

**REPORT OF PROCEEDINGS BEFORE**

**JOINT STANDING COMMITTEE ON ELECTORAL  
MATTERS**

**INQUIRY INTO VOTER ENROLMENT**

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**At Sydney on Wednesday 26 July 2006**

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**The Committee met at 2.00 p.m.**

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**PRESENT**

Ms M. F. Saliba (Chairman)

**Legislative Council**

The Hon. J. A. Gardiner  
The Hon. D. T. Harwin  
The Hon. P. G. Sharpe

**Legislative Assembly**

Mr M. J. Daley  
Mr P. R. Pearce

**COLIN ANTHONY BARRY**, Electoral Commissioner, Level 25, 201 Kent Street, Sydney, affirmed and examined:

**CHAIR:** Thank you for appearing today. I am advised that you have been issued with a copy of the Committee's terms of reference and also a copy of the Legislative Assembly's Standing Orders 332, 333 and 334 that relate to the examination of witnesses. Is that correct?

**Mr BARRY:** That is correct.

**CHAIR:** The Committee has received a submission from you. Is it your desire that that submission stand as part of your evidence?

**Mr BARRY:** Yes, it is.

**CHAIR:** Would you like to make an opening statement?

**Mr BARRY:** I will not. I think it might be perhaps more profitable if you wish to ask me any questions. There is nothing I particularly want to state at the beginning other than my submission.

**CHAIR:** We will start by opening up today's hearing to questions.

**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 underrepresented 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 underrepresented on the role but finding it more difficult to vote.

**The Hon. DON HARWIN:** Do you have any views on people from a non-English-speaking background? Is there any particular degree of underrepresentation there?

**Mr BARRY:** I think it is compounded if they are young. So if they are already from a non-English-speaking background there is also some history of those folk being underrepresented on the roll. If they are young, of course it is doubly compounded.

**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 underrepresentation? 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 voters in New South Wales. What I mean by that is that we rely on the Australian Bureau of 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.

**CHAIR:** With regards to young people I notice that in Tasmania there is around 91 per cent, in the ACT there is 88 per cent, in New South Wales it is 83 percent of young people enrolled. In your opinion what is an acceptable level and also what can be done to encourage a greater enrolment of younger people?

**Mr BARRY:** I think there are probably two points I would make in response to that. What is an acceptable level of youth enrolment? We tend to think, based on the research that the Australian Electoral Commission has done, there is approximately 95 per cent of eligible people enrolled generally in the community. So consequently I would say that we should be aiming to get 95 per cent of young people enrolled as a reasonable target. You can see that even around the country we are falling short of that. What can we do? 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 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.

**CHAIR:** What then would be your view along similar lines of you being notified the birthdays and automatic enrolment?

**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.

**The Hon. DON HARWIN:** How would that gel with the joint roll agreement? Would it require complementary Commonwealth legislation or would we be able to do that ourselves?

**Mr BARRY:** First of all, it would require legislative underpinning in New South Wales. One of the things about enrolment and voting in the Australian context is that typically there is no ministerial council which deals with this stuff, so it often moves forward by a State doing something, another State picking up the idea and advancing it, or the Commonwealth doing something and people thinking, "That's a good idea. Let's do that".

**Mr PAUL PEARCE:** Or a bad idea, as the case may be.

**Mr BARRY:** Or a bad idea and thinking, "We won't do that". We suffer from the fact that there is no ministerial council; so there is no national commitment to moving in certain directions, it tends to be incremental. Consequently, yes, we could have that system in New South Wales. My responsibility is to look after New South Wales voters for State elections and local government elections. That would put young people on the roll for State and local government elections. It would require the Commonwealth to introduce complementary legislation to enable those people to vote at Federal elections.

**CHAIR:** We have had a couple of organisations that represent people with disabilities presenting information to the hearing. One viewpoint in particular presented was that there is an underrepresentation of people with intellectual disabilities. For the purposes of enrolling voters with mental health problems or an individual disability, who determines who is of sound mind?

**Mr BARRY:** That is a hard question to answer. I think the presumption is that everybody who enrolls is of sound mind, and it is only when someone becomes of unsound mind that they then can be taken off the roll.

**Mr MICHAEL DALEY:** On whose application?

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

**CHAIR:** That is the same issue we had with people applying for postal votes. They could apply for the Federal, but it did not apply to the State. They would say, "I am a postal voter, but I did not receive my ballot papers."

**Mr BARRY:** Hopefully, the bill will fix all of that.

**CHAIR:** Do you think the new identification requirements on enrolment or when a person wants to update their information will have an impact on the level of voter enrolment in New South Wales?

**Mr BARRY:** What I am going to say I need to qualify, and I am sure you will appreciate that I am the Electoral Commissioner for New South Wales. I cannot speak on behalf of the Commonwealth or the Australian Electoral Commission. In my submission I made reference to the fact that the approach the Commonwealth Government is taking will mean a person who has a driver's licence can effectively enrol at the kitchen table by filling out the forms, putting the driver's licence number on the form, folding up the form, putting it in an envelope, going to work the next day, posting it and then you are done.

In New South Wales, under our law, a person who has a driver's licence will still have to have the form witnessed. The question of whether it is easier or more difficult depends on what circumstances you are in. Clearly, if you are a person who has a driver's licence it is certainly no more difficult to enrol under that part of the provision. Where it gets more challenging is when you get into categories of people who do not have a driver's licence; that is where it starts to become more complex. I am not really able to make any comment beyond what I have said in my submission because a lot of this is dependent upon the regulations the Commonwealth will make to give effect to a lot of the witnessing arrangements.

**Mr MICHAEL DALEY:** You made a distinction between different forms and requirements for the Commonwealth, which does not require a witness, and the State, which does. I have never seen a State application form. I assume that most people get an AEC form from the post office, and that is how they enrol. How can one enrol for just the New South Wales roll and not the Commonwealth roll?

**Mr BARRY:** I did not mean that it was a State enrolment form. What I should have said is the current enrolment provisions as apply in New South Wales, assuming that New South Wales does not bring its enrolment provisions into line with the Commonwealth. In other words, anyone enrolling today has to get an enrolment form, fill it out, sign it and have it witnessed.

**Mr MICHAEL DALEY:** That is the green form?

**Mr BARRY:** That is the green form, yes.

**Mr PAUL PEARCE:** Potentially, that form may not be sufficient to enrol you on the New South Wales roll?

**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 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.

**Mr MICHAEL DALEY:** We need to change.

**Mr BARRY:** That is a matter for your consideration.

**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.

**CHAIR:** With regard to the new provisions that will see the electoral roll for the Federal election close at 8.00 p.m. on the day the writ is issued, do you think there is likely to be any indirect effect on the level of the vote enrolment for New South Wales elections due to these provisions?

**Mr BARRY:** There will not be any effect for the New South Wales State elections because although our roll closes at 6.00 p.m. on the issue of the writ, the fact is that we know now roughly when the writ will issue: it will be either Friday 2 March or Saturday 3 March because we have a fixed date.

**Mr MICHAEL DALEY:** For a State election?

**Mr BARRY:** For a State election, yes. The problem that the Commonwealth or the Australian Electoral Commission has is that there is no fixed date for the Federal election. Consequently, the day the writ issues really cannot be specified.

**CHAIR:** So you do not think it will have an impact on New South Wales.

**Mr BARRY:** It will not have any impact on New South Wales State elections.

**Mr MICHAEL DALEY:** But it may have an impact on New South Wales voters in Federal elections.

**CHAIR:** Or non-voters, for that matter.

**Mr PAUL PEARCE:** Getting back to the enrolment procedure, the changes federally require the production of a form of identification but with a driver's licence you do not need a witness or you need two witnesses if you do not have a driver's licence. As I recall, under the current system you fill in the form and you get it witnessed. You do not have to produce any identification. That system currently applies in New South Wales.

**Mr BARRY:** Yes, it does.

**Mr PAUL PEARCE:** Without us changing that system to bring it in line with the Commonwealth there is very real potential, as I see it, of someone being legitimately enrolled in New South Wales but not being able to be enrolled federally.

**Mr BARRY:** Yes, there would be. That is what I was describing before. They could be people who do not have a driver's licence or who choose not to put their driver's licence on the form, sign it and have it witnessed by one witness and then send it in.

**Mr PAUL PEARCE:** And that would satisfy New South Wales enrolment.

**Mr BARRY:** Yes, it would. Absolutely.

**Mr PAUL PEARCE:** And you would be notified by the AEC that you have a legitimate New South Wales enrolment.

**Mr BARRY:** Yes. They would be put on the role for State purposes.

**Mr PAUL PEARCE:** But they would not be put on the role for Federal purposes.

**Mr BARRY:** Correct.

**Mr PAUL PEARCE:** Have there been any discussions at all between the AEC and you, and presumably the other States, about these issues?

**Mr BARRY:** Paul, that is not an unusual thing. There are protocols in place. There have always been peculiarities in the entitlements. You can have Federal-only electors and State-only electors. There are not many of them. They are very small numbers. For example, I think Federal members of Parliament are entitled to enrol in their Federal division but they might not live there. There is a protocol in place.

**Mr PAUL PEARCE:** At the State level we used to have a difference between local and Federal for some categories of voters.

**Mr BARRY:** Yes, quite so.

**The Hon. DON HARWIN:** I think there have been different provisions relating to prisoners as well.

**Mr BARRY:** Yes, I think that is probably right.

**Mr PAUL PEARCE:** So it is quite conceivable that someone who is a prisoner in New South Wales would continue to be able to vote in New South Wales but not be able to vote federally.

**Mr BARRY:** Correct.

**The Hon. DON HARWIN:** You referred previously to the Electoral Council of Australia publication. That deals mainly with young voters, does it not? There is far less data on indigenous people, people from a non-English speaking background and people with a disability. Do you have any sense based on your experience, or is there any other material that you are aware of, that can gauge the degree of underrepresentation of those groups on the electoral roll? Your submission also indicates that research has shown that the barriers differ for indigenous people, for example, in terms of whether they are from remote or urban areas. Could you elaborate on some of the barriers that remote and urban indigenous people have enrolling and how they could be overcome? I am sorry to ask about three questions in one.

**Mr BARRY:** One of the things I have to say is that I do not have any research into these areas. It is something to consider after the next State election. Dealing with people who come from culturally and linguistically diverse backgrounds is something that I think we have not done as much on as we could. At the moment it has to be seen as work in progress. The main focus at the moment is the next State election. After that I really would like us to focus on meeting with those community peaks to understand how do we even get any research as to the degree of enrolment in those groups. I simply do not know.

**The Hon. DON HARWIN:** I ask that question—my apologies if I am interrupting—simply because our terms of reference refer to the impact on voter enrolment of the Commonwealth reforms. We have had submissions from a series of groups that have made assertions about the impact but we have had very little actual data presented to us. That is why I am following it up. In terms of producing a report that adequately responds to the terms of reference we need some degree of specificity.

**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.

**The Hon. DON HARWIN:** Are you saying that in terms of work your office is done or are you aware whether the AEC has that sort of hard evidence?

**Mr BARRY:** I am not aware that the AEC has that.

**Mr MICHAEL DALEY:** Or anyone else.

**Mr BARRY:** I am not aware of anyone else having it either. As to those areas that you identified, such as youth, we all know—

**The Hon. DON HARWIN:** Youth is clear.

**Mr BARRY:** Youth is clear; there is hard evidence. But there is nothing on culturally and linguistically diverse communities because there has been no research. There has been no research on the elderly. Nothing has been done on those very important parts. That is not to say that it should not and it will not but at the moment it has not.

**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 ATSIIC and funding that used to come through ATSIIC. 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.

**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.

**Mr PAUL PEARCE:** That is a consequence of the split between Federal and State licensing arrangements, I would have thought.

**CHAIR:** Local councils do not even have that information. They would not have an idea of all the groups within their local area.

**Mr PAUL PEARCE:** They would go close.

**CHAIR:** Yes.

**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.



**Mr PAUL PEARCE:** And sometimes management does not want people interfering with the process.

**CHAIR:** That is certainly something that has been pointed out to us by some of the organisations. For example, there are some group homes and organisations for people with physical or intellectual disabilities that are very active in that area and encourage their residents to get on the electoral roll and vote and there are other agencies that are not. I think it is much the same.

**Mr BARRY:** It is. When we ran the workshop for the peak organisations earlier this year I was quite surprised that around the table we had open disagreement amongst the peak organisations about how this should be approached. But in the case of these declared institutions it is a real challenge to actually know where all these places are and whether the people in there are able to vote. We go along and attempt to provide the service. It opens another interesting question—which I think I raised in my submission. What happens is that a person has to move from the family home into some sort of assisted accommodation and nobody thinks to change the person's enrolment.

Time goes by and the person is in a nursing home, let us say. The house where they were enrolled may have been sold and the person has been taken off the roll. So they are nowhere—or, worse, they are still on the roll for the property where they were living and they are now in a nursing home. The mobile team comes around and says, "Well, where are you enrolled?" Do you know that we have thousands of these situations that we have to deal with at election time? In my view, it is extremely frustrating. We are putting elderly people through a process and we cannot tell them, "Look, you are enrolled here; here are the candidates" and so on. We have to rely on them. At that age in their life they do not know where they are enrolled.

**The Hon. PENNY SHARPE:** We talked about automatic enrolment for young people. Would automatic enrolment as a postal voter for people going into those places alleviate that issue?

**Mr BARRY:** It is not so much being a postal voter. 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.

**CHAIR:** I know cases, for example, of young people who might move 10 times in a two-year period and when it comes to election time they roll up to do an absentee vote and do not know what address they were last enrolled at because they have moved that many times.

**Mr BARRY:** We are going to address this at the next State election because my office has developed something called iROLL. We now have the whole roll of New South Wales on a PDA.

**Mr MICHAEL DALEY:** What is a PDA?

**Mr BARRY:** A pocket organiser. In the past, when people went in to get an absent vote, they would say where do you live and they would look up the street, because you cannot have the roll—the paper rolls would be so high—they would look up the street and that determines what district you are in. That presupposes that the elector knows, yes, that is where I was enrolled, exactly what you are saying. Now we have the roll on the PDA we can check and say you are not enrolled there, this is where you are enrolled, because we have the whole roll on the PDA. We have Victoria, New South Wales and the Commonwealth. We developed the application, Victoria has bought 400 of them, we have bought 450 and the Commonwealth has bought 500. So, we will have a nice pool of those that

we can spread around, particularly in the metropolitan area, and for the mobile team to take them to nursing homes so they can check that people are on the roll because we have the whole State roll on it.

**CHAIR:** Does that also apply to regional New South Wales?

**Mr BARRY:** Yes. The only place I think we would not supply would be the one-table polling places out in the bush where they do not issue at any absent votes anyway. That will cut down that 86,000.

**CHAIR:** A number of submissions suggested using interagency approach to encourage people to enrol and vote. I note your discussion earlier about schools and sending out cards and the Department of Education and Training notifying you about people reaching the age of 17. There were also suggestions for the Australian Tax Office and the Roads and Traffic Authority sending out enrolment forms when people applied for tax file numbers and licences. Do you think other agencies should be involved in the enrolment process?

**Mr BARRY:** One of the real challenges is that our society is moving from a paper-based system to other ways of doing business. Unfortunately, our enrolment system is still stuck very much in the paper-based system. I have tried on a number of occasions in Victoria sending out enrolment forms because I used to get information from electricity authorities. When people move address, you cannot live in a place without having electricity on, so if we knew somebody had moved into a place you would send out an enrolment form. The minute you start sending more paper to people, and particularly now that the form is going to get more complex, the less return you get back. People get turned off and they do not fill it out. It is very interesting. They say: You have been able to write to me at this address. You clearly know I live here. Why do you want me to fill out this form and send it back?

**CHAIR:** That could be an argument for automatic enrolment, an automatic transfer of information.

**Mr BARRY:** This is one of the things. The enrolment system is still very much a paper-based system and as long as it continues to be a paper-based system where the rest of the community and society is moving more and more into doing business in other ways it is going to progressively suffer from the fact that people cannot be bothered. When you see what the enrolment form will look like in the future, you will see this is a big ask for some people.

**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.

**Mr MICHAEL DALEY:** I was talking more about letting people vote from their personal computers at home or from their workplaces. For a time I was a project manager with the NRMA for their election and, with their potential voters, they are the largest non-parliamentary election in Australia. They have, at the last four elections, introduced statewide electronic voting with some success.

**Mr BARRY:** Yes, they have.

**Mr MICHAEL DALEY:** It was not that incredibly expensive.

**CHAIR:** How sound is it?

**Mr PAUL PEARCE:** There is a problem with scrutineering because there is no paper trail.

**Mr BARRY:** There is another issue about it. When I was in the United States I saw they did an Internet trial with people who were in the defence force, but the cost involved, because of what they had to do—we have to know that the person who is on that computer is the person they purport to be. When people turn up at a polling place, there is not a lot of evidence of impersonation in voting, but when people can do it at home or at their workplaces you have to have some certainty that the person on the other end of the computer is the person it is purported to be. I do not know how it works with the NRMA.

**Mr MICHAEL DALEY:** They get issued individual PIN numbers, mailed out.

**Mr BARRY:** Exactly. So, we have to mail something out to 4.3 million people.

**Mr MICHAEL DALEY:** Once.

**Mr BARRY:** Depending if they change address between elections, but we have to mail them out to people and there will be so many people who do not have access to a computer, that divide is quite significant. So, we are still going to have to have a system where people can turn up and vote manually. My thinking on the evoting thing is there will come a time, but I think it will be a couple of generations away, where that is where things will clearly end up, but the first step is you have to get the confidence of the community, and from the little bit of my dipping my oar into this whole world, I do not think there is out there in the community a hue and cry for let's go with evoting. For special groups, yes, the vision impaired and people in remote New South Wales and even elderly people, but I still think we have to have something where people sign up to become part of this process so we are confident that the votes we are going to get are from those people.

**The Hon. JENNIFER GARDINER:** Have you any plans to go down that track on a trial basis?

**Mr BARRY:** In New South Wales, no, I do not at the moment. Victoria is. It is doing a trial of kiosk voting at the November election. That is something you might, if you consider it appropriate, go and have a look at.

**Mr MICHAEL DALEY:** Why do you not think there is a case for it?

**Mr BARRY:** There are a couple of things. The committee is well aware that I am coming into an organisation that is still trying to crawl let alone run. We are building capacity. When I left the VEC it was a far more mature organisation and it was ready to take that step. My office is not the place to be able to do it. Yet, we have done this iROLL thing and that is a step in the right direction. You might find it interesting to look at and find out what the cost of the Victorian trial is. It is very expensive, but it also needs the legislative underpinning that it has.

**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. If you are going to stick an enrolment form under their nose like this, I think you will turn them off.

**The Hon. DON HARWIN:** On that issue of 17-year-olds, I note in your submission the Electoral Council's publication based on September 2004 figures says that in New South Wales the relevant figure is 13 per cent and Victoria is 38 per cent. That may be attributed to your tenure as the Victorian Electoral Commissioner. Obviously it is a substantially higher figure in Victoria. Apart from birthday cards are there any other things that account for that massive discrepancy between the two large States?

**Mr BARRY:** No, the birthday card is all. The birthday card was enormously successful, amazing.

**The Hon. PENNY SHARPE:** Was there any difference in the way that civic education is delivered in Victoria versus New South Wales?

**Mr BARRY:** I do not think so. 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.

**Mr MICHAEL DALEY:** What about automatic enrolment on the grant of citizenship? We cannot do it in New South Wales but as a concept would you translate that principle?

**Mr BARRY:** Well, Michael, one of the things that I have said about the smart roll thing, it needs some sort of study to understand what would be involved in it, what are the risks. All I have done at the moment is try out some ideas about it. It would not stop just at young people. When people change their driver's licence with the RTA, they could be sent another form that states it is known that they have moved, because we are writing to them, and give them another eight-page form to be filled out and sent back to us. It turns people off.

**Mr MICHAEL DALEY:** It would be easy for local councils when presiding over citizenship ceremonies to send a grant of citizenship straight to each State electoral office and whack them on the roll.

**Mr BARRY:** The AEC goes to a lot of citizenship ceremonies and gets people to sign up on the spot.

**Mr MICHAEL DALEY:** They are asked to, because they are so busy taking photos.

**The Hon. DON HARWIN:** It is of variable quality.

**Mr BARRY:** You are starting to see at a micro level what we see at a macro level. That is the more you send to people—and you remember the days when the enrolment form was like a little B5 card, very easy to fill out. Then the enrolment form went to the green form. You can see through the history of enrolment the more complex the form, the diminishing number of returns. Add to that, that people will take the trouble and ring us and ask how is it that we have written to them, put a postage stamp on it and sent it to the correct address, and we have enclosed another four-page form asking them to fill out the information that is exactly the same information that we have written to them about.

**The Hon. DON HARWIN:** The integrity required in the previous process is higher than the integrity of the process—

**Mr BARRY:** Absolutely.

**The Hon. DON HARWIN:** Certainly at present, the integrity of the process of putting them on the electoral roll.

**Mr BARRY:** Certainly. I do not want to harp on this theme, but you take an 18-year-old in school, the principal knows the person, the parents know the person, and yet we send them a form to tell us exactly the same information that we already know, and have written to them. I should mention that somewhere in excess of 500,000 people in New South Wales change their address on the roll every year. Out of 4.3 million, half a million change every year.

**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 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.

**The Hon. DON HARWIN:** Do you see as part of any smart enrolment approach to the joint role in future in each of the States—presumably you would have outsourced to one State agency, in our case perhaps the Department of Lands—the capacity to support the joint role in that way?

**Mr BARRY:** Yes, because you need to make certain that the property is in fact a property where a person could enrol. The Department of Lands, I think, is the appropriate organisation. You would not want to deal with 150 councils.

**Mr PAUL PEARCE:** A matter came up yesterday, anecdotally from a youth group, that it has difficulty in obtaining large numbers of enrolment forms to distribute, as they are not considered to be an authorised agency, even though there was a comment that they could go to the post office and grab a bundle anyway. Is there an administrative convenience in the AEC in relation to that?

**Mr BARRY:** I do not know anything about that.

**Mr PAUL PEARCE:** They are dealing with youth groups and are seeking to get people enrolled, they encourage enrolment. Apparently their request has been refused.

**CHAIR:** A claim by both State and Federal jurisdictions.

**Mr PAUL PEARCE:** A bulk box of enrolment forms.

**Mr BARRY:** I am not aware of them approaching my office, they may have spoken to someone. I presume that are a bona fide and legitimate organisation?

**CHAIR:** Yes.

**The Hon. PENNY SHARPE:** A peak youth organisation.

**Mr BARRY:** Tell them to come to my place and I will happily give them 5,000 forms to encourage young people.

**Mr PAUL PEARCE:** I thought it might have been a mystery convenience exercise.

**Mr BARRY:** Marie has pointed out, correctly, that there is nothing in the legislation to stop that.

**Mr PAUL PEARCE:** No, I was certainly unaware of it.

**The Hon. PENNY SHARPE:** I thought it was odd.

**CHAIR:** Would they deal with other people from within the electoral office besides you if they were requesting a large number of forms?

**Mr BARRY:** I do not know. Perhaps this is one thing that might have been worthwhile teasing out of them. If it is not too late, we could go back and ask them to talk us through how this works. Sometimes people get on the phone and do not say who they are. If someone just rang me and said he was Joe Blow from such and such youth group, and asked me for 5,000 enrolment forms, my initial reaction probably would be no. We would be concerned. But if we got a letter requesting something, something a bit more formal, that is a different proposition. If that is the way they have approached it on the phone, they may have got an initial knock back. I would have been more inclined to question it and ask them to submit something in writing, a formal request.

**The Hon. JENNIFER GARDINER:** In terms of the general register of postal voters and remote voting, they are proposing any initiatives in relation to the coming State election to get people onto the roll?

**Mr BARRY:** Jenny, no. One of the things that the draft bill will bring, if it passes through Parliament, is all the general postal voters into line with the Commonwealth. At the moment it is a dog's breakfast. That will make things easier. Regarding people in remote New South Wales, that is an area that I would like to do some more work on. It is very frustrating. Elderly people try to get up the steps at the local community hall, and they have long since seen their best years. If they could get their ballot papers mailed to them at home I am sure a lot of people would be happier. It is work in progress. After the election I would like to talk to The Nationals about some of the remote areas and how we could better service them. I am not sure that these little one-table polling places are necessarily the way to go.

**Mr PAUL PEARCE:** You should talk to Peter Black as well.

**Mr BARRY:** Does he not like them either?

**Mr PAUL PEARCE:** No—and you have been talking about remote areas.

**The Hon. JENNIFER GARDINER:** Obviously the intention is to try to get the bill through Parliament so that all those provisions are in place for the March 2007 election?

**Mr BARRY:** Definitely, yes. That is certainly my hope.

**(The witnesses withdrew)**

**(The Committee adjourned at 3.14 p.m.)**