

Doug Orr

From: Doug Orr
Sent: Wednesday, 30 March 2016 5:36 PM
To: 'Justice Action'
Cc: Brett Collins
Subject: RE: Prisoners' Enrolment to Vote [SEC=UNCLASSIFIED]
Attachments: er016pw-nsw-0815.pdf

UNCLASSIFIED

Dear Ms Lam

I refer to Justice Action emails of 23 and 29 March concerning enrolment and voting for prisoners.

By way of background the Australian Electoral Commission (AEC) NSW has had an Memorandum of Understanding (MOU) in place with the NSW Department of Corrective Services for some time. In addition to information regarding prisoner details being provided to the AEC, this MOU includes the regular provision of enrolment material to correctional facilities between electoral events, and closer to potential federal elections the additional provision of material related to voting. The last provisioning of enrolment material took place in February 2016 and is due to occur again in April. The April distribution will include details of the recent changes to the Senate voting system.

Your email of 23 March seeks the AEC to automatically provide postal voter status to prisoners – this is not possible under the *Commonwealth Electoral Act 1918*. However it has been possible for many years for prisoners to enrol using the attached enrolment form tailored for enrolment as a prisoner, and to indicate at part 7 of that form if they wish to be registered as a General Postal Voter for federal and NSW state and local government elections. This form has been regularly provided to Correctional facilities. It is also available from the following link:

http://www.aec.gov.au/Enrolling_to_vote/pdf/forms/prisoners/er016pw-nsw-0815.pdf

The AEC undertakes regular follow-up activities utilising a range of data sources where it appears that eligible Australians are not on the electoral roll, including prisoners who have been released from custody. Prisoners who are enrolled federally are entitled to retain their enrolment through their term of imprisonment. However if they are serving a sentence of imprisonment of three years or longer they are not entitled to vote.

I hope this addresses your concerns.

Yours sincerely

Doug Orr

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Make sure you're **enrolled to vote**.
 Visit www.aec.gov.au

UNCLASSIFIED

From: Ja Team [mailto:justiceaction.team@gmail.com] **On Behalf Of** Justice Action
Sent: Tuesday, 29 March 2016 4:25 PM
To: Doug Orr <Doug.Orr@aec.gov.au>
Cc: Brett Collins <brett@justiceaction.org.au>
Subject: Re: Prisoners' Enrolment to Vote

Dear Doug,

We are writing to follow up our last email, dated 23/03/2016.

With the Federal Election approaching, we are preparing a report on the enrolment of people in prisons and locked hospitals to be published on our website, see: <http://justiceaction.org.au/state-intervention/human-rights/812-enrolment-to-vote>. Would you please respond to our previous email, to ensure that your jurisdiction is properly expressed?

Please acknowledge upon receipt.

Kind regards,

Julia Lam and the Justice Action Team

On 23/03/2016, at 4:55 PM, Justice Action wrote:

Dear Electoral Officer Orr,

We have been in correspondence with the NSW Electoral Commission since May last year with proposals to ensure that the necessary procedures are being introduced and followed to ensure people in prisons and locked hospitals are able to vote as they are entitled. We represent those people (see our website <http://justiceaction.org.au/>).

In our previous correspondence with NSW Commissioner Colin Barry, he indicated that information on prisoner enrolment is provided by Corrective Services to the State Office of the AEC.

Currently, the postal vote is not adapted to the unique situation of people in prisons and locked hospitals, as their residential address (the prison/hospital) is not the address used for their voting registration. The legal requirement is that people must notify the Electoral Commission of a change of address within 21 days, but prisoners are not contactable at their electoral address. Our proposal to the AEC is to update all prisoners, whether on remand or sentenced, with postal voter status upon reception into correctional facilities.

It is important that people in prisons or hospitals under state control are given this special opportunity to ensure full compliance with the law, and feel socially included despite being physically excluded. This should include access to the necessary information from political parties. Currently, our newspaper JUST US is the only way in which political parties can communicate directly with electors in prisons and locked hospitals.

We propose that the AEC ask Corrective Services for all incoming prisoner details in order for the prisoner to receive postal voter status if already enrolled. Corrective Services has information about each prisoner's location, and has the ability to centrally distribute material.

Upon release, we propose that the information should be used to change the address of those exiting the prison system. If not previously disqualified by the length of their sentence, they should be automatically reinstated as a general voter, and be asked if their previous address on the roll still applies.

For people who have been disqualified from voting due to the length of their sentence, we propose that they should be asked their anticipated residential address, and be automatically reinstated after a period of one month.

Additionally, we suggest that prisoners who are not on your roll, but appear to be eligible after you receive information from Corrective Services, be notified of their potential breach of their obligation to enrol, and be asked to do so.

Given the responsibility of the AEC to maintain an accurate electoral roll, do these proposals sound reasonable? We look forward to further discussions with you.

Please acknowledge upon receipt.

King regards,

Anna Cao and the Justice Action Team

REDACTION CODES

- 1 Personal Information (name) redacted.
- 2 Personal Information (date of birth) redacted.
- 3 Personal Information (photograph) redacted
- 4 Personal Information (facsimile of signature) redacted.
- 5 Personal Information (facsimile of manuscript initialling) redacted.
- 6 Personal Information (Individual's address) redacted.
- 7 Personal Information (individual's telephone number) redacted.
- 8 Personal Information (individual's opinion) redacted.
- 9 Personal Information (opinion about individual) redacted.
- 10 Personal Information (employment history) redacted.
- 11 Personal Information (qualifications) redacted.
- 12 Personal Information (health) redacted.
- 13 Business information (Bank Account details) redacted.
- 14 Business information (Billing Account details) redacted.
- 15 Legal Professional Communication redacted.
- 16 Deliberative material redacted.
- 17 Irrelevant material redacted.
- 18 Electoral Roll material redacted.
- 19 Tests, examinations or audits material redacted.
- 20 Management or assessment of personnel material redacted.
- 21 Proper and efficient conduct of the operations of AEC material redacted.