
Electoral Commission of Queensland submission to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts

Postal Services Modernisation Discussion Paper

About the Electoral Commission of Queensland

The Electoral Commission of Queensland (ECQ) is an independent statutory authority, responsible for the impartial conduct of Queensland elections. The ECQ's key functions are:

- conducting state, local and industrial elections and referendums;
- reviewing state and local electoral boundaries; and
- regulating and promoting compliance with electoral funding and disclosure requirements.

The ECQ performs functions under its enabling legislation, the *Electoral Act 1992* as well as the *Local Government Electoral Act 2011*, *Referendums Act 1997*, *Local Government Act 2009*, *City of Brisbane Act 2010* and *Industrial Relations Act 2016*. In performing these functions, the ECQ operates to achieve the objectives of its strategic plan:

- deliver fair and transparent elections
- increase electoral awareness and participation
- continual improvement in electoral services, and
- ensure compliance with funding and disclosure law.

Furthermore, the *Human Rights Act 2019* provides that every eligible person has the right, and is to have the opportunity, without discrimination to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors.

In delivering elections, the ECQ offers voters various options to cast their votes with the aim of maximising electoral participation. These options include in-person at polling places on election day or during the early voting period, mobile polling booths, telephone voting and postal voting.

The requirement to deliver elections is not limited to the brief periods of state-wide elections held every four years but is an ongoing endeavour. For the period from 1 January 2020 to 15 April 2023, the ECQ has delivered quadrennial elections for both state and local government; four state by-elections; and 30 local government by-elections, including six by-elections delivered as full postal ballots.

Introduction

In responding to the *Postal Services Modernisation Discussion Paper* (March 2023), the ECQ aims to outline its current and expected future usage of postal services and highlight issues for consideration by government in developing a modernisation policy for the postal service.

Elections are major logistical exercises with inflexible deadlines, and the ECQ is required by legislation to make significant use of the letters service in delivering these events. These legislative requirements make

Australia Post a core partner in election delivery, and many Queenslanders rely on the letter service to participate fully in elections.

Changes to the letters system (including changes in delivery frequency or cost) will have impacts on all electors, especially those in regional and remote Australia. The ECQ's primary interest is that the people of Queensland continue to have access to an efficient and cost-effective national letters service that supports their participation in the electoral process.

The ECQ notes that the Electoral Council of Australia and New Zealand (ECANZ) has also made a submission in response to the discussion paper. This submission is intended to support and complement the ECANZ submission.

Current usage of letter services by ECQ

The ECQ makes extensive use of Australia Post's letters delivery in providing election services. Under the *Electoral Act 1992* and the *Local Government Electoral Act 2011*, any elector may apply to cast a postal vote (either in a major State or local government election or a by-election). Postal ballots are also used to conduct industrial elections.

Two separate postal transactions are required for each postal vote, being the sending of the ballot papers to the elector, and the reply-paid response from the elector to the ECQ, within immutable timeframes.

Persons who are registered as special postal voters under Queensland legislation will automatically receive a postal vote. Many of those voters are silent electors, who have requested their residential address to be suppressed on the publicly available electoral roll for various reasons, including personal safety concerns due to for instance, domestic and family violence matters. Those voters especially rely upon the use of postal ballots to cast their vote without the need to vote in person.

The table below presents the number of postal votes the ECQ issued, and the number returned for the two most recent State and local government elections. Given the number of enrolled electors at these elections each exceeded three million, it is apparent that a significant proportion of electors have opted to use postal voting as their voting channel. During the COVID-19 pandemic this demand increased significantly, as voters chose postal voting as a safer option compared to using in-person services. While the impacts of the pandemic on voter preferences for postal voting are expected to decline, the ECQ is still planning the use of postal voting to remain elevated in future elections compared to those prior to the pandemic.

Electoral event	Postal vote applications (approx.)	Postal votes returned (approx.)
2020 State general election*	910,000	765,000
2020 local government elections*	570,000	450,000
2017 State general election	350,000	310,000
2016 local government election	390,000	320,000

* The ECQ notes that the COVID-19 pandemic resulted in increased demand for postal voting in 2020.

Furthermore, under the *Local Government Electoral Act 2011*, a local government may apply to the Minister for Local Government to hold a postal ballot for all or part of the local government's area, or for a division or part of a division. Full postal ballots are generally most appropriate for local governments with lower population sizes and density, where it is impractical to deliver an attendance ballot across a large geographical area with a dispersed population. Full postal ballots are held mainly in regional areas,

particularly those classified as remote or very remote in accordance with the Australian Bureau of Statistics Remoteness Area classification.

Full postal ballot elections

- At the 2020 local government quadrennial elections, 16 local governments held full postal ballots. The total enrolment across these local government areas was approximately 58,000 electors.
- Since the 2020 quadrennial election, six local governments have held by-elections by full postal ballot. The total enrolment across these by-elections was approximately 12,000 electors.

In addition to issuing postal votes to eligible voters, the ECQ distributes Voter Information Cards (VIC) by post prior to each election. The VIC is a key source of information on how voters can participate in elections, assists with efficient mark-off and movement of voters through polling places and helps fulfil the ECQ's statutory responsibility to promote public awareness of electoral matters. These cards can only be printed and posted once the notice of election for a local government election has been published, or the writ for a state election issued. For the major state-wide elections in 2024, this will require the printing and postage of approximately 3.73 million VICs in the weeks prior to each election. Ensuring the VIC is received by electors through the letter service as soon as possible is critical to ensuring voters can fully participate in elections.

Following state or local government elections, the ECQ undertakes a non-voter program to identify and communicate with individuals who appeared to have failed to vote. The initial contact with persons who have apparently failed to vote is undertaken by mail. Non-voters have 21 days to respond to the notice using the enclosed reply-paid envelope or risk an increased penalty.

Non-voter compliance

- 26,710 initial notices were mailed to electors regarding an apparent failure to vote in the 2020 local government quadrennial elections.
- 57,722 initial notices were mailed to electors regarding an apparent failure to vote in the 2020 State elections.

The ECQ also relies on postal communication with electors undertaken by the Australian Electoral Commission to ensure the electoral roll is kept up to date.

How potential changes may impact elections in Queensland

The *Postal Services Modernisation Discussion Paper* (page 17) seeks views regarding the potential for changes to letters services, which could include:

- Letters pricing arrangements that support Australia Post to recover the actual costs of providing its services, while retaining appropriate Government oversight and maintaining subsidised social mail pricing (for example, for concession card holders).
- Relaxing letter delivery frequency requirements, which are particularly cost burdensome in the face of declining volumes, while maintaining appropriate maximum letter delivery speed regulations.
- Deregulating the priority letter service, while maintaining a commercial bulk priority letter service to meet the needs of Australian businesses.

The impact of these potential changes is discussed below.

Letters pricing arrangements

The ECQ notes that letter volumes have decreased, and delivery points have continued to increase, contributing to significant financial losses for Australia Post in recent years.

In deciding any potential cost increase, consideration should be given to the unique legislative requirements placed on the ECQ and other electoral management bodies, noting that any cost increase will have a substantial impact on the budget for delivering future electoral events and engagement activities. For example, with approximately 3.73 million VICs issued by mail prior to state-wide quadrennial elections, even a small increase to postage costs would have a significant flow-on effect to election costs for the ECQ.

It must also be noted that, under the *Local Government Electoral Act 2011*, the ECQ must recover costs incurred to deliver elections from local governments. Consequently, any increase in postage charges will be passed on to local governments, some of which are experiencing difficulties with financial sustainability. Such cost increases are likely to disproportionately affect local governments in remote or very remote areas, as these areas are more likely to conduct full postal ballots for elections.

The ECQ endorses the submission to this review provided by ECANZ, and as outlined in this submission supports the request for further engagement between Australia Post and ECANZ regarding whether its members should be subject to a consistent pricing arrangement across jurisdictions that better reflects the fact that its members represent a unique client base in providing postal voting as an essential social service.

Relaxing letter delivery frequency requirements

Legislated timeframes around issue and return of postal votes are very prescriptive. Postal vote applications must be made by a specified deadline prior to election day so that ballot materials can be despatched via priority paid letter services to locations across Queensland, interstate and overseas, and all completed postal votes must be received by the ECQ before 6 p.m. on the tenth day after election day.

Less frequent mail services could increase the likelihood of the ECQ needing to wait the full ten days for the return of postal votes prior to distributing preferences and, therefore, declaring the outcome of elections. In a particularly close election, this may delay a party from being able to form government or a council from being formed. This is critical in the local government context where there are legislated caretaker provisions during a quadrennial election, preventing councils from making major policy decisions without ministerial approval until the new council is formed.

Reduced delivery services will impact on voters receiving their postal ballot pack from the ECQ and being able to return completed postal votes within the required timeframe. Postal votes not received in this timeframe are rejected from the count, effectively disenfranchising voters from the election, and potentially affecting the outcome of an election.

These risks are heightened in regional areas where delivery days are reduced compared to urban areas. Any reduction in postal frequency, particularly in regional areas, must be carefully balanced against the needs and rights of individuals to access sufficient postal services to guarantee their participation in electoral events.

Other risks resulting from a reduction in the frequency of letter deliveries include:

- reputational damage for both the ECQ and Australia Post, and a reduction in public confidence in the electoral process, due to postal votes or VICs not being delivered in time, or a delay in the commencement of vote counting and declaration of results,

- delayed delivery of VICs, impacting on the information people receive at key points of the election, and
- penalties for non-voters increasing if they do not receive, or are unable to respond to, statutory notices in a timely fashion.

In Queensland, the timing of state-wide elections is generally known in advance, being every four years in March (local government elections) and October (state general election). The next elections are scheduled to occur in 2024. The timing of by-elections is less predictable. The ECQ works closely with local Australia Post representatives, particularly prior to quadrennial local government and state elections, to coordinate planning and services within the context of the Australia Post operating framework.

Given the timing of quadrennial local government and state elections are generally known in advance, Australia Post may consider how levels of mail service might be tailored to meet electoral requirements. The ECQ would welcome further consultation with Australia Post on this issue.

Deregulating the priority letter service

The ECQ uses the priority letter service to expedite the delivery of postal votes and their return in reply paid envelopes. Any changes to the current arrangements for priority letters will impact the delivery of ECQ's electoral services and could result in a decline in the public trust of electoral processes. There is limited detail regarding the implementation of any deregulation in the discussion paper, and the ECQ would welcome further consultation should this option be considered.

Other services offered by Australia Post

The ECQ notes that Bank@Post is a vital service for many rural, regional and remote communities, particularly as more bank branches in regional communities have closed in recent years.

Queensland's electoral legislation requires candidates to open and maintain a dedicated campaign bank account as a measure to increase transparency and accountability in political funding and disclosure. The absence of accessible banking services is a barrier to candidacy and could have a disproportionate impact on First Nations candidates in remote communities. In this context, the ECQ supports the continuation and encourages your consideration of an extension of Bank@Post services, especially in remote Queensland communities.

Conclusion

A high quality, timely, cost-effective, and secure postal service is essential to maintaining the integrity of, and public confidence in, Queensland elections. Given the strict timeframes for voters to return postal votes, reliable, frequent letter delivery ensures voters have the maximum possible opportunity to participate in elections. Additionally, a timely letter service enables the ECQ to count votes and declare election outcomes as soon as practicable following election day and ensure continuity of public administration.

The ECQ's usage of Australia Post's letters service is significantly determined by legislation, and future reliance on the letters service to deliver key electoral services is unlikely to change. This makes Australia Post a key delivery partner for all electoral events, and any postal modernisation program must consider and secure the critical role of letter services in delivering electoral activities.

Accurate information about the cost and frequency of letter services is critical for election planning and delivery, and the ECQ would welcome further engagement and transparency regarding future potential changes.