

# MEDIA mentions

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**The case:** In the lead-up to the federal election in August, political activist group GetUp sought advice on launching a website allowing Australians to enrol to vote and change address details online. The website enabled users to electronically sign the form, rather than having to print, sign and fax it to the Australian Electoral Commission. GetUp used a specially built signature tool, purchased from Europe and built into the OzEnrol website. GetUp believed that the website would assist reducing the number of Australians – 1.2 million – not enrolled. The AEC rejected this, and a test case was launched seeking a declaration that the enrolment of a Ms Sophie Trevitt be accepted. The Federal Court found overwhelmingly in favour of GetUp. A key finding was that the AEC was not entitled to discriminate between faxed forms and those generated via OzEnrol.

### How did you become involved?

It began with a chance meeting at a Canberra cab rank. I shared a cab with GetUp's director, Simon Sheikh, who was going to Parliament House to lobby the then Prime Minister Kevin Rudd, and he told me they had over 370,000 members and were focused on social change. He asked if Marque would provide advice on a pro bono basis. We thought they were a good fit for us.

**Your background:** I have been working in dispute resolution for over 20 years here and overseas. I specialise in large commercial disputes. Two years ago, I helped found Marque Lawyers.

### Your reflections on the case:

It was fascinating, because it dealt with such disparate issues – an individual's right to be enrolled, new technology, and if it is up to government departments to determine if they accept electronic signatures. In the area of electoral reform, it should encourage federal and state governments to introduce changes to give Australians every opportunity to enrol in a manner that reflects the 21st century. The principles outlined in the decision extend beyond the somewhat arcane field of electoral law to all areas of government and commerce. The decision could hasten the adoption of cutting-edge technology and facilitate a move away from the need for hard-copy forms to be signed by traditional means.

### How did the media treat the case?

In the run up to the federal election, there was national press interest. They were interested in both the issue of enrolment as well as the implications for electronic commerce generally. The most important thing is to quickly respond to press enquiries. Their deadlines are tight, and if you delay while you try anticipate every possible question and craft the perfect response, interest in the story will have moved on. □