

LS6200 FOI REQUEST BY BENNO RICE

Request for:

- Copies of any and all policies that deal with the handling and security of both Senate and House of Representatives ballot papers during a Federal election.

SCHEDULE OF RELEVANT DOCUMENTS

Document No.	Description	Date
1	<p data-bbox="365 611 1048 646">AEC Form AEC405 <i>Ballot paper transfer record</i></p> <p data-bbox="461 683 775 715">RECOMMENDATION</p> <p data-bbox="365 759 2016 874">1.1 Document No. 1 contains material to which section 47E of the FOI Act applies, namely information about security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process.</p> <p data-bbox="365 911 2033 1062">1.2 I found that giving access to Document No. 1 prejudice the security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process by exposing ballot papers to avenues by which they may be tampered with by persons wishing to commit an illegal practice contrary to the Electoral Act.</p> <p data-bbox="365 1102 2029 1177">1.3 I then considered whether giving access to Document No. 1 was contrary to the public interest for the purposes of section 11A(5) of the FOI Act.</p> <p data-bbox="365 1214 1245 1246">1.4 I did this in accordance with section 11B of the FOI Act.</p> <p data-bbox="365 1286 1995 1361">1.5 As regards factors favouring access, I disregarded the matters listed in subsection 11B(4) of the FOI Act and consequently found:</p>	12/08/2015

Document No.	Description	Date
	<ul style="list-style-type: none"> (a) that giving access to Document No. 1 would operate to the prejudice of Australia's representative democracy to the extent that it exposed the electoral process to an avoidable risk of illegal practices; (b) that the electoral process is the primary machinery for assuring public participation in Government processes because the outcome led to the formation of a democratically elected Government; (c) that the application of paragraph 3(2)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act; (d) that the application of subsection 11B(3)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act; (e) that the FOI Request did not relate to the effective oversight of public expenditure; and (f) that the FOI Request did not relate to you having access to your own personal information. <p>1.6 As regards the factors against giving access, I found:</p> <ul style="list-style-type: none"> (a) that the integrity of the electoral process is central to the Australian Constitution; (b) that a substantial part of the integrity of the electoral process relates to the effective exclusion of illegal practices in relation to ballot papers; (c) giving access to Document No. 1 would expose the electoral process to an avoidable risk of illegal practices relating to ballot papers; and (d) that the public interest is sufficiently served by knowing that the AEC has in place procedures to protect ballot papers against illegal practices rather than the details of such procedures. 	

Document No.	Description	Date
	<p>1.7 I then considered whether access to Document No. 1 would, on balance, be contrary to the public interest and I concluded that the public interest in being assured of the integrity of the electoral process in as much as it depends on excluding illegal practices relating to ballot papers had greater weight than the public interest in knowing about security measures to preserve the integrity of ballot papers.</p> <p>1.8 As a consequence I found that Document No. 1 should be treated as an exempt document.</p> <p>1.9 I next considered for the purposes of section 22 of the FOI Act is possible for the AEC to prepare a copy (an edited copy) Document No. 1, modified by deletions, ensuring that access to the edited copy would be required to be given under section 11A of the FOI Act.</p> <p>1.10 I found:</p> <ul style="list-style-type: none"> (a) that the entirety of Document No. 1 contained exempt material; and (b) that it was not possible to prepare an edited copy that would be in a form that access would be required to be given under section 11A of the FOI Act. <p style="text-align: center;">DECISION</p> <p>1.11 I decided to refuse access to Document No. 1.</p>	
2	<p>Prematurely Opened Ballot-Box Policy</p> <p style="text-align: center;">RECOMMENDATION</p> <p>2.1 Document No. 2 contains material to which section 47E of the FOI Act applies, namely paragraphs 3.1 and 4.1.</p> <p>2.2 I found that giving access to Document No. 2 would:</p>	<p>?/06/2016</p>

Document No.	Description	Date
	<p>(a) prejudice the security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process by exposing ballot papers to avenues by which they may be tampered with by persons wishing to commit an illegal practice contrary to the Electoral Act; but</p> <p>(b) not prejudice those security measure in the case of paragraphs 11.1 – 11.6.</p> <p>2.3 I then considered whether giving access to Document No. 2 was contrary to the public interest for the purposes of section 11A(5) of the FOI Act.</p> <p>2.4 I did this in accordance with section 11B of the FOI Act.</p> <p>2.5 As regards factors favouring access, I disregarded the matters listed in subsection 11B(4) of the FOI Act and consequently found:</p> <p>(a) that giving access to Document No. 2 would operate to the prejudice of Australia’s representative democracy to the extent that it exposed the electoral process to an avoidable risk of illegal practices;</p> <p>(b) that the electoral process is the primary machinery for assuring public participation in Government processes because the outcome led to the formation of a democratically elected Government;</p> <p>(c) that the application of paragraph 3(2)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government’s activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;</p> <p>(d) that the application of subsection 11B(3)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government’s activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;</p> <p>(e) that the FOI Request did not relate to the effective oversight of public expenditure; and</p> <p>(f) that the FOI Request did not relate to you having access to your own personal information.</p>	

Document No.	Description	Date
	<p>2.6 As regards the factors against giving access, I found:</p> <ul style="list-style-type: none"> (a) that the integrity of the electoral process is central to the Australian Constitution; (b) that a substantial part of the integrity of the electoral process relates to the effective exclusion of illegal practices in relation to ballot papers; (c) giving access to Document No. 2 would expose the electoral process to an avoidable risk of illegal practices relating to ballot papers; and (d) that the public interest is sufficiently served by knowing that the AEC has in place procedures to protect ballot papers against illegal practices rather than the details of such procedures. <p>2.7 I then considered whether access to Document No. 2 would, on balance, be contrary to the public interest and I concluded that the public interest in being assured of the integrity of the electoral process in as much as it depends on excluding illegal practices relating to ballot papers had greater weight than the public interest in knowing about security measures to preserve the integrity of ballot papers.</p> <p>2.8 As a consequence I found that Document No. 2 should be treated as an exempt document.</p> <p>2.9 I next considered for the purposes of section 22 of the FOI Act is possible for the AEC to prepare a copy (an edited copy) of Document No. 2, modified by deletions, ensuring that access to the edited copy would be required to be given under section 11A of the FOI Act.</p> <p>2.10 I found:</p> <ul style="list-style-type: none"> (a) that it was possible to prepare an edited copy of Document No. 2 modified by deletions to paragraphs 3.1 and 4.1 to remove material about the security arrangements for ballot papers; (b) that it is reasonably practicable for the AEC to prepare the edited copy of Document No. 2; and (c) the resulting edited copy of Document No. 2 would be meaningful to a reader; and 	

Document No.	Description	Date
	<p>(d) that access to the edited copy of Document No. 2 would be required to be given under section 11A of the FOI Act.</p> <p>DECISION</p> <p>2.11 I decided to refuse access to Document No. 2 and to offer in lieu access to an edited copy of Document No. 2.</p>	
3	<p>Prematurely Opened Declaration Vote Ballot-Box Policy</p> <p>RECOMMENDATION</p> <p>3.1 Document No. 3 contains material to which section 47E of the FOI Act applies, namely paragraph 2.1 and Attachment A.</p> <p>3.2 I found that giving access to Document No. 3 would:</p> <ul style="list-style-type: none"> (a) prejudice the security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process by exposing ballot papers to avenues by which they may be tampered with by persons wishing to commit an illegal practice contrary to the Electoral Act; but (b) not prejudice those security measure in the case of paragraphs 11.1 – 11.6. <p>3.3 I then considered whether giving access to Document No. 3 was contrary to the public interest for the purposes of section 11A(5) of the FOI Act.</p> <p>3.4 I did this in accordance with section 11B of the FOI Act.</p> <p>3.5 As regards factors favouring access, I disregarded the matters listed in subsection 11B(4) of the FOI Act and consequently found:</p>	?/06/2016

Document No.	Description	Date
	<ul style="list-style-type: none"> (a) that giving access to Document No. 3 would operate to the prejudice of Australia's representative democracy to the extent that it exposed the electoral process to an avoidable risk of illegal practices; (b) that the electoral process is the primary machinery for assuring public participation in Government processes because the outcome led to the formation of a democratically elected Government; (c) that the application of paragraph 3(2)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act; (d) that the application of subsection 11B(3)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act; (e) that the FOI Request did not relate to the effective oversight of public expenditure; and (f) that the FOI Request did not relate to you having access to your own personal information. <p>3.6 As regards the factors against giving access, I found:</p> <ul style="list-style-type: none"> (a) that the integrity of the electoral process is central to the Australian Constitution; (b) that a substantial part of the integrity of the electoral process relates to the effective exclusion of illegal practices in relation to ballot papers; (c) giving access to Document No. 3 would expose the electoral process to an avoidable risk of illegal practices relating to ballot papers; and (d) that the public interest is sufficiently served by knowing that the AEC has in place procedures to protect ballot papers against illegal practices rather than the details of such procedures. 	

Document No.	Description	Date
	<p>3.7 I then considered whether access to Document No. 3 would, on balance, be contrary to the public interest and I concluded that the public interest in being assured of the integrity of the electoral process in as much as it depends on excluding illegal practices relating to ballot papers had greater weight than the public interest in knowing about security measures to preserve the integrity of ballot papers.</p> <p>3.8 As a consequence I found that Document No. 3 should be treated as an exempt document.</p> <p>3.9 I next considered for the purposes of section 22 of the FOI Act is possible for the AEC to prepare a copy (an edited copy) of Document No. 3, modified by deletions, ensuring that access to the edited copy would be required to be given under section 11A of the FOI Act.</p> <p>3.10 I found:</p> <ul style="list-style-type: none"> (a) that it was possible to prepare an edited copy of Document No. 3 modified by deletions to paragraphs 2.1 and Attachment A to remove material about the security arrangements for ballot papers; (b) that it is reasonably practicable for the AEC to prepare the edited copy of Document No. 3; and (c) the resulting edited copy of Document No. 3 would be meaningful to a reader; and (d) that access to the edited copy of Document No. 3 would be required to be given under section 11A of the FOI Act. 	
	<p style="text-align: center;">DECISION</p> <p>3.11 I decided to refuse access to Document No. 3 and to offer in lieu access to an edited copy of Document No. 3.</p>	

RECOMMENDATION

4.1 Document No. 4 contains material to which section 47E of the FOI Act applies, namely:

- (a) Paragraphs 4.11 – 4.12 (Emergency storage); and
- (b) Paragraphs 4.13 – 4.14 (Long Term storage);
- (c) Paragraphs 6.2 – 6.7 (labelling packages of ballot papers);
- (d) Paragraphs 7.1 – 7.4 (tracking of ballot papers);
- (e) Paragraphs 8.1, 8.2 & 8.7 (transport);
- (f) Paragraphs 9.2 – 9.5 (arrangements at static polling places);
- (g) Paragraphs 9.6 – 9.9 (arrangements at pre-poll voting centres);
- (h) Paragraphs 9.10 – 9.16 (mobile polling);
- (i) Paragraphs 9.17 – 9.18 (return of materials); and
- (j) Paragraphs 11.1 – 11.6 (requests for ballot papers for purposes other than voting).

4.2 I found that giving access to Document No. 4 would:

- (a) prejudice the security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process by exposing ballot papers to avenues by which they may be tampered with by persons wishing to commit an illegal practice contrary to the Electoral Act; but
- (b) not prejudice those security measure in the case of paragraphs 11.1 – 11.6.

- 4.3 I then considered whether giving access to Document No. 4 was contrary to the public interest for the purposes of section 11A(5) of the FOI Act.
- 4.4 I did this in accordance with section 11B of the FOI Act.
- 4.5 As regards factors favouring access, I disregarded the matters listed in subsection 11B(4) of the FOI Act and consequently found:
- (a) that giving access to Document No. 4 would operate to the prejudice of Australia's representative democracy to the extent that it exposed the electoral process to an avoidable risk of illegal practices;
 - (b) that the electoral process is the primary machinery for assuring public participation in Government processes because the outcome led to the formation of a democratically elected Government;
 - (c) that the application of paragraph 3(2)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;
 - (d) that the application of subsection 11B(3)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;
 - (e) that the FOI Request did not relate to the effective oversight of public expenditure; and
 - (f) that the FOI Request did not relate to you having access to your own personal information.
- 4.6 As regards the factors against giving access, I found:
- (a) that the integrity of the electoral process is central to the Australian Constitution;
 - (b) that a substantial part of the integrity of the electoral process relates to the effective exclusion of illegal practices in relation to ballot papers;

(c) giving access to Document No. 4 would expose the electoral process to an avoidable risk of illegal practices relating to ballot papers; and

(d) that the public interest is sufficiently served by knowing that the AEC has in place procedures to protect ballot papers against illegal practices rather than the details of such procedures.

4.7 I then considered whether access to Document No. 4 would, on balance, be contrary to the public interest and I concluded that the public interest in being assured of the integrity of the electoral process in as much as it depends on excluding illegal practices relating to ballot papers had greater weight than the public interest in knowing about security measures to preserve the integrity of ballot papers.

4.8 As a consequence I found that Document No. 4 should be treated as an exempt document.

4.9 I next considered for the purposes of section 22 of the FOI Act is possible for the AEC to prepare a copy (an edited copy) of Document No. 4, modified by deletions, ensuring that access to the edited copy would be required to be given under section 11A of the FOI Act.

4.10 I found:

(a) that it was possible to prepare an edited copy of Document No. 4 modified by deletions to paragraphs 4.11, 4.13, 6.2, 6.3, 6.5, 6.6, 6.7, 7.1, 7.3, 7.4, 8.1, 8.2, 8.7, 9.2 – 9.9, 9.11 – 9.15 to remove material about the security arrangements for ballot papers;

(b) that it is reasonably practicable for the AEC to prepare the edited copy of Document No. 4; and

(c) the resulting edited copy of Document No. 4 would be meaningful to a reader; and

(d) that access to the edited copy of Document No. 4 would be required to be given under section 11A of the FOI Act.

DECISION

4.11 I decided to **refuse access** to Document No. 4 and to **offer in lieu access to an edited copy** of Document No. 4.

5	<p>Attachment – Ballot Paper Secure Zones</p> <p>This is an attachment to Document No. 4</p>	12/08/2015
<p>RECOMMENDATION</p> <p>5.1 Document No. 5 contains material to which section 47E of the FOI Act applies, namely information about security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process.</p> <p>5.2 I found that giving access to Document No. 5 prejudice the security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process by exposing ballot papers to avenues by which they may be tampered with by persons wishing to commit an illegal practice contrary to the Electoral Act.</p> <p>5.3 I then considered whether giving access to Document No. 5 was contrary to the public interest for the purposes of section 11A(5) of the FOI Act.</p> <p>5.4 I did this in accordance with section 11B of the FOI Act.</p> <p>5.5 As regards factors favouring access, I disregarded the matters listed in subsection 11B(4) of the FOI Act and consequently found:</p> <ul style="list-style-type: none"> (a) that giving access to Document No. 5 would operate to the prejudice of Australia’s representative democracy to the extent that it exposed the electoral process to an avoidable risk of illegal practices; (b) that the electoral process is the primary machinery for assuring public participation in Government processes because the outcome led to the formation of a democratically elected Government; (c) that the application of paragraph 3(2)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government’s activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act; 		

- (d) that the application of subsection 11B(3)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;
- (e) that the FOI Request did not relate to the effective oversight of public expenditure; and
- (f) that the FOI Request did not relate to you having access to your own personal information.

5.6 As regards the factors against giving access, I found:

- (a) that the integrity of the electoral process is central to the Australian Constitution;
- (b) that a substantial part of the integrity of the electoral process relates to the effective exclusion of illegal practices in relation to ballot papers;
- (c) giving access to Document No. 5 would expose the electoral process to an avoidable risk of illegal practices relating to ballot papers; and
- (d) that the public interest is sufficiently served by knowing that the AEC has in place procedures to protect ballot papers against illegal practices rather than the details of such procedures.

5.7 I then considered whether access to Document No. 5 would, on balance, be contrary to the public interest and I concluded that the public interest in being assured of the integrity of the electoral process in as much as it depends on excluding illegal practices relating to ballot papers had greater weight than the public interest in knowing about security measures to preserve the integrity of ballot papers.

5.8 As a consequence I found that Document No. 5 should be treated as an exempt document.

5.9 I next considered for the purposes of section 22 of the FOI Act is possible for the AEC to prepare a copy (an edited copy) Document No. 5, modified by deletions, ensuring that access to the edited copy would be required to be given under section 11A of the FOI Act.

5.10 I found:

	<p>(a) that the entirety of Document No. 5 contained exempt material; and</p> <p>(b) that it was not possible to prepare an edited copy of Document No. 5 that would be in a form that access would be required to be given under section 11A of the FOI Act.</p>		
	<p style="text-align: center;">DECISION</p> <p>5.11 I decided to refuse access to Document No. 5.</p>		
6	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="353 440 1740 564" style="width: 75%; padding: 5px;">Ballot Paper Handling Scenario Guide</td> <td data-bbox="1740 440 2051 564" style="width: 25%; text-align: right; padding: 5px;">2/01/2017</td> </tr> </table> <p style="text-align: center;">RECOMMENDATION</p> <p>6.1 Document No. 6 contains material to which section 47E of the FOI Act applies, namely information about security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process.</p> <p>6.2 I found that giving access to Document No. 6 prejudice the security measures applied by the AEC to protect the integrity of ballot papers during movement in the course of the counting process by exposing ballot papers to avenues by which they may be tampered with by persons wishing to commit an illegal practice contrary to the Electoral Act.</p> <p>6.3 I then considered whether giving access to Document No. 6 was contrary to the public interest for the purposes of section 11A(5) of the FOI Act.</p> <p>6.4 I did this in accordance with section 11B of the FOI Act.</p> <p>6.5 As regards factors favouring access, I disregarded the matters listed in subsection 11B(4) of the FOI Act and consequently found:</p> <p style="padding-left: 40px;">(a) that giving access to Document No. 6 would operate to the prejudice of Australia's representative democracy to the extent that it exposed the electoral process to an avoidable risk of illegal practices;</p>	Ballot Paper Handling Scenario Guide	2/01/2017
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- (b) that the electoral process is the primary machinery for assuring public participation in Government processes because the outcome led to the formation of a democratically elected Government;
- (c) that the application of paragraph 3(2)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;
- (d) that the application of subsection 11B(3)(b) of the FOI Act has little weight because express provision is made for the scrutiny, discussion, comment and review of the Government's activities by curial process before a Court of Disputed Returns under Part XXII of the Electoral Act;
- (e) that the FOI Request did not relate to the effective oversight of public expenditure; and
- (f) that the FOI Request did not relate to you having access to your own personal information.

6.6 As regards the factors against giving access, I found:

- (a) that the integrity of the electoral process is central to the Australian Constitution;
- (b) that a substantial part of the integrity of the electoral process relates to the effective exclusion of illegal practices in relation to ballot papers;
- (c) giving access to Document No. 6 would expose the electoral process to an avoidable risk of illegal practices relating to ballot papers; and
- (d) that the public interest is sufficiently served by knowing that the AEC has in place procedures to protect ballot papers against illegal practices rather than the details of such procedures.

6.7 I then considered whether access to Document No. 6 would, on balance, be contrary to the public interest and I concluded that the public interest in being assured of the integrity of the electoral process in as much as it depends on excluding illegal practices relating to ballot papers had greater weight than the public interest in knowing about security measures to preserve the integrity of ballot papers.

6.8 As a consequence I found that Document No. 6 should be treated as an exempt document.

6.9 I next considered for the purposes of section 22 of the FOI Act is possible for the AEC to prepare a copy (an edited copy) Document No. 6, modified by deletions, ensuring that access to the edited copy would be required to be given under section 11A of the FOI Act.

6.10 I found:

- (a) that the entirety of Document No. 6 contained exempt material; and
- (b) that it was not possible to prepare an edited copy Document No. 6 that would be in a form that access would be required to be given under section 11A of the FOI Act.

DECISION

6.11 I decided to **refuse access** to Document No. 6.

End