



Australian Government

EIAT
Electoral Integrity
Assurance Taskforce

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EIAT Communication Protocol

January 2025

EIAT Communication Protocol

The Electoral Integrity Assurance Taskforce (EIAT) is a construct comprised of a Taskforce and a governing Board. As set out in its Terms of Reference, the EIAT is made up of relevant agencies from across federal government, working together to provide information and advice to the Australian Electoral Commissioner on matters that may compromise the real or perceived integrity of federal electoral events. In the context of providing such advice, the EIAT Communication Protocol (the Protocol) assists the EIAT Board in forming a view about whether or not a public announcement and/or stakeholder briefing may also be made.

Purpose

The EIAT is committed to maintaining public confidence in the integrity of Australian federal electoral events.

The EIAT Communication Protocol provides guidance to assist the EIAT Board in determining if a public announcement and/or stakeholder briefing may be made, to inform stakeholders of a matter relating to electoral integrity.¹ Such a communication would be undertaken to support the ongoing integrity and transparency of electoral processes.

The Protocol sets out matters the EIAT Board will consider when determining if an identified stakeholder or audience, including the Australian public, should be notified about an incident or accumulation of incidents.

Scope

As outlined in the EIAT Terms of Reference, the EIAT's remit relates to matters that may compromise the real or perceived integrity of federal electoral events. Federal electoral events include federal elections, by-elections, and referendums. Therefore, this Protocol does not apply to state, territory or local government elections.

Communications enacted under the Protocol would therefore only relate to matters being considered by the EIAT Board that threaten, or could be perceived to threaten, electoral integrity.²

This Protocol does not apply to the AEC's administrative and regulatory decisions relating to the preparation and delivery of the electoral event – these remain the responsibility of the Australian Electoral Commissioner.

If needed, a communication for the purposes of the Protocol may comprise of:

- a) a briefing from one or several EIAT member agencies, if the briefing is within their legislative remit(s), to the identified stakeholder(s);
- b) a briefing from the EIAT Board, if an existing briefing process is not available or appropriate, to the identified stakeholder(s);
- c) a public announcement by one or several EIAT member agencies, if it is within their legislative remit(s); or
- d) a public announcement by the EIAT Board, e.g. a post-event statement or an EIAT media release, if an existing government process is not available or appropriate.

For the purposes of this protocol, the intended stakeholder or audience for a communication may include any or all of the below:

- the Australian public;

¹ Electoral integrity relates to perceived or actual integrity of Australian electoral processes and systems.

² Risks to electoral integrity arise through multiple threats, including cyber or physical security incidents, disinformation, misinformation, and foreign interference in electoral processes.

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- the Prime Minister or other Ministers;
- the Leader of the Opposition or Opposition spokespersons/Shadow Ministers;
- other Parliamentarians;
- a candidate for election;
- political party secretaries, and relevant campaign leadership; or
- any other individual or group the EIAT Board considers relevant.

The Protocol provides guidance on matters the EIAT Board should consider when recommending or undertaking communications with stakeholders about the integrity of federal electoral events.

The Protocol does **not**:

- a) In any way alter, expand, or limit the existing legislative remits of security agencies or any other EIAT member agency, including, where applicable, agencies' statutory independence.
- b) Commit EIAT agencies to certain actions or restrict the actions EIAT agencies may ordinarily take.
- c) Replace or supplant existing ministerial responsibilities (inside or outside caretaker periods), noting that briefings to Ministers and Shadow Ministers in the context of the Protocol will need to be carefully considered during an election period to avoid any perceived advantage to a candidate or political party.

Whether a Minister(s)/Shadow Minister(s) makes announcements or provide other briefings is matter for the Minister(s)/Shadow Minister(s) concerned.

Threshold for communication

The EIAT Board will only undertake or recommend a communication about a matter it is considering if there is a need for an identified stakeholder (including the Australian public) to be informed. When determining this, and how the communication(s) are managed, the EIAT Board will have regard to the following:

- a) Public and broader stakeholder interest in the incident/issue
- b) Severity of the incident or accumulation of incidents
- c) Impact (perceived or otherwise) on the result of an election for a Member of the House of Representatives or the Senate and/or the formation of government.
 - i. Or, in a referendum, the impact (perceived or otherwise) on the result of the national vote or the vote of a state/territory
- d) Need for the parties/candidates concerned or wider public to be informed about the incident (for example, to assist in mitigating the effect of the incident; or in maintaining trust in the electoral event; or as it could give rise to grounds for challenge to the result in the Court of Disputed Returns).
- e) Potential of the incident to undermine the credibility of the electoral event or the confidence of electors in Australia's democracy.
- f) Degree of confidence officials have in the intelligence or information in relation to the incident, including, if relevant, the extent to which the incident can be attributed to a particular source or actor, and the confidence level in that attribution.
- g) Whether the matter is the subject of a criminal investigation, proposed or ongoing court case, or other operational activities.
- h) Advice received on the constitutional, litigation, or other legal risks, including procedural fairness, of an intended communication, and mitigation options (if any)
- i) Impact on the national interest (including national security and foreign policy considerations)
- j) Availability and suitability of other interventions within existing domestic measures (e.g. attribution frameworks) and legal remits, and

- k) Any other matter the EIAT Board considers relevant.

Under the Protocol, the EIAT Board will also **consider**:

- a) Any existing government frameworks, including the *Guidance on Caretaker Conventions*, *Australian Government Crisis Management Framework*, foreign interference public attribution and cyber attributions and responses, which provide guidance for public attribution of a threat actor assessed as responsible for compromising the real or perceived integrity of electoral events.
- b) The circumstances and pace at which an issue evolves. This may result in not all elements of a Guidance or Framework being followed. In these circumstances the principles of the frameworks will be considered.

No single matter will be determinative, rather they will collectively inform the EIAT Board's considerations on a case-by-case basis.

It is also open to the EIAT Board to escalate the decision to agency heads, depending on the severity of the matter and/or if a Board consensus cannot be reached.

Arrangements for communications

The Protocol recognises the need to balance protecting Australia's national interests and not prejudicing any related investigations, court cases or operational equities, while ensuring the greatest level of transparency possible to maintain trust in Australia's electoral systems and processes.

These are difficult tensions and interests to balance and reconcile, and therefore, the EIAT Board's consideration will also include whether it is appropriate for the EIAT Board itself to provide the communication. If not, the EIAT Board will consider whether it is appropriate to recommend a particular agency or official(s) who might be responsible for providing the briefing or making a public announcement.

Timing

The timing of the communication will also be informed by the EIAT Board's consideration of the matters listed above.

Where a threat or incident is identified during an electoral event campaign (before close of voting), the EIAT Board will balance any need for a public announcement while voting is occurring, while being mindful of its impartiality, and not wishing to be perceived as (or inadvertently) interfering or influencing an electoral event.

The EIAT Board also recognises that not making an announcement or providing briefing(s) in a timely manner, in certain circumstances, could also be perceived as unduly influencing an electoral event campaign.

Governance

Like the EIAT itself, and in recognition that threats to electoral integrity may present at any time, the Protocol will operate on an ongoing basis and not only during the period after which writ(s) are issued for a federal electoral event.

The Protocol is supported by existing EIAT governance documentation, including its Terms of Reference.