



Australian Government

Department of Foreign Affairs and Trade

Minute

To: Craig Maclachlan Deputy Secretary, Security, Legal and Consular Group, DFAT
 Rob Donnelly, Chief Operating Officer, Austrade
File no: 20/16954
Date: 20 December 2021

Through: Jenny Dee, AS CIB; Patrick Hanlon, CSO Austrade

CC: Kate Logan, FAS CCD; Jo Stevens, AS OXD/EXD

From: s 47F Director CON

Contact Officer: s 47F

Australian federal election – 2022 window - Overseas voting risk analysis and recommendations

This Minute seeks your agreement to proposed options to support overseas voting during the 2022 federal election window (1 January to 28 May 2022) by DFAT and Austrade posts.

2. The global situation, including the unpredictable COVID operating environment overseas, posts' security environment, and resource constraints continue to impact the level of support that can be offered by the DFAT and Austrade overseas network for the federal election.
3. The most significant risk being addressed by DFAT/Austrade/AEC in relation to overseas voting is that postage delays mean postal votes may not be received within legislated timeframes leading to voters being disenfranchised, criticism of the Government and questioning of the election's integrity. The AEC is seeking to mitigate this risk by contracting a point-to-point courier delivery solution to send ballots to overseas voters – also reducing the requirement for in-person voting in an uncertain environment due to COVID-19 - and through early and regular communications to overseas voters encouraging postal voting.
4. There remains ongoing risk across all posts that host countries will enforce new COVID restrictions at short notice that coincide with the election period, hindering the ability of posts to conduct in-person voting and therefore disenfranchising voters at the last minute who could have otherwise voted by post. Postal ballot is therefore the AEC's preferred voting method for Australians overseas, with voters encouraged to send their ballot back directly to the AEC or to their nearest listed mission. It is not compulsory to vote while overseas – voters can apply for an exemption via an overseas notification form.
5. Then Dep Sec ISG (Sheehan) and Austrade COO approved a 29 July 2021 Minute which set out the key risks and recommendations considered for the 2021 window. The EXD-endorsed risk assessment (**Attachment A**) remains extant for planning for a 2022 election.
6. In a 24 November 2021 cable from CCD to posts, we requested updated advice on the level of support posts could provide for a 2022 election. As per the AEC's request, the focus was on the

top 20 locations in terms of the number of votes received in the 2019 federal election. All missions, s 22(1)(a)(ii)

s 22(1)(a)(ii)

will act as ballot collection centres. Posts' responses to the tasking cable, along with CCD comments, are at **Attachment B**.

7. Fourteen missions in the top 20 indicated they can support **in-person voting** in 2022. An additional 10 missions (i.e. outside the top 20) are also seeking to provide in-person voting s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

9. While the DFAT Medical Unit is advising posts that they should not (as a rule) prevent unvaccinated clients from entering missions, clients are subject to rules of their host governments which may include building entry requirements and local restrictions for unvaccinated clients. As mandated locally, posts can enforce screening for symptoms and strongly encourage the use of masks where there is community transmission. This issue may need to be carefully managed given it is AEC policy that voters are not disenfranchised because of their vaccination status.

10. For **postal vote collection**, the AEC has dispatched material to enable all posts to receive postal votes either in-person or by mail from overseas voters, which can then be returned to the AEC via diplomatic bag.

s 22(1)(a)(ii)

12. Consular Policy Section's assessments of post responses is in **Attachment B**. Subject to your agreement, we will recommend 22 of the 24 post requesting in-person voting s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

to the AEC

for decision. However, it is possible not all of these locations will be approved for in-person voting by the AEC given the preference for postal votes for all overseas voters, logistical effort required to get ballots and materials to post, and because the risk in-person voting may be removed at short notice due to changes in the COVID environment. s 22(1)(a)(ii)

s 22(1)(a)(ii)

13. The Minister for Foreign Affairs and the Minister for Trade, Tourism and Investment (responsible for Austrade) were informed of proposed plans for the 2021 election window (MS21000806 and via FMO updates). A subsequent 'for info' Ministerial Submission will be sent before any AEC decisions for the 2022 window is communicated to posts.

14. There will still be some voters who will be unable to vote in person or by postal vote, for example due to their remote location. Messaging for these voters will advise them to inform the AEC that they are overseas so that they avoid a fine for not voting.

15. After the AEC's decision on in-person voting is communicated to posts, the AEC will liaise directly with posts to arrange approval for any funding required to support in-person and/or postal vote collection. s 22(1)(a)(ii)

s 22(1)(a)(ii)

The AEC will also provide

relevant training and other materials to posts.

16. The AEC is developing a communications plan to ensure messaging is provided to overseas voters to advise of their options for voting overseas, particularly to encourage early registration for a postal vote. DFAT and Austrade are prepared to amplify messages through the @DFAT and @Smartraveller social media platforms and through post social media accounts and websites.

17. As required for each federal election, a Memorandum of Understanding (MOU) between DFAT and AEC will be agreed once a decision on overseas voting support is confirmed, signed at AS level. Austrade will be included under DFAT.

Recommendations

- i. Agree to the approach proposed for a federal election to be held in 2022.
- ii. Agree that 22 posts which have identified they are in a position to provide in-person voting for an election in 2022 (and which have been endorsed by CCD) should be considered by the AEC for in-person voting.

AGREE / DISAGREE
/ DISCUSS

AGREE / DISAGREE
/ DISCUSS

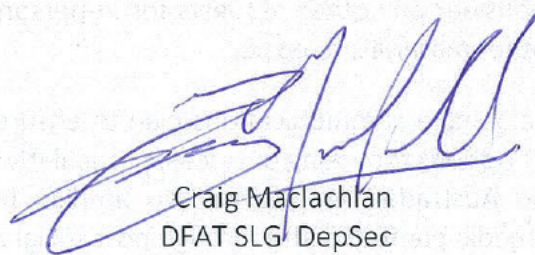
s 22(1)(a)(ii)

- iv. Note an MOU will be signed at AS level between DFAT and the AEC once there is an agreement on overseas support for the federal election.

NOTE / DISCUSS

s 47F

Director, Consular Policy Section



Craig MacLachlan
DFAT SLG DepSec

Date: 21/12/2021

Rob Donnelly
Austrade COO

Date: /12/2021

Recommendations

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| i. | Agree to the approach proposed for a federal election to be held in 2022. | AGREE / DISAGREE
/ DISCUSS |
| ii. | Agree that 22 posts which have identified they are in a position to provide in person voting for an election in 2022 (and which have been endorsed by CCD) should be considered by the AEC for in person voting. | AGREE / DISAGREE
/ DISCUSS |

s 22(1)(a)(ii)

- | | | |
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| iv. | Note an MOU will be signed at AS level between DFAT and the AEC once there is an agreement on overseas support for the federal election. | NOTE / DISCUSS |
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Director, Consular Policy Section

Craig Maclachlan
DFAT SLG DepSec

Date: / 12 / 2021

Rob Donnelly
Austrade COO

Date: 20/ 12 / 2021

Attachment A Overseas voting risk assessment 2021-22 (as at 20 December 2021)

Consular Policy Section (CON) identified the following key risks for the Australian Government in facilitating overseas voting in the next federal election in collaboration with Enterprise Risk Section (EXD), AEC and Austrade.

Category	Risk	Risk type	Risk Likelihood	Risk Impact	Overall risk rating	DFAT role in management	AEC role in management
(E) Electoral integrity – risks that would impact the integrity of the election	(E1) Poor communication with overseas electors leads to a large number not being aware of the arrangements for overseas voting, leading to their real or perceived disenfranchisement	COVID-19 related/elements of Business as usual	Possible	Major	High	Amplify AEC-led communications to Australians overseas through @DFAT and @Smartraveller and amplified on post social media accounts and post websites.	Develop communications strategy for advising Australians overseas of changed arrangements, including using DFAT and post social media accounts to reach Australians overseas.
	(E2) Inappropriate ballot handling measures by staff at post leads to ballots being 'spoiled', disenfranchising voters	Business as usual	Possible	Major	High	Implement ballot handling measures in accordance with AEC requirements. Complete AEC's mandatory training.	Provide guidance and training to DFAT staff on ballot handling requirements. Establish and monitor ballot handling mechanisms. Establish mechanisms under the MOU to ensure that all relevant DFAT staff have completed mandatory training.
	(E3) Inadequate monitoring mechanisms lead to voter fraud, undermining the integrity of the election	Business as usual	Possible	Severe	High	Implement fraud prevention mechanisms in line with AEC guidelines.	Ensure processes to ensure only one declaration vote per elector is counted. Provide guidance and training to DFAT staff on fraud prevention mechanisms.

Category	Risk	Risk type	Risk Likelihood	Risk Impact	Overall risk rating	DFAT role in management	AEC role in management
(L) Logistics – risks that would prevent completed ballots arriving in Australia in the required timeframes	(L1) Issues with courier services prevent posts from receiving the necessary election materials to support in-person and/or postal voting collection.	COVID-19 related	Possible	Severe	High	Seek advice from posts on disruptions to diplomatic mail services and inform AEC.	Early and ongoing engagement with DHL to understand courier times to posts. Advise relevant Minister/s of expected disruption to the voting process due to COVID-19.
	(L2) Issues with local postal services prevent Australians receiving ballots in time to complete them before deadlines, preventing them from voting.	COVID-19 related	Almost certain	Severe	Very high	Monitor performance of local postal services by seeking input from posts and provide advice to AEC of in country limitations. Amplify AEC-led communications to Australians overseas through @DFAT and @Smartraveller and on post social media accounts and post websites.	Develop communications strategy to encourage early registration for overseas postal votes, to ensure ballots can be sent as soon as possible. Where appropriate, include information on local postal restrictions. AEC to implement a 'point-to-point' delivery solution to courier ballots directly to voters overseas. Early engagement with DHL to manage expectations on postal votes returned to posts. Where possible and in line with COVID-safe measures, consider options for in-person voting at a small number of posts.
	(L3) Issues with local postal services prevent Australians returning ballots in time to	COVID-19 related	Almost certain	Major	Very high	Seek advice from posts on local postal services and inform AEC.	Develop communications strategy to encourage overseas postal

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	complete them before deadlines, preventing them from voting.					Support AEC-led communications through social media accounts and similar outreach to Australians overseas.	<p>votes to return ballots as soon as possible.</p> <p>Advise relevant Minister/s of expected disruption to the voting process due to COVID-19.</p> <p>Where possible, provide a physical ballot box at the post for ballot returns or options for in-person voting with advice on deadlines for receipt.</p>
	(L4) Issues with diplomatic mail schedule prevent postal votes from being returned to Australia in time to be counted, disenfranchising voters.	COVID-19 related	Possible	Major	High	<p>Support arrangements for multiple ballot return shipments.</p> <p>Early engagement with DHL to manage expectations on postal votes returned to posts.</p> <p>Amplify AEC-led communications to Australians overseas through @DFAT and @Smarttraveller and amplified on post social media accounts and post websites.</p>	<p>Arrange for multiple ballot return shipments where feasible.</p> <p>Early engagement with DHL to manage expectations on postal votes returned to posts.</p> <p>Develop communications strategy to encourage overseas postal votes to return ballots as soon as possible (which would allow for multiple shipments).</p>

Category	Risk	Risk type	Risk Likelihood	Risk Impact	Overall risk rating	DFAT role in management	AEC role in management
	(L5) Offering in-person voting at overseas post(s) results in an Australian voter(s) contracting the COVID-19 virus.	COVID-19 related	Possible	Severe	High	<p>Provide input into AEC's framework to assess the risks of offering in-person voting services, including consideration of posts' CAP status, local requirements, and travel advice.</p> <p>Implement AEC's COVID-19 guidelines at post as well as other relevant measures as determined by host country and post operations using each post's COVID-safe plan.</p>	<p>Develop a framework and liaise with DFAT Principal Medical Adviser to assess and mitigate the risks associated with offering in-person voting services.</p> <p>Develop COVID-19 safe guidelines and processes to share with posts in line with local health requirements.</p>
(C) Capability – risks that would prevent the post from providing the capability to support the election and/or other core functions (especially	(C1) Disruption to operations caused by COVID-19 outbreak and lockdown, civil disorder etc limit post ability to support election activity.	COVID-19 related/elements of Business as usual	Possible	Major	High	Maintain situational awareness and advise AEC of post specific risks.	Reinforce to posts that security and safety remains a primary consideration if making a case to offer in-person voting. Clarify and communicate requirements to register for a postal vote to ensure voters are able to default to a postal vote
	(C2) Election support disrupts, or is perceived to disrupt ongoing COVID consular services (including FCFs), leading to public criticism and reduced confidence in the	COVID-19 related	Possible	Moderate	Medium	<p>Messaging through social media to highlight that the Government remains committed to consular work.</p> <p>Posts to increase resources where required.</p>	Maintain clear AEC lead on electoral communications (to reduce perception that DFAT is stretching its resources). Clarify and communicate requirements to register for a postal vote.

Category	Risk	Risk type	Risk Likelihood	Risk Impact	Overall risk rating	DFAT role in management	AEC role in management
consular support)	Government's commitment to support Australians overseas.						s 22(1)(a)(ii) Support to other posts will need to be considered by AEC if requested. AEC to support bids for additional resources.
	(C3) Small posts and posts with a reduced footprint are unable to meet electoral demand, impacting the administration of the election and/or other core business (especially consular support).	COVID-19 related/elements of Business as usual	Likely	Moderate	High	Assist AEC to assess likely demand for ballots and identify any capability issues in managing them. Post to work with geographic divisions to identify options to re-prioritise work (including considering temporarily moving some tasks to Canberra) to provide additional capability.	Supplement post resourcing/funding for temporary LES contractors and additional support as required.
(S) Staff health and safety	(S1) Offering in-person and/or postal voting services results in a DFAT staff member contracting the COVID-19 virus.	COVID-19 related	Possible	Moderate	Medium	Provide input to AEC's framework for assessing the risks of offering in-person voting services, including consideration of vaccination roll-out schedule and advice of post. Receipt of postal ballots at missions follows COVID-safe protocols.	Develop a framework for assessing the risks associated with offering in-person voting services based on prevailing conditions in country.

Attachment B Post indications of the level of support they can provide for a 2022 election

Yellow – indicates a change from advice supplied in June 2021

Posts not listed on the table below have advised that they are able to facilitate postal ballot collection only.

Post	Country	Number of pre-poll votes in 2019 election	In a 2022 voting window, can post support:		Post comments	CCD/Austrade support for Post position
			in-person voting?	ballot collection centre?		
Top 20 Posts by 2019 voting numbers						

s 22(1)(a)(ii)

Post	Country	Number of pre-poll votes in 2019 election	In a 2022 voting window, can post support:		Post comments	CCD/Austrade support for Post position
			in-person voting?	ballot collection centre?		

s 22(1)(a)(ii)

Auckland	New Zealand	967	✓	✓	<p>Whilst unlikely, post may also require polling clerk support for polling day (not for pre-poll). Post notes that at the last federal election where in-person voting occurred, polling staff were drawn from Austrade and Home Affairs staff working at post. Since then, Home Affairs have vacated post and available pool of potential polling clerks has substantially reduced by 10 people. Current post staff complement is 12 persons (including 1 A-based). Depending on date of election and staff availability (e.g. leave arrangements at Christmas), there may be a need to contemplate external support for polling day.</p>	<p>Yes – noting if Auckland is approved for in-person voting, Wellington has proposed sending an A-based to support operations over the last week of the election. Wellington has strict COVID-prevention measures in place (including segregation of visitors based on vaccination status),</p>
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Post	Country	Number of pre-poll votes in 2019 election	In a 2022 voting window, can post support:		Post comments	CCD/Austrade support for Post position
			in-person voting?	ballot collection centre?		
						which would complicate in-person voting there. Wellington will operate postal ballot collection only.

s 22(1)(a)(ii)

