

**AEC**

Australian Electoral Commission

Mr Mark Rallings  
 Commissioner  
 Queensland Corrective Services  
 Department of Justice and Attorney-General  
 GPO Box 1054  
 Brisbane QLD 4001

### Voting for eligible prisoners for the 2016 federal election

Dear Mr Rallings

I write to broadly propose how the Australian Electoral Commission (AEC) and Queensland Corrective Services (QCS) can collaboratively deliver voting services for the 2016 federal election to all eligible prisoners pursuant to section 93 (8AA) of the *Commonwealth Electoral Act 1918* (CEA). I thank you and your staff for your very valuable support and assistance with this important matter.

#### Eligibility

As you would be aware, under section 93 (8AA) of the CEA a prisoner is eligible for enrolment and for voting in a federal election if they are serving a sentence of imprisonment of less than 3 years. A prisoner who is serving a sentence of 3 years or longer is not entitled to vote in a federal election.

#### Enrolment of prisoners

Section 96A of the CEA sets out various scenarios for which electoral Division the prisoner is entitled to be enrolled. Generally the prisoner is entitled to be enrolled in the Division that they were enrolled in when he or she began serving their sentence. If they were not enrolled at the time of serving their sentence of imprisonment section 96A(2) sets out various options which amount to the prisoner being entitled to be enrolled in the Division with which they were entitled to be enrolled in; or for which the person's next of kin is enrolled in; or in which the person was born in; or which the person has the closest connection with.

If prisoners need to enrol or update their enrolment we can provide sufficient hardcopy enrolment forms for all of your prisons to make available to eligible prisoners. If some prisoners have access to the internet they will be able to check and update their enrolment details online at [www.aec.gov.au](http://www.aec.gov.au). It would be appreciated if prisoners could be encouraged to check and update their enrolment details over the coming months in the lead up to the federal election rather than waiting for the last moment. If enrolment is updated earlier we will have more time to resolve any issues that might arise with the prisoner's enrolment.

To assist in answering any questions about eligibility (including where there might be doubt and questions about ineligibility due to unsound mind) and entitlement for enrolment in a particular electoral Division the AEC will provide a specific contact point for your relevant staff to call on behalf of the prisoner in the lead up to the election.



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### Provision of information to ensure roll integrity relating to prisoners

Pursuant to section 109 of the CEA, the AEC currently receives a regular update of eligible prisoners directly from you to our Roll Management Branch in Canberra. I thank you for your ongoing commitment to this process as this information is important and enables us to regularly update the prisoner's enrolment status on our electoral roll. We currently receive this update about every month and I would be grateful if this monthly schedule can be maintained, particularly between now and the election.

Pursuant to section 155 of the CEA, the date for the roll close is the seventh day after the date of the writ. Section 109(2) of the CEA requires that the Controller-General of Prisons for the State must forward to the Electoral Commissioner (or their nominee) an updated list of prisoners who are eligible to vote and all those prisoners who are no longer serving a sentence. This list is to be updated from the last monthly report (referred to above) and is to be provided within 4 days of the roll close.

### Voting services at the time of the election

While the CEA allows for mobile voting in prisons, I understand that the AEC did not provide mobile polling services in Queensland prisons for the 2007, 2010 and 2013 federal elections but instead worked with QCS to provide a postal vote service to eligible prisoners.

The following is an excerpt of advice previously received from the Director-General, Queensland Corrective Services (QCS Ref:F/07/01480), dated 21 September 2007 in regard to the conduct of polling for the 2007 federal election:

*'...In previous elections prisoners cast their vote using a mobile ballot booth inside the correctional facility. This process has been identified as a risk to the security and good order of centres. It has also proven to be time and resource consuming for both Queensland Corrective Services and the Australian Electoral Commission. I propose that the Australian Electoral Commission, in collaboration with Queensland Corrective Services, instigate a process of postal voting for prisoners who are eligible. A postal voting process would be far more efficient and would carry less risk to security in correctional centres than would a mobile polling booth...'*

For the anticipated 2016 federal election, I seek your agreement to continue to provide a comprehensive postal vote service to all eligible prisoners in all Queensland prisons managed by QCS. I understand that Fiona Patterson, Manager, Policy and Planning, has confirmed in writing that QCS would prefer to continue with the current arrangement and advised that Mr Peter Shaddock, General Manager, Operational Service Delivery, is the appropriate QCS contact.



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### Postal Vote Applications

Section 184 of the CEA sets out that postal vote applications can be made after the issue of the writ for the election and can be made for the weeks leading up to polling day but must be received by the AEC by 6pm on the Thursday that is 2 days before polling day. Section 194 of the CEA sets out the role of an authorised witness with respect to witnessing and making a declaration on the postal vote certificate to be returned to the AEC. Under section 193 of the CEA any member of staff of QCS, providing they are an elector whose name appears on the electoral roll, is able to be an authorised witness. Eligible prisoners may be able to apply for a postal vote via the internet (if they have access) or the AEC will work with you to ensure that more than enough hardcopy Postal Vote Applications are provided to each prison throughout Queensland to ensure all eligible prisoners are able to complete a postal vote application.

### Ongoing collaboration

With your agreement to these broad arrangements, I would be grateful if our relevant staff continue to work together to deliver voting services for the 2016 federal election to all eligible prisoners.

I have asked one of my Operations Managers, Mr Gordon Marshall (email [gordon.marshall@aec.gov.au](mailto:gordon.marshall@aec.gov.au) or telephone 07 3834 3416) to lead this project on my behalf for the AEC across Queensland. Ideally I would like to aim to have any necessary plans and procedures finalised and endorsed by both agencies by mid-April 2016.

I look forward to working with you and your staff on this important matter.

Yours sincerely

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Thomas Ryan  
Australian Electoral Officer  
and State Manager Queensland

18 March 2016

## **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.