

1995

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ELECTORAL AND REFERENDUM AMENDMENT BILL 1995

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be moved on Behalf of the Government

(Circulated by authority of the Minister for Administrative Services,
the Honourable Frank Walker, QC, MP)



ELECTORAL AND REFERENDUM AMENDMENT BILL 1995

OUTLINE

The proposed amendments to the Electoral and Referendum Amendment Bill 1995, introduced into the House of Representatives on 1 February 1995, include two new clauses to that Bill and one amendment to an existing clause. The Bill makes changes to the Commonwealth Electoral Act 1918 (the Act) and the Referendum (Machinery Provisions) Act 1984.

The amendments are designed to:

- . enable the Australian Electoral Commission to conduct the Senate scrutiny using a computer process;
- . allow for the provision of the gender of electors for the purpose of medical research and health screening surveys; and
- . clarify the existing amendment of the Bill enabling the Electoral Commission to empower its staff to enter into agreements to supply and charge for goods and services.

FINANCIAL IMPACT STATEMENT

The Australian Electoral Commission estimates that approximately \$370,000 would be saved at each Senate election if the Senate scrutiny were conducted by computer process in place of the current manual method. The other amendments will give rise to neither costs nor savings.

NOTES ON AMENDMENTS

Amendment 1

1. This amendment replaces item 3 of Schedule 1 to the Bill to allow for agreements to be made for the provision of goods and services to any body or organisation under section 7A of the Commonwealth Electoral Act 1918.

Amendment 2

2. This amends item 6 of Schedule 1 and complements Amendment 1 above.

Amendment 3

3. This inserts a new item 10A into Schedule 1 to the Bill to insert a new subsection 91(9A) and to amend subsection 91A(1). The new subsection 91(9A) and the amended subsection 91A(1) will allow for the provision of gender information for the purpose of medical research and health screening surveys.

Amendment 4

4. This inserts new items 43A, 43B and 43C into Schedule 1 of the Bill to insert a new section 273A into the Act and to amend subsection 265(2). The new section 273A allows the Australian Electoral Commission to conduct Senate scrutines by a computer process. The amendment to subsection 265(2) complements the new section 273A.

5. The new section 273A provides that the computerised Senate scrutiny may be conducted if the Electoral Commissioner determines in writing before polling day that the scrutiny is to be conducted by computer. It also provides authority for the Australian Electoral Officer for the State or Territory to conduct, by computer, scrutines for formality of those ballot papers not scrutinised by the Divisional Returning Officer. Scrutiny of ballot papers for formality will be conducted by Divisional Returning Officers on those ballot papers marked "above-the-line" only and those marked "below-the-line" which are obviously informal, for example, where more than half the squares on ballot papers marked below-the-line are blank. It also provides that the scrutiny for the distribution of preferences and votes be conducted by a computer process.

6. It also provides that the computer scrutiny for formality of ballot papers and the computer scrutiny for the distribution of preferences and votes must follow the same principles as for a manual scrutiny. Any ties between candidates either at the point of distribution of a surplus or at the point of an exclusion must be resolved by the Australian Electoral Officer.

7. Further provision is made for the conduct of recounts by computer means where the original count was also conducted by computer. However, where a tie occurred during the first count, and the same tie recurs, the tie is to be resolved with the same result.

8. Provision is also made for access by scrutineers to information on the record of preferences on ballot papers whose details have been stored within the computer system, including information on informal ballot papers and papers which are formal but not sequentially numbered, and a record of ballot papers notionally transferred at each count and a record of the progress of the count of the votes.

