

Maintaining an effective electoral roll

4.1 One of the most disturbing pieces of evidence received by the committee during the inquiry into the 2007 election was delivered by the new Electoral Commissioner, Mr Ed Killesteyn at the public hearing in Canberra on 17 March 2009.

4.2 Mr Killesteyn told the committee that an estimated 1.2 million electors were not on the electoral roll:

At the 2007 federal election an estimated 92.3 per cent of the total number of eligible voters were on the electoral roll. This represented an increase of 0.8 per cent on the estimated participation rate at the 2004 federal election. The enrolment participation rate has now dropped to a level of 91.63 per cent in spite of the increase in the number of electors currently on the electoral roll. Discussion of the participation rate in percentage terms, however, masks the true extent of the disenfranchisement that exists in the Australian community. We estimate there are about 1.2 million eligible voters currently not on the electoral roll, and who are therefore not able to exercise their franchise.¹

4.3 In looking at enrolment trends in the lead up to, and post the 2007 election, it is evident that the electoral roll is very dynamic, that it requires updating on an ongoing basis and that it requires a combination of positive actions on the part of the Australian Electoral Commission (AEC) and electors in order for it to be kept as up to date as possible.

4.4 The AEC faces many challenges in managing the electoral roll, not least is in keeping it up to date to be used for federal, state, territory and local government elections:

1 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 2.

One of the biggest challenges currently facing the AEC is to ensure that Australian citizens get the chance to exercise their key democratic right – their franchise. One critical aspect of this is the need for the electoral roll to be as accurate and complete as is possible at all times, including between federal elections, reflecting the fact that the roll is also used for state, territory and local government elections.

In this respect I note that during 2008 there were 82 roll closures. The need for the roll to be up to date, and to be kept up to date, is self-evident. This demonstrates that the debate should be about how we can do that at all times, not just at the time of a federal election.²

- 4.5 In reviewing the relative effectiveness of current roll maintenance activities and considering the efficacy of others, the committee is mindful that:
- Australia has a system of compulsory enrolment which requires electors to enrol once eligible to do so, and to notify the AEC of changes to enrolment details in a timely manner;
 - different jurisdictions have differing enrolment processes and requirements relating to enrolment and transfers;
 - ultimately, whilst able to recommend changes aimed at improving the Commonwealth electoral roll, the committee is not in a position to influence the respective states and territory governments to adopt similar changes; but that
 - ongoing dialogue between the Commonwealth and the various state and territory governments is also necessary and is the key to achieving harmonisation of enrolment requirements and processes.
- 4.6 It is necessary to be aware of and examine factors that create barriers to achieving greater enrolment participation at the commonwealth level and to find ways to mitigate their impact on the electors and potential electors in order to increase enrolment participation levels.
- 4.7 Some of the barriers to effective roll maintenance evident to the committee include:
- elector awareness of the compulsory enrolment provisions and the ease or difficulty with which information provided by electors, can be sent to, received by, or accessed by the AEC and subsequently acted upon;
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2 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 2.

- the prescriptive and restrictive nature of enrolment legislation;
- proof of identity (POI) requirements for enrolment and the need to satisfy these requirements by submitting fully POI compliant enrolment forms in order to notify any changes to enrolment details;
- the complexity of enrolment forms and enrolment processes (both Commonwealth and state) when compared to the relative ease with which electors transact business with other government and non-government agencies;
- the under-representation of young people on the electoral roll, especially when viewed in light of their willingness to participate in other obligatory activities, for example getting a driver's licence in order to legally drive a motor vehicle; and
- the growing public expectation that matters of importance can be conducted in a way which is both simple and convenient in a society which is becoming more familiar and adept at the use of emerging technologies.

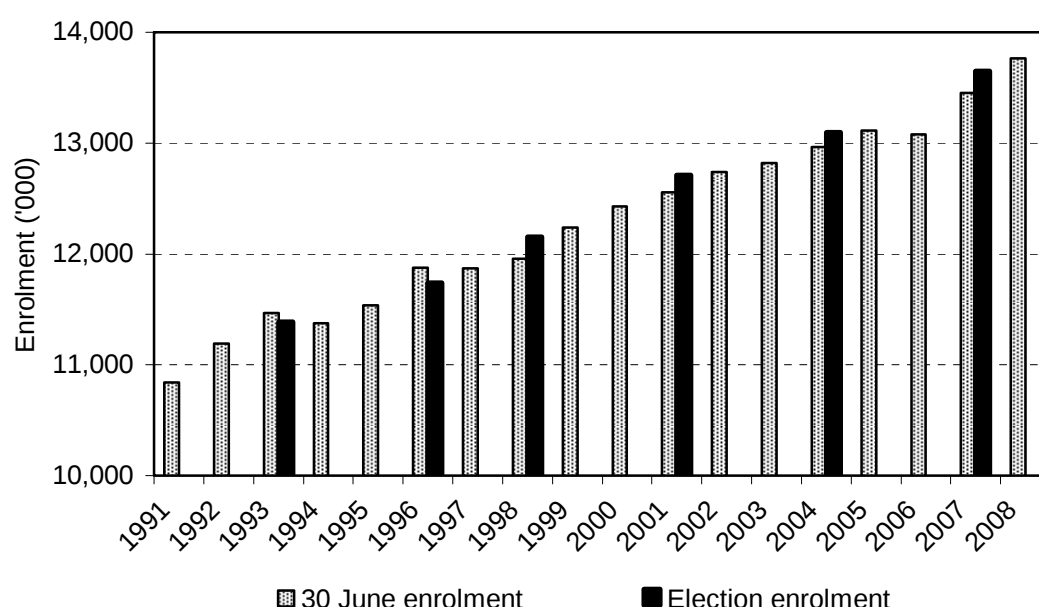
Enrolment awareness and participation

- 4.8 Australia is regarded as a highly inclusive and representative democracy. Universal adult suffrage was achieved for most Australians several generations ago while enrolling to vote has been compulsory for all Australians, excluding indigenous Australians, since 1911. Compulsory voting was introduced in 1924 and has since become an accepted part of Australia's political landscape. Reforms to extend the same franchise rights enjoyed by the majority of Australians to indigenous Australians occurred in 1983 and since this time Australia has worked to operate an open electoral system with minimal hurdles to both enrolling and voting.³
- 4.9 The compulsory enrolment provisions of the *Commonwealth Electoral Act 1918* have typically ensured a high level of enrolment, with enrolment participation rates normally found to be above 90 per cent of the eligible population.
- 4.10 Such results have largely been driven by the efforts of electoral authorities, with cooperation between the AEC and state and territory counterparts serving to promote and increase awareness during and between elections.

3 Australian Electoral Commission, *Electoral Engagement of the Homeless* (2005), Research report number 6, p 4.

- 4.11 However, the Electoral Commissioner has stated that an estimated 1.2 million eligible people are not currently on the electoral roll.⁴
- 4.12 This indicates that despite the efforts of electoral authorities and others, factors are at play which limit the effectiveness of campaigns designed to raise awareness of the compulsory enrolment provisions of the Commonwealth Electoral Act.
- 4.13 The drop in enrolment and the recovery in 2007 can be seen in figure 4.1, which compares the 30 June enrolment figures for each year since 1991 with the close of rolls figures for each election since 1993.

Figure 4.1 Annual enrolment and election enrolment, 1991 to 2008



Source Appendix C, table C.6 and C.8.

- 4.14 The significant drop in the level of enrolment in 2005-06, which was only overcome by intense and costly efforts on the part of the AEC during 2007 in the lead up to the election, is evidence that such factors exist, and that they influence the level of enrolment.
- 4.15 Similarly, the recovery which occurred in 2007 suggests that intensive efforts along with the approach of impending elections can mitigate the effects of such drops in the levels of enrolment.
- 4.16 The 1993 and 1996 elections were conducted on 13 March and 2 March respectively, with enrolment data for those taken in June. Consequently,

4 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 2.

for those years, the 30 June enrolment is greater than the election enrolment, suggesting that enrolments continue to rise for some time following an election.

4.17 All elections after the 1996 election have been conducted in either October or November. It is noticeable that election enrolment is significantly higher than the enrolment at 30 June for those years, indicating that enrolment grows as elections approach.

4.18 The electoral roll is dynamic, with changes occurring on a daily basis. It has been suggested that the AEC's ability to remove electors from the roll is greater than its ability to put electors on the roll.

4.19 The Democratic Audit of Australia noted that:

While the AEC is mandated to remove from the roll those who are not eligible – and by mining data bases such as Centrelink and Australia Post it does so very efficiently automatic deletion is not mirrored by automatic enrolment. Put bluntly, the AEC is getting much better at taking people off the roll, but not at putting them on.⁵

4.20 Objection processes, which effectively remove people from the electoral roll on the basis that their entitlement to remain on the roll has ceased, obviously have an effect on participation rates. Significant declines in enrolment are noticeable when large numbers of objections are processed and electors removed from the roll. Importantly, it takes the roll a long time to recover from large drops resulting from objections. The roll suffers from decline during such periods, indicating that the processing of objections is not matched as efficiently by the re-enrolment of electors.

4.21 The AEC noted the effects of objections on the participation rate and told the committee that it had changed the way it managed objection processes between January and April 2007 with a view to taking positive actions to encourage enrolment amongst those who were marked for objection action:

The temporary decline in enrolment numbers in June and September 2007 was due to a number of objections being processed those months. Between January and April 2007, objection action was rescheduled pending fieldwork and processing of collected enrolment forms. The aim was to avoid removing people from the roll where there was a real prospect of identifying their new addresses and encouraging them to update

5 Democratic Audit of Australia, submission 45, p 2.

their existing enrolments. Roll accuracy has to be balanced by ensuring that eligible electors are encouraged to enrol (or update their enrolment) whilst ensuring that electors no longer entitled to be enrolled (at a particular address) are 'objected' off the roll as determined by the legislation.⁶

Committee conclusion

- 4.22 The committee believes that there is a significant relationship between awareness of enrolment obligations and the participation rate.
- 4.23 Enrolment participation fluctuates over time with noticeable increases and declines. It may be argued that, in addition to the lowering of enrolment numbers as a result of large numbers of objections being processed, other movements reflect increases and decreases in the level of awareness of electoral obligations on the part of electors as the election cycle ebbs and flows.
- 4.24 This view is supported by noticeable increases in enrolment as elections approach and was noted by the AEC, who implemented a national advertising campaign and a targeted enrolment stimulation (TES) program in order to raise elector awareness and increase enrolment participation between April and November 2007 in the lead up to the election.⁷
- 4.25 However, the committee agrees with the AEC that relying on a peak of activity when an election is expected or has been announced is both an inadequate and inappropriate way of maintaining the roll.⁸
- 4.26 That being said, however, the AEC and others should not rely on substantial levels of funding being available to facilitate the implementation of significant advertising campaigns designed to raise awareness and stimulate enrolment. Such spending is clearly unsustainable.
- 4.27 Rather, the AEC and its state and territory counterparts should work together and be proactive and innovative, devising and implementing strategies aimed at raising awareness and encouraging enrolment at all times, not just in the lead up to elections.

6 Australian Electoral Commission, submission 169, p 13.

7 Australian Electoral Commission, submission 169, p 22.

8 Australian Electoral Commission, submission 169, p 22.

- 4.28 Whilst the committee accepts that both awareness and participation will continue to fluctuate, it has an expectation that the AEC will increase its efforts to minimise the declines in enrolment, whilst acting positively to increase both enrolment numbers and the level of participation as a proportion of the eligible population.
- 4.29 The AEC should also pay closer attention to maximising the number of electors who might be retained on the roll, by targeting those electors earmarked for objection action during the period before action is taken to remove them from the roll, with a view to encouraging them to update their enrolment details. This is the strategy used by the AEC in early 2007 with the TES program.⁹ Such action will reduce the likelihood that they will be removed from the roll unnecessarily, especially where the AEC is able, through its data matching and mining activities, to ascertain their whereabouts and encourage their enrolment at a new address.
- 4.30 The committee accepts, however, that there are some limitations imposed by the current legislation and that there are some measures which should be taken to make enrolment more accessible to those eligible to enrol, or remain on the electoral roll. These limitations and measures are discussed below.

Proof of identity for enrolment

- 4.31 In chapter 3, the committee discussed the proof of identity measures for enrolment, which came into effect at the same time as those for provisional voting in 2006.
- 4.32 Prior to the introduction of proof of identity requirements for enrolment, electors were required to have their enrolment forms witnessed by a person eligible to be on the Commonwealth electoral roll.¹⁰
- 4.33 The enrolment proof of identity provisions now require electors within Australia who wish to enrol or change enrolment details, to:
- provide an Australian driver's licence number to prove their identity (referred to herein as tier 1);

9 Australian Electoral Commission, submission 169, p 12.

10 Australian Electoral Commission, submission 169, p 14.

- or, if they do not possess a driver's licence they must show to a prescribed document to an elector who is one of a prescribed class of electors (referred to herein as tier 2); or
 - if this is not possible they must have their application for enrolment or transfer countersigned by two electors who:
 - ⇒ can confirm the applicant's name; and
 - ⇒ have known the applicant for at least one month (referred to herein as tier 3).
- 4.34 Similar provisions apply to applications for enrolment received from electors outside Australia who seek enrolment under the provisions of sections 94A and 95 of the Commonwealth Electoral Act; however such electors may provide an Australian passport number in place of a driver's licence number.¹¹
- 4.35 The AEC has advised that over 90 per cent of electors provide either a driver's licence number, or in the case of electors overseas, a passport number, 8.5 per cent of electors show a prescribed document to a prescribed class of elector and the remaining electors have their identities confirmed by two enrolled persons who know them.¹²
- 4.36 The AEC was unable to provide the committee with an estimate of the number of electors who had enrolment applications rejected due to proof of identity provisions not being met.
- 4.37 Whilst noting that it was difficult in the environment that existed in the lead up to the 2007 election to determine if the proof of identity measures served to restrict the franchise, the AEC went on to say that in most circumstances the proof of identity measures appear to have worked well.¹³
- 4.38 The AEC favours retention of tier 1 of the POI scheme for first time enrolees and has also recommended that Australian passports should be included in tier 1 for electors within Australia, not just electors outside of Australia.¹⁴
- 4.39 Similarly, the AEC recommends that other documents might also be worthy of consideration, including Defence Force ID and Department of Veterans' Affairs Gold Cards, but notes that these need to be explored to
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11 *Commonwealth Electoral Act 1918*, s 98AA.

12 Australian Electoral Commission, submission 169, p 14.

13 Australian Electoral Commission, submission 169, p 17.

14 Australian Electoral Commission, submission 169.15, p 11.

determine if they compare favourably with the integrity of driver's licences and Australian passports.¹⁵

4.40 In relation to tiers 2 and 3, however, the AEC also notes that a strong case exists for examining tiers 2 and 3 of the POI requirements, which at the moment, in the view of the AEC:

- are intrinsically discriminatory against people who do not possess a driver's licence, forcing them to go through a more complex process in order to enrol;
- run the risk of impacting disproportionately on the poor, and on people in remote and indigenous communities; and
- are still capable of being circumvented by persons truly determined to do so.¹⁶

4.41 Some inquiry participants believed that introduction of the POI scheme was unnecessary. Uniting Justice Australia submitted:

The changes in proof of identity requirements were unnecessary. It should be noted that an Australian Electoral Committee audit of South Australian voting following the 2001 election found no evidence of fraud, in a roll of over one million people. They were overly burdensome and a discouragement for those enrolling or changing their enrolment, particularly people with disabilities, the homeless, Indigenous Australians and older Australians.¹⁷

4.42 The Human Rights and Equal Opportunity Commission told the committee that 'many homeless people have difficulty meeting proof of identity requirements because they do not have and cannot afford to obtain the necessary documents'.¹⁸

4.43 The PILCH Homeless Persons Legal Clinic submitted 'that these amendments significantly impair the ability of people experiencing homelessness (among other disadvantaged groups) to participate in the electoral process'.¹⁹

4.44 On the other hand, other participants believed the POI requirements worked and should be retained.

15 Australian Electoral Commission, submission 169, p 17.

16 Australian Electoral Commission, submission 169, p 17.

17 Uniting Justice Australia, submission 86, p 3.

18 Human Rights and Equal Opportunity Commission, submission 97, p 11.

19 PILCH Homeless Person's Legal Clinic, submission 135, p 22.

- 4.45 The Festival of Light Australia recommended that 'the current provisions for proof of identity when enrolling should be maintained.'²⁰
- 4.46 The Nationals told the committee that '[a] number of the problems experienced in the 2004 Federal election and cited by the Nationals in its submission to the Committee's 2005 inquiry appear to have been resolved with the adoption of proof of identity requirements for enrolment...'²¹
- 4.47 The Liberal Party of Australia agreed, telling the committee:
- Another important reform made by the last Parliament was the introduction of Proof of Identity requirements for enrolment. Correct enrolment is at the heart of the integrity of our electoral system. Appropriate proof of identity for enrolment is an elementary standard to maintain confidence in the electoral roll. The change made by the last Parliament corrected an anomaly and has worked smoothly. It is important for public confidence in our electoral system that this reform continues and is not ended or watered down.²²

Committee conclusion

- 4.48 The committee believes that overall, the POI changes for enrolment have served to restrict the franchise.
- 4.49 The committee believes that the requirement to provide POI for every enrolment transaction, even where POI has previously been provided by the elector, is overly burdensome and does nothing to further roll integrity.
- 4.50 The committee agrees however, that all electors, not just first time enrolees, should be required to prove their identity, but, once they have complied with the POI requirements on the first occasion, that fact should be recorded on the electoral roll and they should not have to meet those requirements again, except when changing name.
- 4.51 The committee sees merit in adding Australian passports as an acceptable identity document for electors resident in Australia as well as for Australian citizens overseas.
- 4.52 The committee believes that the current arrangements for tiers 2 and 3 of the POI scheme are burdensome and agrees with the AEC and other
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20 Festival of Light Australia, submission 67, p 7.

21 The Nationals, submission 145, p 1.

22 Loughnane B, Liberal Party of Australia, transcript, 2 December 2008, p 3.

inquiry participants that they disadvantage some Australians. Further, the committee believes the current hierarchical arrangement for POI which sees different weightings applied to the various tiers is unnecessary and overly complicated.

4.53 The committee believes that the requirements of tiers 2 and 3 of the POI requirements should be repealed. It should be sufficient for an elector to prove their identity for the purposes of enrolment by providing any one of the following forms of POI, all of which should be deemed to carry equal weight:

- Australian drivers licence number; or
- Australian passport number; or
- the signature of another person on the Commonwealth electoral roll who witnesses the application for enrolment and attests to the identity of the applicant.

Recommendation 7

4.54 **The committee recommends that that the provisions of the *Commonwealth Electoral Act 1918* and the Electoral and Referendum Regulations 1940 which provide that proof of identity for enrolment purposes be required, be amended to:**

- **require that proof of identity be required for each elector once only; and**
- **that proof of identity may be established by the provision of a drivers licence number, Australian passport number, or the signature of another person on the Commonwealth electoral roll who shall witness and attest to the identity of the applicant. Any one of these are to be considered as acceptable forms of proof of identity for electors enrolling within Australia.**

4.55 A further effect of the proof of identity measures was to require that all changes to the electoral roll initiated by electors required them to submit a fully POI compliant enrolment form.

4.56 The committee notes, however, that the section 101(5) of the Commonwealth Electoral Act requires electors who have changed address

to notify the AEC of changes of address within 21 days after they have lived at the new address for one month.²³ It is not stated in the relevant provision that such changes require electors to submit an enrolment form, indicating that it was not intended that they would be required to do so.

- 4.57 The committee believes the requirement that all such transactions be made by the submission of an enrolment form is clearly in contradiction to the intent of this provision. The committee has been unable to ascertain exactly how many electors have been disenfranchised because they did not comply with the contradictory requirement to submit enrolment forms for such changes of address. An indication that the number may be significant is that there was a considerable reduction from around 45,000 electors in 2004 and 2005 who had notified the AEC of their new enrolment details through written advice to 17,000 electors in 2006 and only 706 electors in 2007 (table 4.1).

Table 4.1 Changes to the roll as a result of written advice from electors, 2003 to 2008

Year	2003	2004	2005	2006	2007	2008
Change	37,115	44,261	44,916	17,088	706	1,044

Source Australian Electoral Commission, submission 169.20, p 7.

- 4.58 The committee also believes that the repeal of section 105(1)(ba) of the Commonwealth Electoral Act has severely restricted the ability of the AEC to act on information provided by electors. Prior to repeal of this section, the AEC was able to update the electoral roll on the basis of information provided by electors on declaration envelopes and elector information reports lodged with the AEC or other electoral authorities at the time of voting.

- 4.59 The committee accepts the AEC's advice that the repeal of this section was consistent with the policy position of the government of the day which sought to require all changes to the roll to require a fully POI compliant enrolment form:

The clear intention of the Government at the time of the 2006 amendments to the CEA was that a complete 'claim for enrolment' which included POI was required by the AEC for any changes to the electoral roll.²⁴

23 Commonwealth Electoral Act 1918, s 101.

24 Australian Electoral Commission, submission 169.20, p 3.

- 4.60 However, the committee does not accept the need to impose barriers or to make electors jump a series of hurdles in order to exercise the franchise which should be freely available to those who are entitled to exercise it.
- 4.61 The committee therefore recommends that section 105(1)(ba) be reinstated to the Commonwealth Electoral Act in a form that will allow the AEC to alter the address details of enrolled electors who have previously satisfied the proof of identity measures for enrolment, on the basis of information provided by electors in written form.

Recommendation 8

- 4.62 **The committee recommends that the *Commonwealth Electoral Act 1918* be amended to reinstate section 105 (1)(ba) in a form that will allow the Australian Electoral Commission to alter the address details for enrolled electors who have previously satisfied the proof of identity measures for enrolment, on the basis of information provided by electors in written form to the Australian Electoral Commission.**

Maintaining the currency of the electoral roll

- 4.63 As noted in chapter 3 enrolment has grown at each election since 1993, with the number of electors enrolled at close of rolls for the 2007 election almost 2.3 million more than at the 1993 election.
- 4.64 When viewed as a unique set of data, consecutive close of rolls figures give the impression that the roll grows consistently between elections.
- 4.65 However, as pointed out by the AEC, there appears to be a surge in roll growth as a result of an impending election:
- Some of the anecdotal information, though, is that the preparedness or the propensity to enrol or change details tends to increase if there is an electoral event, so the proximity of state elections with federal elections is one of the factors that we have identified that will contribute to growth in the roll, for example.²⁵
- 4.66 Growth occurring in the lead up to an election, as against being spread over the years between elections was particularly evident in the case of Western Australian and Tasmania, as noted in chapter 5.

25 Nagle C, Australian Electoral Commission, transcript, 21 August 2008, p 6.

- 4.67 In Western Australia, the roll grew from 1,237,349 at close of rolls for the 2004 election to 1,312,942 at the close of rolls for the 2007 election a growth of 75,593 electors. Notably, almost 57,000 electors were added to the roll in the period leading up to the 2007 election, between 31 January 2007 and 17 October 2007.²⁶
- 4.68 In Tasmania, the roll grew by 10,199 electors over the same period; from 339,589 in 2004 to 349,788 in 2007, however, all this growth bar 200 electors, occurred in 2007 in the lead up to the 2007 election.
- 4.69 The above figures represent close of rolls 2004, to close of rolls 2007 growth, but, as pointed out in chapter 3, election enrolment (which is the number of electors entitled to cast votes at an election) is traditionally higher than close of rolls enrolment, because it also includes a number of electors reinstated to the roll at an election.
- 4.70 When the growth to the roll at the 2004 election is taken into account, the actual enrolment growth which occurred after the 2004 election and up to the 2007 close of rolls is not quite as flattering, as can be seen in table 4.2 below.

Table 4.2 Close of rolls growth, by jurisdiction, 2004 to 2007 elections

State/territory	2004 Close of rolls enrolment	2004 election enrolment	Growth (electors)	2007 Close of rolls enrolment	Growth (electors)
New South Wales	4,302,122	4,329,115	26,993	4,495,336	166,231
Victoria	3,292,409	3,309,800	17,391	3,442,096	132,296
Queensland	2,463,402	2,475,611	12,209	2,612,300	136,689
Western Australia	1,237,349	1,248,732	11,383	1,312,942	64,210
South Australia	1,049,814	1,051,923	2,109	1,075,968	24,045
Tasmania	339,589	342,809	3,220	349,788	6,979
Australian Capital Territory	224,896	227,541	2,645	238,742	11,201
Northern Territory	111,649	112,930	1,281	117,901	4,971
Total	13,021,230	13,098,461	77,231	13,645,073	546,622

Source Appendix C, table C.8.

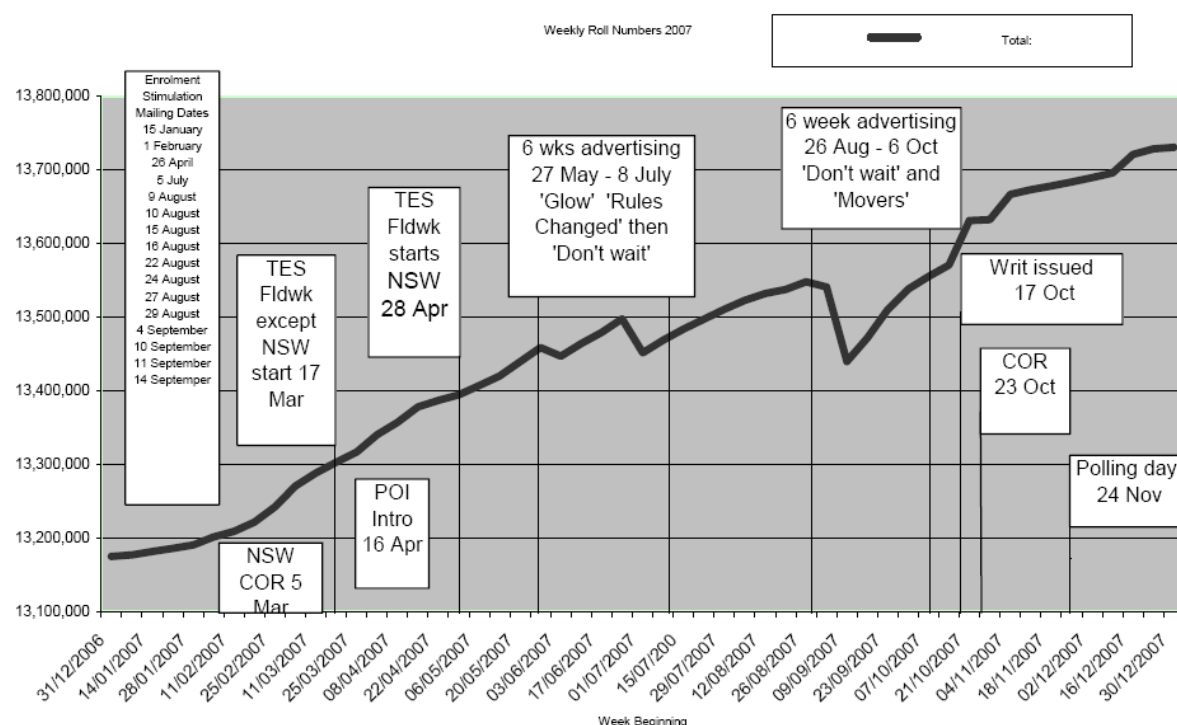
26 Nagle C, Australian Electoral Commission, transcript, 21 August 2008, p 3.

4.71 Whilst significant enrolment growth was evident during 2007, this came about because of the extraordinary measures the AEC implemented in order to arrest the decline in enrolment evident in 2005 and 2006, including significant expenditure on advertising and the introduction of its TES program in 2007. The AEC noted that:

Due to the change to the close of rolls period, in 2007 the AEC placed an increased focus on ensuring that as many eligible electors as possible were enrolled prior to the issue of the writs. With this in mind, and in response to the declining 2005 and 2006 enrolment numbers, a national enrolment drive commenced in March 2007. This involved targeted mail outs (to potential electors identified through data matching with agencies such as Centrelink), phone follow-up and door-knocking to approximately 1 million householders whom the AEC believed were not enrolled or needed to update their enrolment.²⁷

4.72 The AEC detailed the growth to the roll and the timing of various enrolment stimulation activities during 2007 in its first submission, using the graph reproduced at figure 4.2.

Figure 4.2 Enrolment growth and major enrolment promotion activities, 31 December 2006 to 30 December 2007

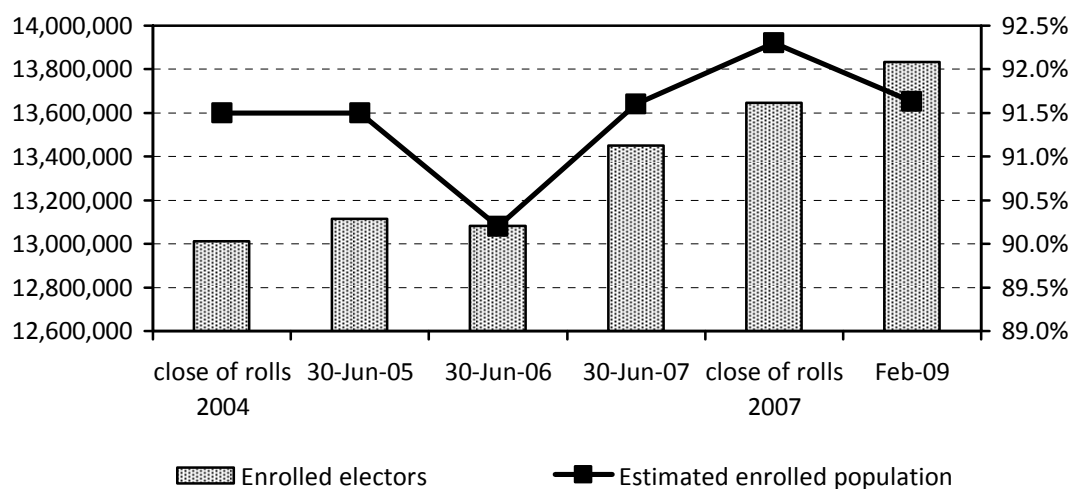


Source Australian Electoral Commission, submission 169, p 14.

27 Australian Electoral Commission, submission 169, p 12.

- 4.73 Growth increased sharply in February 2007 in the lead up to the close of rolls for the New South Wales state election and continued to increase, recovering from falls where electors were removed from the roll by objection action in June, July and September, through to the issue of the writ on 17 October 2007.
- 4.74 Significantly, roll growth stopped during the close of roll period, increasing again directly following the close of roll, and continuing to increase through to the end of December 2007.
- 4.75 The AEC informed that committee that the number of electors on the roll is only one indicator of roll completeness and drew attention to the number of enrolled electors as percentage of the AEC's estimate of the population eligible to be enrolled, which, at the close of rolls was 92.3 per cent, up from a low of 90.2 per cent at 30 June 2006 as evidenced in figure 4.3.²⁸

Figure 4.3 Number of enrolled electors and estimated eligible enrolled population, close of rolls 2004 to February 2009



Source Australian Electoral Commission, submission 169, p 9; Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 3.

Committee conclusion

- 4.76 The threshold issue for the committee in considering roll maintenance in modern Australia is to ensure that enrolment and roll update processes be made as accessible as possible in order to enable the franchise, whilst not

compromising the integrity of the electoral roll and subsequently the electoral system, including elections and referenda.

- 4.77 However, as discussed in chapter 2 the committee considers that a predisposition to emphasise integrity at any cost – as exemplified by the recent changes to enrolment and voting provisions which have served to disenfranchise otherwise eligible electors, with no evident effect on the integrity of the electoral roll or elections except to disqualify electors – has done more harm than good.
- 4.78 Therefore, when considering the issues related to enrolment the committee has started from the position that no realistic evidence exists to suggest that the 2007 election, or previous federal elections, suffered from or were associated with systemic multiple voting or systemic enrolment fraud, rather that a small number of isolated instances of both have and do occur.
- 4.79 The committee notes with some concern the continuing trend which sees enrolment decline between federal elections.
- 4.80 It is evident to the committee that the actions of the AEC in implementing the TES program, along with the other ongoing roll maintenance strategies, was responsible for arresting the decline in the roll evident during 2005 and 2006 and achieving a high level of growth in the lead up to the 2007 election.
- 4.81 It is also evident that the significant increase to the roll in 2007 assisted in the AEC producing an electoral roll that was available for use when required and one which has not resulted in any noteworthy or demonstrable claims that it lacked integrity.
- 4.82 However, whilst the efforts of the AEC and others delivered such a roll for the election, there are a number of indicators which confirm that at the time of the election there were also a significant numbers of electors who believed that they were correctly enrolled but were not, or were not enrolled at all. These indicators include:
- The number of provisional votes cast at the election which did not decrease significantly from 2007 despite the intense efforts undertaken to stimulate enrolment in the lead up to the election (167,682);²⁹
 - The number of electors who missed out on the close of rolls and could not, as a result, enrol or update their enrolment details (100,370)³⁰; and

29 Australian Electoral Commission, submission 169, p 30.

30 Australian Electoral Commission, submission 169, p 8.

- The number of declaration votes other than provisional votes, rejected from scrutiny because the elector was not on the roll, resulting in them casting invalid votes (198,742).³¹
- 4.83 It is evident to the committee that at least 466,794 electors were unable to exercise the franchise correctly at the 2007 election, either because they were not on the electoral roll, or they were on the roll with incomplete or incorrect details.
- 4.84 The committee is concerned by the level of disenfranchisement that existed at the election, and notes that disenfranchisement continues to exist, as evidenced by a decline in the percentage of eligible persons on the electoral roll in February 2009.
- 4.85 Similarly, the trend which sees actual enrolment numbers decline between elections is cause for concern. The committee is keen to examine if the processes mandated by the Commonwealth Electoral Act may be simplified or improved, and whether the Australian Electoral Commission is doing all that it can in order to stimulate enrolment in the period between federal elections. The committee notes that the AEC and others have suggested that a number of changes to enrolment procedures are necessary to arrest the decline in enrolment participation. These are examined below.

Roll maintenance strategies and activities

- 4.86 The AEC utilises a number of strategies aimed at providing electors and potential electors with opportunities to enrol or update electoral enrolment details.
- 4.87 For example, enrolment forms are made available at AEC offices, Post Offices, Rural Transaction Centres and various Commonwealth agencies such as in Centrelink, Medicare and Australian Taxation Office shopfronts.³²
- 4.88 Similarly, enrolment forms are available for download from the AEC website, with electors required to print them before sending them on to the AEC for processing.

31 Appendix C, table C.5.

32 Australian Electoral Commission, submission 169, p 30.

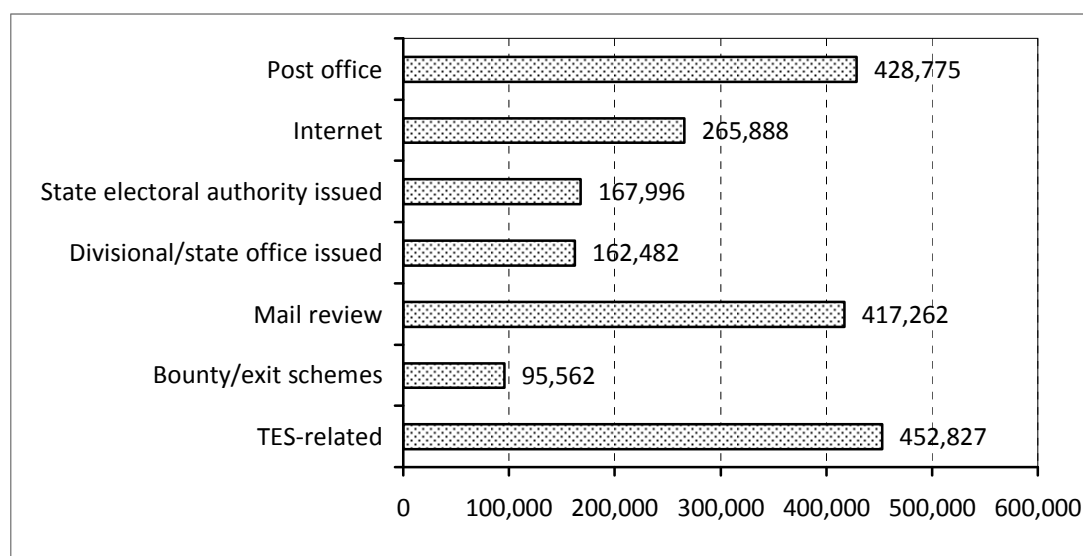
- 4.89 Continuous Roll Update (CRU) is a primary strategy for interaction with electors and potential electors. As part of the CRU suite of measures the AEC uses a number of internal and external datasets to identify electors who are either not currently enrolled or who are enrolled for addresses which are different to those contained in external datasets.
- 4.90 Letters are mailed to electors and addresses identified as requiring update action, with the responses and enrolment forms received as a result serving to inform changes to the rolls.
- 4.91 Additionally, the AEC conducts targeted fieldwork activities during which face to face contact is made with electors in their homes in situations where no response has been received despite mailing to those addresses, or where the AEC has identified particular high turnover areas where it believes that enrolments are likely.³³
- 4.92 The AEC also conducts promotional activities at venues including shopping centres, malls, schools and colleges, staff also attend major events such as shows and sporting events in order to raise awareness of, and facilitate enrolment.
- 4.93 In addition, the AEC regularly attends citizenship ceremonies and collects completed enrolment forms from new citizens, conducts a national enrol to vote week in order to facilitate enrolment amongst senior secondary students, interacts with state and territory electoral commissions and receives enrolment forms following activities conducted by those commissions, and conducts advertising and awareness campaigns aimed at encouraging electors to enrol or update enrolment details.

Source of enrolment forms

- 4.94 In the period 1 January to 23 October 2007 the AEC received 2,529,429 enrolment forms through a combination of the above methods.³⁴
- 4.95 An analysis of the sources from which enrolment forms originated reveals that the greatest number were sourced from TES-related activities (452,827), followed in descending order by Post Offices (428,775), mail review (417,262) and the Internet (265,888), as demonstrated in figure 4.4.

33 Australian Electoral Commission, submission 169, p 12.

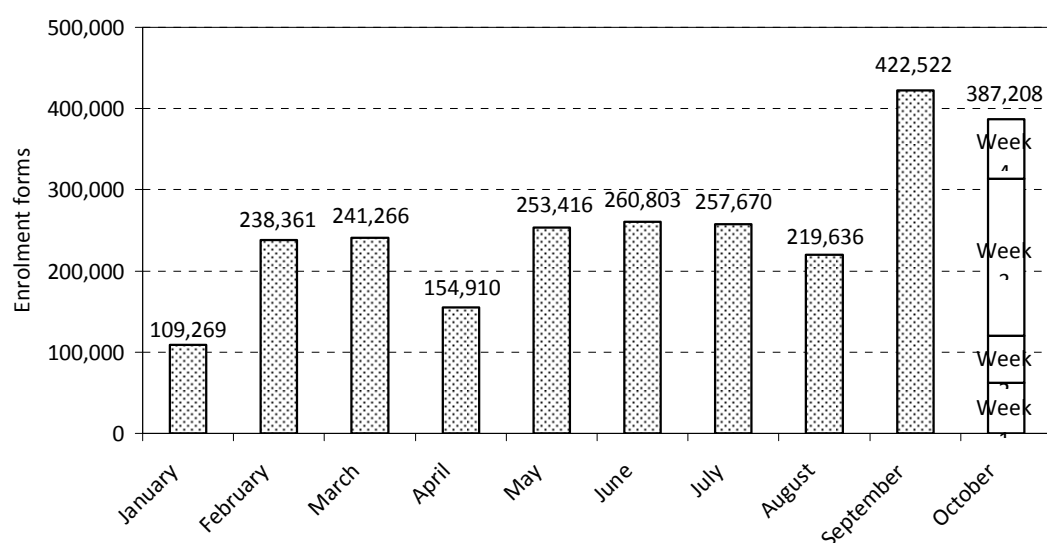
34 Australian Electoral Commission, submission 169, p 10.

Figure 4.4 Major sources of enrolment forms, January to October 2007

Source Australian Electoral Commission, submission 169.2, Annex 2(a) pp 9-30.

- 4.96 Enrolment form data also reveals that TES-related activities played a significant roll in growing the roll in the lead up to the 2007 election. However, it is worthy of note that in addition to forms sourced from Post Offices and mail review activities, the Internet rated as the fourth highest source of enrolment forms, indicating that the delivery of forms via that medium is increasing as a preferred source, with some 265,888 forms received during 2007.
- 4.97 The AEC indicated that ‘during October 2007 (the close of rolls period), over one quarter of enrolment forms received by the AEC were sourced from the internet.’³⁵
- 4.98 Further analysis of the enrolment form data provided by the AEC reveals that there was a high level of activity throughout 2007, with activity peaking in September 2007. This reinforces the view that an impending election is a major catalyst for enrolment, encouraging many electors to take action, resulting in some 422,522 enrolment forms being received in September, as demonstrated in figure 4.5.

35 Australian Electoral Commission, submission 169,p 9.

Figure 4.5 Monthly enrolment forms received, January to October 2007

Source Australian Electoral Commission, submission 169.2, Annex 2(a) pp 9-30.

- 4.99 The next highest level of activity occurred in October 2007, in the weeks leading up to the close of rolls. In the first week of October, 61,943 enrolment forms were processed, 58,459 in the second week, a peak of 193,246 forms in the third week and some 73,560 in the fourth week.
- 4.100 The first close of roll, for new enrolments occurred on the Wednesday of the third week (17 October), with the roll closing for all enrolment transactions on the Tuesday of the fourth week (23 October).
- 4.101 The AEC advised that during September 2007, 41 per cent of enrolment transactions were sourced from TES-related activities and mail review, 24 per cent from post offices, and 14 per cent from the Internet.³⁶
- 4.102 On the basis of data provided by the AEC for the 2007 calendar year it appears that fieldwork, post offices, mail review, and the Internet, consistently provide the greatest amount of enrolment forms, with other sources also proving important, but substantially less forms. Of these, divisional/state office issues, and enrolment forms sourced from state and territory electoral authorities appear to yield relatively high proportions of forms with 162,482 and 167,996 enrolment forms respectively.
- 4.103 On a smaller, but still significant scale, bounty/exit schemes provided 95,562 enrolment forms. Collectively, the activities outlined above contributed around 77 per cent of all enrolment forms collected, with other activities including citizenship ceremonies, electoral education

36 Australian Electoral Commission, submission 169.2, Annex 2(a), p 17.

centres, MPs and political parties, Rock Enrol and O Week contributing to the other 23 per cent of forms collected.

- 4.104 The AEC noted that a number of administrative arrangements which yield significant numbers of enrolment forms would cease as other government agencies moved away from paper-based processes.³⁷ The AEC noted that:

Up until 2002 the ACT government provided a single paper-based form to allow ACT residents to update their address for all government services. An enrolment form was included in this 'whole of government' change of address form. During its existence, over 30 per cent of all enrolment transactions in the ACT came from this source.

In 2002 the ACT 'whole of government' change of address form was abolished and replaced by an on-line service (Canberra Connect). Consequently, the AEC lost this valuable paper-based source for receipt of enrolment updates.

Additionally, the AEC currently leverages off the paper-based change of address advice sent to licence holders in Queensland who change their address. This scheme is the second highest source of enrolment updates in Queensland. The scheme will come to an end in 2009 as the Queensland Transport Authority is moving from their existing paper-based process to an electronic system.³⁸

- 4.105 The AEC considered that while it is restricted to paper-based processes for enrolment update, accessibility for electors will continue to reduce.³⁹

Facilitating electronic interactions

- 4.106 Despite all of the activities undertaken by the AEC during 2007, the proportion of eligible Australians on the electoral roll continues to decline.
- 4.107 The AEC and others have requested the committee to consider measures aimed at modernising the electoral system, including facilitating electronic interactions between electors and the AEC, in order to achieve efficiencies in enrolment and to reflect the changing community attitudes.
- 4.108 In discussing the relative effectiveness of mail review activities, the AEC told the committee that it achieved a response rate of some 22.9 per cent

37 Australian Electoral Commission, submission 169.21, p 1.

38 Australian Electoral Commission, submission 169.21, p 1.

39 Australian Electoral Commission, submission 169.21, p 1.

from mail posted in 2007-08, but indicated that it held concerns about the effectiveness of using 'snail mail' into the future. The AEC noted that:

Continued use of snail mail to reach people whom we believe need to get on the roll or update their enrolments is not delivering a sufficient response to achieving higher participation rates. In 2007-08 the AEC wrote to more than three million people as part of our roll review and roll stimulation activities and received back only slightly more than 700,000 completed enrolment application forms. Community attitudes towards and responses to hard copy direct mail have been undergoing change in response to growing volumes of junk mail and the switching of many daily personal and business communications to electronic alternatives, such as email and SMS.⁴⁰

- 4.109 The AEC believes that moving toward electronic interaction with electors is necessary if it is to rise to the challenge of meeting changing community expectations, noting that many electors already interact conveniently with other government and non-government agencies and they expect services to be available 24 hours a day seven days a week. The AEC noted that:

The requirement to fill in a paper application form to update enrolment is seen by many to be outdated compared with the electronic channels they use to interact with businesses and many other government agencies...

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

40 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 4.

Electors are visiting the AEC website in increasing numbers both for information and to find various electoral forms. During October 2007 alone – that is, the election close of rolls period – more than one-quarter of enrolment forms received were obtained from the AEC website. Two point six million people went onto the AEC’s Internet site before the last federal election to confirm their enrolment details. This is key evidence that rapidly growing numbers of electors prefer to manage their enrolment online with the AEC.⁴¹

4.110 Other inquiry participants told the committee that changes are required with the Democratic Audit of Australia preferring a system of automatic enrolment but also believing online update was important for young citizens.

4.111 University of Melbourne academic Dr Sally Young considered that outdated methods are causing our electoral rolls to fall behind and urged the use of technology to facilitate an inclusive franchise. Dr Young noted that:

Our electoral rolls are falling behind because they are based on paper and pen methods. Using new technology to help more people vote is crucial for a modern democracy and to ensure an inclusive franchise. The removal of onerous identification requirements and early closure of rolls are important but other options to improve the present system are:

- Introduce online and automatic enrolment from databases such as motor vehicle registries and school records
- Introduce automatic re-enrolment for those who change address
- Allow online voter registration
- Simplify the enrolment form
- Use SMS and email to communicate with voters – especially younger voters.⁴²

4.112 Whilst preferring a system of automatic enrolment which would see Australians who turn 18 and new citizens automatically added to the electoral roll, GetUp! suggested that most Australians would support moves aimed at making it easier to enrol:

Measures to streamline enrolment will have the support of the Australian public. A Roy Morgan poll commissioned by GetUp in

41 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 4.

42 Young S, submission 77, p 2.

August 2007 found that only 3 per cent of Australians think it should be harder to enrol.⁴³

- 4.113 The ALP National Secretariat also favoured automatic enrolment measures, suggesting that the committee should investigate the potential for a system of automatic enrolment, noting that:

The ALP believes that improving levels of enrolment and the accuracy of enrolment data must be a priority for government and the AEC before the next election.

As a result, the ALP suggests that JSCEM investigate the potential for a system of automatic enrolment to commence before the next election. This move would complement existing roll verification activities conducted by the AEC and enhance them. Rather than simply using electricity, gas and other utilities databases to verify that someone no longer lives at an address, the AEC could use the data to update the voters' details automatically, thereby reducing the need for a variation to enrolment to be lodged, and preserving the voter's franchise.⁴⁴

- 4.114 Online enrolment and update was supported by Mr Stephen Paul who told the committee that it should be easier to stay on the electoral roll:

It is clear that people in our society have become more mobile and if our form of representative democracy is going to continue to represent the people in the Parliament, we should be ensuring that it is easier for people to stay registered on our electoral rolls rather than harder.

I believe we should engage with the computer age and enrol on line and be able to update on line. The nonsense of putting people through hoops by making a person go to Post offices and show they have certain levels of identity just so they can stay enrolled, but at a new address, is simply a way of disenfranchising people. It discriminates against the itinerant as well as the homeless.⁴⁵

- 4.115 The current reliance on paper-based arrangements in relation to updating enrolment details may contribute to under-representation of young people on the electoral roll. Dr Edwards noted statistics reported by the AEC that whereas 95 per cent of the eligible voting age population is enrolled to

43 GetUp!, submission 155, p 9.

44 Australian Labor Party National Secretariat, submission 159, p 1.

45 Paul S, submission 182, p 2.

vote, this figure drops to around 80 per cent for young Australians aged between 18-25.⁴⁶

- 4.116 Data sourced from external agencies is currently used by the AEC to identify electors and potential electors who are then subsequently targeted through CRU activities including sending letters, making telephone calls or visiting the homes of electors in order to encourage enrolment updates.
- 4.117 Such activities are undertaken in order to source enrolment forms containing signatures of electors on the basis that the Commonwealth Electoral Act requires that a POI-compliant enrolment form, containing a physical signature is submitted by an elector, before changes may be made to relevant electoral details contained on the electoral roll.
- 4.118 Census data from the Australian Bureau of Statistics reveals that a significant proportion of the population moves residence regularly. In 2006, almost 7.5 million people (43.1 per cent) were living at a different address than five years earlier. These relatively high rates of mobility have been sustained for a number of years. Data from previous Censuses in 1991, 1996 and 2001 indicates that nationally, around 45 per cent of persons lived at a different address five years prior to the census year.⁴⁷ Queensland, Western Australia have remained higher mobility states, with South Australia and Victoria continuing to exhibit lower mobility.⁴⁸
- 4.119 It is evident that some electors expect that data sharing is already widespread amongst agencies and that change of address details already in the hands of agencies should be used to update the electoral roll. This is demonstrated by the following email which was received by the AEC in response to one of its CRU letters:

“I refer to a letter I received informing me that I must enrol. To start with, I am already enrolled. I would like someone to explain to me why I have to fill out a completely redundant piece or archaic bureaucratic red tape designed to keep some waste of space in employment. Join me as I guide you through your deluded and idiotic process.

1 Person changes their address details on their driver's license.

46 Edwards K, submission 87, p 5.

47 Australian Bureau of Statistics, 2006 Census, Basic community profile, table B36; 2001 Census, Basic community profile, tables B01 and B22; 1996 Census, Basic community profile, table B01; 1991 Census, Basic community profile, table B03.

48 Australian Bureau of Statistics, 2006 Census, Basic community profile, table B36; 2001 Census, Basic community profile, tables B01 and B22; 1996 Census, Basic community profile, table B01; 1991 Census, Basic community profile, table B03.

2 Said license details are provided BY ONE GOVERNMENT DEPARTMENT TO ANOTHER GOVERNMENT DEPARTMENT

3 The Government department that received the UPDATED INFORMATION then wastes paper, time and money sending documents out to the person who updated their information on the driver's license.

4 The person who has already updated their information with a GOVERNMENT DEPARTMENT is then expected to provide personal details.

5 To prove the validity of said details the person is expected to provide, wait for it, their driver's license. Now where did I see a driver's license, um, um, um, oh that's right, it's at step number 1. To make things even more ridiculous, the person being subjected to an inconvenience and waste of their time is then not required to show it to anyone, but simply write the number on the form and put some squiggle representing their signature and post the whole monstrosity off in the envelope provided.

Are you starting to see how much this process looks like something out of F-Troop? Surely with all of your ultra high tech whiz bang golly gee that's super equipment you can get your act together, or can you?.....

So in closing, I look forward to you updating your processes so that changing your address on the electoral roll is automatically done when you change your details on your license. Failing that provide an online option."

I look forward to a response.

P.S How's the weather in Narnia today?⁴⁹

4.120 The AEC suggested that one way to modernise the enrolment system was to use electronic data, sourced directly from electors via an online enrolment website or by using data from trusted agencies to make changes to the roll. The AEC noted that:

These electronic models would apply predominantly to changes to enrolment rather than first time enrolment, with the possible exception of new citizens where an alternative option of direct enrolment based on DIAC processes and procedures for citizenship checking might be able to be explored.

49 Australian Electoral Commission, submission 169.17, p 2.

With any model, be it paper-based or electronic, the AEC needs personal data with sufficient integrity that will allow it to confidently amend the correct enrolment record.⁵⁰

- 4.121 The AEC noted that with the proposed electronic models, as with the current paper model, the same data would be received in relation to an enrolment and the same checks would be performed on that data. With paper-based enrolment forms, certain checks and validations are performed on each of the data items received in the enrolment process. These same checks would be performed on data received in an electronic format, whether it be via a website where data is entered, the receipt of scanned/imaged enrolment forms, or data received from external agencies which could be used to update the enrolment details directly where changes to address have occurred.⁵¹
- 4.122 The only difference the AEC noted for data received via an enrolment website, or from a data source providing information that could be used to automatically update an enrolment, is that a physical signature would not be provided at the time of the request to change enrolment. Given that a signature was obtained when the elector first enrolled, a signature would exist within the AEC's records and is readily accessible to the AEC staff processing the enrolment.⁵²
- 4.123 Noting that the integrity of the electoral roll is a concern that needs to be appropriately managed, the AEC suggested that the absence of a signature might be mitigated by other means, including that data would only be used where there was considerable certainty about the integrity of the data. The AEC noted that:

In the electronic environment, however, there are ways to manage electoral roll integrity without a physical signature, should this be considered a concern. For example, with receipt of data, such as that received from Centrelink, there is considerable certainty and integrity in the data being received. In order to receive benefits and services from Centrelink, an applicant must complete a Centrelink 'proof of identity' form. This form requires supporting documentation, and is at two levels – 'commencement' and 'use' of identity. Commencement of identity relates to documentation that establishes that person's identity through birth certificates or a

50 Australian Electoral Commission, submission 169.17, p 3.

51 Australian Electoral Commission, submission 169.17, p 3.

52 Australian Electoral Commission, submission 169.17, p 3.

range of other documents, and use of identity documents seek to establish that that identity is used in the community.

Given this process, any data received from Centrelink and used by the AEC to update someone's enrolment details, would be considered of high integrity. The fact that no signature accompanies the data should also not be of immediate concern, as that signature would have been obtained by Centrelink at the time of the completion of the forms. Even where a person changes their details with Centrelink, for example using Centrelink's web services options, the person is required to have a registered ID and password, ensuring integrity in their own change processes.

The AEC would explore further with Centrelink, and other agencies, Commonwealth and state/territory, what their internal verification and identity establishment processes are before making a determination that a data source could be used for automatic roll update for changes of address and or name. What the AEC proposes, therefore, is only a change in the means of receipt of data, not the actual data items themselves or their processing and verification upon receipt.

4.124 The AEC's proposal for electronic update of enrolment details would require electors to provide all of the information that is currently required on a paper enrolment form. This includes:

- current full name;
- former name (if applicable);
- date of birth;
- current residential address;
- former residential address;
- country of birth;
- town of birth for those born in Australia;
- citizenship number for those not born in Australia; and
- driver licence number (if applicable).⁵³

4.125 In changing enrolment details, the AEC noted that it will match the elector's existing enrolment record with the information provided in the electronic request and that all information provided must be an exact

53 Australian Electoral Commission, submission 169.21, p 2.

match with the AEC's existing records before the AEC will proceed to update the roll'.⁵⁴ In addition, the AEC noted that the new residential address would have to have been confirmed by the AEC to be a legitimate residential address for enrolment purposes.⁵⁵

4.126 Where any of the above information does not match exactly with the AEC's existing records and the relevant data from external authorities, the AEC would not be process the enrolment claim. The AEC noted that in these cases it would investigate the matter, including making direct contact with the elector to clarify or obtain necessary information.⁵⁶

4.127 The AEC noted that it would also continue its current practice of mailing an enrolment acknowledgement letter to every elector who updates their enrolment.⁵⁷ The AEC considered that this contact serves as an effective secondary mechanism for confirming that the enrolment update was instigated by the elector.⁵⁸

4.128 The AEC also suggested that in limited circumstances automatic enrolment might be possible and nominated new citizens as likely candidates for automatic enrolment. Automatic enrolment would be actioned based on data sourced directly from the Department of Immigration and Citizenship (DIAC):

a fourth model,... might involve a third party (again a government agency), who conducts an acceptable proof of identity process for its own purposes, assisting AEC either by enrolling the person as an agent of the AEC, or by passing to the AEC such data about the individual that would enable the AEC to directly create their enrolment, with acceptable levels of certainty about who that person is. Likely candidates for this approach would be new citizen enrolment based on data sourced directly from the Department of Immigration and Citizenship (DIAC). Given the rigour applied to the new citizenship process by DIAC, the AEC might be able to leverage this process, receive data from DIAC, and create an enrolment record automatically. A process to obtain a copy of a relevant signature for the AEC's records could be established as necessary.⁵⁹

54 Australian Electoral Commission, submission 169.21, p 3.

55 Australian Electoral Commission, submission 169.21, p 3.

56 Australian Electoral Commission, submission 169.21, p 3.

57 Australian Electoral Commission, submission 169.21, p 3.

58 Australian Electoral Commission, submission 169.21, p 3.

59 Australian Electoral Commission, submission 169.17, p 5.

Committee conclusion

- 4.129 As noted earlier, the committee is concerned to ensure that enrolment does not decline between elections, or that at the very least, the decline is arrested to the greatest degree possible. The committee agrees with the AEC that the roll must be as up to date as possible at all times, not just for federal elections.
- 4.130 It is evident that there is a history of enrolment decline between elections, and that there is substance to the theory that an impending election is one of the best catalysts for electors to take enrolment action.
- 4.131 That being said, however, the committee asserts again, that increased efforts must be made in between elections to continue growth, with the growth experienced in the lead up to an election not being relied upon as a means of bringing the roll up to date.
- 4.132 More than just increasing its own efforts to bring the roll up to date, the AEC must continue to build on the productive relationships with state and territory electoral commissions, as they too, have a direct interest in ensuring that enrolment participation grows in line with population growth.
- 4.133 The committee accepts that a mix of strategies is required to arrest the decline in enrolment and to bring the roll up to a level that reflects the proportion of the population eligible to be electors.
- 4.134 The mix must include some newer, more streamlined ways to facilitate and encourage interactions between electors and the AEC.
- 4.135 The committee believes that the enrolment website concept proposed by the AEC is a move in the right direction and agrees that it presents opportunities for more timely, direct interaction between electors and the AEC.
- 4.136 The committee is concerned to ensure, however, that the integrity of the electoral roll is not compromised by such a move, nor is any opportunity presented which would allow unauthorised access to, or update of, the electoral roll.
- 4.137 The committee believes that suitably trained AEC staff should be the only persons able to access and update elector records for the purposes of maintaining the electoral roll.
- 4.138 The committee is reassured, therefore, that under the AEC's proposal, no unauthorised person will be permitted to access elector records for the purposes of updating the roll. Electors who have satisfied proof of identity

integrity checks will be permitted to transmit data by that facility to the AEC, who in turn will carry out the same level of data integrity checking as is currently performed on hard copy enrolment forms received.

- 4.139 The committee is similarly reassured by the level of data integrity checks that will be carried out prior to any update to the electoral roll being effected. These checks are no different to those currently being undertaken under the paper-based system used at present.
- 4.140 The committee noted the AEC is confident that the existing integrity processes for enrolment update are sufficient to support online receipt of updated enrolment information from electors.⁶⁰ The AEC nominated some other options that could be investigated for additional evidence of identity verification, including a national database on drivers' licences and Medicare, but that the availability of this data for use in this manner would have to be specifically provided for in legislation.⁶¹
- 4.141 It is an essential element of the committee's agreement to recommend this change, that the AEC ensures updates are not carried out automatically by systems on the basis of the data presented, but that any update reflects a decision making process along the lines of that which currently occurs, whereby an AEC staff member is satisfied as to the bona fides of the transaction.
- 4.142 Where an appropriate level of satisfaction is not achieved, the record must not be updated on the basis of the data presented, rather, the AEC is to take alternative means of achieving a level of satisfaction necessary to allow update of the roll.

60 Australian Electoral Commission, submission 169.21, p 3.

61 Australian Electoral Commission, submission 169.21, p 3.

Recommendation 9

- 4.143 The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow for the creation, implementation and maintenance of an enrolment website designed to facilitate the receipt and use of information provided electronically by enrolled electors, in order to update the electoral roll.

Such a facility should only be provided for use by currently enrolled electors, who must be required to provide sufficient information to satisfy the Australian Electoral Commission that they are in fact the elector to whom the information relates, in the absence of a signature from the elector.

The facility must not allow any unauthorised access to the electoral roll and must not permit information contained on the electoral roll to be accessed or amended directly by any person other than an appropriately authorised Australian Electoral Commission officer.

Information provided through the facility must only be used by authorised Australian Electoral Commission officers to update the electoral roll, where that information has been subjected to and satisfies the same data integrity checks as is performed on information received through the submission of signed enrolment form.

- 4.144 The committee agrees with the AEC and others who suggest that some electors expect information provided to one government agency will be used to update the electoral roll, or at least, that they hold an expectation that such updates are possible.
- 4.145 The committee is attracted to the idea that electors who provide information to government agencies like Centrelink, which have stringent POI processes of their own, should be permitted to allow the agency to provide data to the AEC for the purposes of directly updating the electoral roll.
- 4.146 There are, however, two elements to such a process which the committee believes are necessary to ensure that the process has the required degree of integrity.
- 4.147 The first is that the elector must provide their proactive and specific consent to opt in for the data to be used to update the electoral roll.

- 4.148 The second is that there must be surety that the POI processes used by the respective government agencies have sufficient integrity to maintain the confidence of stakeholders.
- 4.149 To achieve this, the committee believes that it is appropriate that the Minister approve the agencies from which the AEC receive data for the purposes of effecting direct update to the electoral roll.

Recommendation 10

- 4.150 **The committee recommends that the *Commonwealth Electoral Act 1918* be amended to allow the Australian Electoral Commission to receive and use information for the purposes of directly updating the electoral roll, where that information has been:**
- provided by an elector or electors to an agency approved by the Minister as an agency which performs adequate proof of identity checks; and
 - the elector or electors have indicated their proactive and specific consent to opt in for the information to be used for the purposes of directly updating the electoral roll, and
 - the data has been provided by that agency to the Australian Electoral Commission for the purposes of updating the electoral roll.
- 4.151 Whilst there have been calls for enrolment to be granted automatically to those entitled to exercise the franchise, the committee is concerned that the dynamic nature of the roll, combined with the requirement that an elector must reside at an address for a specified period before being entitled to enrol in respect of that address work against moving to an automatic enrolment model.
- 4.152 However, the committee agrees with the AEC that there is an opportunity to allow automatic enrolment in limited circumstances, such as for persons who apply for Australian citizenship.⁶²
- 4.153 The committee is satisfied that the proof of identity processes required to establish a person's eligibility to become an Australian citizen are sufficiently rigorous to enable applicants to be admitted to the roll, firstly
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62 Australian Electoral Commission, submission 169.17, p 5.

on a provisional basis, as is currently the case, with the voting franchise granted once the applicant has become an Australian citizen.

- 4.154 Sections 99A and 99B of the Commonwealth Electoral Act currently enable applicants for Australian citizenship who otherwise qualify for enrolment to be provisionally enrolled, with the voting franchise being granted once Australian citizenship is conferred on the applicant.
- 4.155 Enrolment and voting are compulsory for Australian citizens aged 18 or over. The committee believes, therefore, that, so long as the application for Australian citizenship contains sufficient information to enable the AEC to effect the provisional enrolment of applicants, it should be used for that purpose if applicants give their proactive and specific consent to opt in. Alternatively, if it does not contain sufficient information to effect provisional enrolment, the committee suggests that the form could be amended to enable its use for that purpose.
- 4.156 This would enable the AEC to provisionally enrol otherwise eligible applicants for Australian citizenship, with full enrolment being granted once citizenship has been bestowed on the applicant.
- 4.157 Automatic enrolment of those applicants provisionally enrolled could be effected by the AEC once information was received from the Department of Immigration and Citizenship that citizenship had been granted.
- 4.158 The committee believes that automatic enrolment in such circumstances should be allowed and recommends accordingly.

Recommendation 11

4.159 The committee recommends that in order to facilitate the enrolment of new citizens, that:

- section 99A be amended to allow that a person who makes an application to become an Australian citizen in accordance with the *Australian Citizenship Act 2007*, be provisionally enrolled on the Commonwealth electoral roll at the time of making the application for citizenship, where they provide proactive and specific consent to opt in, with voting entitlement gained automatically once Australian citizenship has been granted; and
- section 99B of the *Commonwealth Electoral Act 1918*, which provides that applicants for citizenship may apply for provisional enrolment in an election period, should be repealed as the amended section 99A will render it unnecessary.

Encouraging young Australians to enrol

- 4.160 In examining enrolment trends, it is evident that there is a concern about the lack of engagement of young Australians in the electoral process. This issue has been examined by past committees, however, there have been no noticeable improvements in the trend to indicate that any of the measures taken so far have successfully addressed the issue.
- 4.161 In preceding sections of this report the committee has examined and made recommendations in respect of measures aimed at improving the ability of electors to interact with the AEC in order to remove some of the barriers which serve to discourage enrolment.
- 4.162 However, apart from the committee's recommendation that the AEC implement a school bounty scheme (discussed in chapter 5), by which the committee seeks to involve secondary schools and other education providers in the enrolment process by providing a bounty to encourage the enrolment of students, there are limited opportunities to raise awareness of enrolment and participation amongst younger Australians.

- 4.163 The Australian Electoral Officer for Queensland, Ms Anne Bright, told the committee:

I was just going to make the observation that this is something the AEC should look at. The other part to it is that the age of students in their final year in Queensland is 17. Basically, they are 12 months behind other students in, say, New South Wales and Victoria...

Once they are on the roll you can imagine that someone aged 20 or 21 might take a year out to go overseas and then come back and go to university. There is also the point of maintaining their enrolment. The statistics for Queensland reveal that the mobility of the Queensland population is about 22 per cent. So 22 per cent of our population moves each year, and that is about 4 per cent more than the national average.⁶³

- 4.164 Ms Bright also told the committee that the AEC may also collect data from education institutions in order to assist in maintaining the electoral roll, especially as it relates to younger Australians:

I know that my colleague in Victoria has great success in obtaining information from TAFE, for example, which is good at targeting the younger members of the Australian population. Recently I made a phone call to deputy director general of the Department of Employment, Education and Training. I will be formally writing to them and seeking their cooperation to obtain such data as we obtain from the Queensland Studies Authority.⁶⁴

- 4.165 The AEC addressed the issue of lowering the provisional enrolment age in a supplementary submission, noting that 82.9 per cent of 16 year olds were in full time secondary study, 62.7 per cent of 17 year olds, with a significant decrease to 14.5 per cent of 18 year olds in full time study.⁶⁵

- 4.166 The AEC noted the potential which exists for getting higher numbers of young people into the system and considered lowering the age to be a relatively straightforward process. The AEC noted that:

These figures highlight the potential which exists to get more young people 'into the system' by lowering the age of eligibility for provisional enrolment: there are simply more 16 year olds in school than 17 year olds. Once the AEC has enrolled an elector it is

63 Bright A, Australian Electoral Commission, transcript, 6 August 2008, p 45.

64 Bright A, Australian Electoral Commission, transcript, 6 August 2008, p 43.

65 Australian Electoral Commission, submission 169.18, p 6.

easier to match them against other agencies' records, and to contact them seeking an update of their enrolment as required.

The current processes for enrolling 17 year olds could easily be extended to include 16 year olds. Early involvement in the political process in Australia, facilitated by such provisional enrolment for 16 year olds, may encourage people to enrol and to keep their enrolment up to date.⁶⁶

Committee conclusion

- 4.167 The committee considers there is merit in lowering the provisional enrolment age to 16 years of age, especially given that the rate of 16 year olds in full time study is significantly greater than the rate of 17 and 18 year olds.
- 4.168 The committee believes that such a move may encourage earlier participation in the electoral process.
- 4.169 However, encouraging electoral involvement whilst the majority of younger Australians are in schools will have a twofold effect. Firstly potential electors will be identified and encouraged to enrol at an earlier age, thus assisting the AEC to engage with them at the optimum age to encourage continued involvement in the electoral process.
- 4.170 Secondly the AEC will be able to utilise the 'school bounty scheme' (discussed in chapter 5) as an incentive for education providers to encourage younger Australians to maintain up to date enrolment details, whilst such involvement might also encourage education providers to discuss the electoral process with young people on a more regular basis.
- 4.171 Accordingly the committee recommends amending the Commonwealth Electoral Act to change the minimum age for provisional enrolment from 17 to 16 years.

Recommendation 12

- 4.172 **The committee recommends that the *Commonwealth Electoral Act 1918* be amended to change the minimum age for provisional enrolment from 17 to 16 years.**

66 Australian Electoral Commission, submission 169.18, p 6.

- 4.173 The committee has recommended a number of changes to the enrolment provisions of the Commonwealth Electoral Act in order to encourage greater participation and to remove some of the barriers to enrolment which currently exist.
- 4.174 In doing so, the committee is aware that some of these improvements will also be of benefit to state and territory electoral processes, but that some changes will also result in some disparity between the Commonwealth and state/territory legislation.
- 4.175 That being the case, and mindful that there are benefits to be gained from achieving a much higher degree of harmonisation between the different systems, the committee urges the Commonwealth government to enter into discussions with state and territory governments with a view to achieving a greater degree of harmonisation.
- 4.176 Whilst the committee accepts the need for harmonisation on a much greater range of matters than enrolment, it is appropriate that enrolment be one of the first areas to receive attention, particularly as enrolment is one of the major areas of cooperation between the AEC and state and territory electoral commissions through their joint rolls arrangements.

Recommendation 13

- 4.177 **The committee recommends that the Australian Government enter into discussions with the State and Territory governments with a view to achieving a harmonised enrolment regime which leads to the use of a single enrolment form or enrolment process for the purposes of Commonwealth and state/territory enrolment.**