



PARLIAMENT OF NEW SOUTH WALES

Joint Standing Committee on Electoral Matters
INQUIRY INTO VOTER ENROLMENT

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TERMS OF REFERENCE

- (1) That a Joint Standing Committee, to be known as the Joint Standing Committee on Electoral Matters be appointed.
- (2) That the Committee inquire into and report upon such matters as may be referred to it by either House of the Parliament or a Minister that relate to:
- (a) The following electoral laws:
 - (i) *Parliamentary Electorates and Elections Act 1912* (other than Part 2);
 - (ii) *Election Funding Act 1981*; and
 - (iii) those provisions of the *Constitution Act 1902* that relate to the procedures for, and conduct of, elections for members of the Legislative Assembly and the Legislative Council (other than sections 27, 28 and 28A);
 - (b) The administration of and practices associated with the electoral laws described at (a).
- (3) All matters that relate to (2)(a) and (b) above in respect of the 22 March 2003 State election, shall stand referred to the Committee for any inquiry the Committee may wish to make. The Committee shall report on the outcome of any such inquiry within 12 months of the date of this resolution being agreed to by both Houses.
- (4) That the Committee consist of seven members, as follows:
- (a) three Members of the Legislative Assembly of whom:
 - (i) three must be Government members, and
 - (b) four Members of the Legislative Council of whom:
 - (i) one must be a Government member,
 - (ii) two must be Opposition members, and
 - (iii) one must be a Cross-bench member.
- (5) That the members be nominated in writing to the Clerk of the Legislative Assembly and the Clerk of the Legislative Council by the relevant party leaders and the cross-bench members respectively, within seven days of this resolution being agreed to by both Houses. In the absence of any agreement concerning Legislative Council representation on the committee the matter is to be determined by that House.
- (6) That notwithstanding anything contained in the Standing Orders of either House, at any meeting of the Committee, any four members of the Committee will constitute a quorum, provided that the Committee meets as a joint committee at all times.
- (7) That the Committee have leave to sit during the sittings or any adjournment of either or both Houses.
- (8) That the Committee have power:
- (a) to send for and examine persons, papers, records and things,
 - (b) to adjourn from place to place,
 - (c) to make visits of inspection within the State of New South Wales and elsewhere in Australia, and
 - (d) to take evidence in accordance with the provisions of the *Parliamentary Evidence Act 1901*.
- (9) That the Committee have leave to report from time to time.
- (10) (a) That if either House is not sitting when the Committee wishes to report, the Committee have leave to send any such report, minutes and evidence to the Clerk of each House.

Terms of reference

(b) A report presented to the Clerk is:

- (i) on presentation, and for all purposes, deemed to have been laid before the House,
- (ii) to be printed by authority of the Clerk,
- (iii) for all purposes, deemed to be a document published by order or under the authority of the House, and
- (iv) to be recorded in the official proceedings of the House.

Terms of reference for the inquiry – received from the Premier

1. The current level of voter enrolment in New South Wales, particularly among young people and any other groups with special needs in relation to voter enrolment;
2. The impact on voter enrolment of Commonwealth reforms to introduce new identification requirements for people seeking to enrol to vote or to change their enrolment details; and
3. Any additional strategies to maintain or improve the level of voter enrolment and to ensure that the roll remains up to date, with particular regard to the needs of particular groups (such as young people) and other demographic changes (such as the ageing population).

CHAIRMAN'S FOREWORD

This inquiry into voter enrolment, referred by the Premier, provided the Committee with an opportunity to consider a range of issues. These issues included the level of voter enrolment, strategies that may assist in increasing and maintaining the level of voter enrolment, and the consequences on the level of enrolment of recent changes to the *Commonwealth Electoral Act 1918*, which require those people seeking to enrol or update their details to produce identification.

At the time of reporting, the Parliament was considering the *Parliamentary Electorates and Elections Amendment Bill 2006*. When passed this bill will see the State Electoral Office become the New South Wales Electoral Commission. It will address some of the problems that the Committee identified in its inquiry into the administration of the 2003 election.

The Committee found during this inquiry that further amendments should be made to the Act to expand the statutory functions of the Electoral Commissioner. In particular, the Committee has recommended the Electoral Commissioner be required to undertake research on electoral issues. The Committee considered that this expanded role was necessary as it was found that there is little hard evidence on the level of voter enrolment and related issues. Such information is integral to electoral administration.

The Committee did not consider the merits or otherwise of the recent changes to the Commonwealth legislation, which require people who wish to enrol or update their details on the electoral roll, to produce identification. However, the Committee is of the view that the Commonwealth legislation will make it harder for people to enrol and stay enrolled to vote. The Committee is concerned about the impact of these changes on specific groups in particular young people, indigenous people, people with disabilities and the homeless.

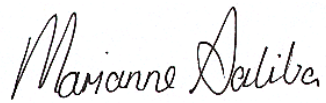
Accordingly, the Committee concentrated on investigating the impact the changes would have on the joint roll arrangement and ensuring that those groups which considered the new requirements would adversely impact on them were provided with a forum to have their say. The Committee has suggested the Premier refer these comments to the Federal Government so that they can be taken into consideration when regulations are drafted specifying the identification requirements.

The majority of recommendations are aimed at improving the level of participation in the electoral process. These include strategies aimed at specific groups such as young people and people with disability and strategies aimed at streamlining the enrolment process by making greater use of technology and information held by other agencies.

The Committee thanks all organisations and individuals who made submissions to the inquiry and those who appeared before the Committee at public hearings.

Chairman's Foreword

I would also like to thank Members of the Committee for their interest and work on this inquiry and the Secretariat for their support throughout the inquiry.

A handwritten signature in black ink that reads "Marianne Saliba". The signature is written in a cursive style with a large, stylized 'M' and 'S'.

Marianne Saliba

EXECUTIVE SUMMARY

In May 2006 the Joint Standing Committee on Electoral Matters received a reference from the Premier, the Hon. Morris Iemma MP to inquire into: the level of voter enrolment in New South Wales; the impact of new Commonwealth requirements for identification on enrolment; and strategies that could be implemented to maintain or improve the level of voter enrolment and to ensure that the roll remains up to date.

As at June 2006 there were approximately 4.3 million people enrolled to vote in New South Wales and each year somewhere in excess of 500,000 people change their address on the roll. The electoral roll for New South Wales is maintained by the Australian Electoral Commission [AEC] in accordance with the Joint Roll Arrangement.

The Committee found that there was little data available about the enrolment levels of a number of groups such as people with disabilities and people from non-English speaking backgrounds. The Committee considers this lack of data highlights the need for research to be conducted on the level of enrolment of specific groups.

The Electoral Commissioner indicated his office should be conducting research into electoral matters but that under the current legislation his duties and functions do not include that responsibility. The Committee has recommended that the Electoral Commissioner be given a specific mandate to conduct research on electoral issues and that his office should be provided with adequate resources to conduct this role.

The Committee was advised that a number of groups are under-represented on the electoral roll including: young people; indigenous Australians; people with disabilities, including intellectual disability; blind and vision impaired people; and people from non-English speaking backgrounds. Some of the barriers that prevent these people from enrolling to vote include: the attitudes people, particularly youth, have towards voting; the inability to access information on the electoral system; and a lack of access to polling places. Concerns were also raised about whether elderly people are effectively enrolled and able to cast a vote.

The reference from the Premier required the Committee to consider the impact of the changes to the *Commonwealth Electoral Act 1918* requiring identification on enrolment or when a person seeks to change their enrolment details. The Committee considered the impact the new requirements will have on the joint roll arrangement and also on the level of voter enrolment in New South Wales, particularly in relation to those groups that have been identified as being under-represented on the electoral roll.

Under the current arrangement that applies to enrolment in New South Wales a person wishing to enrol must fill out an enrolment form, sign it and have it witnessed. The same arrangements were in place to enrol for Commonwealth elections and the one form was sufficient to enrol a person for elections for the three levels of government. Under the amendments made to the Commonwealth legislation a witness will no longer be required to sign the form to enrol for Commonwealth elections if an applicant has a driver's licence.

The Electoral Commissioner advised the Committee that procedures and protocols will need to be in place if the arrangements to enrol in New South Wales are not made consistent with

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the requirements under the Commonwealth legislation to ensure that the Joint Roll Arrangement remains workable. The Electoral Commissioner also indicated the inconsistency in the enrolment requirements has the potential to make enrolment forms more complicated.

The Committee notes the importance of maintaining the Joint Roll Arrangement and considers that the process for enrolment should be simple so that people are not deterred from enrolling by complicated forms. The Committee acknowledges that the current enrolment form will need to be amended once the new requirements for identification under the *Commonwealth Electoral Act 1918* come into force. The Committee is of the view that a new enrolment form can be drafted to satisfy the Commonwealth requirements as well as making it clear that the form must be witnessed for State purposes without making the form too complicated. The Committee has recommended that the Electoral Commissioner liaise with the AEC on the wording of the new enrolment form to ensure that the different requirements are clearly stated on the form.

The Committee heard that a number of groups may experience difficulty in meeting the identification requirements specified under the *Commonwealth Electoral Act 1918*, particularly people that do not have a driver's licence or other forms of identification. The Committee considers that it would be useful for the Premier to advise the Federal Government of the concerns that have been raised in this inquiry so that they can be taken into account when the regulations specifying the identification requirements are drafted.

The Committee considered the role the SEO should have in providing education and information programs on electoral issues. Concerns were raised that the SEO is the only electoral office in Australia that does not have a statutory responsibility to conduct electoral education. However, the Committee considers that the Electoral Commissioner and his staff do in fact promote public awareness of electoral issues and accordingly there is no need to amend the *Parliamentary Electorates and Elections Act 1912*.

The Committee considered the way the electoral roll is currently maintained and whether a greater use of technology could streamline the enrolment process. The Electoral Commissioner indicated that some of the deficiencies in the current system could be removed by a 'smart enrolment system'. Such a system makes use of information that has been given to other agencies and removes the onus of updating enrolment information from the citizen.

One of the main factors underpinning a smart enrolment system is ensuring that the Electoral Commissioner has an appropriate legislative framework to enable personal information to be exchanged across agencies. A number of the amendments proposed in the *Parliamentary Electorates and Elections Amendment Bill 2006*, which is currently before the Parliament, provide an appropriate legislative base for a smart enrolment system in that it will enable the Electoral Commissioner to seek information from other agencies that will assist in determining whether a person is enrolled correctly. However, the legislation may need to be further amended to enable this information to update a person's details on the electoral roll.

The Committee has recommended that following the 2007 NSW election the Government investigate the feasibility of and requirements for a smart enrolment system, including an analysis of what is involved to develop such a system, any legislative changes that are required and how it would work with the Joint Roll Arrangement with the Commonwealth.

The Committee also considered whether other agencies could play a role in improving and maintaining the level of voter enrolment. The Committee concluded that other agencies could play a role by displaying and distributing information on enrolment when people are transacting other business such as applying for a driver's licence. The Committee has recommended that the SEO draft material on the process of enrolment that can be displayed and distributed by other NSW Government agencies.

Consideration was also given to the automatic enrolment of particular groups such as young people as they turn 17 or new Australian citizens. The Committee concluded that a system of automatic enrolment has the potential to improve the level of voter enrolment across New South Wales and has recommended the Government investigate how a system of automatic enrolment for certain groups can be implemented when it investigates the feasibility of a smart enrolment system.

The Committee discussed a range of strategies that could assist in improving and maintaining the level of voter enrolment in those groups that have been identified as being under-represented on the electoral roll.

For young people the Committee considered a range of initiatives including enrolling young people through a school program and providing a mechanism for the Electoral Commissioner to contact young people directly. The Committee has recommended that the SEO adopt similar initiatives in this regard to those utilised in other states that have a higher level of youth enrolment than New South Wales.

Detailed consideration was also given to the role that civics education plays in preparing young people to vote. The Committee acknowledges comments made by the Department of Education and Training that NSW school students receive comprehensive civics education. However, concerns were raised that civics education may be implemented differently throughout New South Wales. The Committee is of the view that the Department of Education and Training needs to ensure that civics education is implemented consistently across the State.

It was also argued by many witnesses that civics education may be better directed at senior students where were approaching the voting age. However, the Committee is of the view that it is important for civics education to be provided to young people before they have a chance to leave school. The Committee also holds reservations about requiring senior students to undertake compulsory studies in civics in an already busy schedule and accordingly does not consider that civics education should be a mandatory requirement in senior years.

A number of groups argued that lowering the voting age to 16 would increase the level of youth enrolment. The Committee is not convinced by the evidence presented and is of the view that other initiatives are needed to encourage young people to enrol to vote.

For people with a range of disabilities, including intellectual disability and vision impairments, the issue of being able to access information in an appropriate format and being able to access a polling place were major factors in encouraging people to enrol to vote. The Committee has recommended a range of strategies aimed at removing some of the barriers people with disabilities face. These strategies include investigating the use of

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electronic or electronically assisted voting for specific groups of people, and providing information in a simple way and in a range of formats. The Committee has also recommended that the SEO conduct an audit of polling places used at the March 2007 election in relation to a number of disability access issues.

Consideration was also given to strategies that could improve the level of voter enrolment of people from a non-English speaking background and indigenous Australians such as ensuring that information on electoral processes is available in a range of languages, is simple to understand and takes into consideration cultural differences.

The Committee discussed the issue of voting by prisoners in the context of Australia's international obligation for universal suffrage. The Committee rejects the Commonwealth's recent changes that prohibit all persons serving a sentence of imprisonment from voting in Commonwealth elections. However, the Committee considers that the current provisions in New South Wales, which exclude some prisoners from voting, are appropriate and should be retained.

The Committee also discussed electoral issues that affect the elderly. Whilst the elderly do not appear to be under-represented on the electoral roll concerns were raised about the difficulty some have in attending a polling place, and ensuring that enrolment details are updated when they move to aged care facilities. In addition, the problems surrounding the removal of elderly people from the electoral roll when they are no longer able to understand the voting process was noted.

The Committee considered a number of strategies to overcome these problems and has recommended that elderly people be able to lodge a postal or pre-poll vote. In relation to ensuring enrolment information of elderly people who have moved into aged care facilities is updated, the Committee noted that under a smart enrolment system it may be possible to automatically update the information of such people. Another strategy proposed was for the accreditation standards of residential aged care facilities to include a requirement for the enrolment details of residents to be updated. The Committee did not consider the matter in detail but concluded that the idea has merit and should be investigated further.

In regard to the difficulties in removing elderly people from the electoral roll once they can no longer understand the electoral process, the Committee was advised by the Electoral Commissioner that under the current legislation it is difficult to remove a person from the electoral roll unless they have been certified under the *Mental Health Act 1990*. The *Parliamentary Electorates and Elections Amendment Bill 2006* proposes to amend the legislation to provide that a medical practitioner will be able to certify that a person suffering from an illness such as dementia is incapable of understanding the electoral process and should be removed from the roll. The Committee considers that it is important to facilitate the easy removal of people from the electoral roll if they are no longer capable of voting and supports the proposed amendments.

LIST OF RECOMMENDATIONS

- RECOMMENDATION 1:** THAT THE ELECTORAL COMMISSIONER BE GIVEN A SPECIFIC MANDATE TO CONDUCT RESEARCH ON ELECTORAL ISSUES UNDER THE *PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912*. 4
- RECOMMENDATION 2:** THAT THE ELECTORAL COMMISSIONER LIAISE WITH THE AUSTRALIAN ELECTORAL COMMISSION ON THE WORDING OF THE NEW ENROLMENT FORM TO ENSURE THAT THE DIFFERENT REQUIREMENTS FOR COMMONWEALTH AND NEW SOUTH WALES ELECTIONS ARE CLEARLY STATED ON THE FORM. 16
- RECOMMENDATION 3:** THAT THE GOVERNMENT INVESTIGATE THE FEASIBILITY OF AND REQUIREMENTS FOR A SMART ENROLMENT SYSTEM FOLLOWING THE CONCLUSION OF THE 2007 NSW ELECTION. 30
- RECOMMENDATION 4:** THAT THE STATE ELECTORAL OFFICE DRAFT MATERIAL ON THE PROCESS OF ENROLMENT THAT CAN BE DISPLAYED AND DISTRIBUTED BY OTHER NEW SOUTH WALES GOVERNMENT AGENCIES..... 33
- RECOMMENDATION 5:** THAT THE GOVERNMENT INVESTIGATE HOW A SYSTEM OF AUTOMATIC ENROLMENT FOR CERTAIN GROUPS SUCH AS YOUNG PEOPLE CAN BE IMPLEMENTED WHEN A STUDY IS CONDUCTED ON THE FEASIBILITY OF A SMART ENROLMENT SYSTEM 36
- RECOMMENDATION 6:** THAT CONSIDERATION BE GIVEN TO IMPLEMENTING A STRATEGY TO ENCOURAGE SENIOR HIGH SCHOOL STUDENTS TO ENROL SIMILAR TO THE BOUNTY SCHEME THAT IS APPLIED IN TASMANIA..... 39
- RECOMMENDATION 7:** THAT CONSIDERATION BE GIVEN TO IMPLEMENTING A STRATEGY WHERE INFORMATION ON ENROLMENT IS SENT TO YOUNG PEOPLE ON THEIR 17TH BIRTHDAY SIMILAR TO THAT CURRENTLY APPLIED IN VICTORIA IF THE PROPOSED AMENDMENTS TO THE *PARLIAMENTARY ELECTORATES AND ELECTORATES ACT 1912* ARE ENACTED. 39
- RECOMMENDATION 8:** THAT THE STATE ELECTORAL OFFICE CONSIDER THE POSSIBILITY OF USING VISION AUSTRALIA OFFICES ACROSS NEW SOUTH WALES AS POLLING PLACES, INCLUDING PRE-POLL..... 52
- RECOMMENDATION 9:** THAT THE STATE ELECTORAL OFFICE CONDUCT AN AUDIT OF POLLING PLACES USED AT THE MARCH 2007 ELECTION IN RELATION TO A NUMBER OF DISABILITY ACCESS ISSUES..... 52
- RECOMMENDATION 10:** THAT THE STATE ELECTORAL OFFICE INVESTIGATE THE USE OF ELECTRONIC VOTING FOR SPECIFIC GROUPS OF PEOPLE, UTILISING A SYSTEM WHICH PROVIDES A PRINTED RECORD OF THE VOTE, WITH A VIEW TO INTRODUCING SUCH FACILITIES FOR THE 2011 NSW ELECTION. 55
- RECOMMENDATION 11:** THAT THE STATE ELECTORAL OFFICE WORK WITH PEAK BODIES TO DEVELOP INFORMATION ON ELECTORAL PROCESSES THAT ARE SIMPLE AND EASY TO UNDERSTAND FOR PEOPLE WITH INTELLECTUAL DISABILITY. 56

Recommendations

RECOMMENDATION 12: THAT THE CRITERIA IN THE *PARLIAMENTARY ELECTORATES AND ELECTIONS ACT 1912* TO LODGE A POSTAL AND PRE-POLL VOTE BE AMENDED TO INCLUDE AN ELDERLY PERSON WHO IS UNABLE TO GET TO A POLLING BOOTH ON ELECTION DAY.60

RECOMMENDATION 13: THAT THE STATE ELECTORAL OFFICE LIAISE WITH THE AUSTRALIAN ELECTORAL COMMISSION AND THE DEPARTMENT OF ABORIGINAL AFFAIRS TO DEVELOP STRATEGIES TO PROMOTE ACTIVE AND INFORMED CITIZENSHIP AMONG INDIGENOUS AUSTRALIANS.63

Chapter One - Introduction

BACKGROUND TO THE INQUIRY

- 1.1 In May 2006 the Joint Standing Committee on Electoral Matters received a reference from the Premier, the Hon. Morris Iemma MP, to inquire into:
- (1) The current level of voter enrolment in New South Wales, particularly among young people and any other groups with special needs in relation to voter enrolment;
 - (2) The impact on voter enrolment of Commonwealth reforms to introduce new identification requirements for people seeking to enrol to vote or to change their enrolment details; and
 - (3) Any additional strategies to maintain or improve the level of voter enrolment and to ensure that the roll remains up to date, with particular regard to the needs of particular groups (such as young people) and other demographic changes (such as the ageing population).
- 1.2 The reference was received when the Commonwealth Parliament was considering the *Electoral and Referendum (Electoral Integrity and Other Measures) Bill 2006*. The bill was passed by the Commonwealth Parliament on 21 June 2006 and includes a number of provisions that have the potential to impact on the level of voter enrolment in New South Wales, including the requirement for proof of identity for enrolment, re-enrolment and provisional voting. The new provisions also have implications for the joint roll agreement between the State Electoral Office [SEO] and the Australian Electoral Commission [AEC].

THE INQUIRY PROCESS

Call for submissions

- 1.3 The Committee advertised for submissions in June 2006. It also invited the SEO and a number of interest and advocacy groups to make a submission to the inquiry. The Committee received 13 submissions. A list of submissions and other documents received is at Appendix One.
- 1.4 The submissions received indicate that a number of groups feel disengaged from the electoral process and may be under-represented on the electoral roll including:
- Indigenous Australians;
 - Blind and vision impaired people;
 - People with disabilities, including intellectual disability;
 - People from non-English speaking backgrounds; and
 - Young people.

Public Hearings

- 1.5 The Committee held public hearings on 25 and 26 July 2006. These hearings provided the Committee with an opportunity to discuss the issues that were raised in the submissions and other matters of relevance to the Committee's inquiry. A list of witnesses is noted at Appendix Two.

Chapter Two - The Level of Voter Enrolment

INTRODUCTION

- 2.1 It has been compulsory for people qualified to vote to be enrolled for New South Wales elections since 1921.¹ Voting has been compulsory in New South Wales since 1928.²
- 2.2 A person is qualified to vote if they are an Australian citizen aged 18 years or over, or they are a British subject who was enrolled to vote for the Legislative Assembly or in any other State or Territory of the Commonwealth for the House of Representatives immediately before 26 January 1984.³
- 2.3 As at 30 June 2006 there were 4,299,510 people enrolled to vote in New South Wales.⁴ The Electoral Commissioner has noted that according to the AEC 95% of the general population is enrolled.⁵
- 2.4 Each year somewhere in excess of 500,000 people out of the 4.3 million voters in New South Wales change their address on the roll.⁶
- 2.5 The electoral roll for New South Wales elections is maintained by the AEC in accordance with the Joint Roll Arrangement.

THE LEVEL OF VOTER ENROLMENT OF SPECIFIC GROUPS

- 2.6 It has been argued that a number of groups in society have lower than average rates of enrolment. The Electoral Commissioner has noted that with the exception of young people there is little data available about the enrolment of specific groups:

The Hon. DON HARWIN: From your experience as Electoral Commissioner in New South Wales and also for a much longer time in Victoria, do you think there are any particular groups in Australia that appear to consistently have low levels of voter enrolment?

Mr BARRY: Yes, there are. The youth consistently are under-represented on the electoral roll. That has historically been the case in the last 20 years that I have been in electoral administration and I think it is probably going to be the case that with an ageing population we are more likely to get more senior people finding themselves perhaps not under-represented on the roll but finding it more difficult to vote.

.....

The Hon. DON HARWIN: What are the best sources the Committee can look at in terms of actually getting some degree of specificity about the under representation? Are there any particular publications other than those in your submission that you point to?

Mr BARRY: It is very difficult because one of the challenges that electoral administrators have had, not just in my experience but around the Electoral Council of Australia we all face, is that it is not clear what the target number of people is who are actually eligible

¹ See section 34 of the *Parliamentary Electorates and Elections Act 1912*. See also section 11B of the *Constitution Act 1902*.

² See *History of Electoral Development in NSW* on the State Electoral Office's website at:

http://www.seo.nsw.gov.au/publications/trivia_and_history_corner/history_of_electoral_development_in_nsw

³ Section 20 of the *Parliamentary Electorates and Elections Act 1912*.

⁴ State Electoral Office, Submission to the Inquiry, p. 1.

⁵ Transcript of Evidence, 26 July 2006, p. 2.

⁶ See comments of Mr Colin Barry, Electoral Commissioner, Transcript of Evidence, 26 July 2006, p. 12.

The Level of Voter Enrolment

voters in New South Wales. What I mean by that is that we rely on the Australian Bureau of Statistics - Census Information, but you have got to remember that that information is six years old, and whilst they have in place mechanisms to be able to estimate projections, the truth of the matter is it is very hard for anybody to say, "This is the number of people in New South Wales who are eligible to be enrolled". We know how many are enrolled but we do not know what the actual final target is. So when you say where should you go and have a look I think the Electoral Council of Australia does publish a report—I know it does—on its web site. That is worth having a look at. But apart from that I think it is very difficult.

- 2.7 The SEO's submission considered why the level of young people enrolled is more easily determined than that of other groups such as people from a non-English speaking background or people with a disability:

While details on an elector's age can be gathered from the enrolment form, information on other attributes that may indicate membership of a group with special needs are not recorded. This results in limited electoral data on: Aboriginal or Torres Strait Islanders, speakers of a language other than English, people with a disability and people living in remote locations.⁷

- 2.8 This lack of data highlights the need for the SEO to be given resources and a mandate to conduct research on issues such as the level of enrolment of specific groups. The Electoral Commissioner in response to a question about whether there was any evidence about the level of enrolment of specific groups apart from anecdotal evidence commented:

Mr BARRY: It is all anecdotal because we do not have the research. One of the things that is very interesting is that the duties and functions of the New South Wales Electoral Commissioner provide for no education and research as part of the responsibility. Consequently, there are no resources and no funding. That is something I have to turn my mind to to try to get the bureaucracy to see that this is a very important part of the role. But it is not part of my duties and responsibilities. I do not see it that way; I see it as being part of my responsibilities. But you are quite right: There is no hard evidence and there is no research.

- 2.9 The Committee is concerned that there is no hard evidence that shows the level of enrolment of specific groups. The Committee supports the views of the Electoral Commissioner that his office should have a responsibility for conducting research into electoral issues and must be provided with the appropriate resources and funding to conduct this role.

RECOMMENDATION 1: That the Electoral Commissioner be given a specific mandate to conduct research on electoral issues under the *Parliamentary Electorates and Elections Act 1912*.

- 2.10 Despite this lack of data the Committee has received anecdotal evidence that certain groups are under-represented on the electoral roll. This Chapter considers those groups that have or allegedly have lower than average levels of enrolment and some of the barriers that prevent people from particular groups enrolling to vote. Strategies that could be implemented to remove these barriers is given detailed consideration in Chapters Four and Five.

⁷ State Electoral Office, Submission to the Inquiry, p. 2.

Young People

- 2.11 People qualified to enrol to vote in New South Wales are able to enrol provisionally when they reach 17 years of age.⁸
- 2.12 The level of young people enrolled to vote has been proven to be well below the 95% of the general population. Unlike other groups there is hard evidence, which shows that young people are under-represented on the electoral roll.
- 2.13 The Electoral Council of Australia estimates that the following percentage of eligible young people are enrolled in New South Wales:
- 17 year olds – 13%
 - 18 year olds – 70%
 - 19 year olds – 80%
 - 20 year olds – 83%
 - 21-25 year olds – 83%⁹
- 2.14 The Centre for Research and Teaching in Civics has been responsible for conducting the Youth Electoral Study [YES] together with the AEC. The YES project found that “nearly 400,000 young Australians (18-25 years) are not enrolled. This means...a participation rate of some 81% in a context of compulsory voting.”¹⁰
- 2.15 The Centre for Research and Teaching in Civics comments on the level of youth enrolment noting that New South Wales consistently has a lower than average rate of enrolment of young people than other states in Australia and that this may reflect electoral programs in operation within other states.¹¹

Reasons for low levels of youth enrolment

- 2.16 A number of reasons for the low levels of youth enrolment were put to the Committee including the way that civics has been taught in New South Wales, the lack of information available on how to enrol, and the attitude that youth have towards voting.
- 2.17 Jenny Compton, from the Centre for Research and Teaching in Civics commented on the role that civics education has in encouraging young people to enrol to vote noting that the way that civics education has been implemented in New South Wales may have contributed to the lower than average rate of youth enrolment:

CHAIR: The submission notes that New South Wales consistently has a lower than average rate of enrolment for young people compared to other States in Australia. What factors may contribute to this lower than average rate of enrolment?

Ms COMPTON: We believe it is closely related to the implementation of civics programs in schools. The Discovering Democracy Program, which is a Federal initiative, has been quite successful in terms of content, but it has been implemented to varying degrees in different schools. The States that have done consistently better than New South Wales may have had a stronger focus on its implementation. Research indicates that

⁸ Section 33A of the *Parliamentary Electorates and Elections Act 1912*.

⁹ Electoral Council of Australia, *Continuous Roll Update (CRU) Report 2003-2004*, p. 21.

¹⁰ A/Prof. Murray Print and Jenny Compton, Centre for Research and Teaching in Civics, The University of Sydney, Submission to the Inquiry, p. 2.

¹¹ *Ibid*, p. 5.

implementation is extremely varied in New South Wales and that it depends on the motivation of individual teachers who are interested in the subject area.¹²

- 2.18 Daniela Giorgi, commented on the issue from her experience both as a former teacher and as an officer with the Parliamentary Education and Community Relations section:

The Hon. DON HARWIN: Do you have any comments about the evidence of the previous witness, Jenny Compton, on the implementation of Discovering Democracy in New South Wales?

Ms GIORGI: I agree with her comments. I think there have been some very good methods of implementation, particularly in teacher professional development run by the New South Wales Department of Education and Training. I do not have the numbers but quite a few thousand teachers have gone to those courses—many of them held here in Parliament House. But I agree with her. I think it does depend on the interest level and confidence level of teachers whether or not those resources that were provided in the Discovering Democracy Program are actually used in schools. I believe those resources often went to schools without professional development at the time and were grabbed by teachers who were interested or the librarian popped them into the library so they have not been seen. So the aim of the professional development courses—some of which I have helped to run and am still running—is to get those resources out and get teachers, many of whom may not have seen those resources before, looking at them.¹³

- 2.19 The Youth Action & Policy Association [YAPA] also commented on reasons why youth are under-represented on the electoral roll. Kristy Delaney the Executive Officer of YAPA referred to the fact that many young people are busy with activities that are considered to be more important than enrolling to vote and that the level of information on how to enrol also affects the level of youth enrolment:

CHAIR: In your submission it is noted that approximately 80 per cent of young people are enrolled to vote. What factors do you think prevent more young people from enrolling?

Ms DELANEY: I think one of the big issues is that young people are quite transient in their lives at the moment. Lots of young people are moving out of home for the first time, they are going to university or to TAFE, or they are looking for more employment opportunities so often young people will leave enrolling until the last minute. Also because they have a lot of other things happening in their lives, their job or their study, often they are just leaving it until an election is announced to get around to enrolling to vote. So that is one of the major issues. Also I think it can be difficult for young people to know how to go about enrolling. Lots of young people do not know where to get the form from. They do not know that it is available on the web site. They do not know it is available at a post office. So it can be difficult for young people to know, first of all, how to get that information but also to physically be able to get it so if they do not have Internet access to be able to get time off work or time off TAFE or university to go down to a post office to pick up a form. That can be difficult for young people to do. So they are some of the major factors why young people sometimes leave it until the last minute or do not get around to enrolling to vote.¹⁴

- 2.20 The Commission for Children and Young People argued that the low levels of youth enrolment is linked to the attitudes that youth have towards politicians and political institutions:

It is often assumed that the reason for young people's low rate of enrolment is that young people are apathetic about politics. However, research indicates that rather than

¹² Transcript of Evidence, 25 July 2006, p. 19.

¹³ Transcript of Evidence, 25 July 2006, pp. 23-4.

¹⁴ *Ibid*, p. 31.

being apathetic, young people are interested and knowledgeable about politics. Like many adults today, young people feel that the formal political institutions and politicians are not offering them enough influence over political decisions. Young people's trust in politicians is also low, providing a further disincentive to vote such people in as representatives. As young people the Commission spoke with said:

They say "well they're not going to do anything for me anyway", so why bother.

They just don't care enough.

You have to show young people what an impact politics has on them, 'cos I think that they don't realise how much it does affect them.¹⁵

- 2.21 The Commission also considered that young people need to feel that their vote is important and will make a difference:

For young people, the act of voting in itself is not the problem, as the numbers of young people who vote in TV shows such as Australian Idol or Big Brother demonstrate. The difference is motivation, an interest in the results, and the feeling that one person's vote can make a difference. Young people have told the Commission that if they don't believe their vote will make a difference and are not interested in the result, then they are less likely to be motivated to vote. Young people who participated in the Youth Electoral Study also considered voting in elections boring. Often the issues debated during election campaigns fail to engage young people, and ignored young people's interests and life experiences.¹⁶

Indigenous Australians

- 2.22 Aboriginals have been able to vote in New South Wales elections since the late Nineteenth Century. When the New South Wales Constitution was framed in the 1850s voting rights were given to all male British subjects over 21, which included Aboriginal men.¹⁷ However, property provisions for enrolment remained in place until 1893 and it was not until 1902 that women in New South Wales were able to vote. Few Aboriginals were aware of their right to vote¹⁸ and most were excluded from the electoral roll because they were confined by law to government reserves and lived off welfare payments.¹⁹
- 2.23 Today the level of voter enrolment of indigenous Australians is still considered to be well below the national average. The low level of voter enrolment amongst indigenous Australians is due to a number of factors including education levels and the remoteness of communities. The SEO noted in its submission that:

According to the AEC indigenous Australians remain under represented on the electoral roll and have voter participation rates well below the national average. Literacy levels, school retention rates, health and social conditions as well as the general remoteness of communities impact on enrolment levels as well as electoral awareness and knowledge amongst indigenous communities. Research has also shown that the barriers to

¹⁵ NSW Commission for Children and Young People, Submission to the inquiry, p. 2.

¹⁶ *Ibid*, p. 3.

¹⁷ See information on Aborigines and the Vote on the Australian Electoral Commission's website at: http://www.aec.gov.au/content/when/history/ab_vote.htm

¹⁸ Indigenous Australians were not able to enrol for Commonwealth elections until 1967, despite an amendment to the *Commonwealth Electoral Act* in 1962, unless they were already enrolled in a State in 1902 or had been a member of the defence forces. For further information the AEC's website at:

http://www.aec.gov.au/content/When/history/ab_time.htm

¹⁹ Anyone who received government welfare in New South Wales was unable to vote. See Lees, Kirsten, *Votes for Women: the Australian story*, 1995, p. 153.

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enrolment differ depending on whether indigenous Australians are located in remote or urban areas.²⁰

- 2.24 It has also been argued that Aboriginal people do not vote as they have lost faith in politicians and government due to the government's lack of understanding about Aboriginal people and their plight.²¹

People with disabilities

- 2.25 It has been argued that people with disabilities, including intellectual disabilities²², have low levels of voter enrolment, particularly those who live in institutional care. People with Disability Incorporated [PWD], a national disability rights and advocacy organisation, raised concerns about the access people living in institutional care have to the electoral system:

Many people with disability continue to reside in large residential centres or privately owned and managed licensed residential centres (boarding houses). In these premises the rights of people with disability are ignored.

As with most institutional living individual needs are suppressed to ensure the 'smooth running' of the institution. In such an environment the right to participate in the electoral process is often denied. Contact with the world outside the institution is often actively discouraged, and individuals are repeatedly advised that they are not capable of contact and interaction with normal everyday societal and civic occurrences.²³

- 2.26 Similar concerns were also raised by the NSW Council for Intellectual Disability about people with intellectual disabilities:

...many live with their families and ageing carers or in supported accommodation such as group homes, large residential centres and boarding houses where there is often little focus on supporting people to exercise their democratic right to vote. Families and support staff are often so focused on day to day living that issues such as voting in an election get overlooked.²⁴

- 2.27 In addition the Council for Intellectual Disability argued that it is unlikely that support would be given for people who move institutions:

...when people move within the accommodation service system, in a group home or boarding house situation, it is unlikely that support would be provided to them to change their address with the electoral commission.²⁵

- 2.28 The lack of appropriate information has also been identified as a factor affecting enrolment for people with disability. PWD commented:

For many years people with disability have been largely excluded from the electoral system. One of the primary reasons for this has been the failure to provide information about electoral processes and arrangements in easy read, pictorial or similar formats to assist people with cognitive disability to understand the election process.²⁶

²⁰ State Electoral Office, Submission to the Inquiry, p. 5.

²¹ Jeff Naismith, Submission to the Inquiry.

²² Intellectual disability is a term used to describe a cognitive disability acquired before 18. See the NSW Council for Intellectual Disability, Submission to the Inquiry, p. 2.

²³ People with Disability Inc., Submission to the Inquiry, p. 2.

²⁴ NSW Council for Intellectual Disability, Submission to the Inquiry, p. 2.

²⁵ *Ibid*, p. 3

²⁶ People with Disability Inc., Submission to the Inquiry, p. 1.

- 2.29 It has also been argued that the attitude of the community at large has prevented some people with intellectual disability from enrolling to vote. NSW Council for Intellectual Disability considered:

There is often an assumption that because people have been assessed with intellectual disability then they are automatically disqualified from the enrolment eligibility criteria because of 'unsoundness' of mind. This is not true. Many people with intellectual disability are often very involved in their communities, watch a lot of television and keep abreast of current affairs. They are often well informed and have definite opinions about politics. Too often, due to a lack of opportunity they miss out on getting on to the electoral roll.²⁷

Blind and vision impaired people

- 2.30 Vision Australia has argued that the key factors that discourage blind and vision impaired people from enrolling to vote is the lack of information on the electoral process that is accessible, and the difficulties of the actual voting process itself such as actually getting to a polling place and the inability to cast a vote independently:

The Hon. DON HARWIN: A number of submissions have indicated that the level of voter enrolment is linked to how informed people are about the electoral system. Do you feel that this question of information is more applicable to blind and vision-impaired people, or are other barriers more significant in determining why they do not vote?

Mr SIMPSON: There are probably three key areas. One is access to information. It is evident that people who are blind or vision impaired do not have the same access to printed material as sighted people. That is the world we live in. Vision Australia is trying to narrow that gap because about 95 per cent of printed information is not accessible. We would love to get to 100 per cent of information being accessible. It is only one of the contributing factors that we see. Another is the actual process itself, and that is that to enrol for voting or to even get into a polling place or get to a polling place it can sometimes be difficult without sighted assistance. So some people choose not to engage because of the difficulty of the whole process.

But, more philosophically, I think there are a number of people who believe that if they cannot fully exercise their rights as citizens they will not engage in the process. I know personally a number of people who have chosen not to enrol because they cannot lodge a vote independently and privately. So, for them, it is a fundamental issue of not being able to assert their rights as citizens that takes them out of the process. But for most of us I think it is about the difficulties that we encounter along the way. It is about access to the information, about getting to and from polling places and about being able to participate in a way that is easy and has some dignity about it.²⁸

People from non-English speaking backgrounds

- 2.31 It has been argued that people from non-English speaking backgrounds are under-represented on the electoral roll due to such factors as language and cultural barriers. Stepan Kerkyasharian, Chair of the Community Relations Commission, commented:

Mr KERKYASHARIAN: ...People from language backgrounds other than English, and particularly those who for various reasons have limited or no proficiency at all in English, are clearly a special needs group within the terms of this inquiry. Many people from non-English speaking backgrounds already experience difficulty understanding the requirements and processes for enrolment on the electoral roll, so it is important that

²⁷ NSW Council for Intellectual Disability, Submission to the Inquiry pp. 2-3.

²⁸ Transcript of Evidence, 25 July 2006, p. 3.

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any strategies that may arise from this inquiry assist them, rather than add to the complexities of the system.

Difficulties may in particular be experienced by women of non-English speaking backgrounds who for family and domestic reasons have been unable to acquire language proficiency, and also by ageing members of our non-English speaking community. There is a tendency referred to as regression to first language; for some to lose their acquired language and to be able to communicate only in their mother tongue as they get older, particularly if age is compounded by illness.²⁹

2.32 The SEO also considered that cultural issues are a barrier discouraging people from a non-English speaking background from enrolling to vote:

In addition to any language barriers, the type of electoral process in place in countries where people have lived prior to coming to Australia may impact on how they see the process here.³⁰

Elderly people

2.33 Concerns were raised that whilst elderly people do not have the same barriers preventing enrolment that some other groups face that many are finding it increasingly difficult to attend a polling place to vote. It was argued that the inability for a person to actually cast a vote was essential for effective enrolment. Paul Versteeg from the Combined Pensioners and Superannuants Association commented:

Mr VERSTEEGE: ...effective voter enrolment depends entirely on a voter's ability to get to the polling booth or to lodge an absentee or pre-poll vote. The New South Wales Act makes very elaborate provisions for postal and absentee voting. If you live more than 20 kilometres away from the nearest place of voting you can lodge a postal vote. If you are interstate or overseas you can do the same, or if you are seriously ill in hospital or at home, or if you care for somebody who is seriously ill; if you are in prison, if you are unable to sign your name, if you are a silent elector or if you have religious beliefs that prevent you from voting on polling day.

Just going through the proposed amendments, the Act even provides for detailed arrangements for voting at Antarctic stations. Division 18 of the Act provides for the appointment of not just an Antarctic returning officer, but also of an assistant Antarctic returning officer for every single Antarctic station there is. But the Act ignores the fact that all over New South Wales older people cannot get to the polling booth.

I will quote an example of Mrs Kate Johnson. Her circumstances are a case in point. Mrs Johnson has no transport of her own, except her feet, and the area where she lives is not serviced by public transport or community transport at all. Mrs Kate Johnson does not live more than 5,000 kilometres away from civilisation at Mawson, for example, one of the four Antarctic stations, but in the Western Sydney suburb of Canley Vale. Mrs Johnson does not fit into any of the categories that would allow her to post her vote: she lives well within 20 kilometres; she does not go interstate or overseas; she is not seriously ill or infirm, no disability, she can sign her name; she has no religious beliefs that prevent her from voting on election day; she also has no criminal record; or she has never been to prison. She simply cannot walk to the nearest polling booth.

Her feet are her only means of private transport and public and community transport do not come within walking distance of her. Mrs Johnson has to catch a taxi to go anywhere, and she is on an aged pension of less than \$13,000 a year. She cannot get out of the house, in other words. Once a week she does her grocery shopping by taxi in Cabramatta

²⁹ *Ibid*, p. 10.

³⁰ State Electoral Office, Submission to the Inquiry, p. 5.

just four kilometres away. For the rest of the week she cannot go anywhere. There is no way that she could afford a taxi on election days—it would be a second taxi during the week because she does not shop on a Saturday when it is too crowded and she is afraid that she might get run off her feet. There are many people like Mrs Johnson not only in Sydney but certainly in the bush.³¹

2.34 Concerns were also raised about elderly people in institutionalised care, such as nursing homes, being able to cast a vote. The SEO noted:

As the New South Wales Act currently stands the attendance of a mobile polling team at such a facility is dependent on whether the manager of the facility accepts the Electoral Commissioner’s offer to make such a team available.³²

2.35 The Electoral Commissioner expanded on this when he appeared before the Committee:

The Hon. PENNY SHARPE: In your submission you talk about the discretion that nursing homes seem to have about whether they are mobile polling places and whether residents are on the roll. What governs that discretion? Is it simply the decision of the manager as to whether they come in? Is it a resource issue in terms of how many you can go to within a given area? Can you expand on that issue a little?

.....

Mr BARRY: To answer your question, it is very frustrating because in the past four weeks we have written to all the "declared institutions", as they are called, that have been on our books since the last election. We have amalgamated into that the places that the AEC uses. So we have written to all those places and asked them a couple of questions about the nature of their residents. At some of these places it is extremely difficult. In my experience, there is nothing worse than having a mobile team of people turn up to the bedside of an elderly person who clearly has dementia and cannot understand the whole thing. In my view it is demeaning. I have said that we need to get advice from the people who run these places. Are their residents capable of voting? That becomes a movable feast because sometimes they are and sometimes they are not; some days they are good and some days they are not.³³

CONCLUSION

2.36 The Committee is concerned about the number of factors that appear to discourage people from specific groups from enrolling and voting. Whilst there is little hard evidence to show the extent of this under representation on the electoral roll, the evidence given by interest and advocacy groups and the SEO have indicated that certain groups do not actively participate in the electoral process, including enrolling to vote.

2.37 Strategies to address some of the factors that have been identified in this Chapter are considered in Chapters Four and Five.

³¹ Transcript of Evidence, 25 July 2006, pp. 16-17.

³² SEO, Submission to the Inquiry, p. 5.

³³ Transcript of Evidence, 26 July 2006, p. 7.

Chapter Three - The impact of the Commonwealth reforms requiring identification for people seeking to enrol to vote or to change their enrolment details

INTRODUCTION

- 3.1 The *Electoral and Referendum (Electoral Integrity and Other Measures) Act 2006* (Cmth) passed by the Commonwealth Parliament in June this year changed the provisions relating to enrolment under the *Commonwealth Electoral Act 1918*. The changes have the potential to impact on the level of voter enrolment in New South Wales.
- 3.2 The legislation introduces requirements for identification to be provided by people seeking to enrol or update their enrolment details. These provisions are to come into force no later than February 2007.¹ An applicant for enrolment will be required to:
- (a) provide documentary evidence of his or her name by providing his or her driver's licence number; or
 - (b) if the applicant does not possess a driver's licence – show to an elector in a prescribed class of electors a prescribed kind of document that identifies the applicant; or
 - (c) otherwise – have the application countersigned by two electors who:
 - (i) can confirm the applicant's name; and
 - (ii) have known the applicant for at least one month.²
- 3.3 In addition, the regulations may impose additional requirements in relation to identification for enrolment.
- 3.4 This change was recommended by the Joint Standing Committee on Electoral Matters of the Commonwealth Parliament in its report on the administration of the 2004 election. The Commonwealth Committee considered that the requirement for identification would enhance the integrity of the electoral roll and minimise the risk of electoral fraud.³
- 3.5 The reference from the Premier did not require the Committee to consider in detail whether the Commonwealth changes were warranted. Accordingly the Committee has primarily focussed on the impact on the level of voter enrolment and re-enrolment in New South Wales. However, the Committee finds that the Commonwealth changes have made it harder for citizens to enrol and stay enrolled to vote. There is a disproportional impact on young people, indigenous people, the homeless and people with disabilities. This has a negative impact on universal franchise.

¹ See section 2, Commencement Information, in the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*.

² See clause 29 of schedule 1 of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*.

³ Joint Standing Committee on Electoral Matters of the Commonwealth Parliament, *The 2004 Federal Election: Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, September 2005, pp. 27-8.

- 3.6 This Chapter considers the impact the new requirements will have on the joint roll arrangement and also on the level of voter enrolment within those groups that have been identified as being under-represented on the electoral roll.

IMPACT ON THE JOINT ROLL ARRANGEMENT

- 3.7 Section 84 of the *Commonwealth Electoral Act 1918* provides for the Governor-General to arrange with the Governor of a State for the joint preparation, alteration or revision of the electoral rolls in any manner consistent with the Commonwealth Act.

- 3.8 Section 21B of the *Parliamentary Electorates and Elections Act 1912* (NSW) provides for arrangements with the Commonwealth in relation to electoral rolls. Clause (1) provides:

The Governor may arrange with the Governor-General of the Commonwealth for the preparation, alteration, and revision of the rolls of electors for State elections in any manner consistent with the provisions of this Act, jointly by the State of New South Wales and the Commonwealth to the intent that the rolls may be used as electoral rolls for Commonwealth elections as well as for State elections and for such other purposes as the Governor may determine.

- 3.9 In April 2005 the Electoral Commissioner provided the Committee with information on the Joint Roll Arrangement:

In 1996, the Governor-General and the Governor of NSW signed a Joint Roll Arrangement that stated the electoral roll will be prepared, maintained and revised as necessary by the Commonwealth for NSW and will be used for Commonwealth elections; elections for the Legislative Council and Legislative Assembly in NSW; elections for councils of local government areas of NSW; and in the conduct of referendums. The direct costs of the preparation, maintenance and revision of the electoral roll are shared equally between the Commonwealth and NSW.

The Joint Roll Arrangement states that the electoral roll shall contain all matters required by the electoral laws of the Commonwealth and NSW and matters that are authorised by those laws, such as footnotes, references and/or distinguishing marks for any purpose in connection with the electoral roll.⁴

- 3.10 Under the current arrangement that applies to enrolment in New South Wales a person wishing to enrol must fill out an enrolment form, sign it and have it witnessed. The same arrangements were in place to enrol for Commonwealth elections and the one enrolment form was sufficient to enrol an applicant for both Commonwealth and State elections.⁵ Under the changes made to the *Commonwealth Electoral Act 1918* a witness will no longer be required to sign the form to enrol for Commonwealth elections if an applicant has a driver's licence. The Electoral Commissioner commented on the impact the new requirements for identification would have on enrolment forms and subsequently the Joint Roll Arrangement and the potential this may have on voter enrolment in New South Wales.

Mr BARRY: To preserve the joint enrolment arrangement we need to have, at the end of the day, one enrolment form. To make that work, if New South Wales chooses not to change any of the enrolment provisions that currently exist to bring it into line with the Commonwealth then this form will become one where even if you have a driver's licence

⁴ Briefing note prepared by the SEO on maintaining the currency and integrity of the Electoral Roll, dated 7 April 2005.

⁵ The same form also enrolls electors for local government areas.

and you fill it out you have satisfied the Commonwealth provisions, but if you do not have it witnessed for State purposes it will not pass the State test.⁶

- 3.11 The Electoral Commissioner considered the procedures and protocols that will need to be in place if the arrangements for New South Wales are not made consistent with the requirements under the Commonwealth legislation. He commented that in some cases there may be a need to write back to a voter who has placed their driver's licence details on the enrolment form but has not had the form witnessed to ensure that people are enrolled for both Commonwealth and New South Wales elections:

The Hon. DON HARWIN: If we do not make that change, if that is the decision of the Parliament, will we therefore have to have two Commonwealth rolls, one that is fully enrolled for State and Commonwealth and one that is just for Commonwealth? How is it going to work?

Mr BARRY: If you look at it in terms of a database, there will be potentially people who are entitled to be enrolled for the Commonwealth but they will not necessarily be entitled to be enrolled for State purposes because they have not satisfied that other criterion.

CHAIR: How would you know, if it is sent through to the AEC?

Mr BARRY: They will know because they will see on the form that it has not been witnessed, so they will put them on the roll for Commonwealth purposes and they will send the form back to the person and say, "You've got to get this witnessed." They will send it back for State purposes. It will mean more engagement with the voters.

Mr MICHAEL DALEY: Has it been decided that that will be the process, or is that your view?

Mr BARRY: That would just be a business process that the AEC would follow at my request because I do not want them to have a person on the roll for the Commonwealth and then not to follow up and try to get them on the roll for State purposes.

CHAIR: If changes were not made by either the Federal or State government then that would be the process that would be followed?

Mr BARRY: Yes, and there would be a fair bit of backwards and forwards in getting that.⁷

- 3.12 In addition to the potential double handling of enrolment forms the Electoral Commissioner noted that the more complex the form the lower the number of people who enrol.⁸
- 3.13 The NSW Commission for Children and Young People also expressed concern that the Commonwealth changes will have an impact on the level of voter enrolment in New South Wales due to the joint roll arrangements:
- ...As there are joint electoral roll arrangements in place between the Australian and NSW Governments, the changes resulting from the Bill will affect enrolment on the NSW electoral roll.⁹
- 3.14 The Committee is of the view that the joint roll arrangement must be maintained and is concerned that the different requirements for enrolment for Commonwealth and New South Wales elections has the potential to make the enrolment process more complicated. The Committee is of the view that the process for enrolment should be easy so that people are not deterred from enrolling by complicated forms.

⁶ Transcript of Evidence, 26 July 2006, p. 4.

⁷ Transcript of Evidence, 26 July 2006, pp. 4-5.

⁸ *Ibid*, p. 12.

⁹ NSW Commission for Children and Young People, Submission to the Inquiry, p. 4.

- 3.15 The current enrolment form will need to be amended once the new requirements for identification under the *Commonwealth Electoral Act 1918* come into force. The Committee is of the view that a new enrolment form can be drafted to satisfy the Commonwealth requirements as well as making it clear that the form must be witnessed to ensure that the applicant is enrolled for both Commonwealth and State elections without making the form too complicated.

RECOMMENDATION 2: That the Electoral Commissioner liaise with the Australian Electoral Commission on the wording of the new enrolment form to ensure that the different requirements for Commonwealth and New South Wales elections are clearly stated on the form.

IMPACT ON THE LEVEL OF ENROLMENT OF YOUNG PEOPLE

- 3.16 It was argued throughout the inquiry that the requirements for identification to enrol or re-enrol will have a big impact on youth, particularly those that are disadvantaged. This is of concern given that it has been shown that young people are under-represented on the electoral roll.
- 3.17 The Youth Action & Policy Association (YAPA) argued that the new requirements for identification on enrolment will impact heavily on disadvantaged young people who may not be able to meet the identification requirements or know people with driver's licences who can countersign an enrolment form:

CHAIR: Do you think that the new requirements for identification on enrolment or when a person wishes to change their details on the electoral roll will have an impact on young people?

Ms DELANEY: Definitely. I think it is really concerning how this will impact on disadvantaged young people. It is our understanding that under the new system people will have three options for enrolling; first, if they have a driver's licence. Of course, lots of young people do not have a driver's licence to start with. The cost of actually getting a driver's licence is quite high. It presumes that people have access to a car, and lots of young people may have a family in which no-one drives because they have no access to a car, so straightaway lots of young people are removed under that form of enrolling.

The second system is around having other forms of identification such as a passport. Again, a lot of disadvantaged families and young people are not going to have a passport because they simply cannot afford to travel overseas. There are also issues around having a birth certificate. I can give you a case study that we know about of a young man who had lived in quite a few different homes and found it incredibly difficult to get his birth certificate because he had changed his name. When he had lived with different families he had adopted their last name and then when he went to get his identification he found that very difficult. I think it is the young people who are most at risk and most disadvantaged that it is really going to impact on.

The third option is around having two other people who have their drivers licence. Again, a lot of young people do not know other adults apart from family members who have a driver's licence. I really feel very strongly that it is going to be really difficult for some young people to be able to vote and we should be taking every possible step to encourage young people to vote and to have their say.¹⁰

- 3.18 YAPA have noted their concern that the new requirements will disenfranchise many young adults. In support of their view YAPA provided the Committee with

¹⁰ Transcript of Evidence, 25 July 2006, pp. 32-3.

supplementary information as to why young adults may be disadvantaged. In relation to the requirement for a person to submit their driver's licence as identification YAPA commented:

Young people are significantly less likely to hold a driver's licence than older age groups.

According to the *NSW Driver & Vehicle Statistics 2005* publication produced by the RTA and phone advice provided by the RTA

- 69.2% of 16-19 year olds hold a driver's licence
- 85.8% of 20-39 year olds hold a driver's licence
- 90.5% of 40-59 year olds hold a driver's licence

It is our view that young people from low socio-economic status are far less likely to hold a driver's licence.

Firstly, young people are only likely to apply for a licence if they have access to a household vehicle. However 14% of households in NSW do not have any registered vehicles (*Source: ABS Environmental Issues, People's Views and Practices, Cat. No. 4602.0*)

Secondly, the high cost of applying for a licence is a real disincentive to many low income earners. The current cost of obtaining a full licence is as follows:

Cost of learning to drive

<i>Stage</i>	<i>Cost</i>
Road handbook	\$10
Driver Knowledge Test	\$34 per attempt
Learners Licence	\$17
Driving Ability Road Test	\$42 per attempt
Provisional P1 Licence	\$41
Hazard Perception Test	\$34 each attempt
Provisional P2 Licence	\$66
Driver Qualification Test	\$34
Full (silver) Licence	\$41 (one year)
Total	\$319 minimum

The figure of \$319 represents more than a week's worth of wages for a considerable number of young people. For example, the weekly wage of a 1st year indentured apprentice in the Building Construction Industry is \$231, the weekly salary of a clerical and administrative employee starts at \$214, and the maximum rate of Youth Allowance (with Rent Assistance) for young job seekers and students is \$217 per week.

A driver's licence is simply out of financial reach for many young people.¹¹

3.19 YAPA have also argued that it will be difficult for disadvantaged youths who do not hold driver's licences to provide other forms of identification in order to be able to enrol:

Many disadvantaged young people do not possess a passport or do not have access to a birth certificate. While we hope that all families keep a copy of the birth certificate in a safe place and provide this to their son or daughter this is not always the case. Young people may not have access to a birth certificate for a range of reasons such as

¹¹ Youth Action & Policy Association, Supplementary information on the impact of identification requirements on young people's enrolment.

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- homelessness / leaving home early due to family dysfunction
 - high level of transience in the family unit, including change of last names if living with different family members. Sometimes this results in identification documents (eg, Year 10 Certificate) being in different names making it difficult to access a birth certificate.
- The cost of obtaining a birth certificate is \$36 and is contingent upon a young person having access to other forms of identification such as Medicare cards, credit cards, tertiary education cards, utility accounts. Not all young people have access to these forms of documentation.¹²

3.20 In relation to the third option for enrolment, i.e. having two witnesses who have known the applicant for at least a month countersign the enrolment form, YAPA argue:

...many disadvantaged young people may have trouble accessing two non-relative adults with a driver's licence. As stated above, many disadvantaged families and communities have a lower percentage of licence holders.

In addition we believe that the requirement may be for a referee with a Full Licence, rather than a Learner or Provisional Licence. In NSW it is not possible to attain a Full Licence until 20 years of age. This means that 18 and 19 years olds may not be allowed to referee for other young people. This situation is currently in place in NSW with the RTA's requirements for referees for licences.¹³

3.21 Whilst the provisions of the Commonwealth legislation do not specify that a witness countersigning an enrolment form is required to have a driver's licence, there is a real possibility that such a requirement will be specified in the regulations given that this approach was recommended by the Joint Standing Committee on Electoral Matters of the Commonwealth Parliament.¹⁴

3.22 The concerns raised by YAPA were echoed by the NSW Commission for Children and Young People:

Under the Bill all applicants for enrolment, re-enrolment or who wish to change their enrolment details, will be required to verify their identity with their driver's licence number, passport or birth certificate. This may be difficult for many young people who at 17 or 18 years of age may not yet have their driver's licence. If they do have such identification then two electors who can confirm the applicant's name and who have known the applicant for at least one month must sign their enrolment form. These requirements may also make it difficult for young people who live away from their family or in communities where they know very few people.¹⁵

3.23 The Committee is concerned that young people, particularly those that come from low socio-economic families, may be disadvantaged by the new requirements to provide identification to enrol for Commonwealth elections. It is not within the Committee's jurisdiction to recommend that the AEC implement programs to ensure that young people are able to enrol. However, the Committee encourages the SEO to liaise with the AEC on strategies that will increase the level of youth enrolment and also ensure that the new requirements do not leave young people unable to enrol. A number of strategies to encourage young people to enrol are considered in Chapter Five.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ Joint Standing Committee on Electoral Matters of the Commonwealth Parliament, *Op. Cit.*, p. 28.

¹⁵ NSW Commission for Children and Young People, Submission to the Inquiry, p. 4.

IMPACT ON PEOPLE FROM NON-ENGLISH SPEAKING BACKGROUNDS

3.24 Concerns were raised that the new requirements for identification will impact on people from non-English Speaking Backgrounds. As with young people, this is a group that is considered to be under-represented on the electoral roll. The Community Relations Commission considered that the new requirements would increase the complexity of the enrolment process and had the potential to deter eligible voters from enrolling:

Many people from non-English backgrounds already experience difficulty understanding the requirements and processes for enrolling on the electoral roll. Any increase in the complexity for proof of identity requirements could deter some eligible voters from non-English speaking backgrounds from enrolling, or if enrolled from changing their enrolment details.¹⁶

3.25 The Community Relations Commission is particularly concerned about the impact the requirements for identification will have on women from non-English speaking backgrounds who do not have driver's licences or may live in remote areas:

Mr KERKYASHARIAN: ...Many people from non-English speaking backgrounds already experience difficulty understanding the requirements and processes for enrolment on the electoral roll, so it is important that any strategies that may arise from this inquiry assist them, rather than add to the complexities of the system.

.....

Two elements in particular would appear to add unnecessary complications to the electoral process, and they will impact on voters from non-English speaking backgrounds. The first is the requirement that new enrolments or people wishing to change their enrolment details will be required to produce a driver's licence. If an elector does not have a licence, then their application will have to be countersigned by two electors who know the applicant.

The reason advanced for this measure is that will help prevent electoral fraud. However, according to one media report—and I refer the Committee to an article by Brian Costa in the *Age* on 3 July 1996, published in Melbourne—and I quote: "Since 1990 more than 66 million votes have been cast for the House of Representatives yet 71 attempts at multiple voting have been detected." So that is 71 out of 66 million. "The 2001 national Audit Office review of the Commonwealth roll described it as being of high integrity." The measure would therefore appear to be an unnecessary complication which will impact particularly on women of non-English speaking backgrounds while less likely than most to have a drivers licence and therefore will be required to seek counter signatories.

Any increase in the complexity for proof of identity requirements could deter some eligible voters from non-English speaking backgrounds from enrolling or, if enrolled, from changing their enrolment details. In reference to women from non English-speaking backgrounds, there is also an added complexity when you refer to women of non-English speaking backgrounds living in remote and regional areas. You will find that in many cases these women not only do not have a drivers licence but they live on properties where the nearest neighbour might be at least half a kilometre away and therefore they are isolated in terms of social interaction as well and therefore might find it very difficult to even find two people who will countersign their electoral form.¹⁷

3.26 There is no hard evidence that women from non-English speaking backgrounds are more likely than most to not have a driver's licence. However, Mr Kerkyasharian, Chair

¹⁶ Community Relations Commission, Submission to the Inquiry, p. 1.

¹⁷ Transcript of Evidence, 25 July 2006, pp. 10-11.

of the Community Relations Commission, commented that from his experience that it would appear that this was the case:

The Hon. DON HARWIN: ...Can you provide a little bit more specificity about the degree of overrepresentation that NESB people might have amongst the less than 10 per cent of the Australian population that does not have a driver's licence and what strategies that you, through the CRC have been encouraging the RTA to undertake to increase the ease in which people from a non-English-speaking background can obtain a driver's licence?

.....
Mr KERKYASHARIAN: ...I do not think there is definitive data saying how many people of non-English-speaking background do not have a driver's licence, but I am quite confident in stating that from our interaction and from the anecdotal evidence that we have—and I stand by my statement—that many women of non-English speaking background, the proportion among the non-English speaking community would be different to the broader community and that many of those women would probably not have a driver's licence.

I am extremely confident in making that statement, particularly in some regional and rural areas; in places like Grafton, for example, where some years ago the commission was approached by the local community to provide funding for a driving instructor to be employed to promote to the women who had gone into that particular area north of Coffs Harbour because they were very isolated and they were trying to get those women to obtain their driver's licence to in some way alleviate their isolation, so I am very confident when I make that statement.¹⁸

3.27 The Committee notes that, whilst there is only anecdotal evidence that women from non-English speaking backgrounds are less likely to have a driver's licence than the rest of the population, the concerns raised by Mr Kerkyasharian highlight the difficulties that people from non-English speaking backgrounds face in relation to many aspects of life in Australia. The Committee considers that the lack of a driver's licence for people from non-English speaking backgrounds has the potential to compound what is considered by many to be an already complex process of enrolling to vote.

3.28 In relation to the complexity of the enrolment forms for people from non-English speaking backgrounds the Committee is concerned that some new Australians may be deterred from enrolling to vote due to the new requirements for identification on enrolment. The Committee considers that there is a need for specific strategies in place to explain the electoral process to people from non-English speaking backgrounds so that they understand the system of enrolling to vote. This will help to alleviate concerns about the process becoming even more complex due to the new requirements. Consideration is given to strategies in Chapter Five.

PROBLEMS WITH HAVING ENOUGH IDENTIFICATION

3.29 In addition to young people and people from a non-English speaking background a number of other groups were concerned about the issue of identification, in particular the problem of having enough identification. Vision Australia commented that the new requirements were not onerous but could potentially impact on blind and vision impaired people:

¹⁸ Transcript of Evidence, 25 July 2006, p. 13.

CHAIR: Mr Simpson, you mentioned involvement in the enrolment process. Do you think the new requirements for identification upon enrolment or when a person wishes to change their details on the electoral roll will have a significant impact on blind and vision-impaired people?

Mr SIMPSON: The real impact will be one of having enough identification. As with all sectors in the community, there are people who are blind and vision impaired who are very private about their identity and their personal information and have fundamental reasons for not wanting to share that information. But for most of us it is not a matter of having a fundamental barrier about sharing that information; it is actually about having enough identification to prove. That is why Vision Australia as its former entity Royal Blind Society was most supportive of the New South Wales State Government introducing a photo ID card, with the bill passing through Parliament in 2004, I think. The most ready form of identification for people—and the one that most people ask for—is a driver's licence and generally people who are blind do not have a driver's licence. So we actually have problems having enough proof of identity. We do not believe that the new arrangements are terribly onerous and we believe that as long as some governments are prepared to provide forms of identification like the New South Wales photo ID card blind people will be prepared to prove their identity along with anyone else in the community.¹⁹

3.30 People with Disability [PWD] also considered that the requirement for identification would have an impact on some people with disabilities as they may not have enough identification:

Mr PAUL PEARCE: Following on your point about the rights of citizenship, firstly do you have a view on the identification requirements being introduced federally? Do you see that as a problem for persons with a disability?...

.....

Mr HUGHES: The identity card creates some issues for some people with a disability, similar to the points raised by Vision Australia. A lot of people with a disability, especially a cognitive disability, do not have a drivers licence, do not have many points of identification. In some indigenous communities, indigenous people with a disability are very apprehensive of having identification imposed on them for historical reasons. PWD does a lot of outreaching into western New South Wales and regional communities and have a number of clients with a disability out there. This is an issue for them. We do support the State Government's introduction of the RTA card, we think it is a good thing. For people who wish to have identification they can have it easily with that card. The other people it can impact on are those with a disability who live in institutional settings. Again, they are often loath to have identification forced upon them because of their historical background, where they have come from.²⁰

3.31 Concerns were also raised about any requirement that may be made under the regulations to require a 'proof of address'. The NSW Council for Intellectual Disability commented on the difficulty such a requirement could have on people living in institutionalised care:

...issues such as 'proof of address' may be difficult for people living in supported accommodation. While many have Medicare cards few would have driver's licences with details of their address and most would receive little mail in the way of bills etc with

¹⁹ Transcript of Evidence, 25 July 2006, pp. 3-4.

²⁰ Transcript of Evidence, 25 July 2006, pp. 7-8.

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address details on it – utility accounts are not in the name of the resident of a group home.²¹

- 3.32 Whilst the amendments to the *Commonwealth Electoral Act 1918* do not specify that a ‘proof of address’ is required this may be a requirement that is made by the regulations, which are yet to be released.

CONCLUSION

- 3.33 It has been argued by a number of interest and advocacy groups that the impact of the requirement for identification will be felt most by those people who do not have driver’s licences. The Electoral Commissioner also acknowledged that the effort required by people without driver’s licences to enrol would be greater than those with a driver’s licence:

...the new provisions will be quite simple and straightforward for a person who has a driver’s licence as their enrolment form will not require a witness. For people who do not have a driver’s licence an additional effort will be required to enrol.²²

- 3.34 The Committee is concerned that a number of groups feel that they will be unable to make the identification requirements, particularly due to not having a driver’s licence, and hence will not be able to enrol to vote for Commonwealth elections. The Committee is not in a position to change the new requirements. However, the Committee considers that the Premier should advise the Federal Government of the concerns that have been raised in this inquiry so that the regulations specifying the identification requirements will not unduly hinder people from enrolling to vote.
- 3.35 It should also be noted that a number of witnesses referred to the photo-ID card issued by the NSW RTA and commented that it was a useful form of identification for those people who do not have a driver’s licence. The Committee considers that the Photo-ID card should be specified as a ‘prescribed form of identification’ under the regulations to the *Commonwealth Electoral Act 1918*. However, the Committee is conscious that to apply for a photo-ID card people must supply appropriate proof of identity so people who can apply for a photo-ID card are likely to have enough identification to meet the new requirements for enrolling to vote in Commonwealth elections even if it is not included in the list of ‘prescribed forms of identification’.

²¹ NSW Council for Intellectual Disability, Submission to the Inquiry, p. 3.

²² State Electoral Office, Submission to the Inquiry, p. 2.

Chapter Four - Strategies to maintain or improve the level of voter enrolment and to ensure the roll remains up to date

INTRODUCTION

- 4.1 Maintaining a functioning democracy requires effective strategies directed towards ensuring all citizens, including those from marginalised or disadvantaged groups, have equal access to the electoral process. During the course of the inquiry a number of strategies were considered that have the potential to increase and maintain the level of enrolment for the population as a whole.
- 4.2 This Chapter considers a number of these strategies including requiring the SEO to implement education and information programs; making greater use of technology to enable automatic enrolment and updating of addresses on the electoral roll; and encouraging an inter-agency approach.

ROLE OF THE SEO IN EDUCATING PEOPLE

- 4.3 During the inquiry comments were made about a number of initiatives that could be undertaken to maintain and improve the level of voter enrolment across the population as a whole, including those groups that are under-represented on the electoral roll. One of these initiatives was to give the SEO a role to provide education and information programs on electoral issues.
- 4.4 The SEO acknowledged the importance of electoral education but notes that in New South Wales the legislation is silent on the role the SEO should have in electoral education:

While the SEO acknowledges the importance of undertaking electoral education and research, unlike the AEC and all other Australian state and territory electoral bodies which have a statutory responsibility to conduct such activities and receive funding to ensure this occurs, the New South Wales legislation is silent on the role of the SEO in this regard.

However, as the AEC maintains the roll for New South Wales, it may be worthwhile to work with it on joint information and education campaigns, and it may also be useful to investigate with relevant government agencies...whether there are opportunities to deliver electoral information in existing programs.¹

- 4.5 A number of witness considered that the SEO should have a role in educating people about the electoral system. The Youth Action & Policy Association [YAPA] considered that the SEO should have a statutory requirement to provide education on the electoral system:

CHAIR: What role should the State Electoral Office play in electoral education, particularly in relation to young people?

Ms DELANEY: It is my understanding that other State offices are mandated to do education but the New South Wales one is not. So that is certainly something that should be a requirement to start with—to do education not just in schools but in other places where young people access because, of course, we have a lot of young people who

¹ State Electoral Office, Submission to the Inquiry, p. 3.

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are leaving school early, particularly in rural areas and particularly within our indigenous populations as well. So I think community education is a really big part of that. Outreach, as I mentioned before, to places where young people actually go to and also provide information, as John mentioned before, not just that you are enrolled to vote, but here is an example of how you actually vote. So whether that is with fictional characters, for example, a way of actually looking at how a filled out vote actually looks—some more education such as that.²

- 4.6 YAPA commented that electoral education is important as information about how the electoral system works increases understanding and in turn can increase the level of voter enrolment:

CHAIR: ...a number of the submissions have indicated that the level of voter enrolment is linked to how informed people are about the electoral system. Do you feel that that is a major factor in influencing young people to enrol?

Mr FERGUSON: Yes. I think that the level of awareness and knowledge—as understanding increases, I think enrolment would also increase. We have discussed issues and read other things when people suggest the Electoral Commission sending out not just confirmation but more detailed things about how preferences are distributed and so on. Those small things would all increase understanding and would therefore increase enrolment. The other matter is that we feel some young people, although they have political interests or have ideas and that sort of thing relating to politics, some of them feel a bit disfranchised or disempowered and that may come from the lack of understanding, and those things will actually address those. If they felt their voice was heard a bit more and they understood the process a bit more, then that would contribute to better enrolment as well.³

- 4.7 Comments were also made that the SEO should be more active in providing electoral education through schools. Daniela Giorgi commented:

CHAIR: What role do you think the State Electoral Office should play in electoral education, particularly in relation to young people?

Ms GIORGI: I think they should have perhaps a more active role in going into schools and providing electoral information at the school level. Perhaps they might need more funding in order to do that and in order to train people to go into schools. I know that the Australian Electoral Commission does a fair bit of that at the moment but I do not think the State Electoral Office does very much. That would perhaps take the pressure off many teachers who might not feel that they know enough about elections or our political system to be able to do it themselves. It is not just teaching students about the role of the State Electoral Office but also professional development for teachers. I think they have a very large role to play there, where they train the teachers about elections and how elections are held—the ins and outs of it. Teachers could then feel more confident and comfortable in their own classrooms talking about this and teaching students about it.⁴

- 4.8 Comments made by the Commission for Children and Young People indicated that information on enrolment needs to be improved:

The Commission supports provisional enrolment at 17 years as a strategy to improve the level of voter enrolment amongst young people. Provisional enrolment provides a considerably longer period of time for electoral authorities to contact, and be contacted by, young people before they are required to vote at 18 years of age.

² Transcript of Evidence, 25 July 2006, p. 35.

³ *Ibid*, p. 32.

⁴ *Ibid*, p. 23.

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However, the Youth Electoral Study found there were low levels of awareness amongst young people under 17 years of age that they could register on the electoral roll. This indicates that further work needs to be done to inform young people about their entitlement, and encourage them, to enrol.⁵

- 4.9 The Commission also noted that young people had argued that the SEO could be more actively involved in educating young people about the electoral system and that recruiting young people to conduct this role would be beneficial:

Young people have also suggested that electoral offices could recruit young people 18 years and over (who are not affiliated with a political party) to visit schools and speak with other young people about why voting is important. Young people have said that it is more likely they will relate to people their own age.⁶

- 4.10 The Committee is of the view that the SEO should have a role in educating people about the electoral system. This includes working with the AEC on joint initiatives and investigating whether there are avenues for providing education within existing programs through government agencies and community groups. For example, the SEO could work with advocacy groups such as People with Disability and the NSW Council for Intellectual Disability to provide educational material through programs run by these groups.
- 4.11 The Committee acknowledges the concerns raised about the SEO being the only electoral authority in Australia that does not have a statutory requirement to promote public awareness of electoral and parliamentary matters through education and information programs. However, the Committee is of the view that the Electoral Commissioner and his staff already promote public awareness of electoral matters and that no amendment to the *Parliamentary Electorates and Elections Act 1912* is required.

A SMART ENROLMENT SYSTEM

- 4.12 The current system of enrolment has a number of deficiencies that could be overcome with a greater use of technology that is now available. The SEO made the following observations on the system of enrolment:

The present system is very much a pen and paper system. Eligible citizens must complete an application for enrolment form, sign the application and have it witnessed by an elector already enrolled. The application is received and processed by the AEC and if in order, the citizen is recorded on the AEC's computerised enrolment system and notified that they are enrolled for each of the appropriate electorates relating to the three tiers of government.

When an enrolled elector changes address, they are required to complete a similar form, sign and have it witnessed and forward it to the AEC who, if in order, effect the address change and advise the elector of their new electorates relevant to the new address.

The paper-based system has served well for at least two centuries but there are deficiencies especially as we move to an environment where an increasing number of people are used to doing business in an electronic environment. The paper-based system is cumbersome and narrows opportunity for eligible citizens to enrol and maintain their enrolment details when most businesses are expanding the opportunity for their customers to access services.

⁵ NSW Commission for Children and Young People, Submission to the Inquiry, p. 5.

⁶ *Ibid*, pp. 6-7.

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A further limitation of the present enrolment regime is that it is heavily dependent on the citizen to initiate enrolment or a change in their details with the AEC. When electors move address the issue of advising the AEC of a change of their enrolment details is not a high priority. There is evidence that enrolment becomes an issue only at the time of an election.⁷

4.13 The SEO consider that a number of the deficiencies of the present system of enrolment can be removed with the adoption of a 'smart enrolment system'. A smart enrolment system operates around the notion that there are alternative ways of enrolling and notifying of a change of address, particularly when such information has already been provided to other government departments. The SEO makes the following comments on a smart enrolment system:

The smart enrolment system relates to the process of getting eligible people on the electoral roll for the first time without them having to initiate the application for enrolment. It also relates to widening the opportunity for electors, once enrolled, to amend their enrolment details whether directly on-line to the SEO or as a result of the SEO receiving authoritative advice from a trusted agency that the person has changed their address. For example, if a person advises the Roads and Traffic Authority (RTA) of a change of address relating to their driver's licence, then that advice could be provided to the SEO, and if the person is an elector then their address details on the roll will be changed automatically. People would be advised their enrolment has been changed and if the details were not correct to contact the SEO.

In NSW a number of public sector agencies hold information regarding people who have moved address so a similar arrangement to that described above could be considered. There would need to be an analysis of the suitability of other agencies' business processes to evaluate those agencies holding data that could be used for changing electors' address on the electoral enrolment system.

For example, the Department of Education and Training may be able to provide details regarding students in the 17 and 18 year old bracket, the Department of Ageing, Disability and Home Care may have data relevant to the elderly through the Seniors Card Register and people with a disability, and the Community Relations Commission and the Department for Aboriginal Affairs may be of assistance regarding people from a non-English speaking background or indigenous Australians. It may also be possible to enter into similar arrangements with the Commonwealth to obtain information on citizenship from the Department of Immigration and Multicultural Affairs and Centrelink could provide details on the elderly and people with a disability.⁸

4.14 The State Electoral Office also notes that a smart enrolment system will make the enrolment process easier for many through the greater use of technology:

A smart enrolment system will also enable electors to change their enrolment address on-line subject to satisfying security provisions. For example, where an elector wishes to change their address for enrolment purposes they could access the enrolment system on the Internet and by entering their full details plus their driver's licence number (as an additional safety measure) and all details matched, be permitted to change their address. This will assume that the enrolment system has the driver's licence number for electors as an elector attribute.⁹

⁷ State Electoral Office, Submission to the Inquiry, p. 6.

⁸ *Ibid*, p. 7.

⁹ State Electoral Office, Submission to the Inquiry, p. 8.

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4.15 The SEO note that the current pen and paper based system would also be maintained to ensure that citizens who do not have access to technological options are not disadvantaged.¹⁰

4.16 A smart enrolment system has the potential to alleviate some of the problems that have occurred in relation to absentee voters. The Electoral Commissioner commented:

Mr BARRY: ...In my view, if we can get authoritative advice that somebody has been moved into a nursing home why not put them on the roll for that place so when we go around we are not putting them through a process that does not respect their dignity and asks them and tries to quiz them, "Where do you think you're enrolled?" We spend half an hour getting them to vote and then when we get the vote back we suddenly find that they are not enrolled at that address anyway. What a waste of time that was! Put them on the roll for where they are living because that is probably where they will see out their days. At least we would be able to take that part of the process out of the question.

At the last State election approximately 86,000 people voted as absentee voters, including people in nursing homes. They have gone through the process, they have completed the declaration and they have pulled out their ballot papers in the envelope, and we have rejected their declarations envelope because they are not enrolled at the address they declared yet they are enrolled somewhere else in New South Wales, and there are 86,000 of them, and that is more than one State district.¹¹

4.17 It should be noted that the Electoral Commissioner has advised the Committee that the problem with invalid absentee votes will be addressed at the 2007 State election through the use of 'iRoll', a device which enables polling officials to access the entire electoral roll for New South Wales on election day to ensure that people submit an absentee vote for the place they are enrolled at.¹² The Committee commends this initiative.

4.18 The SEO has indicated that the NSW Department of Lands will have a pivotal role in ensuring that the smart enrolment system is accurate:

One of the key components to any enrolment system is an accurate data set of properties. NSW through the Department of Lands has almost all properties in NSW digitised to 'a spot on the earth'. The Department of Lands would become the custodian of the property register that the smart enrolment system would use as the address data set. The SEO will require the Department of Lands' information as the basis of the enrolment system address register. This will be an important component to risk management strategies to minimise fraudulent enrolment.¹³

4.19 The Electoral Commissioner elaborated on this when he appeared before the Committee:

The Hon. DON HARWIN: In your submission you referred to the very excellent work of the Department of Lands on a range of fronts. In particular you referred to one of the key components to any enrolment system would be an accurate database of properties and that that department will become the custodian of the property register under a smart enrolment system. How do you see that developing?

Mr BARRY: There are two components to any enrolment register or system. One is the people and the other is the properties. As members of Parliament you would appreciate it is the property that is related to be spot on the earth and that is related to the ward or

¹⁰ *Ibid.*

¹¹ Transcript of Evidence, 26 July 2006, p. 8.

¹² *Ibid.*

¹³ State Electoral Office, Submission to the Inquiry, p. 8.

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council or district or Federal division; it is not the people, the people go into the property. You have to maintain two parts of the system. You have to have someone who is the definitive keeper of properties, the register of properties. You need not only a spot on the earth but also whether a place is a garage, for example, and people could not possibly live there. You need to build integrity into the system. If someone is trying to enrol for a petrol station, for example, you need to know that that does not make sense. There needs to be one agency that is the definitive keeper of that information. In New South Wales, the Department of Lands would happily take on that role if it is not doing it under statute already.¹⁴

4.20 The SEO note that variations of smart enrolment systems are utilised in other countries including data-sharing between government agencies:

Variations of smart enrolment systems are already in use in a number of countries such as New Zealand and Canada. These vary from allowing data-sharing between government agencies or simply making enrolment forms available at various government agencies to be completed at the same time as another business transaction and forwarded by the agency to the electoral body.

New Zealand

Enrolment on the electoral register is compulsory in New Zealand, although voting is not compulsory. Each individual has the responsibility to complete and sign an enrolment form and submit it to the Electoral Enrolment Centre (EEC) by a variety of means, designed to make it easy for electors to enrol. They may also enrol on-line. There is a further obligation on electors to notify the Registrar of Electors of changes in their circumstances each time they move.

Since 2002 the EEC's computer system has been re-designed to allow data-matching with a number of specified government agencies to identify those who are not enrolled and those whose details have recently changed. This is permitted under section 263B of the *Electoral Act 1993*, and includes in the list of specified agencies: the department responsible for the administration of the social security act; the Ministry of Transport, Land Transport New Zealand; and the Department of Internal Affairs (provides citizenship details).

Canada

In Canada the 'National Register of Electors' is compiled from information from key provincial, territorial and federal data sources between electoral events, and by electors themselves during federal electoral events. Before this Register was created, new voter lists were compiled for each federal electoral event through door-to-door enumeration, which was expensive, time-consuming and labour-intensive.

Elections Canada (the federal electoral body) has now signed agreements with agencies such as the Canada Revenue Agency, Canada Post Corporation, Citizenship and Immigration Canada, and provincial and territorial registries of motor vehicles and vital statistics (similar to the NSW Registry of Births, Deaths and Marriages).

Data-sharing occurs provided a person consents to the information being made available to Elections Canada. Provision is made on the forms used by the various agencies for a person to indicate willingness for this information to be passed on, for example, on income tax returns, citizenship applications, and notifications of postal change of address.

If consent is given and after the information has been transmitted, Elections Canada then writes to the person to confirm they are eligible to vote. In 2003 Elections Canada

¹⁴ Transcript of Evidence, 26 July 2006, p. 12.

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sent 2.2 million registration packages to potential electors and received 275,000 positive responses and 80,000 stating they were not citizens.

United States

Under the *National Voter Registration Act 1993*, which was enacted to enhance voting opportunities by making it easier to register and to maintain registration, in addition to whatever other methods of voter registration which states offer, the Act requires states to provide the opportunity to apply to register to vote for federal elections by three means:

- Provide individuals with the opportunity to register to vote at the same time that they apply for a driver's licence or seek to renew a driver's licence, and requires the state to forward the completed application to the appropriate state or local election official.
- Offer voter registration opportunities at all offices that provide public assistance and all offices that provide state-funded programs primarily engaged in providing services to people with disabilities. Each applicant for any of these services, renewal of services or address changes must be provided with a voter registration form, assistance to complete the form is to be offered and the completed application forwarded to the appropriate state or local election official.
- Citizens can register to vote by post using postal voting forms developed by each state and the Election Assistance Commission.¹⁵

4.21 One of the main factors underpinning a smart enrolment system is ensuring that the Electoral Commissioner has an appropriate legislative framework to enable personal information to be exchanged across agencies. The SEO's submission notes:

Provision is already made in section 31(1) of the *Parliamentary Electorates and Elections Act 1912* for 'all officers in the service of the Government of New South Wales, all police officers, all employees of any council within the meaning of the *Local Government Act 1993*, and all electors or persons qualified to be electors, shall upon request furnish to the Electoral Commissioner...all such information as is required in connection with the preparation, maintenance or revision of the rolls.'

It is proposed to amend this section further as follows:

'(2) Without limiting subsection (1), all officers and employees referred to in that subsection must upon request furnish to the Electoral Commissioner...

(a) any information of a kind required by the Electoral Commission or any such officer for any purpose relating to the rolls, or

(b) without limiting paragraph (a), all such information as is required to enable the Electoral Commissioner or any such officer to detect:

(i) persons or classes of persons who may be incorrectly enrolled, or

(ii) persons or classes of persons (whether of particular ages or otherwise) who may be entitled to enrolment or who, being 17 years but not 18 years of age, may be entitled to make claims under section 33A to have their names placed on a roll, or

(iii) other persons or classes of persons who may be affected by this Part or regulations made for the purposes of this Part.

(3) The Electoral Commissioner may inform any persons who, from information obtained under subsection (2):

(a) appear to be incorrectly enrolled – of their obligation to be correctly enrolled, or

¹⁵ State Electoral Office, Submission to the Inquiry, pp. 9-10.

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(b) appear not to be enrolled – of their present or forthcoming obligation to be enrolled.¹⁶

- 4.22 The Electoral Commissioner has further advised the Committee that “proposed subsection (4) will exempt persons and public service agencies from any requirements of the *Privacy and Personal Information Protection Act 1998* in relation to the disclosure of personal information to my organisation...”¹⁷
- 4.23 The proposed amendments to the *Parliamentary Electorates and Elections Act 1912* provide an appropriate legislative base for a smart enrolment system in that it will enable the Electoral Commissioner to seek information from other agencies that will assist in determining whether a person is enrolled correctly. However, under the proposed changes the Electoral Commissioner can only use this information to inform people where they appear to be incorrectly or not enrolled of their obligation to be enrolled correctly. Whilst proposed amendments to section 21B of the Act will enable the Electoral Commissioner to send information received from other agencies to the AEC the legislation may need to be further amended to make it clear that the information can be used to update a person’s details on the electoral roll.
- 4.24 The Committee notes that some aspects of a smart enrolment system are already utilised by the AEC through its continuous roll updates, including data-matching, whereby information is received by the AEC from external sources covering change of address such as Australia Post Redirection Advices, or data about persons who are eligible but not enrolled. Under the current arrangements the AEC must send an enrolment form to any persons it has identified as being incorrectly enrolled or not enrolled and the person must then complete it for their new address and return it. The move to a smart enrolment system will remove the need for an enrolment form to be sent to people and returned.
- 4.25 The Committee is of the view that a “smart enrolment system” has the potential to improve and maintain the level of voter enrolment across the whole population by providing a system where the details of people already enrolled can be readily changed when a person updates their details with a number of other government agencies such as the RTA. The system also has the potential to identify people who are not enrolled and those people who are not enrolled for the correct address.
- 4.26 The Committee considers that the Government should make further investigations into the feasibility of a smart enrolment system at the conclusion of the 2007 NSW election. This would include an analysis of what is involved to develop such a system including any legislative changes that will need to be made and how it would work for the purposes of the joint roll arrangement with the Commonwealth.

RECOMMENDATION 3: That the Government investigate the feasibility of and requirements for a smart enrolment system following the conclusion of the 2007 NSW election.

INTER-AGENCY APPROACH

- 4.27 One of the components of a smart enrolment system is data-sharing between agencies. In addition, to data-sharing government agencies could have a role in

¹⁶ State Electoral Office, Submission to the Inquiry, pp. 7-8.

¹⁷ State Electoral Office, Supplementary Advice, dated 31 July 2006.

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providing information about enrolling to vote. A number of submissions considered that an inter-agency approach should be used to improve and maintain the level of enrolment. The Youth Action & Policy Association [YAPA] suggested that enrolment information should be promoted and distributed by other government agencies:

The Australian Electoral Commission should be encouraged to distribute and promote voter registration information through non-political bodies such as the education system, Centrelink, the RTA, the ATO, the Medicare system and public libraries.¹⁸

4.28 A similar view was expressed by Daniela Giorgi, who argued that all levels of government have a role in encouraging enrolment and can do so through a number of government agencies in addition to electoral authorities:

I believe that each of the three levels of Government and each part of government has an important role in facilitating enrolment to vote and supporting electoral education – a whole of government approach. Its importance to the processes of government is so basic that, effectively all government departments should include some reference to supporting democratic processes in their mission statements or objectives and perhaps also offer electoral education as part of their human resources provisions for employees – encouraging an ethos of active and informed citizenship. Listed below are some specific ideas that might be implemented at each level of government to encourage voter enrolment:

The Federal Government:

- Could encourage or require tertiary institutions to provide voter enrolment forms as part of their enrolment procedures;
- Could require the Australian Taxation Office to supply enrolment forms when people apply for tax file numbers, ABNs, etc;
- Should fund very specific advertising relating to the closure of electoral rolls during an election year before an election is called, especially in relation to providing enrol to vote campaigns;
- Could require enrolment forms to be available in all Government department information centres, especially in Centrelink and Medicare offices.

State Governments:

- Could incorporate enrol to vote forms in Driver's licence applications or statements of HSC results;
- Could require enrolment forms to be available in all schools and clearly displayed in the administration area for students and community members;
- Could require enrolment forms to be available in all Government department information centres, particularly in administration of public housing given that tenants often move to changed electorates when allocated housing;
- Similarly, as housing is a determinant of electorate location and possibly change, voting enrolment forms could be placed with real estate agents in cooperation with the Real Estate Institute of Australia.

Local Governments:

- Are uniquely placed to provide information directly to local communities;
- Should offer electoral education for their constituents to explain local council election procedures, as well as supporting electoral education for state and

¹⁸ Youth Action & Policy Association, Submission to the Inquiry, p. 5.

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federal elections in conjunction with the AEC and state and territory electoral authorities;

- Could require enrolment forms to be available in all council offices, local government community and information centres and particularly in public libraries.¹⁹

4.29 The Commission for Children and Young People refer to the success of the Continuous Roll Update [CRU] program undertaken by the AEC to ensure the level of young people enrolled is maintained. The Commission suggests other targeted strategies involving a number of government agencies also has the potential to maintain or improve the level of young people enrolled:

The Commission supports the maintenance of the Continuous Roll Update (CRU) program undertaken by the Australian Electoral Commission, state and territory authorities. Evidence shows that in the absence of elections to stimulate enrolment, the CRU program has maintained consistent levels of young people's enrolment through monthly individual mail outs and targeted school programs. In particular, the utilisation of data on Roads and Traffic Authority (RTA) and Centrelink clients turning 17 and 18 years to send a letter to young people who have not enrolled or have moved address, is a useful way to directly target young people. It is suggested the direct mail out strategy could be extended to sending out enrolment information with year 10 or 12 school results or University and TAFE admission information.²⁰

4.30 People with Disability [PWD] considered that an inter-agency approach could be a useful way to ensure that people living in institutionalised care are enrolled to vote:

The Hon. PENNY SHARPE: This reflects a little on using boarding houses. Some of the submissions we have received are suggesting that a broader interagency approach through the RTA for example or through the Tax Office in terms of getting people on the roll would be useful. Do you have any comments on that, particularly through DADHC and other organisations that people with disabilities are interacting with, where there are points in the process where we could be encouraging them to vote or get on the roll and providing assistance that way?

Mr BOWDEN: It is a good idea to be using the organisations that people are engaged with, either through the provision of case management services or through the licensing of boarding houses, as a mechanism of encouraging people to think about whether or not they would like to enrol to vote. The issue of voting currently, I would suggest, is fairly low down on the issues that case managers would be looking at for people who they are engaged with but I think if we were working with senior officers of the Department of Ageing, Disability and Home Care, that could slow down to the level where direct staff are working with people either in supporting people in accommodation, in group homes, or through the case management service for people who are living in the community. That could be quite effective in getting more people to enrol.²¹

4.31 The Committee is of the view that other government agencies could encourage people to enrol to vote by displaying and distributing information on enrolment when people are transacting other business such as applying for driver's licences or moving into public housing.

4.32 The Committee is conscious that other agencies have limited resources and should not be unnecessarily burdened with having to provide additional services. Accordingly, the

¹⁹ Daniela Giorgi, Submission to the Inquiry, pp. 2-3.

²⁰ NSW Commission for Children and Young People, Submission to the Inquiry, p. 6.

²¹ Transcript of Evidence, 25 July 2006, p. 9.

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Committee considers that the SEO should be responsible for drafting material on enrolment that can be made available to Government agencies to display or distribute to their clients.

- 4.33 The Committee notes that a similar approach was recommended by the Joint Standing Committee on Electoral Matters of the Commonwealth Parliament when it recommended that the *Commonwealth Electoral Act 1918* be amended to require enrolment forms to be prominently displayed at all times in every Australia Post, Medicare, Centrelink and Rural Transaction Centre to encourage people to enrol.²² The Committee supports this recommendation.

RECOMMENDATION 4: That the State Electoral Office draft material on the process of enrolment that can be displayed and distributed by other New South Wales Government agencies.

AUTOMATIC ENROLMENT

- 4.34 Another aspect that a smart enrolment system could provide for is an automatic enrolment for young people. This is because the NSW government already holds information on young people. The Electoral Commissioner commented:

Mr BARRY: One of the things that I put in my submission to do is an idea that I have been considering for a number of years and that is a smart enrolment system. That really revolves around the fact that we know—trusted agencies know who are the 17 and 18-year-olds, young adults, in schools. We know their names, we know where they live and we know how old they are. To me they are pretty much the three criteria that you need to put someone on the roll. My thinking would be that one approach to be considered is that if we know all of that information why not put them on the roll and deal with them by exception? That is something that I put forward in that paper to consider. That would get 95 per cent of them on the roll.²³

- 4.35 YAPA argued that young people should be automatically enrolled to vote and that this could be linked to an inter-agency or smart enrolment system approach:

CHAIR: What would your views be on automatic enrolment?

Mr FERGUSON: That would be something that we would definitely support. It is something we did want to talk about today. It just takes out all the guess work and all these issues and all these factors. Somehow whether it was attached to Medicare or Centrelink, when people have to provide certain levels of identification, that would be the perfect time to have automatic enrolment. Then all these factors are overcome.²⁴

- 4.36 Whilst there was support for automatic enrolment of young people concerns were raised about the need to educate young people about the electoral system and government in general to ensure that they could participate effectively. Jenny Compton from the Centre for Research and Teaching in Civics commented:

CHAIR: Do you support automatic enrolment of young people, for example, based on their birth certificate?

²² Joint Standing Committee on Electoral Matters of the Commonwealth Parliament, *The 2004 Federal Election: Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, September 2005, p. 14.

²³ Transcript of Evidence, 26 July 2006, p. 2.

²⁴ Transcript of Evidence, 25 July 2006, p. 31.

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Ms COMPTON: Automatic enrolment would do a lot to address the immediate issue of non-enrolment. However, The Centre for Research and Teaching in Civics is also concerned that there be a reasonable level of civics education to complement that. Apart from being on the roll and being entitled to vote, young people need to know how to participate. The study contained a direct question about how prepared young people feel and on most issues, such as understanding political parties, the political issues, being able to make a decision to vote and knowing how to vote, less than 50 per cent said they felt prepared. That is a big barrier to participation and it might also be an issue apart from simple registration.²⁵

4.37 These concerns were echoed by Daniela Giorgi, who has worked closely with young people in her role with the Parliamentary Education section of the New South Wales Parliament:

CHAIR: It has been suggested that a system should be developed that enables the automatic enrolment of young people when they turn 16. Do you think such a system is workable?

Ms GIORGI: Yes, I do. There are many systems in our society that we have implemented to ensure that people follow laws. Because we made voting compulsory I think we should implement a system that will ensure that they are able to follow it much more easily. But I think it has to be attached to an education system as well, where we encourage people that it is a right and a responsibility in our society to vote. It is something that means they can take part in their society and have a say rather than something that is punitive simply because it is automatic.²⁶

4.38 The Electoral Commissioner considered that educating young people about the electoral process was beneficial. However, he also commented that the money spent on civics education might not produce the desired result of having all young people enrolled in the same way that automatic enrolment would. When questioned about whether civics education would increase the level of voter enrolment of young people the Electoral Commissioner commented:

Mr BARRY: ...Victoria is doing quite a bit more work now in that whole area, running electoral support, encouraging schools and making grants available, small grants, to schools who are undertaking innovative work to get young people engaged in the electoral process. That is terrific. I do not know the fruits of that labour yet. That is one of the things that as a Committee you might want to focus on and think about. You can spend all this money and encourage schools to do this and that and everything, but you will spend a lot of money and the more you spend, it will be diminishing returns. Why not put them on the roll? You know they are there, you know who they are and you know where they live. Put them on the roll and deal with the exceptions. You will have them there and it will not cost you anything, or very little.²⁷

4.39 The Legal, Constitutional and Administrative Review Committee of the Queensland Parliament recently conducted an inquiry into engaging young people in democracy and considered the issue of automatic enrolment. The Committee considered that as voting is compulsory, eligible voters should be automatically put on the electoral roll when they become eligible to enrol and has recommended that the *Electoral Act 1992*

²⁵ *Ibid*, pp. 19-20.

²⁶ *Ibid*, p. 24.

²⁷ Transcript of Evidence, 26 July 2006, p. 11.

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(Qld) be amended to allow for the automatic enrolment of people who are eligible to vote once they turn 17.²⁸

- 4.40 Automatic enrolment could also be a mechanism to improve the level of voter enrolment of other groups such as new citizens. The Community Relations Commission noted some support for such a process so long as it was done with the agreement of new citizens:

CHAIR: What about going one step further and automatically enrolling people who are granted citizenship. It has been suggested that a system could be developed, for example, where people who are 16 automatically go on to an electoral roll they are on there for the future. What do you think about a similar system for people who are granted citizenship where automatic enrolment is part of the process?

Mr KERKYASHARIAN: Personally I think that would be great. I do not know whether there are any issues about the individual having the right to make a choice whether they participate or not. I assume that is the question that can be asked during the process of assessing the person's citizenship application. At that point in time any privacy matters can be sorted out when someone applies for citizenship where the questions put to that person would be, "Well, you realise when you become a citizen you will have the right to participate in the political process by voting. Do you want to go on the electoral roll?" and if the person answers "Yes" and then if the application for citizenship is successful, that person should automatically be put on the roll, but I think they should have the choice of saying, "Well, I would like to consider that later." I think that freedom of choice should be there.²⁹

- 4.41 The Committee is of the view that automatic enrolment for certain groups, such as young people and new citizens, has the potential to improve the level of voter enrolment across New South Wales. The Committee acknowledges the comments of the Electoral Commissioner that civics education in itself may not improve the level of enrolment and considers that automatic enrolment has the potential to ensure the majority of young people are included on the electoral roll.
- 4.42 The Committee does however consider that civics education is important in ensuring that young people are aware of their obligations to vote and the right to choose who governs them and agrees with the comments made about the need to educate young people about the electoral system in addition to including them automatically on the electoral roll. Consideration to the role of civics education is considered in detail in Chapter Five.
- 4.43 The Committee appreciates the views expressed by the Community Relations Commission about the need to gain a person's approval before they are included on the electoral roll but notes that enrolling to vote in New South Wales is compulsory under section 34 of the *Parliamentary Electorates and Elections Act 1912*. A system of automatic enrolment will ensure that people meet their obligation to enrol to vote. The Committee is of the view that the Government should investigate whether a system of automatic enrolment for certain groups such as young people can be implemented to complement a smart enrolment system.

²⁸ Legal, Constitutional and Administrative Review Committee, *Voices & Votes: A Parliamentary Committee Inquiry into Young People Engaging in Democracy*, August 2006, Part C, p. 65.

²⁹ Transcript of Evidence, 25 July 2006, p. 14.

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RECOMMENDATION 5: That the Government investigate how a system of automatic enrolment for certain groups such as young people can be implemented when a study is conducted on the feasibility of a smart enrolment system.

Chapter Five - Strategies for specific groups

INTRODUCTION

5.1 The Committee has found that the level of voter enrolment of a number of groups in society is or is likely to be lower than the average population including, young people, blind and vision impaired people, people with disabilities including intellectual disabilities, people from non-English speaking backgrounds, the elderly and indigenous Australians. This Chapter considers a number of strategies aimed at improving and maintaining the level of voter enrolment amongst these particular groups.

YOUNG PEOPLE

5.2 Young people's involvement in the electoral process is low compared to the population as a whole. As noted in paragraph 2.13 approximately 13% of 17 year olds and 70% of 18 year olds in New South Wales are enrolled to vote. The Electoral Commissioner commented that ideally 95% of all young people should be enrolled to vote as this is the percentage of the population across the board that are on the electoral roll.¹ The Centre for Research and Teaching in Civics expressed its concern about the low levels of youth enrolment:

We are extremely concerned at the relatively low levels of voter enrolment by young people in Australia. Despite the context of compulsory voting (which is understood by all) and the possible sanctions of monetary fines (again well understood), it is all the more disconcerting that it appears nearly 400,000 young Australians (18-25 years) are not enrolled. This means, as seen in Table 1, a participation rate of some 81% in a context of compulsory voting.

Table 1: Participation rates of young people by state

18-25 year cohort			
State by Counting by Age			
Counting	Revised ABS Estimate of Eligible Pop.	Actual Federal Enrolment (Enrolment less State only)	Participation Rate (Enrolment as a % of Revised ABS Estimate)
State			
NSW	648,195	524,713	80.95
VIC	489,770	413,956	84.52
QLD	397,917	323,552	81.31
WA	197,800	150,761	76.22
SA	153,055	117,880	77.03
TAS	47,378	40,763	86.04
ACT	40,483	33,455	82.64
NT	24,122	15,033	62.32
Australia	1,998,720	1,620,113	81.06

Source: Hallett (in press)²

¹ Transcript of Evidence, 26 July 2006, p. 2.

² Centre for Research and Teaching in Civics, Submission to the Inquiry, p. 2.

Strategies in other States

- 5.3 The Committee notes that whilst the percentage of young people enrolled in New South Wales is comparable with the national average, New South Wales is placed fifth on the list in terms of young people's enrolment, and the level of youth enrolment is considerably lower than the rate for Tasmania and Victoria. The Committee was interested to know if there are any specific strategies being utilised in Victoria and Tasmania in relation to encouraging young people to vote that may account for the difference.
- 5.4 A possible explanation for the high level of youth enrolment in Tasmania is a strategy implemented jointly by the Tasmanian Electoral Office and the AEC. Under the Tasmanian school enrolment program a bounty of \$2.75 is paid to schools for each senior student who fills out an electoral form. The bounty is paid through the AEC and is jointly funded by the Tasmanian and Commonwealth Government.³
- 5.5 In Victoria a number of strategies have been implemented that have encouraged young people to enrol including sending young people a motivational leaflet encouraging them to enrol and sending a birthday card together with enrolment information to youth on their 17th birthday. The SEO commented on these strategies:

An example of targeting the message specifically to young people was the initiative undertaken by the Victorian Electoral Commission (VEC) in the lead up to the 1999 State election.

This involved making a request to the Board of Studies of the Department of Education for the name, address and date of birth data for young people enrolled in Years 11 and 12 in Victorian secondary schools. The Board agreed to provide the data in view of the priority it places on encouraging young people to enrol and vote at State, Federal and Council elections. The information was provided solely for the purpose of enabling the VEC to write to these young people and invite them to enrol to vote.

From the Board of Studies data the VEC established that only 25% of 18 year old school students had enrolled, and that only 3% of 17 year olds had provisionally enrolled. The VEC wrote to all students in Years 11 and 12 aged 17 years and over, providing them with the motivational leaflet, *20 very good reasons to enrol to vote*, and inviting them to complete an enclosed enrolment form. This initiative resulted in 24,824 enrolments by 17 and 18 year olds prior to the State election (provisional enrolments for 17 year olds).

In addition, the VEC continues to send Year 11 and 12 students a birthday card and enrolment information on their 17th birthday.⁴

- 5.6 The Electoral Commissioner commented on this approach and expressed concern that privacy legislation in New South Wales had prevented a similar approach being implemented:

Mr BARRY: ...I think there are number of things that I can bring to the table that I have, in my past role when I was Electoral Commissioner in Victoria, trialled.

One of the most successful things was the birthday card. We received from the Board of Studies information about people who are in secondary and technical education and whenever a person turned 17 or 18 they would get a birthday card from me. That was quite successful: it lifted the enrolment up quite a bit. As part of the conditions of getting the information from the Board of Studies we agreed not to pursue people. So, in

³ Information from Mr Bruce Taylor, Tasmanian Electoral Commissioner, 7 August 2006. Further information from Ms Marie Nelson, AEC, Tasmania, 8 August 2006.

⁴ State Electoral Office, Submission to the Inquiry, pp. 4-5.

other words, we sent them a birthday card and we sent them the enrolment form. If they did not send it back we did not follow them up. That was quite successful.

The Hon. PENNY SHARPE: On what basis was that condition? Was that a privacy issue?

Mr BARRY: Yes, it was.

The Hon. PENNY SHARPE: Are there specific privacy requirements in New South Wales that mean that we could not pursue a similar program?

Mr BARRY: My understanding in New South Wales is that some years ago my predecessors tried to get from the Board of Studies access to that information and the privacy barriers were a major impediment. I do not know the history of it, how it was pursued, but I do know that there were approaches and it did fall over.⁵

- 5.7 The Committee notes that the proposed amendments to the *Parliamentary Electorates and Elections Act 1912* have the potential to enable the Electoral Commissioner to pursue a similar strategy to that implemented in Victoria. The Electoral Commissioner indicated that the proposed amendments would enable such an approach:

In my view proposed section 31 will provide the legislative underpinning for the State Electoral Office (SEO) to obtain information from the Department of Education and Training in relation to students aged 17 and 18. Once these details are to hand the SEO would then be able to mail a birthday card to each student. In fact such an action is consistent with proposed section (2)(b)(ii), which refers to the provision of information to assist the Electoral Commissioner identify who should be on the roll.

You will also note that proposed section (4) will exempt persons and public service agencies from any requirements of the *Privacy and Personal Information Protection Act 1998* in relation to the disclosure of personal information to my organisation, and proposed subsection (5) would ensure that there would be no breach of the privacy requirements by my organisation if it were to send the birthday card. Proposed section 21B(3) will ensure that providing the young people's details to the Australian Electoral Commission is not a breach of the privacy requirements.⁶

- 5.8 The Committee considers that the strategies implemented in Tasmania and Victoria would be beneficial in improving the level of youth enrolment in New South Wales. The Committee is of the view that a similar approach to that adopted in Tasmania whereby schools are encouraged to assist senior students in enrolling to vote should be implemented in New South Wales. The Committee supports the proposed amendments to the *Parliamentary Electorates and Elections Act 1912*, which will enable a similar initiative to the birthday card strategy employed in Victoria to be implemented in New South Wales.

RECOMMENDATION 6: That consideration be given to implementing a strategy to encourage senior high school students to enrol similar to the bounty scheme that is applied in Tasmania.

RECOMMENDATION 7: That consideration be given to implementing a strategy where information on enrolment is sent to young people on their 17th birthday similar to that currently applied in Victoria if the proposed amendments to the *Parliamentary Electorates and Elections Act 1912* are enacted.

⁵ Transcript of Evidence, 26 July 2006, p. 2.

⁶ Supplementary information provided by the State Electoral Office on the provision of information by government agencies to the SEO and by the SEO to the AEC and privacy legislation.

Civics Education

- 5.9 Another strategy that was considered to encourage young people to enrol to vote related to civics education. Advice was received from the New South Wales Department of Education on the way that the civics education is implemented in New South Wales. The Department noted:

The Human Society and Its Environment K-6 Syllabus 1999 contains strong references to civics and citizenship content including electoral education. The NSW Department of Education and Training has recently published units of work to support connected outcomes groups that provide teachers with a framework for implementing the primary curriculum. In the unit *Working together*, students in Stage 2 (Years 3 and 4) study local councils, how councillors are elected, the decision making processes and the election mechanism. In Stage 3 (Years 5 and 6) students study the unit *Making informed choices*, and learn about state and federal governments, voting systems and who is eligible to vote and use the Australian Electoral Commission video, *Every vote counts*.

In NSW secondary schools, students study Australian history as a mandatory course in Stage 5 (Years 9 and 10). In this course students study Federation and the Constitution, the voting rights of different groups in Australia at Federation, compulsory and preferential voting, referenda and people power. Additional studies are available through the option *Political involvement* in the Years 7-10 Commerce Syllabus.

At the end of Year 10, NSW students have a School Certificate test in *Australian history, Australian geography and civics and citizenship*.⁷

- 5.10 The Centre for Research and Teaching in Civics argued that civics education plays an important role in encouraging young people to participate in electoral processes:

In terms of school curriculum, electoral education could be considered a subset of civic education. Research shows that studying civic education can make a difference to student civic knowledge, student civic values and student civic participation.⁸

- 5.11 The Centre for Research and Teaching in Civics commented on the *Discovering Democracy* program, which was a federally funded program that was implemented nationally between 1998 and 2003. The Centre considered that the program did not provide students with a sound understanding of the political process:

...In Australia, civic education provides an opportunity to learn about many facets of governance in Australia and within this some attention is given to electoral education, although mostly in a general sense. At this stage, it appears elections might be discussed as part of the civics content but details of voting procedures, voting systems, counting procedures, and electorates remain mostly untouched. The significant variable in electoral education tends to be individual teachers who may decide to educate their students beyond the standard curriculum.

Despite the valuable role of the *Discovering Democracy* program in raising student, teacher and school awareness of the importance of civic education, a thorough understanding of political issues and electoral matters were **not central** to the program. Indeed they were peripheral at best.⁹

- 5.12 The Department of Education and Training also commented on the *Discovering Democracy* program and argued that NSW students have received civics education of a high standard:

⁷ NSW Department of Education and Training, Information provided on civics and electoral education.

⁸ Centre for Research and Teaching in Civics, Submission to the Inquiry, p. 9.

⁹ *Ibid.*

During the period 1988-2004, NSW schools were supported in civics and electoral education by the Australian Government Discovering Democracy Program which provided in total over \$2m for teacher professional development to support the implementation of the Discovering Democracy materials sent to all schools. During this period close to 4,000 primary and 3,000 secondary teachers in NSW participated in this professional development program.

The combination of embedding explicitly civics and electoral education into the curriculum and the provision of high quality teacher professional development around national resources has ensured that NSW students have performed well in the 2004 National Civics and Citizenship test.¹⁰

5.13 Despite the views of the Department of Education and Training a number of problems were identified by other parties about the way civics education has been implemented in New South Wales. In particular, it was contended that there was no clear policy as to how schools should utilise the information that was provided through the *Discovering Democracy* program.¹¹

5.14 It should be noted that the Joint Standing Committee on Electoral Matters of the Commonwealth Parliament is currently conducting an inquiry into the adequacy of electoral education. The inquiry is considering a range of issues including the link between civics education and electoral education.¹² This inquiry may influence the content of future federally funded programs.

5.15 The Committee also received evidence that civics education was not taught at all schools across New South Wales. The Commission for Children and Young People noted:

...A number of young people the Commission spoke with said that political and electoral education was not taught within their school, particularly in rural and regional areas.¹³

5.16 Concerns were also raised about the need for civics education to target students who are at an age or close to the age of enrolling to vote. Daniela Giorgi noted:

Civics and citizenship education has been successfully embedded in the current NSW K-10 HSIE syllabuses. In Stage 1 students learn about roles, rights, responsibilities and rules at school and in the family and may look at decision-making processes. In Stage 2, local government and its processes are addressed, with electoral processes implied or minimally touched on. In Stage 3, state government is studied, specifically including electoral processes. In secondary school, Stages 4 and 5, when students begin to approach voting age, several NSW HSIE syllabuses focus on civic history, civic institutions and civic participation, which can include some electoral education. However, the senior syllabuses in port-compulsory Stage 6 have no provisions for civics and citizenship education or electoral education content at all. I consider this to be of serious concern as this is the very age when students move towards enrolment and voting.

The provision of civics and electoral education in the post-compulsory school years is one that needs to seriously be addressed given that these are the very people who are about to enter into the voting age. Currently there is no requirement or provision for this in NSW and the situation I believe is similar in the other State and Territories. This

¹⁰ NSW Department of Education and Training, Information provided on civics and electoral education.

¹¹ See comments by Jenny Compton and Daniela Giorgi, Transcript of Evidence, 25 July 2006, p. 19 and 24.

¹² The terms of reference for the inquiry and further information can be accessed from the Commonwealth Parliament's website: <http://www.aph.gov.au/house/committee/em/education/index.htm>

¹³ NSW Commission for Children and Young People, Submission to the Inquiry, p. 6.

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should therefore be a priority area for electoral education with the aim of improving the level of voter enrolment of young people who are turning 18 and eligible to vote for the first time. At the very least, a unit of work could be included in a compulsory course such as English. Ideally, a compulsory one-unit (possibly one semester) course in civic participation or political studies could be developed and implemented perhaps as a joint State and Commonwealth initiative.¹⁴

- 5.17 The contention that the post-compulsory period was the most appropriate time to provide civics education was supported by the Centre for Research and Teaching in Civics:

On the grounds of maturity, recency and potency related to first voting experience, we would argue that young people should learn electoral education in schools during Year 10 to 12, that is, at the end of compulsory schooling to the completion of secondary education.

At the upper primary level, the Year 5 to 7 curricular experience is undoubtedly helpful in the total education of the child but it is not significant in terms of detailed knowledge and the knowledge base needs re-learning at later stages.¹⁵

- 5.18 YAPA also noted the importance of education for 17 and 18 year olds:

Ms DELANEY: I think civics education is important. Of course, it is in the curriculum at the moment. However, there are a number of issues that we have at the moment. First of all, young people are often learning that education quite a long time before they are actually voting for the first time. Young people are learning that in primary school or in early years of high school but by the time they turn 17 or 18 there can be some time lag before they actually vote...¹⁶

- 5.19 The Department of Education and Training is of the view that students of all ages, not just those close to the voting age, should be provided with opportunities to learn about democratic processes:

Students should have the opportunity to explore democratic processes from an early age. Within schools, a safe environment can provide opportunities for students to exercise and practice voting using a variety of methods. They can discuss the advantages and disadvantages of each method and begin to understand how different methods can produce different results.

In both primary and secondary schools democratic practices including voting ought to provide a framework for school decision making in many areas of school life. With such mechanisms in place, students can explore the wider political processes involving lobbying, political parties, campaigning and policy development.¹⁷

- 5.20 However, the Department of Education indicated that, whilst schools are integral to the delivery of civics and electoral education, it may be difficult to accommodate a civics and electoral education component within the senior years curriculum:

While other organisations can deliver some electoral education outcomes to small and specialist groups within the school aged population, schools remain the key deliverers of learning and should be the focus of resources to support civics and electoral education. In the senior years of schooling, where there may be no universally appropriate

¹⁴ Daniela Giorgi, Submission to the Inquiry, p. 2.

¹⁵ Centre for Research and Teaching in Civics, Submission to the Inquiry, p. 11.

¹⁶ Transcript of Evidence, 25 July 2006, p. 32.

¹⁷ NSW Department of Education and Training, Information provided on civics and electoral education.

curriculum context, sessions conducted by outside groups might be able to provide basic electoral education, at least around the need to register and participate in voting.¹⁸

- 5.21 It should be noted that the Legal, Constitutional and Administrative Review Committee of the Queensland Parliament recently recommended in its report on its inquiry into young people engaging in democracy that a civics program “be mandatory for the middle and senior phases of schooling (years 6-12) and be delivered as a separate subject or integrated into existing subjects taken by all students.”¹⁹
- 5.22 It was also argued that it would be advantageous to link civics education with some practical experience in democratic activities such as student councils. The Centre for Research and Teaching in Civics commented:

A more appropriate age to introduce electoral education is closer to the age of voting, most likely Year 11 to 12. This should be linked closely with school elections for student representatives to student councils, prefects and school parliaments. All of these activities deserve greater support within the education system.²⁰

- 5.23 Daniela Giorgi expressed a similar view:

Ms GIORGI: ...At the moment students are taught in schools to analyse and to get information from a variety of sources. They are also taught communication skills. To be able to put these into action at a political level, where they are actively engaging with people and asking them questions and actively getting the information they need, I think is very important. So some sort of civics and citizenship information at that post-compulsory level I think is essential in the form of a course. I think it should also include the opportunity to take part in democratic decision making perhaps at the school governance level. Currently student representative councils operate in most schools—they are voluntary—and some of the students will vote on those councils. Some schools have school parliaments or class parliaments. I think something like that should be made part of a civics and citizenship course so that they are not just getting the knowledge about elections and our political system but also taking part through decision making at their school level. I know that is something that would take a lot of structural change in schools and would be something to be implemented. But I think it is important.²¹

- 5.24 NSW Young Labor are also of the view that civics education should coincide with political activities:

...There needs to be a stronger civic component in the education curriculum for young people. Voter enrolment amongst young people in more educated areas is higher than amongst those with a lower education. Our recommendation is hold voter registration as an activity coinciding with civic education in the classrooms and base it around issues affecting the school as quite often those more involved in political processes are there because they are passionate about an issue that is close to them.²²

- 5.25 The Department of Education and Training also noted the importance that student representative councils have in educating young people about electoral processes:

Most secondary schools and many primary schools have student representative councils that operate on democratic principles involving elections and election campaigns. There

¹⁸ *Ibid.*

¹⁹ Legal, Constitutional and Administrative Review Committee, *Op. Cit.*, pp. 54-5.

²⁰ Centre for Research and Teaching in Civics, Submission to the Inquiry, p. 11.

²¹ Transcript of Evidence, 25 July 2006, pp. 22-3.

²² NSW Young Labor, Submission to the Inquiry, p. 1.

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are a number of primary schools that operate school parliaments. These initiatives should be encouraged.²³

- 5.26 However, NSW Young Labor argued that in order for young people to appreciate democratic processes that student representative councils needed to be provided with more support and responsibility:

The Hon. JENNY GARDINER: The submission refers to giving more support and responsibility to student representative councils. How might that happen, apart from parliamentarians participating in meetings? Are there other ways that they could be assisted? Is there any consistency in the level of operation of SRCs across the State? Are they operating well across or is it haphazard?

Mr MEURER: I cannot comment on how well they are operating; I am no longer at school. However, my experience was that the SRC was a token body and a popularity contest. People did nothing other than put it on their CV when they left school. Giving young people the responsibility to make decisions also gives them an understanding about being involved in a process and proving that they can make a difference. Ensuring that SRCs or representative bodies at school have the ability to make decisions and to make a difference will make young people a little more faithful throughout the process and assure them that if they make a decision and participate in something they will make a difference.

Ms LARBALESTIER: Some of our members who are in year 10 are involved in the SRC. Because they are people who have taken the next step to be involved with a political party they are willing to be more involved in their SRC. They need to be given more direction from their school; for example, about how to address their local MPs and to get involved in that process. The SRCs focus very much on their school community and do not openly engage in the political process or government representation.²⁴

- 5.27 The Committee considers that civics education is an important component in encouraging young people to participate in democracy. The Committee acknowledges the comments of the Department of Education and Training that the civics and electoral education component within the New South Wales school curriculum, combined with teaching training through the *Discovering Democracy* program has resulted in a comprehensive civics program. However, the Committee is concerned that civics education may be implemented differently across the State and is of the view that the Department of Education and Training needs to ensure that civics education is implemented consistently across New South Wales.
- 5.28 The Committee notes the comments that civics education should be targeted at senior students who are close to the age of voting. However, the Committee is of the view that it is important for civics education to be provided to young people before they have a opportunity to leave school and agrees with the Department of Education and Training that it may be difficult to accommodate a civics and electoral education component within the senior years curriculum. The Committee also has reservations about requiring senior students to undertake compulsory studies in civics in an already busy schedule. Accordingly, the Committee does not consider that civics education should be a mandatory requirement in senior years. The Committee is however of the view that the Department of Education should monitor the implementation of civics education in senior years in Queensland if the

²³ NSW Department of Education and Training, Information provided on civics and electoral education.

²⁴ Transcript of Evidence, 25 July 2006, pp. 38-9.

recommendation of the Legal, Constitutional and Administrative Review Committee is adopted to see if a similar strategy could be employed in New South Wales.

- 5.29 The Committee notes the importance of providing practical experiences of democratic processes in addition to teaching theory through civics education. The Committee considers that student representative councils provide an opportunity for young people to engage in elections and decision making processes. However, the Committee is of the view that to achieve this end that SRCs need to be more than token and must be given some responsibility to make decisions that are binding. The Committee encourages the Department of Education and Training to promote this role.

Lowering the voting age

- 5.30 Lowering the voting age to 16 was seen by many as a way to increase the participation rate of young people in the political process. YAPA commented on the benefits of lowering the voting age:

Lowering the voting age will...strengthen the electoral system. Currently, young Australians have a lower voter turnout than the rest of the community...Through engaging young Australians at a younger age, habits of electoral participation will develop earlier and voter enrolment will increase in the higher age brackets. Similarly, lowering the voting age will signal to these young people that their votes are important and this will have a positive flow on effect throughout their lives.²⁵

- 5.31 YAPA reiterated their views when they appeared before the Committee:

CHAIR: ...Your submission recommends that the age of voting should be lowered to age 16. What are the benefits of that proposal in relation to the level of voter enrolment?

Mr FERGUSON: I see that that initiative would be a benefit to both young people and the electoral system. One of the best examples of that would be getting habits of electoral participation in earlier. I would estimate that those participation rates would then increase in the age groups that go up above that. I see that it would also support young people, giving them the right, as we discussed before, and yes, if we had those other initiatives and that sort of thing in the schools then all those things combined would really increase the level of voter enrolment.

Ms DELANEY: We ask young people to fulfil a lot of adult responsibilities at the moment. We have more and more young people working, particularly working and combining that with school studies at the moment. Young people can drive. Young people are fulfilling a whole range of adult responsibilities, paying tax et cetera, and it is just one more adult responsibility that we can give young people in addition to the ones they already have.

Mr FERGUSON: For example, young people are impacted upon by a lot of issues that obviously come out of both State and Federal WorkChoices and so on and a lot of young people are interested in these issues and, like I said, greatly impact upon them. So to give them a right in that process I think would be very beneficial.

Ms DELANEY: The other issue as well is that we need to remember that Australia has really led the way with some electoral reform. We were one of the first countries to give women the vote, and that is something that we should be really proud of. It was certainly way ahead of the United States of America and the United Kingdom in giving women the vote and we can be one of those countries that was the first in the world to give 16-year-olds the vote as well.²⁶

²⁵ Youth Action & Policy Association, Submission to the Inquiry, p. 2.

²⁶ Transcript of Evidence, 25 July 2006, p. 35.

- 5.32 NSW Young Labor were also of the view that lowering the voting age would lead to a greater level of participation of young people in electoral processes:

NSW Young Labor believes in lowering the age of voting from 18 to 16, in the belief that it will allow for young people to become more involved in Australian democratic processes. The best way to get young people to participate in elections is to give them a say at election time. A young person at the age of 16 can pay taxes and join the army, so it appears somewhat contradictory that we do not give them the opportunity to vote.²⁷

- 5.33 A number of witnesses supported this proposal. Daniela Giorgi commented that lowering the voting age should be coupled with education and should be on a voluntary basis until a person turns 18 years of age:

CHAIR: It has been suggested that the age of voting should be lowered to 16. What is your view on that? Do you think it would encourage more young people to enrol to vote?

Ms GIORGI: I personally believe that would be a good idea. I would like to see the age of enrolment and voting lowered to 16—probably not as a compulsory thing but perhaps as an optional choice for them at that stage, although I am not sure. In my work we have often held forums and discussion and debate events for students, usually in year 10. One of the debating points that we put to them or that they come up with themselves is often, "Should the age of voting be lowered to 16?" Many of them are a little ambivalent about that. Some of them suggest, "Yes, we would like it lowered" but most of them say, "No, because we don't think we know enough about that." So if the age of voting were to be lowered to 16 there would definitely need to be electoral education at that age, in year 10.²⁸

- 5.34 The link between education and lowering the voting age has also been identified in the United Kingdom. YAPA noted:

...Gordon Brown, Chancellor of the Exchequer, United Kingdom, has also backed lowering the voting age, on the condition that it is linked to citizenship education in UK schools. In Australia, there is already a degree of citizenship education in our syllabus throughout years 7 to 10. The aims of this citizenship education are very clear in the syllabus:

"Informed and active citizens support democratic participation, foster individual and group involvement in civil society, critically question existing political institutions and social, economic and political arrangements, and facilitate democratic change."

Thus, as Gordon Brown has said, if lowering the voting age is linked with this education, it will have a tremendous benefit on the electoral system and the political system overall.

Similarly in the United Kingdom, The Power Inquiry, an independent inquiry into Britain's Democracy, has recommended lowering the voting age to 16 to re-engage young people with formal democratic politics...²⁹

- 5.35 The Committee notes that attempts have previously been made to lower the voting age in New South Wales. In 2005, the Hon. Ian Cohen MLC, introduced the *Parliamentary Electorates and Elections Amendment (Voting Age) Bill*, with the object of providing 16 and 17 year olds with the option of enrolling to vote. The Bill was defeated at the second reading stage.³⁰

²⁷ NSW Young Labor, Submission to the Inquiry, p. 2.

²⁸ Transcript of Evidence, 25 July 2006, p. 23

²⁹ Youth Action & Policy Association, Submission to the Inquiry, p. 2.

³⁰ See Legislative Council Minutes of Proceedings, 14/09/2005, p. 1562.

- 5.36 The Committee also notes that the issue of lowering the voting age is topical in a number of other Australian States. In South Australia a private member's bill has been introduced proposing to lower the voting age to 16.³¹ The bill provides 16 and 17 year olds with the option of enrolling to vote in State and local government elections in South Australia. Under the proposed changes a person who chooses to enrol will be required to vote.³²
- 5.37 The Legislative Assembly for the Australian Capital Territory has referred the issue of allowing 16 and 17 year old ACT residents to vote in elections and referendums for the Legislative Assembly to the Standing Committee on Education, Training and Young People for inquiry and report by 1 October 2007.³³
- 5.38 In Queensland, the issue of lowering the voting age was recently considered by the Legal, Constitutional and Administrative Review Committee of the Queensland Parliament in its inquiry into engaging young people in democracy. The Committee found that there was no clear consensus from young people as to whether the voting age should be lowered and recommended that the voting age remain at 18.³⁴
- 5.39 It should be noted that the Electoral Commissioner commented that lowering the voting age may not necessarily increase the level of young people enrolled to vote given that many 17 and 18 year olds do not enrol:

The Hon. PENNY SHARPE: We have had quite a lot of submissions commenting on the desire to reduce the voting age to 16 and how that could operate. Have you any views on that?

CHAIR: It was optional voting at 16.

The Hon. PENNY SHARPE: There are two issues. One is it is a State rights issue with young people and their adult or otherwise responsibilities but the second is a way of encouraging greater enrolment from young people.

Mr BARRY: I do not really have a view on the 16-year-old issue other than to say at the moment we have quite a lot of difficulty getting the 18 and 17-year-olds to enrol. I think it would require some research and understanding about are these people ready to make this step at that age? I know there has been some anecdotal stuff thrown around but I do not think there has been any thorough research. It is hard enough now to get 17-year-olds provisionally enrolled.³⁵

- 5.40 The Committee considered the evidence presented about lowering the voting age to 16. However, the Committee agrees with the views of the Electoral Commissioner that lowering the age of voting will not, of itself, overcome the low levels of participation of young people in the electoral process and that other initiatives are needed to encourage young people to enrol to vote.

Other targeted programs for young people

- 5.41 A range of other initiatives were proposed to the Committee to encourage young people to enrol to vote. These included ensuring that age specific material is

³¹ See the *Electoral (Voting Age) Amendment Bill 2006*.

³² See the second reading speech for the bill, South Australian House of Assembly Parliamentary Debates, 31 May 2006.

³³ See the Legislative Assembly for the Australian Capital Territory, *Minutes of Proceedings*, No. 57, Wednesday 29 March 2006, pp. 616-7.

³⁴ Legal, Constitutional and Administrative Review Committee, *Op. Cit.*, p. 61.

³⁵ Transcript of Evidence, 26 July 2006, p. 11.

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developed, distributing information on enrolment at events attended by young people and increasing the role that members of Parliament and young people who are enrolled to vote can play in encouraging youth enrolment.

5.42 The SEO commented that the findings of the Youth Electoral Study [YES] highlight the need for age-specific material to be developed and for such material to be available in formats that appeal to youth:

...The Youth Electoral Study (YES) project commenced in 2003 and will run nationally for four years.

There have been two reports to date and some of the more interesting findings are:

- Most young people who participated in the survey said they would enrol mainly because they believe it is the right thing to do. Few were aware that they could enrol at 17.
- About half the students said they lacked the knowledge to understand the issues and the political parties, to make a decision about voting. This raises the question of the role of formal education in preparing young people to become active citizens.
- While parents were considered as the most important source of information about voting and political matters, television and newspapers were also important as were teachers. Other sources, including the internet, were considered unimportant. This offers opportunities for schools and media to perform a more prominent role in preparing Australia's youth to be engaged citizens.
- While most students believed that voting is important, the majority also thought that voting is boring, a hassle and a waste of a Saturday. Clearly for those students the link between a citizen's right and duty to vote is not powerful.
- Voting is not seen as part of transition to adulthood by students. Turning 18, attending 'schoolies', obtaining a driver's licence and leaving school are all far more important rites of passage.
- Despite this situation, there were some incentives that would attract a first vote. Students saw a tax break or the use of promotional rock concerts as the most effective incentives to get young people to enrol and vote. However, there was some support for the notion that no incentives are needed, since voting is a responsibility that comes with citizenship.
- A major disincentive to participate in Australia's democracy, particularly through voting, is the lack of trust in political leaders. Young people widely characterised politicians as liars and promise breakers. Only half agreed that parliamentarians could be trusted to do what is right for the country, while barely a quarter agreed that parliamentarians are honest.
- The experiences of young adults in secondary school can crucially influence the kind of politically aware and active citizens they become as mature adults.

These findings indicate that a multi-faceted approach should be used. On the one hand more targeted age-specific material could be developed for use in schools particularly for those in the senior years at high school who are in the group eligible to enrol or able to vote. On the other hand, communication with young people could be improved by using the means with which they are most comfortable such as advertising on the Internet or sending text messages to mobile phones.³⁶

³⁶ State Electoral Office, Submission to the Inquiry, pp. 3-4.

5.43 A number of comments were made in relation to encouraging young people to enrol at events that young people attend. YAPA commented:

The Hon. JENNY GARDINER: Given that a State election has been called for on 24 March next year, are there any measures that perhaps the State Electoral Office could take to inform young people of that fact?...

.....
Ms DELANEY: I think there are lots of opportunities for the office, even things like going to the Big Day Out festival, for example, where there are 40,000 or 50,000 young people at once; going out to where young people already are at, such as, football matches, for example. There are a lot of outreach opportunities. Instead of asking and waiting for young people to actually come into an office that they do not know about, there are plenty of outreach opportunities. Also, schools can play a really important role, particularly with 17 year olds, in providing forms to those young people and encouraging them to enrol.

Mr FERGUSON: Some of the strategies that Kristy mentioned earlier around sporting clubs, Scouts and so on, if those people were able to hand out enrolments forms or be part of that process then that may also be able to address the ID requirements because as we discussed earlier some young people may not have that many adults that they can request to participate in that ID requirement. But if it were part of a football club or a school and there are teachers there with driver's licences then that may provide the opportunity to get more young people on the roll.³⁷

5.44 NSW Young Labor considered that members of Parliament had a role to play in encouraging young people to enrol to vote such as engaging with student representative councils [SRCs]:

The Hon. DON HARWIN: Your submission contains a number of recommendations. I am interested in the suggestion that youth participation in the voting process could be strengthened by supporting local members of Parliament to engage with young people. What ideas do you have about that?

Mr MEURER: MPs now engage with the voter population, which means 18 years of age and upwards. We are suggesting that MPs engage with younger people; that is, before they have to make an informed choice about whom they want to represent them. That could be engaging in local SRCs and ensuring that SRCs and youth representation is supported whether it be at schools, universities, TAFEs or whatever education these young people are involved in. They should also be engaged about issues by asking them what they think about things and ensuring that young people are consulted about what is happening. They may not be able to vote, but they are interested in what is going on.³⁸

5.45 The Committee notes that many members of Parliament actively engage with young people in their electorates through school and community events. Members of Parliament also speak to school students who visit Parliament House about their role as a local member and the way Parliament works. The Committee encourages members to continue to engage with young people and to embrace opportunities to inform young people about the electoral and political system.

5.46 The Committee notes the comments recently made by the Legal, Constitutional and Administrative Review Committee of the Queensland Parliament about members of Parliament engaging with young people. It was argued that in addition to informing students about political processes that members of Parliament should listen to the

³⁷ Transcript of Evidence, 25 July 2006, p. 34.

³⁸ *Ibid*, p. 38.

views and concerns of young people. The Queensland Committee concluded that members of Parliament should “create opportunities for young people to engage in work experience in electorate offices, attend functions, and advise on issues; and use youth media opportunities, especially those created by young people.”³⁹ The Committee supports this view and encourages members of the Parliament of New South Wales to do the same.

- 5.47 It was also argued that young electors could play a role in encouraging young people to participate in democratic processes. The Commission for Children and Young People noted:

Young people have also suggested that electoral offices could recruit young people 18 years and over (who are not affiliated with a political party) to visit schools and speak with other young people about why voting is important. Young people have said that it is more likely they will relate to people their own age.⁴⁰

- 5.48 The Committee is of the view that a number of strategies should be implemented encouraging young people to enrol to vote. It has recommended that the SEO implement a ‘birthday card’ strategy similar to that in place in Victoria and that the SEO inquire into the feasibility of a scheme encouraging senior high school students to enrol similar to that in Tasmania.

- 5.49 In addition, the Committee considers that other strategies should be developed that specifically target young people. The SEO has noted that a ‘multi-faceted approach’ is required to encourage young people to enrol. To this end the Committee is of the view that the SEO has a role, in conjunction with the AEC, to develop strategies that specifically target young people.

BLIND AND VISION IMPAIRED PEOPLE

- 5.50 A number of strategies were suggested that have the potential to improve and maintain the level of voter enrolment amongst people that are blind or have vision impairment. These strategies included ensuring that information on the electoral system is available in an accessible format, that polling places are accessible and that blind and vision impaired people are able to cast a vote independently.

- 5.51 Vision Australia argued that having information available in an accessible format was a key component in improving and maintaining the level of enrolment:

We believe that the current level of voter enrolment can be improved and maintained by producing information on enrolment, voting legislation and key election messages into a range of alternative formats such as audio, large print, Braille and E-text (text-to-speech formats) for synthetic speech devices. Raising awareness and promotion through 2RPH (Radio for the Print Handicapped) in Glebe, Vision Australia communication channels and an accessible SEO website should be employed. Accessible election information should be available well before the 2007 state election.⁴¹

- 5.52 Representatives of Vision Australia reinforced their view when they appeared before the Committee:

CHAIR: During your opening statement you referred to the lack of information and access to information. That has also been noted in a number of other submissions the

³⁹ Legal, Constitutional and Administrative Review Committee, *Op. Cit.*, p. 87.

⁴⁰ NSW Commission for Children and Young People, Submission to the Inquiry, pp. 6-7.

⁴¹ Vision Australia, Submission to the Inquiry, p. 1.

Committee has received. Do you think that is the most significant factor in determining whether blind or vision-impaired people enrol to vote?

Ms SUMAKTAS: Vision Australia believes that is a fundamental barrier for people who are blind and vision impaired because, unlike our peers, we cannot access information in a conventional way—that is, in print. We must alleviate that barrier for people who are blind and vision impaired. We must provide that information in alternative formats and access Vision Australia's communication methods, such as 2RPH and various chat lines. We must also provide the information in alternative formats such as audio, Braille or e-text, which is accessible to synthetic speech screen readers. Those methods can alleviate that problem. How can a blind or vision-impaired person who is about to turn 18 find out that enrolment information is available in an alternative format? A letter could contain details about how to access the relevant information in a preferred format.⁴²

5.53 Vision Australia noted that they have been proactive by offering to assist electoral authorities to put information in various formats:

The Hon. PENNY SHARPE: I was wondering what Vision Australia does actively in your community to encourage people to enrol. Do you do anything specific prior to elections that is not being picked up by the SEO?

Mr SIMPSON: Vision Australia has worked with the various electoral authorities in many States and Territories as well as the Federal Government particularly to provide information to blind and vision-impaired people. But of course they are the people whom we are engaged with and the ones whom we are actively providing services to or have provided services to in the past. There would be a segment of the community that we would not be reaching. At most elections—State, Federal and Territory—we make approaches to the various electoral commissions, offering to put information into various formats. From time to time blindness organisations have also approached political parties to offer them an opportunity to reach people who are blind or vision impaired in formats that they will be able to access.⁴³

5.54 The Committee understands the importance of providing information in a range of formats so that it is accessible to people who are unable to access information that is produced for mainstream society. The Committee encourages the SEO to utilise the resources offered by Vision Australia to assist with producing information into a range of formats.

5.55 In addition to the accessibility of information, Vision Australia argued that to ensure effective enrolment for blind and vision impaired people that polling places need to be accessible:

Vision Australia supports an enrolment and voting process that promotes equal access, participation and is accessible. Vision Australia has several offices throughout NSW and would like the SEO to consider these as potential voting centres...⁴⁴

5.56 Vision Australia commented on the difficulties that are involved in ensuring polling places are accessible for blind and vision impaired people:

Mr PAUL PEARCE: ...you alluded to this point earlier in terms of polling places—despite the best efforts of the State Electoral Office to ensure that they are generally accessible there is an issue in terms of the number of polling places and the practicalities of using schools and so on for voting. Have there been any discussions with the State Electoral

⁴² Transcript of Evidence, 25 July 2006, p. 3.

⁴³ *Ibid*, p. 4.

⁴⁴ Vision Australia, Submission to the Inquiry, p. 1.

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Office about these arrangements? You referred to your offices and various other places where people with vision impairments come on a regular basis and where you have the necessary facilities. What about the divisional electoral offices within each seat, making sure that they are accessible, and the level of assistance around there—those sorts of issues?

Mr SIMPSON: We have worked both with the State Electoral Office in New South Wales and the other electoral authorities to incorporate aspects for people who are blind or have low vision into the checklists that they use for assessing polling places. As you have indicated, one of the real problems is that a range of places are used, from school auditoriums to community and church halls, but the number of accessible polling places seems to increase with every election. It is at least on the up side. We now know that, with the advice that we have given the State Electoral Office here and other electoral authorities, issues around colour contrast, lighting, magnification and tactile markings are now taken into account when the electoral authorities look at polling places. We have not been engaged, however, to do audits of polling places and to inspect the hundreds of sites that are used across the State for each election. I do not know whether we would have the capacity to do that.⁴⁵

5.57 Vision Australia did however consider that it would be useful for an audit to be conducted in relation to a number of disability issues:

Mr SIMPSON: I think it would be advantageous from a number of disability perspectives to at least audit a percentage of sites—whether it be 5 per cent or 10 per cent—because that would be a reality test of accessibility. One of the problems that all electoral authorities say they have is that, whilst they may have a checklist and guidelines, it is different when there are hundreds of polling officials looking at places and assessing places as there may be different interpretations...⁴⁶

5.58 The Committee appreciates the difficulties that the SEO faces when organising polling places and that it may not be possible for all polling places to be accessible to people with a disability such as blindness. The Committee acknowledges that the SEO takes into consideration issues such as lighting, magnification and tactile markings when considering polling places.

5.59 The Committee notes that all people have a right to vote and that polling places that are accessible to people who are blind or have vision impairment must be available across New South Wales. The Committee supports Vision Australia's suggestion that the SEO should consider using Vision Australia offices as polling places, even if only for pre-poll voting. In addition, the Committee is of the view that it would be useful for the SEO to conduct an audit of the polling places used at the March 2007 State election in relation to a number of disability access issues. This will assist the SEO to identify areas where accessibility needs to be improved.

RECOMMENDATION 8: That the State Electoral Office consider the possibility of using Vision Australia offices across New South Wales as polling places, including pre-poll.

RECOMMENDATION 9: That the State Electoral Office conduct an audit of polling places used at the March 2007 election in relation to a number of disability access issues.

⁴⁵ Transcript of Evidence, 25 July 2006, p. 5.

⁴⁶ *Ibid.*

- 5.60 The importance of being able to cast a vote independently was also considered to be a factor that contributed to the level of voter enrolment amongst people who are blind or vision impaired. Michael Simpson from Vision Australia commented:

...we know that some blind or vision-impaired people have chosen not to enrol because they do not feel they have the same rights as every other citizen in the community and because at the point of lodging a vote in a polling booth they cannot do so independently and privately. We must engage the services of others, whether those people be polling officials or someone of our own choice—a friend or a relative. We still have to engage someone else.⁴⁷

- 5.61 One way of providing blind and vision impaired people with an opportunity to cast a vote independently is by electronic voting. Vision Australia commented on the issue:

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Has Vision Australia looked into electronic voting and whether it makes equality of access better in the sense that presumably one could use Braille? If one pushed the requisite button the machine would at least say that a vote had been cast...

Mr SIMPSON: We have looked at a number of different processes that make the voting experience more independent and private for people who are blind. The Australian Capital Territory has had two elections using a form of electronic voting. In the first trial about 14 per cent of voters chose to use the electronic voting system. In the second trial, a year or so ago, just over 30 per cent of voters in the ACT chose to use that system. The Victorian Electoral Commission will be trialling electronic voting at the November state election at six polling places. Vision Australia has also talked with the Australian Electoral Commission about potential trials.

We understand the hesitation about electronic voting, because the connotation is that the current system of going to a polling place and being actively engaged in the voting process disappears with electronic voting. That is why Vision Australia has also talked about electronically assisted voting. That is more akin to the comment about using a device to give the voter the information about the candidates and the parties that the candidates might be linked to and then, by using that electrically assisted system, the vote can be produced and then either stored and counted electronically or a hard copy provided to the voter who then deposits it in the ballot box along with every other voter at that polling place.

We have also trialled different forms of template that might sit over a standard voting paper. At the last Victorian state election Vision Australia trialled a Braille template that sat over the top of the voting paper. The vision-impaired person could read information about the candidates and there was a cut out that allowed a mark to be made for the candidates chosen. That was not terribly successful. It was an important trial and it proved it was not a feasible system to pursue. That is why we have pursued both electronic and electronically assisted voting for the future.⁴⁸

- 5.62 Vision Australia noted that electronic or electronically assisted voting was not an option that could be used for the 2007 election but considered that the SEO should work on introducing a system for subsequent elections:

The Hon. JENNY GARDINER: Mr Simpson, you mentioned that you have worked with Mr Barry, the Electoral Commissioner, and the State Electoral Office to date. Are there any things that you can suggest that the State Electoral Office has not been doing that you think it could do to assist your constituency to enrol to vote and to vote?

⁴⁷ *Ibid*, p. 2.

⁴⁸ *Ibid*.

Mr SIMPSON: Other than the recommendations that we made during the community consultations they have been holding, where there was a very strong message that electronic or electronically assisted voting was not going to be an option for the upcoming New South Wales State election, we would strongly encourage the New South Wales Government and electoral commission to work as soon as possible towards electronic or electronically assisted voting and a whole end-to-end process that would be accessible for people who are blind or vision impaired. One way to do that, if it is not going to be possible for the 2007 State election, may be to start to introduce an accessible process, particularly the voting process, for local government elections, which can then lead up to the next State election, which I think is in 2011. They would be the things that we would be encouraging...⁴⁹

5.63 The Electoral Commissioner noted that whilst he did not support the introduction of electronic voting for the population as a whole that certain groups such as people who are vision impaired would benefit from being able to cast a vote electronically:

Mr MICHAEL DALEY: What is your attitude with respect to electronic voting in the future?

Mr BARRY: I did a report with the Australian Electoral Commission—it is on our web site—on electronic voting. I am not an advocate for electronic voting across the whole board. I think there is a role for electronic voting, particularly where people have a disability, for people who are vision impaired—they are constantly making submissions about wanting to have access to some form of electronic voting—and people who live in remote New South Wales where there is Internet access. You could make their lives a lot easier, and people who are elderly.

Mr MICHAEL DALEY: Why do you not favour it across the board?

Mr BARRY: One of the things to remember is we have 4.3 million people who vote in the State election in New South Wales and, on election night, we will have 80 per cent of the vote counted and you will have almost a result on election night. Electronic voting is enormously expensive to roll out. Can you imagine what the upper House ballot paper looks like in a polling place on a voting screen? It would be very complex. It is huge infrastructure to set up

The Hon. DON HARWIN: So it is essentially cost? What you are saying is on a cost-benefit basis the benefit does not justify the cost?

Mr BARRY: I have been to the United States for two presidential elections and have seen what they have to offer. I have been to the United Kingdom when they trialled a whole raft of stuff, and we are talking about very simple voting, first past the post, and the cost involved was huge for very little benefit. But for people in special categories, for vision impaired, yes, that would be fantastic, that is the way to go. For people who live in remote New South Wales, yes, that is a good option. It is another door to accessing the system. It is not forcing people down a path. It is saying here is another option. But to set up kiosks in polling places or computers in polling places in my view you would spend millions and millions for very little return.⁵⁰

5.64 The Committee acknowledges the views of the Electoral Commissioner in relation to electronic voting and accepts that at this point in time electronic voting should not be introduced for the whole population. However, the Committee considers that electronic voting may provide a way for people who are otherwise unable to vote independently or who may be disenfranchised to cast a vote in an appropriate manner. The Committee is of the view that the SEO should investigate the use of electronic voting for people with disabilities such as vision impairment and other people that

⁴⁹ *Ibid*, p. 4.

⁵⁰ Transcript of Evidence, 26 July 2006, pp. 9-10.

may benefit from its use with a view to introducing such facilities in time for the 2011 State election.

- 5.65 The Committee considers that this limited use of electronic voting should be predicated on there being an appropriate 'paper trail' or printed record of the vote being available. Further, this investigation into the limited use of electronic voting should not be interpreted as an indication of more general support for electronic methods of voting. The Committee is firmly of the opinion that a traceable record of voter intention is crucial to maintaining public confidence in the integrity of the electoral process.

RECOMMENDATION 10: That the State Electoral Office investigate the use of electronic voting for specific groups of people, utilising a system which provides a printed record of the vote, with a view to introducing such facilities for the 2011 NSW election.

PEOPLE WITH DISABILITIES

- 5.66 As noted in Chapter Two a number of barriers to the electoral process are encountered by people with disabilities, including intellectual disabilities. These barriers include: an inability to access appropriate information on electoral processes, including enrolment; difficulties in accessing polling places; and the lack of support provided to people living in institutionalised care to participate in society. A number of different measures were proposed during the inquiry to help overcome these barriers.
- 5.67 Concerns were raised about the way information is currently provided. Some stressed the need for information to be provided to people with an intellectual disability in accessible formats, including, plain English, pictorial and graphic form. People with Disability [PWD] commented on the need for information on the electoral system to be available in a simple and easy to understand format arguing that this was vital for people with intellectual disabilities:

CHAIR: In your experience have you found that people with an intellectual disability have significant barriers? You have mentioned that people who live in institutions and group homes are poorly represented in the voting process. Can you identify any barriers preventing them from enrolling to vote?

Mr BOWDEN: The barriers are around the way that information is provided. It is either very text heavy or provided only in text format; it is not provided in easy-to-read or plain English formats. It is not provided in another format, a pictorial sense. For many people with an intellectual disability their disability impacts on their learning and their ability to read and write. With having something arrive in the mail they are not able to engage with that, whereas if it was provided in an accessible format the person would be able to understand that information. The saying goes "a picture tells a thousand words", well pictures really do that for a person with an intellectual disability. The whole process can be explained in a series of diagrams; what information needs to be relayed.⁵¹

- 5.68 The NSW Council for Intellectual Disability [NSW CID] also commented on the need for information to be provided in an accessible format. NSW CID noted that it runs pre-election forums encouraging people with intellectual disability to vote but argued that this work would be enhanced if the SEO worked with them and provided appropriate information:

⁵¹ Transcript of Evidence, 25 July 2006, p. 7.

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Information in easy English, on television and in local papers would reach a lot of people with intellectual disability and encourage people to enrol and take up their right to vote in a democracy. However, the key issue for many would be getting support to complete the enrolment forms and to submit them.

As a peak body NSW CID has a role to publicise and promote electoral information to our constituents. We also have a role to promote the capacity and ability of people with intellectual disability so that the people in their lives who support them (whether they are a residential support worker or a family member) ensure that they get on to the electoral roll if they understand the process...

NSW CID will continue to run its pre-election forums on 'how to vote' but it would be more effective if the State Electoral Office became involved in this in some way and formalised the process by providing information and training to people with a range of disabilities and young people who are voting for the first time. It is essential that information is provided in language that is easily understood and using standardised graphics and pictorial representation of concepts and colour coding...⁵²

- 5.69 The Committee acknowledges the importance of providing information in a simple and easy to understand format, particularly for people with intellectual disability. The Committee is of the view that the SEO needs to provide a range of information on the electoral process including the use of pictures and that the SEO should work with peak bodies such as PWD and NSW CID about the format of such publications. The Committee also encourages the SEO to become more involved in programs run by peak bodies that inform people about the enrolment process.

RECOMMENDATION 11: That the State Electoral Office work with peak bodies to develop information on electoral processes that are simple and easy to understand for people with intellectual disability.

- 5.70 The Committee notes that people with disabilities need to be assured of access to polling booths in addition to having information in an accessible format. PWD commented on the problems some people with a disability face in relation to physically accessing a polling place.

Mr BOWDEN: ...Physical access to polling booths is also one of our concerns. Some of our members have reported to us that when booths or polling stations are advertised as being accessible, when they turn up to make their vote they are not accessible and that the booths are not complying with the Australian Standard 1428, part 2, which describes the accessibility and the physical dimensions of a polling booth so that the person who uses a wheelchair is able to get to cast their vote in the booth.⁵³

- 5.71 The SEO noted that a concerted attempt is made to have polling places that are accessible to people with disability and for easy to understand information to be available but that more can be done:

All efforts are made to find polling places that are easily accessible and that electoral materials are available in an appropriate form. However, there is scope to do more particularly given the technology now available and the SEO has been consulting with peak disability groups to address these issues.⁵⁴

- 5.72 The Committee recognises the need for all people to be able to access polling places. The Committee has recommended that the SEO conduct an audit of polling places

⁵² NSW Council for Intellectual Disability, Submission to the Inquiry, p. 4.

⁵³ Transcript of Evidence, 25 July 2006, p. 7.

⁵⁴ State Electoral Office, Submission to the Inquiry, p. 5.

used at the March 2007 election in relation to a number of disability access issues (see recommendation 11, p. 52). The Committee considers that this audit will help the SEO to assess a variety of accessibility issues and identify areas that need to be addressed in future elections.

- 5.73 Concerns were also raised about the lack of support that is provided to people with a disability living in institutionalised care to participate in the electoral process. PWD commented:

Many of the individuals PWD meet and work with in [an institutionalised setting or residential boarding houses] are capable of understanding and participating in the electoral process. PWD believes that the continued policy of institutionalised living being supported and funded by the NSW State Government prohibits many people with disability from being given the opportunity of participating in the electoral system.⁵⁵

- 5.74 PWD advised the Committee that it was working with the AEC to improve voter access for people in licensed residential centres:

Mr HUGHES: To go back to the licensed residential centres and using them as a case study, PWD currently has a working group, I suppose you would call it, with the Australian Electoral Commission to improve voter access for residents of boarding houses in New South Wales and we are running a pilot program hopefully at the next Federal election. So to have the State Electoral Office come on board on that would be very useful because it is an identifiable group of people whose civic rights are often ignored. So to have the State Electoral Office come on board and assist with a project would be very useful.

Mr PAUL PEARCE: Has there been an indication from the State Electoral Office that it is prepared to?

Mr HUGHES: There has not been an indication, no.

Mr PAUL PEARCE: When is this project under way?

Mr HUGHES: It is under way currently and the aim is prior to the next Federal election. We have targeted licensed boarding houses in the inner west, about 300 residents. In some of those boarding houses enrolments are about as low as one or two people out of 30. Again, the ones that are differently managed, it is up to about 70 per cent of the residents are on the roll. So the aim is to develop electoral material that is in an accessible format. What the Electoral Commission is using as its basis for some of this is the information it is using for people from cultural and linguistically diverse communities because again it is people who are having trouble just understanding it in the written format...⁵⁶

- 5.75 The Committee is aware that an important element in increasing the rate of enrolment of people living in residences and institutions is the support of management. The Committee recognises that programs involving the management of institutions and residences, peak groups and government agencies are vital to this process and supports the work being conducted by PWD and the AEC. The Committee considers that it would be useful for the SEO to be involved with this working group.

PEOPLE FROM A NON-ENGLISH SPEAKING BACKGROUND

- 5.76 As noted in Chapter Two concerns were raised about the level of enrolment of people from non-English speaking backgrounds and the difficulties that such people face in

⁵⁵ People with Disability, Submission to the Inquiry, p. 2.

⁵⁶ Transcript of Evidence, 25 July 2006, pp. 8-9.

trying to understand the electoral process. The Community Relations Commission proposed a number of measures to help minimise the barriers for these people:

It is important that a number of community information strategies are implemented to ensure that Australian citizens who speak a language other than English understand how to join the electoral roll and maintain their details up to date, such as:

- placing advertisements and information on how to join the electoral roll in community language press, radio and television;
- producing multilingual information in both electronic and printed formats and distributing this information to migrant resource centres and ethnic community organisations;
- establishing a multilingual call centre for a set period of time, combined with an advertising campaign targeting electors of language backgrounds other than English;
- ensuring that interpreters are available to assist people who are not able to communicate in the English language.⁵⁷

5.77 The Committee notes that in recent years the SEO has sought to address the issue and has implemented a number of initiatives. Some of these initiatives include:

- The provision of Multilingual Voting Guides;
- Production of a multilingual Polling Place poster;
- Advertisements placed in non-English speaking background media; and
- The provision of telephone translating services through the Translating and Interpreting Service.⁵⁸

5.78 The Committee is pleased that the SEO has implemented initiatives to assist people from non-English backgrounds and encourages the SEO to continue this good work. The Committee is however of the view that it would be useful for the SEO to liaise with the Community Relations Commission to ensure that the on-going needs of people from non-English speaking backgrounds are addressed.

5.79 Another suggestion made by the Community Relations Commission involved utilising processes used by other agencies, namely Australia Post redirect forms. It was considered that people readily ensure that their mail is redirected when they move address and that the form provided an opportunity to remind people of their obligation to update their details on the electoral roll:

Mr KERKYASHARIAN: ...Perhaps one practical strategy which could be used generally is to have the post office include on the change of address forms a reminder to customers of the need to re-enrol in their new electorate...⁵⁹

5.80 The Committee is of the view that the use of Australia Post redirect forms to remind people of their obligation to update their details on the electoral roll has the potential to ensure that the level of enrolment of all people, including those from non-English speaking backgrounds, is maintained and accurate. The Committee considers that the SEO should consult with the AEC about whether such a strategy can be implemented.

⁵⁷ Community Relations Commission, Submission to the Inquiry, p. 2.

⁵⁸ State Electoral Office, *Annual Report 2004-2005*, p. 81.

⁵⁹ Transcript of Evidence, 25 July 2006, p. 11.

- 5.81 The role of citizenship ceremonies in encouraging new Australians to enrol to vote was also raised during the inquiry and is worthy of note. The Community Relations Commission noted that the use of the ceremonies to encourage people to enrol to vote was a good initiative but that it needed to be followed-up:

The Hon. DON HARWIN: Certainly at all of the citizenship ceremonies that I have attended the AEC typically sends a representative and at most ceremonies each new citizen is given an enrolment form. Is that practice useful or, given that according to the evidence you have given there is a tendency for new citizens not to enrol but to leave it to the grace period, what do you think is wrong with that procedure of AEC people attending, and can that be improved in any way?

Mr KERKYASHARIAN: I think that is a very good initiative. I have been to a number of citizenship ceremonies where the forms are handed out but I think there needs to be some sort of follow-up. Obviously people take these forms away from there; they do not usually fill it in on the spot. In a number of cases many of those people would not be fluent in English and probably would not be in a position to understand the importance of filling that in as quickly as possible and that is why you will see that when an election is announced and there is a lot of publicity around the fact that an election is going to take place, that is when people suddenly realise that they need to participate.

Where the Electoral Commission attends citizenship ceremonies perhaps there should be some tripartite arrangement between the Electoral Commission, the Immigration Department, which oversees the administration of citizenship ceremonies, and local government, which administers the particular citizenship ceremony, to have strategies in place to provide interpreters on the day and also probably have people who might assist.⁶⁰

- 5.82 The Committee is of the view that citizenship ceremonies provide a forum where new Australians can be informed of their rights and obligations as citizens and provides an opportunity for people to enrol to vote. The Committee does however agree with the comments of Mr Kerkyasharian that a follow-up letter is required from the AEC.

ELDERLY PEOPLE

- 5.83 As noted in Chapter Two, whilst elderly people do not appear to be under-represented on the electoral roll, concerns arise as to whether they are effectively enrolled and able to vote. A number of issues were raised about elderly people and voting including lack of transport to polling places, updating of enrolment information, difficulties with electoral processes in nursing homes, and problems surrounding the removal of elderly people from the electoral roll when they are no longer able to understand the voting process.
- 5.84 The Combined Pensioners and Superannuants Association [CPSA] referred to the difficulties faced by some elderly people to exercise their right and obligation to vote. It was argued that some elderly people are unable to attend a polling place to cast a vote due to such factors as the lack of adequate transport:

CHAIR: In your experience have you found that pensioners and other elderly people have a low level of participation in the electoral system?

Mr VERSTEEGE: I do not have a statistical study to back up my comments so the evidence I give is anecdotal. I do receive quite a lot of calls in my position of policy co-ordinator from older people who have transport problems. They ring up, not to complain that they

⁶⁰ *Ibid*, p. 12.

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cannot get to the polling booth but to complain that they cannot get anywhere. Of course, since I have known that this inquiry was coming up I have been asking the supplementary question, "How do you get to the polling booth?" The answers are that sometimes a neighbour gives them a lift, sometimes they do not go and sometimes they end up with an infringement notice—I do not know the exact term but a fine from the Electoral Commissioner which is then waived or is not waived. But basically that is the only thing that I could identify that is stopping older people from participating in the elections. It would be great, of course, if the electoral commission could do a study and see what the participation rates for older people actually are. I have not come across any of those studies.⁶¹

- 5.85 CPSA noted that an elderly person who cannot attend a polling place on election day is effectively disenfranchised if they do not fall within the specific criteria for a postal vote.⁶² The same criteria applies to those persons who wish to submit a pre-poll vote.⁶³
- 5.86 The Committee appreciates that the criteria for postal and pre-poll voting is aimed at ensuring that people who are unable to attend a polling place on election day are able to vote and should not be widened without due consideration. However, the Committee is concerned that elderly people who are unable to attend a polling place may not be able to vote and considers that provision needs to be made for elderly people to be able to make a postal or pre-poll vote.

RECOMMENDATION 12: That the criteria in the *Parliamentary Electorates and Elections Act 1912* to lodge a postal and pre-poll vote be amended to include an elderly person who is unable to get to a polling booth on election day.

- 5.87 The Committee was advised that many elderly people experienced difficulty in updating their information on the roll when moving, for example, to a nursing home. Some, no doubt, ensure that they advise the SEO of their change of address but some are not able to do so readily.
- 5.88 The SEO considered that a person's enrolment details could be automatically updated when they become a resident of a nursing home or retirement village:
- As the number of older people continues to grow, it will be important to maintain contact with people as they move from the family home to other accommodation, particularly in regard to those in retirement villages, hostels and nursing homes, who may have difficulty attending a polling place. In addition, a number of residents in these facilities do not know where they are enrolled. One approach would be to transfer a person's enrolment to the nursing home or hostel when they become a resident.⁶⁴
- 5.89 The Committee considers that it is important to ensure that the enrolment information of elderly people who move into nursing homes and retirement villages are updated. The Committee is of the view that it would be advantageous if a person's enrolment details were automatically updated when they become a resident of such places. This approach could be implemented as part of the smart enrolment process that was discussed in Chapter Four.
- 5.90 Another strategy proposed was for the accreditation standards of residential aged care facilities or nursing homes to include the requirement for accommodation providers to

⁶¹ *Ibid*, p. 17.

⁶² See comments of Paul Versteeg, Transcript of Evidence, 25 July 2006, pp. 16-17.

⁶³ See sections 114A and 114P of the *Parliamentary Electorates and Elections Act 1912*.

⁶⁴ State Electoral Office, Submission to the Inquiry, p. 5.

make the opportunity available for residents to update their electoral details. CPSA commented:

Mr VERSTEEGE: ...Obviously aged care providers have a whole range of obligations towards the people they care for and it would be, I imagine, quite a simple matter of including in the accreditation standards for residential aged care a requirement for the providers to make sure that their residents have the opportunity to change their electoral details.⁶⁵

5.91 The Committee notes that this system may have some merit but has not considered the matter in any detail. However, it may be useful for the Electoral Commissioner to consult with the AEC and the Aged Care Standards and Accreditation Agency⁶⁶ about whether such a requirement can be incorporated into the standards related to residents' lifestyle. These standards aim to ensure a resident retains their personal, civic, legal and consumer rights.⁶⁷

5.92 The SEO also commented on the use of mobile polling teams in aged care facilities. It was noted that, whilst many elderly people who live in nursing homes or other facilities may have difficulty attending a polling place, the provision of a mobile polling team is dependent on the manager of the facility agreeing to such an offer:

As the New South Wales Act currently stands the attendance of a mobile polling team at such a facility [nursing home or hostel] is dependent on whether the manager of the facility accepts the Electoral Commissioner's offer to make such a team available.⁶⁸

5.93 The Electoral Commissioner commented on the difficulties that were involved in informing aged care institutions about the option to allow a mobile polling team:

The Hon. PENNY SHARPE: In your submission you talk about the discretion that nursing homes seem to have about whether they are mobile polling places and whether residents are on the roll. What governs that discretion? Is it simply the decision of the manager as to whether they come in? Is it a resource issue in terms of how many you can go to within a given area? Can you expand on that issue a little?

Mr BARRY: I will tell you a little story about this. When I was the electoral commissioner in Victoria one of those things that constantly came up during the election was that the parties would get on the phone to me and say, "Colin, why aren't you providing a service to this nursing home" and I would say, "I didn't even know it existed." So I thought, "I'm not having any more of that". The next time I said, "Right, well before the election we want to find out where all these nursing homes, retirement villages and special accommodation places are; I want to know the whole lot because I don't want the parties ringing me up during the election and saying, 'What about this place?'" Do you know that in Victoria there was no one agency that I could go to? There was no keeper of the information about all of these places. I am told that it is much the same in New South Wales: There is no agency that you can go to and say, "Can I please have a definitive list of all of the what we call 'declared institutions'?", which are nursing homes, retirement villages and special accommodation places. It is really difficult.

.....

⁶⁵ Transcript of Evidence, 25 July 2006, pp. 17-18.

⁶⁶ The Aged Care Standards and Accreditation Agency has been appointed by the Commonwealth Department of Health and Ageing as the accreditation body under the *Aged Care Act 1997* (Cmth).

⁶⁷ See information on accreditation and standards on the Aged Care Standards and Accreditation Agency's website: <http://www.accreditation.org.au/AccreditationStandards>

⁶⁸ State Electoral Office, Submission to the Inquiry, p. 5.

Mr BARRY: To answer your question, it is very frustrating because in the past four weeks we have written to all the "declared institutions", as they are called, that have been on our books since the last election. We have amalgamated into that the places that the AEC uses. So we have written to all those places and asked them a couple of questions about the nature of their residents. At some of these places it is extremely difficult. In my experience, there is nothing worse than having a mobile team of people turn up to the bedside of an elderly person who clearly has dementia and cannot understand the whole thing. In my view it is demeaning. I have said that we need to get advice from the people who run these places. Are their residents capable of voting? That becomes a movable feast because sometimes they are and sometimes they are not; some days they are good and some days they are not.⁶⁹

5.94 The Committee acknowledges the frustration that the Electoral Commissioner experiences in relation to determining where aged care institutions are located and whether they should be offered a mobile polling team. The Committee considers there is a need for a coordinated approach between the relevant government agencies, including local government, to draft a definitive list of residential institutions that should be classified as "declared institutions". The provision of this information to the Electoral Commissioner is crucial for his effective administration of elections in New South Wales.

5.95 On a related note, concerns were raised about the difficulties in having a person suffering from dementia or Alzheimer's taken off the electoral roll in New South Wales. The Electoral Commissioner commented:

Mr BARRY: There is a disconnect between the Commonwealth and New South Wales on this matter. In fact, the bill that is proposed to go into Parliament soon is an attempt to bring them into line. In New South Wales the high jump bar is very high. To take someone off the roll who has, say, severe dementia or Alzheimer's, they have to be more or less certified under the Mental Health Act, whereas under the Commonwealth they can be taken off the Commonwealth roll if the Commonwealth receives a certificate signed by a medical practitioner that the person no longer understands the nature of enrolment. The high jump bar is not quite as hard. It is very difficult in New South Wales. Often we have people on the roll who had been taken off the roll for Commonwealth purposes because they have severe dementia, but they are left on the roll for State purposes because they have to satisfy a much higher test, which is not very helpful because, unfortunately, they end up not voting and getting a non-voters notice.

Mr MICHAEL DALEY: It is confusing for them.

Mr BARRY: It is very confusing, yes.

The Hon. JENNY GARDINER: How would a doctor come to do that? Would it be some sort of routine message that goes to a psychiatrist?

Mr BARRY: Normally it is a family member.

The Hon. JENNY GARDINER: They catch up on things and say, "We had better take them off the roll."

Mr BARRY: It is an increasing problem because of the number of people suffering from dementia and Alzheimer's, and with an ageing population it is understandable. It is really hard because I do not know. They are just a name on the roll. If they do not vote they get a non-voters notice and the next thing they end up in a terrible emotional loop because the people say, "We have already had the person taken off the roll", but that was

⁶⁹ Transcript of Evidence, 26 July 2006, p. 7.

for Commonwealth purposes and, unfortunately, it is different for New South Wales. That is not helpful.⁷⁰

- 5.96 As noted by the Electoral Commissioner the proposed amendments to the *Parliamentary Electorates and Elections Act 1912* will bring New South Wales into line with the Commonwealth legislation in relation to how a person can be removed from the electoral roll.⁷¹
- 5.97 The Committee considers that it is important for legislation to facilitate the easy removal of people who are no longer capable of understanding the electoral process from the electoral roll. This is important for maintaining an electoral roll that is accurate. The Committee supports the proposed amendments to the *Parliamentary Electorates and Elections Act 1912* that will mean that a medical practitioner will be able to certify that a person suffering from an illness such as dementia is incapable of understanding the electoral process and should be removed from the roll.

INDIGENOUS AUSTRALIANS

- 5.98 As noted in paragraph 2.23 indigenous Australians have lower rates of involvement in the electoral process than other groups in society.
- 5.99 The Electoral Commissioner indicated that the AEC used to undertake specific programs to engage indigenous Australians in electoral processes in conjunction with the Aboriginal and Torres Strait Islander Commission [ATSIC] but that this has ceased due to the loss of funding:

The Hon. DON HARWIN: You referred to the problems for remote indigenous communities. Do you want to expand a bit on that?

Mr BARRY: I have to say that I do not have a lot of expertise in dealing with that group. The AEC used to do a lot of work in that area. I understand it was done under ATSIC and funding that used to come through ATSIC. But I think that has disappeared now and consequently a lot of the work that the AEC used to do with remote indigenous Australians has ceased because of the funding issue.⁷²

- 5.100 The Committee is concerned that there does not seem to be any targeted programs for indigenous people. It is of the view that the SEO should liaise with the AEC and the Department of Aboriginal Affairs to develop strategies aimed at increasing voter registration, awareness, knowledge and engagement with the electoral process for indigenous people in New South Wales.

RECOMMENDATION 13: That the State Electoral Office liaise with the Australian Electoral Commission and the Department of Aboriginal Affairs to develop strategies to promote active and informed citizenship among indigenous Australians.

PRISONERS

- 5.101 The Community Relations Commission raised concerns about the Commonwealth's changes to the voting rights of prisoners:

⁷⁰ *Ibid*, p. 3.

⁷¹ See proposed amendments to section 21 of the *Parliamentary Electorates and Elections Act 1912* in the *Parliamentary Electorates and Elections Amendment Bill 2006*.

⁷² Transcript of Evidence, 26 July 2006, p. 7.

Strategies for specific groups

The Commission is also concerned to note that the Human Rights and Equal Opportunity Commission, holds the view that the Commonwealth restrictions on the right of prisoners to vote and the early closure of the electoral roll may contravene Australia's obligations under the International Covenant on the Elimination of Civil and Political Rights (ICCPR) and the International Covenant for the Elimination of All Forms of Racial Discrimination (ICERD).⁷³

5.102 The Committee notes Australia's international obligation for universal suffrage and considers that all Australians who are of an age should be able and encouraged to vote. Therefore, the Committee rejects the Commonwealth's concept that prisoners should not be eligible to vote. The Committee is however of the view that the current provisions in New South Wales, which exclude some prisoners from voting, should be retained.

⁷³ Community Relations Commission, Submission to the Inquiry, p. 2.

Appendix One – Submissions and other documents received

Submissions received:

1. Mr Jeff Naismith
2. Vision Australia Ltd
3. H.S. Chapman Society
4. Ms Daniela Giorgi
5. NSW Council for Intellectual Disability [NSW CID]
6. Combined Pensioners and Superannuants Association of New South Wales Inc. [CPSA]
7. Centre for Research and Teaching in Civics, The University of Sydney
8. Youth Action & Policy Association [YAPA]
9. People with Disability Australia Inc. [PWD]
10. Community Relations Commission [CRC]
11. NSW Young Labor
12. State Electoral Office [SEO]
13. NSW Commission for Children and Young People

Other documents received:

1. Youth Action & Policy Association, supplementary information on the impact of identification requirements on young people's enrolment;
2. State Electoral Office, supplementary information on the provision of information by government agencies to the SEO and by the SEO to the AEC and privacy legislation.
3. NSW Department of Education and Training, Information on civics and electoral education.

Appendix Two – Witnesses

Tuesday 25 July 2006

Mr Michael Simpson, General Manager, Policy and Advocacy, Vision Australia Ltd
Ms Ebru Sumaktas, Policy and Advocacy Officer, Vision Australia Ltd

Mr Matthew Bowden, Deputy Director Advocacy, People with Disability Inc.
Mr Digby Hughes, Senior Advocate, People with Disability Inc.

Mr Stepan Kerkyasharian AM, Chair, Community Relations Commission

Mr Paul Versteegen, Policy Co-ordinator, Combined Pensioners and Superannuants Association of New South Wales Inc.

Ms Jenny Compton, Centre for Research and Teaching in Civics, Faculty of Education, University of Sydney

Ms Daniela Giorgi

Dr Amy McGrath OAM, President, H.S. Chapman Society

Ms Kristy Delaney, Executive Officer, Youth Action & Policy Association
Mr John Ferguson, Policy and Training Officer, Youth Action & Policy Association

Mr Michael Meurer, President, New South Wales Young Labor
Ms Elizabeth Larbalestier, Women's Officer, New South Wales Young Labor

Wednesday 26 July 2006

Mr Colin Barry, NSW Electoral Commissioner

Appendix Three – Minutes

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (No. 13)

Thursday 25 May 2006 at 10.15 am

Parliament House

Members Present

Ms Saliba, MP (Chairman)

Mr Daley, MP

The Hon. Jenny Gardiner, MLC

Mr Pearce, MP

The Hon. Amanda Fazio, MLC

The Hon. Don Harwin, MLC

Change in Membership

The Committee Manager reported that Mr Corrigan, MP had been discharged from the committee and Mr Daley, MP had been appointed to serve in his place.

(Votes and Proceedings, 5 April 2006, entry 14; and Minutes of Proceedings, 5 April 2006, entry 18)

Apology

An apology was received from the Hon Arthur Chesterfield-Evans, MLC.

Minutes

Resolved, on the motion of Mr Harwin, seconded by Mr Pearce:

That the minutes of the meeting on 20 October 2005 be confirmed and published.

Voter Enrolment Reference

The Committee noted correspondence from the Premier, dated 9 May 2006, giving the committee the following reference for inquiry and report:

- “1. The current level of voter enrolment in New South Wales, particularly among young people and any other groups with special needs in relation to voter enrolment;
2. The impact on voter enrolment of Commonwealth reforms to introduce new identification requirements for people seeking to enrol to vote or to change their enrolment details; and
3. Any additional strategies to maintain or improve the level of voter enrolment and to ensure that the roll remains up to date, with particular regard to the needs of particular groups (such as young people) and other demographic changes (such as the ageing population).”

The Committee deliberated over the reference. The committee agreed to time lines for the inquiry, including hearings proposed for 25 and 26 July 2006.

Minutes

The committee adjourned at 10:30 am until 10.15 am on Thursday 8 June 2006.

Chairman

Committee Manager

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (No. 14)

Thursday 8 June 2006 at 10.15 am

Parliament House

Members Present

Ms Saliba, MP (Chairman)

The Hon. Arthur Chesterfield-Evans, MLC

Mr Daley, MP

The Hon. Jenny Gardiner, MLC

The Hon. Don Harwin, MLC

Mr Pearce, MP

Change in Membership

The Committee Manager reported that the Hon. Amanda Fazio, MLC had been discharged from the committee and the Hon Penny Sharpe, MLC had been appointed to serve in her place. (Minutes of Proceedings, 6 June 2006, entries 24 and 37; and Votes and Proceedings, 6 June 2006, entry 30)

Apology

An apology was received from the Hon Penny Sharpe, MLC.

Minutes

Resolved, on the motion of Mr Pearce, seconded by Mr Harwin:

That the minutes of the meeting on 25 May 2006 be confirmed and published.

Voter Enrolment Reference

The Committee deliberated over, and added to, the list of interest groups to write to seeking submissions. The Committee agreed to commence at 10 am on the previously agreed hearing dates of 25 and 26 July 2006. A list of proposed witnesses would be circulated to Members for concurrence.

The committee adjourned at 10:30 am until 10 am on Tuesday 25 July 2006.

Chairman

Committee Manager

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (No. 15)

Tuesday 25 July 2006 at 10:20 am

Parliament House

Members Present

Ms Saliba, MP (Chairman)

The Hon. Arthur Chesterfield-Evans, MLC

The Hon. Jenny Gardiner, MLC

Mr Pearce, MP

Mr Daley, MP

The Hon. Don Harwin, MLC

The Hon. Penny Sharpe, MLC

Minutes

Resolved, on the motion of Mr Daley, seconded by Mr Harwin:

That the minutes of the meeting on 25 May 2006 be confirmed and published.

Inquiry into Voter Enrolment

Resolved, on the motion of Mr Daley, seconded by Mr Pearce:

That the committee authorises the publication on the committee website the submissions received in relation the inquiry into voter enrolment.

Public Hearing

The press and public were admitted.

Mr Michael Simpson, General Manager, Advocacy and Policy, Vision Australia Ltd, and Ms Ebru Sumaktas, Policy and Advocacy Officer, Vision Australia Ltd, both sworn and examined.

Evidence concluded.

Mr Matthew Bowden, Deputy Director, Advocacy, People with Disability Inc., and Mr Digby Hughes, Senior Advocate, People with Disability Inc., both affirmed and examined.

Evidence concluded.

Mr Stepan Kerkyasharian AM, Chair of the Community Relations Commission, sworn and examined.

Evidence concluded.

Mr Paul Versteeg, Policy Coordinator, Combined Pensioners and Superannuants Association, sworn and examined.

Evidence concluded.

Ms Jenny Compton, Intern, Centre for Research and Teaching in Civics, University of Sydney, sworn and examined.

Evidence concluded.

Ms Daniela Giorgi, affirmed and examined.

Evidence concluded.

Dr Amy McGrath OAM, President, H. S. Chapman Society sworn.

Mr Harwin advised the Committee of his membership with the H. S. Chapman Society and advised that he had no input into the drafting of the submission submitted by Dr McGrath.

Dr McGrath was examined.

Evidence concluded.

Ms Kristy Delaney, Executive Officer, Youth Action & Policy Association, and Mr John Ferguson, Policy and Training Officer, Youth Action & Policy Association, both sworn and examined.

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Evidence concluded.

Mr Michael Meurer, President, NSW Young Labor, sworn and Ms Liz LARBalestier, Women's Officer, NSW Young Labor, affirmed and both examined.

Evidence concluded, the witnesses and public withdrew.

The committee adjourned at 3:00 pm until 2:00 pm on Wednesday 26 July 2006.

Chairman

Committee Manager

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (No. 16)

Wednesday 26 July 2006 at 2:00 pm

Parliament House

Members Present

Ms Saliba, MP (Chairman)

Mr Daley, MP

The Hon. Don Harwin, MLC

The Hon. Penny Sharpe, MLC

The Hon. Jenny Gardiner, MLC

Mr Pearce, MP

Apology

An apology was received from the Hon. Arthur Chesterfield-Evans, MLC.

Public Hearing

The press and public were admitted.

Mr Colin Barry, Electoral Commissioner of NSW, affirmed and examined.

Evidence concluded, the witness and public withdrew.

Minutes

Resolved, on the motion of Mr Daley, seconded by Mr Harwin:

That the minutes of the meeting on 25 July 2006 be confirmed and published.

Publication of Transcripts

Resolved, on the motion of Mr Harwin, seconded by Mr Daley:

That the committee authorises the publication of the corrected transcripts of evidence taken on 25 and 26 July 2006.

Deliberation

- The committee deliberated on what further information was required to be gathered in the preparation of a draft report on the voter enrolment inquiry.

The committee adjourned at 3:20 pm until a date to be determined.

Chairman

Committee Manager

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (No. 17)

Friday 22 September 2006 at 9:30 am

Parliament House

Members Present

Ms Saliba, MP (Chairman)

The Hon. Arthur Chesterfield-Evans, MLC

Mr Daley, MP

The Hon. Don Harwin, MLC

Mr Pearce, MP

Apologies

Apologies were received from the Hon. Jenny Gardiner, MLC and the Hon. Penny Sharpe, MLC.

Minutes

Resolved, on the motion of Mr Pearce, seconded by Mr Harwin:

That the minutes of the meeting on 26 July 2006 be confirmed and published.

Consideration of Draft Report

The draft report on the voter enrolment inquiry having been previously circulated-

The committee considered the draft report.

Chapter 1, put and agreed to.

Chapter 2, amended, put and agreed to.

Chapter 3 proposed.

Upon which Ms Saliba moved, That paragraph 3.5 be amended by deleting all words after "warranted. " and inserting instead:

"Accordingly the Committee has primarily focussed on the impact on the level of voter enrolment and re-enrolment in NSW. However, the Committee finds that the Commonwealth changes have made it harder for citizens to enrol and stay enrolled to vote. There is a disproportionate impact on young people, indigenous people, the homeless and people with disabilities. This has a negative impact on universal franchise."

Question put-That the amendment be agreed to-

The committee divided.

Ayes 4 [Chesterfield-Evans, Daley, Pearce, Saliba] Noes 1 [Harwin]

Agreed to.

Chapter 3, as amended, put and agreed to.

Chapter 4, put and agreed to.

Chapter 5 proposed.

Upon which Mr Daley moved, That the paragraphs 5.40 and 5.41 be deleted and the following new paragraph 5.40 be inserted instead:

5.40 "The Committee considered the evidence presented about lowering the voting age to 16. However, the Committee agrees with the views of the Electoral Commissioner that lowering the age of voting will not, of itself, overcome the low levels of participation of young people in the electoral process and that other initiatives are needed to encourage young people to enrol to vote."

Put and agreed to.

Upon which Mr Pearce moved, That the following new paragraph 5.66 be inserted:

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5.66 “The Committee considers that this limited use of electronic voting should be predicated on there being an appropriate ‘paper trail’ or printed record of the vote being available. Further, this investigation into the limited use of electronic voting should not be interpreted as an indication of more general support for electronic methods of voting. The Committee is firmly of the opinion that a traceable record of voter intention is crucial to maintaining public confidence in the integrity of the electoral process.

Put and agreed to.

Upon which Dr Chesterfield-Evans moved, That the following new paragraph 5.101 be added:

“The Committee notes Australia’s international obligation for universal suffrage and believes that all Australians who are of an age should be able and encouraged to vote. Therefore, the Committee rejects the Commonwealth’s concept that prisoners should not be eligible to vote, and both recommends that all prisoners be able to vote in the NSW elections, and that there should be provisions made by the Department of Corrective Services to encourage prisoners to enrol and to have sufficient information to able to vote.”

Question put-That the amendment be agreed to-

Mr Pearce moved that the proposed amendment be amended by the following words instead:

“PRISONERS

5.101 The Community Relations Commission raised concerns about the Commonwealth’s changes to the voting rights of prisoners:

The Commission is also concerned to note that the Human Rights and Equal Opportunity Commission, holds the view that the Commonwealth restrictions on the right of prisoners to vote and the early closure of the electoral roll may contravene Australia’s obligations under the International Covenant on the Elimination of Civil and Political Rights (ICCPR) and the International Covenant for the Elimination of All Forms of Racial Discrimination (ICERD).¹

5.102 The Committee notes Australia’s international obligation for universal suffrage and considers that all Australians who are of an age should be able and encouraged to vote. Therefore, the Committee rejects the Commonwealth’s concept that prisoners should not be eligible to vote. The Committee is however of the view that the current provisions in New South Wales, which exclude some prisoners from voting, should be retained.”

Amendment to the amendment, put and agreed to.

Question put-That the amended amendment be agreed to-

The committee divided.

Ayes 4 [Chesterfield-Evans, Daley, Pearce, Saliba] Noes 1 [Harwin]

Agreed to.

Chapter 5, amended, put and agreed to.

Recommendations 1 to 4, put and agreed to.

Recommendation 5, amended, put and agreed to.

Recommendations 6 and 7, put and agreed to.

Upon which Dr Chesterfield-Evans moved, That the following recommendations be adopted:

- “That all political education should be done by the civics programme in schools or the SEO and that political education should not be done by political parties at taxpayers expense.
- That the voting age be lowered to 16.”

Question put-That the proposed recommendations be agreed to-

The committee divided

Ayes 1 [Chesterfield-Evans] Noes 4 [Daley, Harwin, Pearce, Saliba]
Negatived.

Recommendations 8 and 9, put and agreed to.

Recommendation 10, amended, put and agreed to.

Recommendations 11 to 13, put and agreed to.

Executive summary, amended, put and agreed to.

Resolved on the motion of Mr Pearce, seconded by Mr Daley:

That the draft report be adopted as the report of the committee, signed by the Chairman and tabled.

The committee adjourned at 10:30 am until a date to be determined.

Chairman

Committee Manager