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The Parliament of the Commonwealth of Australia

# The 2004 Federal Election

## **Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto**

Joint Standing Committee on Electoral Matters

September 2005  
Canberra

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## Foreword

The publication of this report into the conduct of the 2004 Federal Election comes one year and one day after the election.

Over the course of the year since polling day, the Committee has held public hearings in rural and regional areas of both Queensland and New South Wales and in major metropolitan areas across Australia.

This report confirms that Australia has a very good electoral system – but it is one which can, and should, be further improved. The 56 recommendations in this report outline issues that the Committee believes should be dealt with immediately, as well as longer term reform issues for consideration into the future.

There are a number of issues that require immediate attention.

The Committee examined the problems with postal voting at the election. These problems should not have occurred. All stakeholders in the electoral process have the right to expect better service than was provided in respect of postal voting. The Committee makes a series of recommendations designed to ensure those problems are not repeated.

Present requirements for electoral enrolment result in an unacceptable level of inaccuracy in the electoral roll. The Committee recommends the adoption of two significant enrolment reforms designed to improve integrity and to prevent electoral fraud occurring.

The first is the requirement for proof of identification and address to be provided at the time of enrolment. This move is consistent with existing contemporary identification practices, already widely accepted and adopted by the community for everyday activities such as joining a video library, or obtaining a prepaid mobile telephone.

The second is closing the roll at 8.00 pm on the day that the writs are issued for an election. The Committee received compelling evidence indicating that the current

seven day close of rolls period actually encourages electors not to enrol at the time when their enrolment entitlements change.

On one hand we have laws which compel electors to enrol at the time that they gain or change their enrolment entitlement. On the other hand, the law allows for a seven day period that provides an escape for those who do not do so.

This is clearly contradictory. It promotes the view that enrolment is neither necessary nor important.

This ongoing situation creates an unrealistic volume of enrolment in the close of roll period and makes the roll more vulnerable to electoral fraud and manipulation.

The Committee recommends that the Government make these changes as soon as possible. This will allow time for the Government and the AEC to communicate the changes and give them wide publicity, thus ensuring that electors are aware and able to update their enrolment well in advance of the next election.

The Committee is also most concerned about the current processes regarding provisional voting.

Under existing arrangements, electors may apply for and cast provisional votes on election day without any identification or proof of address. The Committee, therefore, recommends that all electors who cast provisional votes must provide proof of identification and address before those votes are accepted for counting.

The Committee is not recommending that all electors provide proof of identity at polling places at the time of voting, although it believes that those electors who wish to, should be able to do so. This may assist in the finding of names on the electoral roll and thus speed up the voting process.

The Committee also received convincing evidence that necessitated recommendations to overhaul party registration. These are aimed at preventing political parties from deliberately and deceptively misleading voters into unintentionally voting for them on the basis of a similar or like name to an existing party.

In this regard, the actions of the Liberals for Forests during the election campaign and, in particular, their actions on election day have galvanised the Committee to urge Parliament to act decisively. The Committee is most concerned to ensure that voters are not misled in the same way in the future.

The community has a right to expect a reasonable degree of transparency and accountability in the way that political parties are structured and managed, both administratively and financially. The Committee has made a number of recommendations aimed at ensuring this transparency.

Australia's public funding and disclosure laws are found to work well. However, the thresholds over which donations must be disclosed and tax deductibility ceases are considered far too low. Both have not altered in more than a decade. Both require an overhaul to reflect contemporary standards and community expectations. Increases would see the donation threshold move in line with that existing in New Zealand and the United Kingdom.

Over 88% of the total value of donations received by the major parties in the last financial year were amounts in excess of \$10,000. Lifting the threshold over which donations must be disclosed to \$10,000 would still see those donations disclosed.

Accordingly, the Committee recommends lifting the amount over which donations must be disclosed to \$10,000 and the amount at which tax deductibility ceases to \$2,000.

The Committee also canvasses a number of longer term reform issues which have been the subject of longstanding public debate.

The issue of four year terms for the House of Representatives has received a great deal of attention by the Committee. Previous reports of the Committee in 1996, 1998 and 2001 have advocated four year terms for the House of Representatives. This report deals with the history, issues and options for reform in a comprehensive way, and recommends that a referendum be held at the next election to alter the Constitution to extend the Parliamentary term for the House of Representatives to four years. In the context of this debate, the Committee also highlights the need for consideration to be given to the application of consequential changes to the length of the Senate term.

The Committee believes that for any change to Federal parliamentary terms to be implemented, there must be cooperation and a broad willingness to change from the major political parties. The Committee considers it is unreasonable for the Government to proceed with reforming parliamentary terms without clear support from the Opposition.

If multi-party support is obtained for potential models for both the House of Representatives and the Senate, the Government could hold a referendum at the next Federal Election, with a view to implementing new parliamentary terms following the Federal Election due in 2010. The Parliament elected at the 2007 election, therefore, would continue under the current system.

The Committee also revisits the longstanding debate about voluntary and compulsory voting covering arguments both for and against a possible change. The Committee has recommended that compulsory voting be retained for the next

election. However, it believes it worthwhile to encourage and foster further public debate and for this issue to be examined through a JSCEM inquiry in the future.

The Committee also examined voting systems (particularly for the Senate), the use of technology in the electoral process, and the need for education to be recognised as a key to a healthier democracy.

The Committee believes that technological advances should now enable the vision impaired and blind to cast a secret and independently verifiable vote through electronic voting.

The Committee recommends that the AEC undertake a trial of electronic voting at one location in each electorate at the next Federal Election.

This should ideally be a central and accessible location and not necessarily an AEC office or a pre-poll centre. This measure would, for the first time, allow those voters who currently require assistance when casting their vote to exercise the franchise independently, whilst ensuring that their vote remains secret.

The Committee does not view this measure as the precursor to a general move to electronic voting.

It will, however, provide the opportunity to gradually integrate suitable technologies into an already stable electoral system, whilst making it responsive to the needs of the blind and visually impaired.

The work of the Committee on this report would not have been possible without the dedication, effort and professional conduct of the Committee Secretariat staff. I thank Dr Stephen Dyer, Mr Andrew McGowan and Mr Terry Rushton who travelled to the public hearings, and all of the other staff who worked on the report over the course of the last 12 months.

I express my thanks also to the Electoral Commissioner Mr Ian Campbell and the staff of the Australian Electoral Commission who met the Committee's requests for information in a professional and timely manner.

Finally, I would like to thank the Members and Senators of the Committee for their work and contribution to the report, in particular, the Deputy Chair Mr Michael Danby MP and Senator Andrew Murray, both of whom attended hearings and actively shared their experience and wisdom through all aspects of the Committee's activities, examinations and considerations.

The Committee received 221 submissions from members of the public and organisations, and heard from 84 witnesses at 11 public hearings, gathering 798 pages of evidence.



The evidence and submissions have provided valuable contributions to the Committee's consideration of the last election, and Australia's electoral system now and for the future.

The Committee and Secretariat staff have worked to a very tight timeframe to produce this report. The Committee was determined to complete its investigations and consideration of matters so that the Government has sufficient time to make the necessary changes to electoral legislation, and to communicate those changes to the community in a timely manner prior to the next Federal Election.

Tony Smith, MP  
Chair





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## Membership of the Committee

Chair Mr Tony Smith MP

Deputy Chair Mr Michael Danby MP

Members Mr Steven Ciobo MP

Mr Alan Griffin MP *(from 6/9/05)*

Mr Daryl Melham MP *(to 6/9/05)*

Ms Sophie Panopoulos MP

Senator George Brandis

Senator Kim Carr

Senator Michael Forshaw

Senator Brett Mason

Senator Andrew Murray

## Committee Secretariat

<b>Secretary</b>	Mr Stephen Boyd (from September 2005)
	Mr Peter Keele (July-September 2005)
	Ms Bev Forbes (to July 2005)
<b>Inquiry Secretary</b>	Dr Steve Dyer (from July 2005)
	Dr Sarah Miskin (to July 2005)
<b>Technical Advisor</b>	Mr Terry Rushton
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	Ms Carolyn Morris
	Ms Loes Slattery
	Mr Justin Baker
<b>Administrative Officers</b>	Mr Cameron Carlile (from June 2005)
	Ms Natasha Petrovic (from June 2005)
	Mr Robert Nicol (to June 2005)



## Terms of reference

In December 2004, the Special Minister of State, Senator the Hon Eric Abetz, referred to the Committee an inquiry with the following terms of reference:

*That the Joint Standing Committee on Electoral Matters inquire into and report on all aspects of 2004 Federal Election and Matters Related thereto.*





## List of abbreviations

AEC	Australian Electoral Commission
ABC	Australian Broadcasting Corporation
ACT	Australian Capital Territory
ADF	Australian Defence Force
AEO	Australian Electoral Officer
AFP	Australian Federal Police
ALP	Australian Labor Party
ANAO	Australian National Audit Office
APVIS	Automated Postal Vote Issuing System
ARO	Assistant Returning Officer
ATL	Above the Line
BCRA	Bipartisan Campaign Reform Act
CEA	Commonwealth Electoral Act 1918
CEO	Chief Executive Officer
CRU	Continuous Roll Update
CSSS	Computerised Senate Scrutiny System
CVP	Citizenship Visits Program
DAC	Direct Address Change

DPP	Director of Public Prosecutions
DRE	Direct Recording Electronic Voting Machine
DRO	Divisional Returning Officer
EAV	Electronically Assisted Voting
ECQ	Electoral Commission Queensland
EVACS	Electronic Voting and Counting System
FACS	Federation of Australian Commercial Stations
FEC	Federal Electoral Commission
GPV	General Postal Voter
HTV	How to Vote
IDEA	Institute for Democracy and Electoral Assistance
IDTV	Interactive Digital Television
IVR	Interactive Voice Recognition
JCPAA	Joint Committee of Public Accounts and Audits
JSCEM	Joint Standing Committee on Electoral Matters
NESB	Non English Speaking Backgrounds
NSW	New South Wales
NT	Northern Territory
PEO	Parliamentary Education Office
PIAC	Public Interest Advocacy Centre
PILCH	Public Interest Law Clearing House
PPERA	Political Parties Elections and Referendums Act
PVA	Postal Vote Application
QLD	Queensland



RTA	Road Transport Authority
RMANS	Roll Management System
SA	South Australia
SMS	Short Message System
STV	Single Transferable Vote
TAS	Tasmania
TCP	Two-Candidate Preferred (Count)
VEC	Victorian Electoral Commission
VIC	Victoria
WA	Western Australia





# List of recommendations

## 2 Enrolment

### Recommendation 1

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

### Recommendation 2

The Committee recommends that:

- the AEC formulate, implement and report against a detailed, ongoing, action plan to promote and encourage enrolment and voting among persons and groups experiencing difficulty because of social circumstance; and
- that such persons and groups should include, but not be limited, to homeless and itinerant persons, illiterate persons, persons with disabilities and residents of isolated and remote areas;
- the AEC consult with and consider the views of organisations and groups representing homeless and itinerant persons, illiterate persons, persons with disabilities, residents of remote localities, and other appropriate bodies, to formulate appropriate strategies, programs and materials for use when the action plan is implemented;
- the AEC report back to the Committee prior to the next Federal Election with details of its action plan and implementation strategies;

- where appropriate, adequate funding be provided to enable the AEC to develop, implement and report against the action plan; and
- that following the next Federal Election, the AEC seek feedback from representative groups and community members regarding the effectiveness of the strategies implemented, and further develops its action plan to incorporate constructive suggestions where appropriate.

### Recommendation 3

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

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

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

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

#### Recommendation 4

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

#### Recommendation 5

The Committee recommends:

- Section 155 of the Commonwealth Electoral Act should be amended to provide for the date and time of the closing of the rolls as soon as possible within the life of the 41<sup>st</sup> Parliament;
- that the amendment to section 155 be given wide publicity by the Government and the AEC;
- that the AEC be required to undertake a comprehensive public information and education campaign to make electors aware of the changed close of rolls arrangements in the lead up to the next Federal Election;
- that the AEC review, and where appropriate amend, the wording of all enrolment related forms, letters, promotional material and advertising used for enrolment related activities to include a notification to electors that the rolls will close on the day of the issue of the writs for Federal Elections and referenda; and
- that appropriate funding be made available to the AEC so it may comply with these and other recommendations agreed to by the Government.

#### Recommendation 6

The Committee recommends that:

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

provide a detailed report to the Committee on its findings by the end of 2005.

### 3 Voting in the pre-election period

#### Recommendation 7

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

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

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.

#### Recommendation 10

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.

#### Recommendation 11

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.

#### Recommendation 12

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.

#### Recommendation 13

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.

#### Recommendation 14

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.

#### Recommendation 15

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

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.

## 4 Registration of political parties

#### Recommendation 18

The Committee recommends that the Commonwealth Electoral Act be amended to expand the definition of an eligible political party so that:

*Eligible political party* means a political party that is either:

- a parliamentary party; or
- a political party that has at least 500 financial members who are currently enrolled on the electoral roll; and
- is established on the basis of a written constitution that incorporates the minimum requirements for the constitution of a registered political party contained in the Commonwealth Electoral Act and complies with the State or Territory legislation to the extent that it applies.

#### Recommendation 19

The Committee recommends that the Commonwealth Electoral Act be amended to provide minimum requirements for the constitution of a registered political party.

Potential minimum requirements would include:

- 
- a clear indication that it is a political party;
  - a statement that it intends to participate in the Federal Election process;
  - certain minimum requirements in relation to its operations, specifically that it:
    - ⇒ be written;
    - ⇒ include the aims of the party, one of which must be the endorsement of candidates to contest Federal Elections;
    - ⇒ include the process by which the party is managed in respect of its administration, management and financial management;
    - ⇒ set out requirements for becoming a member, maintaining membership and ceasing to be a member;
    - ⇒ outline the process for the election of office holders (including, but not limited to, the registered officer, the Executive and any committees);
    - ⇒ detail the party structure;
    - ⇒ detail the procedure for amending the constitution; and
    - ⇒ detail the procedures for winding up the party.

#### Recommendation 20

The Committee recommends that the Commonwealth Electoral Act be amended to provide for the:

- Deregistration of all political parties that are not parliamentary parties (as defined in section 123 of the Commonwealth Electoral Act) or are parties that have had past representation in the Federal Parliament; and that:
- all existing parliamentary parties and those with past representation remain registered, but be required (where appropriate) to prove that they meet the requirements for a parliamentary party:
  - ⇒ where a parliamentary party has proven that it meets the relevant requirements during the life of the 41<sup>st</sup> Parliament, it will not be required to provide further proof;
  - ⇒ where a parliamentary party has not proven its status as a parliamentary party during the 41<sup>st</sup> Parliament, it will be required to

prove this by indicating which sitting member it relies on for its status;

⇒ where a party claims that it has past representation in the federal Parliament, it will be required to prove this by indicating which past member it relies on for its status.

- all other parties would have to apply for re-registration, at which point they must comply with the amended registration requirements in the CEA, including the existing naming provisions contained in section 129;
- where a political party applies for registration using a name which does not conform with the requirements of section 129 of the CEA, the Electoral Commission shall refuse such registration;
- where the AEC refuses such application for registration, it must notify the applicant party that it is bound to refuse the registration and give the applicant party an opportunity to vary the original application;
- if the applicant party fails to vary the application the AEC shall refuse the registration; and
- all amended registration requirements must also be met in any case where a registered political party applies to change its registered name; or its registration is reviewed by the AEC in accordance with section 138A of the CEA.

#### Recommendation 21

The Committee recommends that the AEC be given appropriate funding to meet the additional obligations associated with de-registration and re-registration.

## 5 Election day

#### Recommendation 22

The Committee recommends that the AEC review the proportion of its election budget allocated to training polling booth staff.

#### Recommendation 23

The Committee recommends that the AEC ensure that it has sufficient staff to meet peak demands at known busy polling places, if need be through the use of casual staffing at peak times.

#### Recommendation 24

The Committee recommends that the AEC increase the thresholds for joint polling booths to a level to be determined through consultation with the JSCEM.

#### Recommendation 25

The Committee recommends that, at the next Federal Election, those wishing to cast a provisional vote should produce photographic identification.

Voters unable to do so at the polling booth on election day would be permitted to vote, but their ballots would not be included in the count unless they provide the necessary documentation to the DRO by close of business on the Friday following election day. Where it was impracticable for an elector to attend a DRO's office, a photocopy of the identification, either faxed or mailed to the DRO, would be acceptable.

Those who do not possess photographic identification should present one of the other forms of identification acceptable to the AEC for enrolment.

#### Recommendation 26

The Committee recommends that the AEC continue its consultations with relevant parties and prior to the next Federal Election, as part of improving access to the franchise by those experiencing homelessness, as a minimum:

- target homeless persons in its public awareness campaigns, informing them about itinerant elector and other voting enrolment and options; and
- ensure that its training programs alert AEC staff to the needs of the homeless and other marginalised citizens.

#### Recommendation 27

The Committee recommends that the AEC consult with appropriate organisations to establish appropriate experimental arrangements to assist the blind and visually impaired to cast a secret ballot at the next Federal Election.

#### Recommendation 28

The Committee recommends that, as a future direction, the AEC consult with relevant organisations representing people with disabilities to develop a disability action plan covering the full spectrum of access issues faced.

#### **Recommendation 29**

The Committee does not support the introduction of proof of identity requirements for general voters on polling day at the next election.

Instead, the Committee recommends that the AEC report to the JSCEM on the operation of proof of identity arrangements internationally, and on how such systems might operate on polling day in Australia.

#### **Recommendation 30**

The Committee recommends that, at the next Federal Election, the AEC encourage voters to voluntarily present photographic identification in the form of a driver's licence to assist in marking off the electoral roll.

### **6 Counting the votes**

#### **Recommendation 31**

The Committee recommends that the AEC increase its efforts to improve understanding of the voting system and reduce the informal vote in electorates with a high percentage of constituents from non-English speaking backgrounds, including by development of new and innovative strategies.

### **7 Parliamentary terms**

#### **Recommendation 32**

The Committee recommends that there be four-year terms for the House of Representatives.

#### **Recommendation 33**

The Committee recommends that the Government promote public discussion and advocacy for the introduction of four-year terms during the remainder of the current Federal Parliament.

#### **Recommendation 34**

The Committee recommends that, in the course of such public discussion, consideration be given to the application of consequential changes to the length of the Senate term, and in particular, Senate Options 1 and 2, as set out in this chapter.

#### **Recommendation 35**

The Committee recommends that proposals be put to the Australian public via a referendum at the time of the next Federal Election. If these

proposals are successful, it is intended that they come into effect at the commencement of the parliamentary term following the subsequent Federal Election.

## 8 Voluntary and compulsory voting

### Recommendation 36

The Committee recommends that voluntary and compulsory voting be the subject of a future inquiry by the JSCEM.

## 9 Voting systems

### Recommendation 37

The Committee recommends that compulsory preferential voting above the line be introduced for Senate elections, while retaining the option of compulsory preferential voting below the line. Consequently, the practice of allowing for the lodgement of Group Voting Tickets be abolished. This would involve amendments to the Commonwealth Electoral Act, in particular the repeal of ss.211, 211A, 216, 239(2) and 239(3).

### Recommendation 38

The Committee recommends that the system of compulsory preferential voting for the House of Representatives be retained.

### Recommendation 39

The Committee recommends that the AEC be resourced to conduct a public education campaign, in advance of the next Federal Election, to explain the changes to the above-the-line Senate voting system.

In those States where the Commonwealth and State voting systems are different (i.e. New South Wales and Queensland), the AEC's education campaign should emphasise the necessity, in Federal Elections, of voting by the compulsory preferential, as opposed to the optional preferential, method.

## 11 Technology and the electoral system

### Recommendation 40

The Committee recommends that the AEC investigate technology that could facilitate electronic checking of the electoral roll through networked polling places. In doing so, it will be beneficial to monitor any

international developments in which such technology is utilised. The AEC should report back to the Committee about any major developments in this area.

#### Recommendation 41

The Committee recommends that a trial of an electronic voting system be implemented at an appropriate location in each electorate to assist blind and visually impaired people, who currently cannot cast a secret and independently verifiable vote.

- In terms of the type of electronic voting system, and the most appropriate locations, the AEC should liaise with relevant groups, and then report back to the Committee with its proposal.
- Following the election, the AEC should report back to the Committee on all aspects of the trial.

#### Recommendation 42

The Committee recommends that the AEC identify, at an early stage, any legislative changes required to allow the paper ballot output of the system (whether electronic counting or a printed ballot paper) to be counted as a valid vote.

#### Recommendation 43

The Committee recommends that the AEC trial remote electronic voting for overseas Australian Defence Force and Australian Federal Police personnel, and for Australians living in the Antarctic. The AEC should develop a proposal that considers matters such as security and verification of identity, and report back to the Committee.

## 12 Campaigning in the new millennium

#### Recommendation 44

The Committee recommends that the AEC review section 328 of the Commonwealth Electoral Act to devise authorisation requirements for electoral advertisements, as distinct from general commentary, on the internet.

#### Recommendation 45

The Committee recommends that the AEC review section 328 of the Commonwealth Electoral Act to enhance the accountability and transparency of the electoral process.



**Recommendation 46**

The Committee recommends that the Government give consideration to amendment of the Commonwealth Electoral Act to remove section 350, which carries criminal actions and penalties for defamation against electoral candidates.

**Recommendation 47**

The Committee recommends that the AEC assess local and state legislation governing electoral signage and determine whether the Commonwealth Electoral Act should be amended to preserve candidates' equivalent rights to display electoral advertising during an election period.

**Recommendation 48**

The Committee recommends that the AEC review Sections 340 and 348 of the Commonwealth Electoral Act with a view to addressing issues of "misleading conduct" on polling day.

**13 Funding and disclosure****Recommendation 49**

The Committee recommends that the disclosure threshold for political donations to candidates, political parties and associated entities be raised to amounts over \$10 000 for donors, candidates, political parties, and associated entities.

**Recommendation 50**

The Committee recommends that the threshold at which donors, candidates, Senate groups, political parties, and associated entities must disclose political donations should be indexed to the Consumer Price Index.

**Recommendation 51**

The Committee recommends that the *Income Tax Assessment Act 1997* be amended to increase the tax deduction for a contribution to a political party, whether from an individual or a corporation, to an inflation-indexed \$2,000 per year.

**Recommendation 52**

That the *Income Tax Assessment Act 1997* be amended to provide that donations to an independent candidate, whether from an individual or a

corporation, are tax deductible in the same manner and to the same level as donations to registered political parties.

**Recommendation 53**

The Committee recommends that third parties be required to meet the same financial reporting requirements as political parties, associated entities, and donors.

**14 Looking to the future— education as the key to a healthy democracy**

**Recommendation 54**

The Committee recommends that State, Territory and Federal education authorities coordinate their contributions to students' understanding and appreciation of Australia's system of government.

**Recommendation 55**

The Committee recommends that State, Territory and Federal education authorities increase their financial contribution to enable students in grades five and six to visit the National Capital to further their understanding of democracy.

**Recommendation 56**

The Committee recommends that the Parliament refer electoral education to the JSCEM for further examination and report.