



Joint Standing Committee on Electoral Matters
Department of the House of Representatives
PO Box 6021
PARLIAMENT HOUSE
CANBERRA ACT 2600

INQUIRY INTO THE ELECTORAL AND REFERENDUM AMENDMENT (MAINTAINING ADDRESS) BILL 2011

I refer to the public hearing of the Joint Standing Committee on Electoral Matters (the Committee) on 8 February 2012 at which the Australian Electoral Commission (AEC) was asked to provide the Committee with some additional information. The following information is provided on behalf of the AEC in response to those requests.

The numbers of CRU letters have been recently sent out

At pages 2 and 3 of the Proof Hansard, the AEC was asked about the number of CRU letters sent out recently. The number of CRU letters sent out from 1 July 2008 to 31 December 2011 is provided in the table below.

<i>Year</i>	<i>Letters</i>
2008/9	2 545 827
2009/10	4 597 315
2010/11	1 634 084
1 July 2011 to 31 December 2011	1 118 804

Data relating to population movement rates, by State

At page 7 of the Proof Hansard, the AEC was asked about movement rates and if some historical analysis on a state by state basis could be provided. Movement rates used by the AEC are based on data collected by the Australian Bureau of Statistics (ABS) for the 2001 and 2006 Census, and are reproduced in the table below:

	<i>ABS movement rate 2001 Census*</i>	<i>ABS movement rate 2006 Census*</i>
NSW	17.1	14.0
Vic	16.2	13.4
Qld	21.8	19.7
WA	19.9	18.2
SA	16.0	13.7
Tas	17.6	14.9
ACT	21.4	16.2
NT	26.4	23.0
Australia	18.2	15.5

*ABS Census data available on request.

Consequently, the evidence provided by Mr Andrew Gately at page 7 of the Proof Hansard, requires correction and should be read as follows: “somewhere in the vicinity of **15.5** per cent of the population move at least once per year”.

The AEC would caution that the above ‘movement rate’ describes the proportion of the population who moved to another address within Australia in the one year before Census night. Also, the data provided above does not account for instances where a person might have moved more than once in the year before Census night, or provide an understanding of the extent of that move (e.g. local, intrastate or interstate). Further historical Census data and analysis of this data is available from the ABS on request.

Other

I would also like to take this opportunity to draw to the Committee’s attention two matters that arise from the submission lodged by the Australian Privacy Foundation.

The first matter relates to the booklet dated June 2006 published by the Victorian Electoral Commission (VEC) entitled “Electoral Enrolment Information: Collection and Disclosure Practices”. The submission urges the Committee to review this booklet as demonstrating some distinction between the collection and use practices of the AEC and the VEC.

The AEC is concerned that the submission appears to be suggesting that the information contained in this booklet is current and up to date. Unfortunately, it appears that the authors of the submission have overlooked a number of key factors which make it impossible to draw such comparisons from the information contained in the booklet. Let me set these out in detail.

The first factor is acknowledged by the booklet itself. At page 2 of the booklet the following statement appears:

“While these documents make reference to the fact that enrolment information is also made available by the AEC, only limited details are given. *Readers are therefore not able to compare and contrast the collection, use and disclosure practices of the AEC with those of the VEC.*” (emphasis added).

The second factor is the date of the booklet and the fact that it contains information which is no longer accurate, up to date or complete. This factor is acknowledged by the VEC itself in a document dated February 2010 entitled "Privacy Policy Framework and Guidelines" which can be found at the following link:

<http://www.vec.vic.gov.au/Files/PrivacyPolicy.pdf>. Further various references to AEC disclosure practices are incorrect and out of date. This includes such matters as the provision to public libraries of the public version of the Commonwealth electoral Roll and the information that is required to be disclosed by the AEC to certain "*prescribed authorities*" by section 90B(4) of the *Commonwealth Electoral Act 1918* and regulations 5A, 8 and Schedule 1 to the *Electoral and Referendum Regulations 1940*.

The changes made to the Victorian *Electoral Act 2002* in August 2010 are also not reflected in either the booklet or the 2 year old Privacy Policy document. Accordingly, the new protocols and practices of the VEC dealing with data collection and usage following the commencement of the amendments in August 2010 that enable the update of enrolment and the automatic enrolment based on information from third party sources is also not taken into account.

The third matter relates to the statement made in the submission that "*we believe that the pressure for increased accuracy comes more from secondary users than from the requirements of electoral administration*". The basis for this statement is by no means apparent. That the issue of the estimated 1.5M eligible Australians who are not on the Commonwealth electoral Roll is of concern to the AEC is a matter of public record. The primary purpose of the Commonwealth electoral Roll is to facilitate the conduct of elections and referendums. As far as the AEC is concerned this primary use overrides any secondary use of the Roll.

The third matter relates to the comment about the data quality matters that apply to the AEC which arise from Information Privacy Principles 8 and 9. These two Principles provide that:

Principle 8 - Record-keeper to check accuracy etc of personal information before use

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Principle 9 - Personal information to be used only for relevant purposes

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Given that the criteria in these provisions includes that the information to be used is "accurate up to date and complete" and that information can only be used where it is "relevant" it is somewhat difficult to see what additional safeguards are proposed. Further, as was indicated by the AEC's evidence, the AEC's direct update process will comply with the Data Matching Guidelines that have been issued by the Office of the Australian Information Commissioner and which are presently under review. The Data Matching Guidelines include time limits on the use of the "personal information" that has

been obtained and protocols for the quality of the data. As has previously occurred with the existing CRU program, all of these matters will be published by the AEC prior to the data matching taking place so that the public is properly informed of the underlying processes.

The AEC notes that legislation dealing with the update of enrolment details from third party sources are already in place in both NSW and Victoria. Both of these jurisdictions also have privacy regimes. Given the similarity of the measure contained in this Bill with that which already exists in NSW and Victoria, the privacy concerns set out in this submission appear to be overstated.

I trust that the above information is of assistance to the Committee.

Yours sincerely

Ed Killesteyn
Electoral Commissioner

17 February 2012