



LS5827 – File 16/932.

Cail Young

Email to: <mailto:foi+request-2712-e7494214@righttoknow.org.au>

Dear Cail Young

Your Freedom of information request no. LS5827

I refer to your email of **16 November 2016, 10:27am**, to the Australian Electoral Commission ('AEC') in which you request (your 'FOI Request') access under the *Freedom of Information Act 1982* (the 'FOI Act'), to documented procedures for enrolling itinerant electors.

2 I am writing today to give you a decision about access to documents that you requested in your FOI Request.

Summary

3 I, Owen Jones, Senior Lawyer of the AEC, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

4 I have identified your FOI Request as seeking access to:

- (a) *Copies of any documented procedures for enrolling electors with no fixed address, including procedures for notifying state electoral bodies of such enrolment*
- (b) *Copies of any procedures for polling-place staff in processing itinerant electors on polling day, especially as it relates to voting out-of-state.*

5 I identified 18 documents that fell within the scope of the first limb of your FOI request as outlined in paragraph 4(a) of this letter. I did not identify any documents that fell within the scope of the second limb of your FOI request as outlined in paragraph 4(b) of this letter.

6 I did this by directing inquiries to:

- (a) The AEC's Roll Management Branch.

7 The schedule of retrieved documents in Attachment A provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

17 The expression 'document of an agency' is defined by subsection 4(1) of the FOI Act and depends on the definition given by that subsection to the word 'document'.

18 In so far as is material, subsection 4(1) of the FOI Act provides:

4 Interpretation

(1) In this Act, unless the contrary intention appears:

document of an agency: a document is a **document of an agency** if:

- (a) the document is in the possession of the agency, whether created in the agency or received in the agency; or
- (b) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document.

document includes:

- (a) any of, or any part of any of, the following things:
 - (i) any paper or other material on which there is writing;
 - (ii) a map, plan, drawing or photograph;
 - (iii) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - (iv) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - (v) any article on which information has been stored or recorded, either mechanically or electronically;
 - (vi) any other record of information; or
- (b) any copy, reproduction or duplicate of such a thing; or
- (c) any part of such a copy, reproduction or duplicate;

but does not include:

- (d) material maintained for reference purposes that is otherwise publicly available; or
- (e) Cabinet notebooks.

19 Document Nos 10, 11, 12, 13, 14, 15, 16, 17 and 18 are material maintained for reference purposes by the AEC that is publicly available at the AEC's website. The description of each of these documents in Attachment A indicates the URL for that document by which it may be accessed.

20 It follows that the carve out in paragraph (d) of the definition of 'document' provided by subsection 4(1) of the FOI Act applies to Document Nos 10, 11, 12, 13, 14, 15, 16, 17 and 18 with the outcome that neither of those documents is included in the expression 'document of an agency' and thus cannot be requested under subsection 15(1) of the FOI Act.

21 For this reason, I have decided to refuse access to Document Nos 10, 11, 12, 13, 14, 15, 16, 17 and 18.

SCHEDULE OF RETRIEVED DOCUMENTS

Attachment A

LS5827 - CAIL YOUNG

Request for:

1. copies of any documented procedures for enrolling electors with no fixed address, including procedures for notifying state electoral bodies of such enrolment;
2. copies of any procedures for polling-place staff in processing itinerant electors on polling day, especially as it relates to voting out-of-state

Document No.	Description	Date
1	Extract from the General Enrolment Manual – "Itinerant (No Fixed Address) Electors"	5/12/2016
	RECOMMENDATION/DECISION	
	1.1 Release in full.	
	1.2 I have decided to give access to Document No. 1.	
2	Extract from the General Enrolment Manual – "Processing Itinerant Applications"	5/12/2016
	RECOMMENDATION/DECISION	
	2.1 Release in full.	
	2.2 I have decided to give access to Document No. 2.	
3	Extract from the General Enrolment Manual – "State and Territory Legislation Itinerant Enrolment"	5/12/2016



Document No.	Description	Date
	<p align="center">RECOMMENDATION/DECISION</p> <p>7.1 Release in full.</p> <p>7.2 I have decided to give access to Document No. 7</p>	
8	<p>Extract from the Enrolment Systems Guide – “General Detail Part 7 4”</p> <p align="center">RECOMMENDATION/DECISION</p> <p>8.1 Release in full.</p>	
9	<p>Extract from the Enrolment Systems Guide – “Special Category RMANS Codes Part 7 4”</p> <p align="center">RECOMMENDATION/DECISION</p> <p>9.1 Release in full.</p>	
10	<p>Extract from the AEC website – “Enrolment for people with no fixed address”</p> <p align="center">RECOMMENDATION/DECISION</p> <p>10.1 Document No. 10 is publicly available at the AEC website at: http://www.aec.gov.au/Enrolling to vote/Special Category/Enrolment with no fixed address.htm</p> <p>10.2 Document 10 is outside the scope of that which may be requested as a document under section 15 of the FOI Act.</p> <p>10.3 I have decided to refuse access to Document No. 10.</p>	
11	<p>Extract from the AEC website – Form – Enrolment for persons with no fixed address in New South Wales</p>	

Document No.	Description	Date
	<p>13.2 Document 13 is outside the scope of that which may be requested as a document under section 15 of the FOI Act.</p> <p>13.3 I have decided to refuse access to Document No. 13.</p>	
14	<p>Extract from the AEC website – Form – Enrolment for persons with no fixed address in Western Australia</p> <p>RECOMMENDATION/DECISION</p> <p>14.1 Document No. 14 is publicly available at the AEC website at: http://www.aec.gov.au/Enrolling_to_vote/pdf/forms/no-fixed-address/er016nfaw-wa-0416.pdf</p> <p>14.2 Document 14 is outside the scope of that which may be requested as a document under section 15 of the FOI Act.</p> <p>14.3 I have decided to refuse access to Document No. 14.</p>	
15	<p>Extract from the AEC website – Form – Enrolment for persons with no fixed address in South Australia</p> <p>RECOMMENDATION/DECISION</p> <p>15.1 Document No. 15 is publicly available at the AEC website at: http://www.aec.gov.au/Enrolling_to_vote/pdf/forms/no-fixed-address/er016nfaw-sa-0416.pdf</p> <p>15.2 Document 15 is outside the scope of that which may be requested as a document under section 15 of the FOI Act.</p> <p>15.3 I have decided to refuse access to Document No. 15.</p>	



Document No.	Description	Date
	<p align="center">RECOMMENDATION/DECISION</p> <p>18.1 Document No. 18 is publicly available at the AEC website at: http://www.aec.gov.au/Enrolling_to_vote/pdf/forms/no-fixed-address/er016nfaw-nt-0416.pdf</p> <p>18.2 Document 18 is outside the scope of that which may be requested as a document under section 15 of the FOI Act.</p> <p>18.3 I have decided to refuse access to Document No. 18.</p>	

