



**Australian
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Ian Campbell
Electoral Commissioner
Australian Electoral Commission
PO Box 6172
KINGSTON ACT 2804

FAO Ms Gabrielle Paten, Director Election Systems and Policy

Subject: Privacy issue relating to postal voting

I refer to your letter to our Chair, Roger Clarke, dated 30 January. I regret that we overlooked your deadline - we have been a little busy recently with major inquiries and reviews.

We welcome the opportunity to comment and hope it is not too late.

We understand the logistical difficulties but it is very unfortunate that applicants are by default required to disclose potentially sensitive personal details on the envelope. Many individuals would wish to protect their address, telephone number date of birth, in the case of the first two often taking advantage of suppression options both in the electoral roll and in other registers – sometimes as a result of well founded safety fears – more often to avoid annoyance of unsolicited approaches.

We note that the exposure of the personal details would normally be limited to employees of Australia Post, and that applicants are informed of the option of enclosing the envelope in another blank envelope which can be posted without charge.

We note the history of this matter. Our preference for the future would be for the alternative canvassed at the end of Attachment B - legislative amendment to allow ballot papers returned outside the certificate envelope to be counted. You suggest that this would have the disadvantage of reducing the protection of the secret ballot but we cannot see why any more electors would lose this protection

if this alternative was adopted - there is no reason why the change need be advertised and no reason to think it would result in any more electors neglecting to use the certificate envelope, as you could continue to advise. We also fail to see why electors neglecting to use the envelope would be in any different position in relation to the secret ballot – the AEC’s theoretical ability to associate a particular ballot with a named individual is no greater whether the elector has used the certificate envelope for their ballot paper or merely enclosed it with the declaration completed alongside the ballot paper. We assume that you would not now, or under the proposed legislative amendment, count a vote unless the certificate was included and verifiable?

In the short term, we support both of the approaches suggested in your letter – removing any element of the date of birth that is not strictly required (this is an obligation under IPP 1 in any case), and giving greater prominence to the option of using an outer envelope.

Yours sincerely

Nigel Waters

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