Attachment B (the AEC contract for the production of postal voting material) as confidential evidence to the Committee.
- 3.65 The Committee, therefore, has access to information that was not made public because of the nature of some of the content, which contain commercial-in-confidence material.
- 3.66 The Committee has relied on the evidence contained in submission and that presented orally at public hearings as well as the matters contained in the Minter Ellison report in reaching its conclusions.

The Committees view

APVIS

- 3.67 In reviewing all of the material placed before it, the Committee is of the opinion that the problems experienced by electors who applied for postal votes during the 2004 election period were not directly related to an increase in the volume of postal vote applications received by the AEC. In this respect, the Committee disagrees with those who submit otherwise.
- 3.68 The Committee believes that the AEC was well aware of the trend for postal voting to increase. The AEC has made submissions to the Committee about this trend in a number of inquiries.
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35 Submission No. 74, (AEC) p. 3.

36 Submission No. 74, (AEC).

- 3.69 Similarly, there have been elections conducted during school holidays in the past, for which the AEC holds relevant data.
- 3.70 Therefore, the Committee is of the opinion that the AEC should have anticipated the growth in PVAs and ensured that it was geared to handle any increase in postal voting resulting from that trend and the school holidays.
- 3.71 The Committee notes that the AEC successfully implemented and utilised APVIS for the 1999 Referendum and 2001 Federal Election. This experience, coupled with the AEC's anticipation that postal votes would increase, should have resulted in the AEC being better prepared.
- 3.72 The Committee is, therefore, not convinced that the problems experienced during the 2004 Federal Election were caused by the AEC's decision to outsource some of its postal voting operations. Accordingly, the Committee does not accept the argument presented in some submissions and evidence.
- 3.73 The Committee notes that the APVIS used for the 2004 election was fundamentally the same as that used in 1999 and 2001, notwithstanding the increased number of small files transmitted to the Contractor, and the other changes to processing.
- 3.74 The Committee agrees, therefore, with those that submit that the AEC may have been lulled into a false sense of security by the success of APVIS at previous electoral events.
- 3.75 The Committee considers that there were failings on the part of the AEC to implement and effectively carry out its contract management and project management obligations in respect of APVIS:
- 3.76 These failings are evident to the Committee in:
- the lack of continuity of project management staff responsible for oversight of the APVIS project,
 - the lack of effective quality assurance processes and procedures which led to the AEC not being aware that 1,832 spoilt postal voting packages had not been regenerated until 36 hours before the election,
 - the other quality assurance failings that allowed for 568 misaddressed postal voting packages, the 68 ACT and 2,043 Queensland spoils not regenerated in a timely manner and the

duplication of a significant number of postal voting packages as a result of operator error;

- the lack of any satisfactory documentary evidence of agreement between the AEC and its contractor on the processes that the contractor was to follow at both the Sydney and Melbourne sites in respect of:
 - ⇒ “diverted” postal voting packages; and
 - ⇒ “spoilt” postal voting packages; and
- the lack of adequate systems and procedures for the reconciliation of postal voting package data records received by the contractor to those postal voting packages lodged for postage by the contractor.

- 3.77 The Committee recognises that the contractor failed to meet some of its contractual obligations, and that circumstances, such as the closure of the Sydney envelope making plant in the months before the election, will have impacted on the effective operations of APVIS.
- 3.78 The Committee does not accept, however, that the closure of the plant should have had such a significant impact on the success of the operation. Indeed, the AEC should have immediately implemented a mitigation strategy, which it should have previously developed from a comprehensive risk analysis process. This thorough risk analysis appears never to have been done.
- 3.79 Despite this, the recovery strategy adopted by the AEC in consultation with the contractor after the closure of the envelope making plant would probably have been successful, if the AEC had ensured that adequate quality assurance processes and procedures were in place, and had been tested, prior to the election being announced.
- 3.80 Whilst throughput at the mail house would have remained an issue, and postal voting material would still have been delayed, issues such as the failure to regenerate spoilt material, the incorrect addressing of postal voting packages, and the duplication of some postal voting material would have been detected and corrected much earlier, with much less consequence for affected electors.
- 3.81 The Committee considers that AEC may have been too optimistic in its expectations that the mail house would cope with the initial deluge of PVAs and GPVs, and that the AEC should have examined the output from the insertion machines, by thoroughly testing the processes at each site before the election.

- 3.82 It appears to the Committee, however, that little if any testing was carried out, following changes to processes in APVIS in the period leading up to the election. This is despite the fact the AEC knew an election was imminent and that APVIS was an election critical system.
- 3.83 When it became apparent to the AEC, in the early stages of the mail house processing, that delays were inevitable because of the slow output from the insertion machines, immediate steps should have been taken to elevate the matter to more senior AEC management attention.
- 3.84 This would have enabled the AEC to be more proactive in its advice to external stakeholders and might have resulted in the AEC discovering that there were problems other than slow production, as alluded to by the Electoral Commissioner in evidence to the Committee:

There is another issue that might help to explain why it unfolded in such a tortuous way. There is no doubt – as you heard at a number of the Queensland hearings in particular – that we were getting phone calls from a lot of people about non-receipt of general postal vote forms. It turns out that, in addition to the spoil problem that you and Mr Pickering have just discussed, the production and dispatch of general post voting forms was slower than anticipated. So, in those several weeks, there were a large number of phone calls – I do not have the numbers but my colleagues might be able to quantify – from people in two categories. Both of them were making the general comment that they had not received their general postal voting application form. Most of those were affected by the slowness of production but, unfortunately, 1,800 were affected by the spoils issue that you are talking about...

In a sense we probably fell into a trap of knowing that we had a major issue, which was the slowness and therefore assuming that everything that came in related to that.³⁷

- 3.85 Earlier, more focussed attention to the problems may have greatly assisted the AEC to understand them and thus have been better able to respond to the many electors who contacted them about missing postal voting material.

37 Mr I Campbell, (Electoral Commissioner, AEC), *Evidence*, Friday, 5 August 2005, pp. 6, 9.

- 3.86 The Committee believes that the Sydney operation (despite its problems) should have been geared to provide services 24 hours a day and for a greater number of days in the initial stages of production.
- 3.87 This should have been identified as a potential issue by the AEC during its initial contract negotiations by testing the Contractor's claimed throughput. The AEC even had a second chance to identify throughput as a problem when it was made aware of the closure of the envelope plant.
- 3.88 As mentioned earlier, if the AEC had followed proper risk management methodology this throughput problem would have been detected at that point.
- 3.89 However, the Committee accepts that AEC may have been misguided in accepting the optimistic projected insertion machine throughput advised by the contractor at face value.
- 3.90 The Committee asserts that the contractor was unable to sustain that throughput even with full capacity being maintained in two sites for 24 hours a day, given that the contractor was required to make changes to the insertion machines every time a different run was to be processed.
- 3.91 The AEC had clearly not anticipated that this was the case. This is demonstrated by the AEC's expectation that only two quality assurance officers would need to be provided at each site. This effectively indicates that the AEC expected that only two shifts would be required to process the volume of postal voting packages through the mail house.

Committee conclusions regarding APVIS

- 3.92 The Committee has formed the opinion that there were major failings in the AEC's project management of the APVIS, and that these failures lead to a compounding of the problems faced by both the AEC and the contractor when production delays were initially experienced.
- 3.93 The AEC was (and is) under an obligation to monitor postal voting trends and to ensure the APVIS, and its internal and external support systems, were fully tested and ready to respond to evolving demands.
- 3.94 If the handling of spoilt and diverted postal vote material had been clearly resolved before the commencement of production, those

packages would have been treated effectively and delivered expeditiously.

- 3.95 Similarly, if the volume had been correctly anticipated, the backlogs would not have occurred, and postal voting packages would not have been delayed nor misdirected.
- 3.96 Proper and timely communication between the AEC and the contractor would have been more effective in uncovering the cause of the delays, and as a consequence, the despatch of postal voting packages would have been dealt with expeditiously. This would have avoided the subsequent voter confusion, and the potential (and in some cases actual) disenfranchisement of electors.
- 3.97 The Committee, therefore, has concluded that the majority of the postal voting problems encountered at the 2004 Federal Elections were directly caused by, or related to, failings on the part of the AEC to carry out effective project management and contract management of the APVIS processes.
- 3.98 Responsibility for these failures must ultimately rest with the AEC.
- 3.99 Whilst the Committee is justly critical of the AEC in its contract and project management of postal voting for the 2004 election, the Committee notes with a degree of appreciation, the frankness with which the Electoral Commissioner addressed the AEC's performance to the Committee during evidence.
- 3.100 The Committee recognises that, for an organisation of such high reputation as the AEC to so frankly admit its failings and take responsibility for them, it first requires the organisation to accept that it has not performed to a standard that it would expect of itself.
- 3.101 The Committee considers that the AEC has done this in respect of postal voting, which, as the Committee acknowledges, was only one aspect of an election at which in excess of 13,000,000 electors were able to cast effective votes, most of whom encountered no problems at all.
- 3.102 The Committee notes the recommendations made in the Minter Ellison report *inquiry into Postal Voting Administration in the 2004 Federal Election*, the AEC's response to those recommendations, the material contained in submissions to the Committee and the evidence taken on this matter, and recommends that the AEC should continue to develop and utilise the APVIS for future elections.

Recommendation 7**3.103 The Committee recommends:**

- that the AEC continue to develop and utilise the Automated Postal Vote Issuing System (APVIS) to support the distribution of postal voting material for future elections;
- that AEC computer and data recording and retrieval systems be upgraded to allow real-time information to be extracted by DROs, AEC staff handling enquiries and call centre staff, on the progress of the production of postal voting material for individual postal voters;
- that the AEC consult with Australia Post and, if Australia Post holds and is able to supply the necessary data to the AEC, the AEC modify the Roll Management System (RMANS) so that that matters relevant to the postal delivery schedules applicable to the delivery points at the postal address, or in the postcode area, of the applicant are available to the DRO at the time the decision is made whether an application should go to Central or Local print;
- that Australia Post provide the data required for upgrading the AEC's systems at no cost to the Commonwealth;
- that the flexibility to determine whether postal voting material should be produced centrally or through a local computer-based system in the office of DROs be retained; and
- that if the AEC modifies RMANS so that that matters relevant to the postal delivery schedules are available to DROs, the DRO must use such information when making the decision about whether an application should go to Central or Local print.

Recommendation 8

3.104 The Committee recommends:

- that the AEC ensure that sufficient and continuing resources are available to the Election Systems and Policy Section in non-election periods and that these levels be supplemented as appropriate in the lead up to and during election periods;
- that the AEC apply appropriately rigorous and correct procurement practices in order to identify and enter into a contractual agreement with suitable provider/providers for the provision of APVIS services; and
- that the AEC apply contemporary best practice to the project management and contract management of APVIS, including undertaking the activities outlined in Recommendation 16 of the Minter Ellison report into postal voting.

Recommendation 9

3.105 The Committee recommends:

- that the *Electronic Transaction Regulations 2000* be amended to permit electors to submit an application for a postal vote or an application to become a general postal voter, by scanning and e-mailing the appropriate form to the AEC;
- that the Commonwealth Electoral Act be amended to specifically permit eligible overseas electors and Australian Defence Force and Australian Federal Police personnel serving overseas to become general postal voters;
- that the Commonwealth Electoral Act be amended to provide that:
 - ⇒ for postal vote applications received up to and including the last mail on the Friday eight days before polling day, the AEC be required to deliver the postal voting material to the applicant by post unless otherwise specified by the applicant;
 - ⇒ for postal vote applications received after the last mail on the Friday eight days before polling day and up to and including the last mail on the Wednesday before polling day, the AEC

be required to post or otherwise deliver the postal voting material by the most practical means possible; and

⇒ for postal vote applications received after the last mail on the Wednesday before polling day, the applications be rejected on the grounds that delivery of postal voting material cannot be guaranteed. Reasonable efforts should be made to contact the applicants to advise them of the need to vote by other means.

- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to allow electors to return their postal votes to any employee of the AEC by any convenient means, and to require the AEC to then deliver the postal vote to the appropriate Divisional Returning Officer within 13 days after polling day.

Postmarking of postal votes returned to the AEC

- 3.106 The Committee notes the AEC's response to the Minter Ellison recommendation number 12 and accepts that there are technical difficulties associated with the postmarking of mail in some locations, which leads to postal votes not being accepted into the count, despite being lodged with Australia Post after last mail clearances on the Friday prior to election day and on election day but prior to the close of polling.
- 3.107 There is evidence to suggest that when those postal votes are collected by mail contractors, or processed by Australia Post, they are postmarked as having been lodged on the Sunday which is the day after election day.
- 3.108 Under the current rules for preliminary scrutiny, those postal votes are excluded from the count, because the date of the postmark is taken to be the date on which the vote was completed.
- 3.109 The Committee is of the view that this situation leads to the votes of electors in some regional, rural and remote areas being unnecessarily rejected, as the votes have in fact been cast, and posted prior to the close of the poll.
- 3.110 The Committee therefore makes the following recommendations:

Recommendation 10

3.111 The Committee recommends:

- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended so that postal voters are required to confirm by signing on the postal vote certificate envelope a statement such as “I certify that I completed all voting action on the attached ballot paper/s prior to the date/time of closing of the poll in the electoral division for which I am enrolled”;
- that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to allow the date of the witness’s signature, not the postmark, to be used to determine whether a postal vote was cast prior to close of polling.

Facilitating Postal Voting

- 3.112 The Committee notes that there were submissions and evidence which indicated that other actions on the part of the AEC may facilitate the postal voting process, including allowing forms to be faxed to the AEC and encouraging electors to vote earlier in the election period.
- 3.113 In response to these issues the Committee makes the following recommendations:

Recommendation 11

3.114 The Committee recommends that the AEC:

- amend the General Postal Voter application form to indicate that the completed form can be returned to the AEC by fax;
- amend the Postal Vote Application form to allow an applicant, if they choose to do so, to nominate a date by which they require the postal voting material to be delivered to the postal address nominated;

- highlight the difficulties associated with electors leaving it to the last week in the election period to lodge postal vote applications in the public education campaign associated with the next election;
- take steps through its public education activities to ensure that the public is informed of the importance of having a witness date on postal vote certificate envelopes; and
- devise appropriate penalties for voters who provide false witness or who are otherwise in default of the requirements.

Guidelines for the management of problems

- 3.115 In its response to Minter Ellison recommendation no. 26, the AEC makes a commitment to develop guidelines for the timely management of problems emerging during an election period.
- 3.116 The Committee, while noting that the AEC's relationship and interactions with the Minister is a matter for the Minister and the AEC to resolve, nevertheless recognises that other stakeholders also have valid expectations that they should be kept informed of significant issues that emerge.
- 3.117 The Committee endorses the AEC's commitment to developing such guidelines, and recommends that the AEC progress this commitment as soon as practicable.

Recommendation 12

- 3.118 The Committee recommends that prior to the next election:

The AEC discusses with the Minister's office options for establishing a process for the provision of information about emerging issues during the election period; including:

- how and to whom requests for urgent briefing are to be handled;
- identifying which staff are to be involved; and
- how issues are to be followed up and reported on, by the AEC;

And, that following those discussions:

- **the AEC formulate guidelines reflecting the outcome of those discussions and make them available to all relevant parties prior to the commencement of the election period.**

Privacy concerns

- 3.119 The Committee has also considered the issue of the privacy of the postal vote certificate envelopes used at the 2004 Federal Election.
- 3.120 The Committee notes the representations made by concerned electors and others in submissions to this inquiry and during evidence.
- 3.121 The Committee is, however, persuaded that there has been a demonstrable reduction in the number of ballot papers excluded from the count as a result of the envelopes used during this election.
- 3.122 The Committee is concerned to ensure a suitable balance between the privacy of electors and protecting the franchise. This balance is not achieved when postal ballot papers are excluded from the count because they are not contained within the postal vote certificate envelope.
- 3.123 The Committee has not drawn any conclusions about this matter at this stage. However, it intends to seek further information by recommending that the AEC consult widely with stakeholders – including, political parties, Commonwealth, State and Territory Privacy Commissioners, privacy advocates and others – to canvass possible solutions to the postal vote privacy issue that will not require a return to double enveloping.
- 3.124 The Committee is concerned to ensure, however, that electors who wish to use a second envelope to satisfy their own privacy concerns are not precluded from doing so.
- 3.125 The Committee will recommend that the AEC report back to the Committee before the end of June 2006, with details of its consultations and provide the Committee with recommendations about how the AEC should address the privacy concerns of electors, whilst minimising the number of ballot papers excluded from the count.

Recommendation 13

3.126 The Committee recommends that the AEC:

- consult widely with stakeholders, including political parties, Commonwealth State and Territory Privacy Commissioners, privacy advocates and others, in order to canvass possible solutions to the privacy issue, that will not require a return to double enveloping; and
- report back to the Committee before the end of June 2006, with details of its consultations, and provide the Committee with recommendations about how the AEC should address the privacy concerns of electors, whilst minimising the number of ballot papers excluded from the count.

PVAs lodged prior to the election announcement

- 3.127 The Committee also examined the issue of postal vote applications that were signed by electors and forwarded to the AEC prior to the announcement of the 2004 election.
- 3.128 The Committee notes that; as a result of parties and candidates distributing postal vote applications to electors prior to the issue of the writ, the AEC was required to contact a number of postal vote applicants to advise them it was unable to accept the applications lodged by them, because they were lodged too early.
- 3.129 The CEA provides that an application for a postal vote may not be made until after the issue of the writ for an election or the public announcement of the proposed date for the election.
- 3.130 The Committee is not persuaded that this provision requires any amendment, but does recommend that political parties and candidates take some action to advise electors about the relevant provisions for lodgement.

Recommendation 14

- 3.131 **The Committee recommends that political parties and candidates should ensure that any material they provide to electors in advance of the writ issue or public announcement of the election date, advises electors of the relevant provisions relating to the lodgement of postal vote applications.**

Pre-poll voting

- 3.132 Pre-poll voting is a form of declaration voting for electors who will not be in their home state or territory or who are unable to attend a polling place on election day.
- 3.133 An elector may attend an AEC Divisional office or one of the pre-poll voting centres set up before polling day to cast their vote.
- 3.134 In order to assist Australian electors overseas to vote, the AEC, with the cooperation and assistance of the Department of Foreign Affairs and Trade, opens a number of pre-poll voting centres in overseas missions. These missions also offer postal voting services to electors overseas who are not able to vote in person
- 3.135 An elector must have grounds for making a pre-poll vote. Generally, the grounds are that the applicant is unable to attend a polling place on polling day.³⁸
- 3.136 An elector seeking to make a pre-poll vote is required to personally attend a pre-poll voting centre, complete the declaration on the pre-poll certificate envelope, and sign the declaration.
- 3.137 The elector then receives ballot papers which they fill out, fold and return to the officer who issued them. The ballot papers are placed into the pre-poll certificate envelope which is sealed before being placed in a ballot box.
- 3.138 All pre-poll certificate envelopes are ultimately sent to the DRO for the Division for which the elector claims to be enrolled, whereupon they are checked to determine the eligibility of the elector before being included or excluded from the count.

38 The Grounds for application for a pre-poll vote are contained in Schedule 2 of the CEA.

- 3.139 The AEC is required to gazette the location and opening times of pre-poll centres.³⁹
- 3.140 In some instances this requirement may prevent the AEC responding quickly to changing circumstances where pre-poll voting might be required, such as was caused by delays in postal vote materials for the 2004 election. Ms Jennie Gzik from the AEC stated:

I would also like stronger contingency plans in place. For example, because there was some delay we opened up the airport earlier, as a pre-poll. Next time I would like to do that even earlier. We were delayed by a day because we have to gazette it as a pre-poll first, so we could not open until the Sunday before the election instead of the Saturday.⁴⁰

- 3.141 The AEC submitted that it believed that:

the CEA should be amended to remove the requirement to gazette dates and times of operation for pre-poll voting centres, provided that appropriate steps are taken to ensure they are advertised. This would place the gazettal and advertising of pre-poll voting centres on the same basis as that applying to remote mobile stations (s227 (4)).⁴¹

The Gazette is not widely read, and the AEC believes it is possible to allow greater flexibility in the establishment of pre-poll voting centres by replacing the requirement to gazette with a requirement to publicise the locations and times of operation of pre-poll voting offices. Such a change will mean that advertising the locations and times of operation of pre-poll voting will be on a similar footing to advertising the locations and times of operation of remote mobile polling, with similar flexibilities.⁴²

- 3.142 Conversely, the Liberal Party expressed some concerns with the way the AEC advises the opening of pre-poll voting centres:

reports from some electorates indicated that there was a degree of confusion about the opening of pre-poll centres. Our local campaigns in these instances reported that pre-poll centres opened and began operations without notification in

39 CEA, section 200D.

40 Ms J Gzik, (Australian Electoral Officer for Western Australia), *Evidence*, Wednesday, 3 August 2005, p. 59.

41 Submission No. 74, (AEC), Attachment C.

42 Submission No. 74, (AEC), p. 11.

advance. It is important for the AEC to ensure that candidates or their campaigns are advised in advance of the opening of these centres.⁴³

3.143 In addition to being open prior to election day, the AEC's Divisional Offices and some pre-poll centres are open on election day to take the votes of those electors who are not in their home state or territory.

3.144 These pre-poll centres and Divisional Offices are often not located in the most appropriate locations for travellers. The Nationals Hinkler Divisional Council stated that:

members received a number of complaints from interstate voters that they could not get to a DRO to vote on election day. DRO offices are not 'close' (sometimes there is 400km between them) and an examination of the Queensland coastline demonstrates how difficult it can be for people visiting centres between the major provincial cities. For example, there are DROs at Brisbane, Nambour, Maryborough, Bundaberg, Rockhampton, Mackay, Townsville and Cairns. It is not reasonable to expect voters between these centres to travel hundreds of kilometres to vote if business, holiday, family commitment or emergency situations place them in a locality at a distance from those offices.⁴⁴

3.145 The AEC recognises that electors who are interstate on polling day may only vote at pre-poll centres and notes that:

the current distribution of pre-poll voting centres also affects electors interstate on polling day, many of whom attend a polling place in the mistaken belief that they can have an absent vote. There is no provision in the CEA for electors to vote at a polling place outside of the State or Territory in which they are enrolled. They are only able to vote at an interstate voting centre (a Divisional Office or a pre-poll voting centre open on polling day). The AEC has recognised this as an issue at previous elections and so advertises interstate voting arrangements, including information in the householder leaflet distributed by the AEC to every household once the election is announced.⁴⁵

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

44 Submission No. 53, (The Nationals Hinkler Divisional Council).

45 Submission No. 74, (AEC), Attachment C.

- 3.146 Many submissions to this inquiry expressed concern that pre-poll centres were not located in locations where they were deemed to be required.
- 3.147 In the case of electors in regional areas of Queensland who were unable to cast postal votes because of delays in receiving them, there were no alternatives such as pre-poll located within hundreds of kilometres of where they were required. Mrs Lindsay MacDonald wrote:
- at federal elections, pre-poll voting is not available to us, as the only centres where this was permitted in the seat of Maranoa were Dalby (10 hours away) or Emerald (5 hours away). Neither of these towns is in any way a 'centre of interest' for us, giving us no reason to travel to either of these places.⁴⁶
- 3.148 The Nationals, in their submission from the Hinkler Division, advised that:
- members received a number of complaints from interstate voters that they could not get to a DRO to vote on election day. DRO offices are not 'close' (sometimes there is 400km between them) and an examination of the Queensland coastline demonstrates how difficult it can be for people visiting centres between the major provincial cities. For example, there are DROs at Brisbane, Nambour, Maryborough, Bundaberg, Rockhampton, Mackay, Townsville and Cairns. It is not reasonable to expect voters between these centres to travel hundreds of kilometres to vote if business, holiday, family commitment or emergency situations place them in a locality at a distance from those offices.⁴⁷
- 3.149 Mr Michael Parker, Chief Executive Officer, Warroo Shire Council considered that while there were practical obstacles to installing a sufficient number of pre-polling locations, there would be advantages in taking the pressure off the postal voting system:
- Senator MASON** – So you are saying that, if there were adequate pre-polling, that could take pressure off postal voting.
-

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

47 Submission No. 53, (The Nationals Hinkler Division).

Mr Parker — Yes. The facilities are there. That is what the council has looked at. The community points are there. There are skilled people who work at those places who probably have been involved and may be involved with electoral systems. Generally a lot of teachers work in the state election systems. Even the local government officers in the area have generally got experience in the electoral system. So the expertise is in the area, were pre-polling to be the preferred option.⁴⁸

- 3.150 The ALP submits that there is a need for additional pre-poll centres and that they should be more accessible:

That the AEC establish additional pre-poll voting centres in every Division in locations deemed to be accessible to the public, such as in major shopping centres, sporting venues and education institutions. Further, that the times when pre-poll voting centres are open be reviewed.⁴⁹

- 3.151 The ALP also believes that the electoral system must be responsive to family needs:

Labor believes that electoral arrangements need to accommodate the ever increasing demands on family time. This factor may be able to lend an explanation to the increase in postal voting during the 2004 federal election.

Labor believes that there is sufficient demand for an increase in pre-polling voting centres.⁵⁰

- 3.152 The Minter Ellison inquiry into postal voting at the 2004 election made recommendations in relation to pre-poll voting. These included that the AEC undertake a thorough review of current pre-poll voting arrangements.

- 3.153 The AEC's response to that recommendation indicates that the review will be:

completed by November 2005. The review will determine the most appropriate locations and days and times of operation for pre-poll voting centres for the next election, and the most appropriate content and media for advertising.

48 Mr M Parker, CEO, Warroo Shire Council, *Evidence*, Wednesday, 27 April 2005, p. 13.

49 Submission No. 136, (ALP), p. 7.

50 Submission No. 136, (ALP), p. 7.

It should be noted that any increase in the numbers of pre-poll voting centres, and their days and times of operation, will have cost implications.

The AEC proposes amending the provisions of the CEA relating to pre-poll voting so that only the places where pre-poll voting will take place will be gazetted, and to provide for the Electoral Commission to take such steps as it sees fit to give public notice of the places where pre-poll voting will take place and the days and times of operation.⁵¹

- 3.154 The AEC also notes the criticisms levelled at it during and since the 2004 election by:

electors in rural and regional Australia for not providing a wider network of pre-poll voting centres. When issues arose with the timely delivery of postal votes in rural Queensland, the AEC advised electors to lodge a pre-poll vote as an alternative. As the Mayor of Winton Shire Council pointed out to the AEC (correspondence of 11 October 2004), given that the closest pre-poll voting centre to his community was at Mount Isa, “the distances involved would preclude many, if not most, of the affected people from making the trip”. A round trip from Winton to Mt Isa would be 950 kilometres...

The AEC could also discuss with a range of Commonwealth, State and Territory and local government agencies the possibility of the AEC appointing pre-poll voting centres at some of their premises during the election period. If implemented, the pre-poll voting centres would ideally be located in a shopfront in a town where the AEC did not have an office, operate during the same hours as the agency and be staffed by staff of the agency.⁵²

The Committee's view

- 3.155 The Committee recognises that concerns about the location of pre-poll facilities have become more prominent in the light of the postal voting delays during the 2004 election, especially in regional Queensland.

51 Submission No. 74, (AEC), Attachment C.

52 Submission No. 74, (AEC), Attachment C.

- 3.156 There is also a need to find a balance between the expectations of a society that demands electoral convenience, with the desire of that same society to retain the ability to participate by voting in person.
- 3.157 This is the fundamental problem that presents itself when polling places are closed down for economic reasons and are replaced by postal voting.
- 3.158 Postal voting suits many people, but as pointed out by those electors in regional Queensland, the desire to vote in person is still important to many.
- 3.159 Pre-poll voting on the other hand, satisfies the desire to vote in person, and provides a measure of electoral convenience to all involved in the electoral process, be they electors, electoral authorities, political parties or candidates.
- 3.160 The Committee believes, therefore, that the AEC should review its pre-polling arrangements with a view to ensuring that, wherever practical, pre-poll voting centres are located at appropriate Commonwealth, State or Territory government or local government agencies in regional areas, as suggested by the AEC in its response to the Minter Ellison recommendations.
- 3.161 The Committee notes that there will be costs associated with this proposal, however, it believes that there should be no electoral disadvantage suffered by electors in regional areas, wherever a reasonable case for providing pre-poll voting facilities exists.
- 3.162 Where the same case exists in respect of interstate travellers, and the AEC has an expectation that a reasonable number of electors would utilise those facilities on election day, the pre-poll facilities should remain open on election day to allow interstate travellers to vote.
- 3.163 The AEC should comprehensively publicise and advertise the location of all pre-poll voting centres.
- 3.164 Similarly, the AEC must also ensure that standardised, prominent signage is used to identify pre-polling centres, so that electors and other stakeholders can immediately recognise and locate them.
- 3.165 The Committee notes the AEC's concerns about the requirement to gazette pre-poll voting locations and times, however, it is not convinced that removing the requirement for gazettal of the times would provide significant benefits to electors, candidates or other stakeholders.

- 3.166 However, the Committee believes that an amendment to the CEA is required to allow the AEC to set up and operate pre-poll voting centres in circumstances where the AEC is required to quickly ensure that electors are able to cast votes.
- 3.167 In such circumstances, the AEC must do everything it practically can to advise relevant candidates and political parties of:
- the circumstances which prevail and require the AEC to take such action; and
 - and the times and days on which it is proposed to operate the pre-poll centre.
- 3.168 The AEC must gazette the pre-poll centre or centres as soon as practicable after it becomes aware of any circumstances that require it to set up and operate a centre or centres.

Recommendation 15

- 3.169 **The Committee recommends that the AEC should review its pre-polling arrangements with a view to ensuring that, wherever practical, pre-poll centres are located at appropriate Commonwealth, State or Territory government, or local government, agencies in regional areas.**

Recommendation 16

- 3.170 **The Committee recommends that the Commonwealth Electoral Act and the Referendum (Machinery Provisions) Act be amended to provide that:**
- **the AEC may set up and operate pre-poll voting centres in circumstances and locations where the AEC is required to quickly ensure that electors are able to cast votes; and**
 - **in such circumstances, to require the AEC to do everything it practically can to advise relevant candidates, political parties and other stakeholders of:**
 - ⇒ **the circumstances which prevail and require the AEC to take such action;**
 - ⇒ **the location, dates and times on which the AEC proposes to operate the pre-poll centre; and**

- to require the AEC to Gazette the pre-poll centre or centres as soon as practicable after it becomes aware of the circumstances that require it to set up and operate the centre or centres.

Recommendation 17

The Committee recommends:

- that the AEC comprehensively publicise the location of all pre-poll voting centres; and
- that the AEC ensure that standardised, prominent signage is used to identify pre-polling centres, so that electors and other stakeholders can immediately recognise and locate them from the day of opening and throughout election day.

