

Electoral Reform Secretariat
Department of Prime Minister and Cabinet

Dear Members,

I have detailed below a range of comments in relation to many of the discussion items raised in the Electoral Reform Green Paper.

The paper is very comprehensive and canvasses many of the issues well. In addressing the criteria I have sought to increase participation of eligible people, minimise disenfranchisement, seek to make processes administratively easy for both officials and (potential) electors, and point out the possible partisan advantage that some changes may bring about.

Chapter 1

The Chapter discusses a range of issues that are expanded on in later chapters. The chapter discusses the single member electorate basis of the House of Representatives, and issues around the Territories, minimum representation of original states etc. The size of the House and representatives and the Senate are linked and a constitutional amendment to change this has previously failed. I see changes in that area as virtually impossible to achieve.

Single member electorates will disadvantage minor parties, and tend to reinforce a two party system. Whilst independents and smaller parties may complain, the vast bulk of the population will have a composition of parliament (at least the House of Representatives) that broadly reflects their preferences (even if their local member is not of their choice). Minor parties may want changes, but if they became major parties would support the existing structure, just as the major parties currently do.

Many nations use proportional preference arrangements and this creates its own issues. I am not inclined to vary the current system. If proportional representation is adopted for the House of Representatives, some rethink about the Senate (its very existence), double dissolution powers etc should also be considered. The State based logic of the Senate has never really applied in practice, but there is no prospect of smaller states giving up representation that it affords to them. The likelihood of serious change in this area is unlikely due to the requirement for referendums.

I would propose that some protection mechanism for territories representation should be in place. There is a risk that the Northern Territory could fall to one Division, yet have the highest enrolment in Australia. In the Northern Territory this would profoundly affect the ability of a member to serve the one electorate. In the ACT this is less problematic, due to the small geographical size of the ACT. There is a provision in the Commonwealth Electoral Act presently to maintain a minimum of two Divisions, which I support. I have not canvassed changes to the Constitution to modify the arrangements for Tasmania, as it would almost certainly fail.

The technological and harmonisation issues canvassed have considerable merit.

Chapter 2

The chapter canvasses issues around principles which is all very nice. As someone with a very high level of interest in human rights, legal processes, democracy, and good appreciation of the reality gap between for example declarations on human rights and reality around the world, I see this chapter as rather vacuous¹.

Chapter 3

Given that Australia is a federation it is a logical consequence that such a system will provide variability in rules, laws, structures, practises. This is also the situation in other federated jurisdictions. The most extreme examples are probably the United States and Canada. Where in the former elections are run from the lowest level of local government even in a federal election.

I personally would like to see as much convergence on rules, formality of votes, arrangements for voting particularly for overseas travellers. Having dealt with elections in South Australia, federally, New South Wales, the ACT and Queensland, I am surprised that our systems works at all.

In my view the worst system in Australia exists in Queensland, as it is a state without a second chamber of parliament, it is purely majoritarian in nature, meaning that once an executive passes an act or regulations there is little scrutiny. The poor standard of accountability dates back to 1922, when the then Labor Government abolished its Legislative Council. The Northern Territory has single member electorates and similarly accountability suffers, whilst the ACT has a single house, it is elected by proportional representation, so that it is possible for at least scrutiny of its activities as a majority government is unlikely (although not impossible). As territories there is also the prospect of federal intervention, which as a resident of a territory I disagree with in principle, but it is a useful solution if a particularly stupid policy was adopted.

I am surprised how many Australians are disenfranchised simply because they are overseas. Queensland has provision for electoral visitor voting, which is helpful to those with mobility problems (if you happen to live in a reasonable sized urban centre at least), and it avoids all the problems associated with postal voting when you have mobility problems. It is not perfect, but it is helpful. Greater availability of pre-poll voting is beneficial also. Each AEC office should be in effect a polling booth and resources to support state and territory elections.

In particularly isolated areas, the mail system and delays in distributing request forms and ballots is woeful (particularly in Queensland in 2004) federally, so I would urge greater availability of automatic postal voting processes would be helpful to those with health, isolation or mobility problems. The AEC could administratively (and possibly in conjunction with state and territory electoral agencies) seek to automate this

¹ I have been a member of Amnesty International, a committee member of the South Australian Council of Civil Liberties and am currently a member of the Australian Institute of Internal Affairs.

process for aged, and infirm voters, based on an age targeted process, and previous claims. Use administrative solutions wherever possible to remedy problems.

For those in remote locations electronic voting would be helpful also. Having dealt with remote aboriginal corporations the internet is an easier way to send and receive than by post, and we are in the 21st century after all!

If the Government wants harmonisation, get on with it. It can do that without consultation with the public (such as this exercise), but progressively incorporating changes with those administrations that it can reach agreement with. Some merely require regulations, some require legislation, and just move on with it. It may take years, but at least we will get the benefits progressively, rather than waiting for a possible 'big bang'.

For electors the key issue are consistency, the same contacts for elections, the same sites for booths, the same sites for pre-poll voting. The same formality rules, the same format of ballot papers. Enrolment should be easy, preferably prompted through perhaps Australia Post; it could be promoted by and capable of change by electronic options, and even regular reminders via post. The AEC could make use of data sources such as Centrelink, the ATO, motor vehicle registries and the like.

Rather than starting at the top, how about tackling the changes from the bottom, the minor things that irritate electors, and make it hard for them to vote. These can be achieved by officials and often changed administratively, or by regulation. Plus they are often cheap to fix. They would satisfy the features of good policy, simple, cheap, popular and quick.

Chapter 4

Australians overseas. Nearly 1 million Australians live overseas, and despite the restrictions many manage to vote. Many live overseas for work reasons, many for good business and economic reasons. Many travel to Australia to return permanently or to visit relatives. Many are married to foreign nationals. The current provisions are restrictive and in my view disenfranchise people from voting in our elections, which means in effect they cannot vote anywhere. I would modify the restrictions to enable those living overseas to vote. Many are our best and brightest, it seems perverse that such people should find it difficult to vote but be prevented from voting. I have relatives who work overseas, I know the children of many of our diplomats who make an entirely sensible decision to work overseas, where their talents are used and rewarded. The world is better for it. Let them vote, remove the restrictions.

16-17 year olds. I do not believe that 16-17 years olds should vote. The only logic is that it provides a political advantage to the Greens and to a lesser degree the ALP. If such voters did not vote for those parties, I suspect the Greens would be far less supportive of such a change. People need to be of a mature age to make well informed decisions, and that age is currently 18. Even many 18, 19 and 20 year olds are not enrolled, let alone fail to vote or take a serious interest in voting, I might add many 21 and older are also like this. I am young enough to have first voted at 18, rather than 21.

In fact I wondered why the proposal stopped at age 16; I understand that age 14 applies in the Philippines. But amongst comparable democracies in the Anglosphere 18 is the accepted age of competence, and this is a sensible age for this purpose. Similarly 18 is the age used in many other comparable nations of the world.

I am familiar with the rather tired arguments of if you are old enough to be conscripted you should be able vote. The flaw in that argument was that we now do not draft citizens, and off course it was restricted to men when it was. An 18 year old can generally make reasonably sound critical decisions about their life and our future. I might add that some countries have restrictions on the age electors can vote for upper houses such as the Italian Senate, at age 25 and the US Senate requires it occupants to be at least 30. By those measures at least 18 seems fine. Halfway measures such as voluntary enrolment or voluntary voting mean differential treatment, and I would not find such differentiation justified.

British subjects and others. Until 1984 the enrolment in Australia was open to British subjects. This means that a large number of electors are entitled to voter some 160,000 if the figures are correct. I personally believe that given these people are entitled to vote, it would be exceedingly unfair to deny them the vote. In fact you would wonder what logic might be used, possibly some partisan advantage? Given the youngest of these people would be at least 43 years old, and many would be of retirement age, the passage of time will eliminate this perceived unfairness.

Whilst this is not entirely supportive of my argument, I would highlight that many people chose not to become citizens because they cannot afford to. As I understand some European pension schemes only make payments to citizens at the time of claiming. Many defer citizenship to retirement as a consequence. It would be certifiable madness to do so in view of the generosity of some schemes.

There is no justification to deny people the vote that they already have, and when they have behaved lawfully. Many of these same people were actively sought for political support by the ALP over the outrageous treatment of British pensioners by the UK Government. It is possible that this issue has arisen as it perceived these same people due to their age and socio-economic characteristics are more likely to be Coalition supporters that they can be now ignored? This would be shameful!

To remove the vote from 1.7 or so federal Divisions worth of people would need some particularly sound logic, and it is not as if these people have illegally entered the country, illegally enrolled and exploited Australia's generosity. They are ordinary people who should not be treated shabbily or contemptuously. They should be able to continue to vote.

I do not support voting rights for others permanent residents. The situation of the British subjects is unique, and I oppose removing rights that already exist unless there is a compelling reason to do so. To illustrate the absurdity of this, the current Labor Premier of South Australia Mike Rann I understand has three passports, United Kingdom, New Zealand and Australian. Preventing him voting should prove a real test of this proposal?

Unsound mind- There is a curious the view of Canada, New Zealand UK, who essentially ignore it. Whilst people of unsound mind are people and are counted in the population to apportion Divisions, it does seem odd to deny them the vote. The issue is the distress that can be caused to such people, who if they are residents of aged care facilities is terrible, in large part due to the bureaucratic nature of the letters that are sent to these people. Those of unsound mind are not only aged, but also those of diminished capacity who are gullible and easily manipulated. The solution may be administrative, we just need to be much more humane and treat all these people with dignity. The greater problem is not the people themselves but the potential they create within our system for the unscrupulous.

In aged care facilities the staff are able to manipulate residents to vote a certain way, and often have the confidence of residents and able to vote on their behalf. This is a terrible situation, but in closely contest seats such as in Mundingburra in Queensland in 1995, could be sufficient to determine the state government. Manipulation by the Australian Nurses Federation in such situations is common, a situation I have witnessed personally.

I am unsure what the solution is, but I find the AEC claiming that multiples voting, that manipulation of electors is not an issue to be rather foolish claims, particularly as whilst we have not had 'hanging chads' we have had cats on the electoral roll instead. Perhaps vigorous checking of people competence and preventing people particularly ANF officials and members from voting on behalf of other people might be the solution.

Prisoners and length of sentence – The variability in the treatment of prisoners voting is intriguing. Equally the appeal over preventing prisoners voting did not undo the existing three year federal threshold. I have indicated that I am a civil libertarian at heart. I do not see a difficulty in taking a prisoners right to vote away amongst the other deprivation of liberties that a citizen loses on imprisonment (that is freedom, access to Medicare, income support etc). However once released those rights should be restored. I would suggest this is fair, proportionate, and also administratively easier than the other regimes in place. Prisoners suffer many disadvantages after release I don't propose to add to them.

Treason or treachery. This should be beyond issue. The difficulty is that with the increasing number of citizens that have been convicted of offences (terrorism etc) which are 'virtual treason', and amount to an attack on this nations values and the very existence of our system of government but on their release they will be able to vote makes a mockery of this restriction. It may be an irritant rather than a substantive issue, but it is galling.

Chapter 5

I personally prefer greater fixity about the terms of parliaments. The difficulty of this is illustrated by the situation in NSW, where an exceedingly unpopular, dysfunctional government is able to remain in office simply due to it commanding the numbers in parliament and running its full term. Similarly the ability to manipulate the date of an election to political advantage undermines the ability to govern effectively, and govern for the term elected.

The difficulty in changing the constitution is a major impediment to creative solutions. I have seen in my lifetime attempts at simultaneous elections fail multiple times. In effect the Senate has the more fixed term, than the House of Representatives. I have indicated a preference for the current use of single member electorates, over proportional representation. If proportional representation is adopted, I assume it would need to be based on states, which might mean that the degree of representativeness may be imperfect. The situation in Germany and New Zealand is illustrative of the sort of issues that arise.

Multi-member electorates - If a system of multi-member electorates are developed, I would suggest that electorates have no more than three members, as the electorates would simply become too large, and the representatives of the minor or smaller major party representatives would be particularly stretched in terms of representing their constituents. In terms of allocating multi-member electorates, single member electorates should probably be in place in regional areas, as the electorates would be too large otherwise, and the bulk of members should be elected from three members electorates.

Multi-member electorate were canvassed at one stage by former Prime Minister Gough Whitlam. They would ensure that electors at least were represented by multiple parties, which would mean that votes would largely result in the election of a MP of their choice.

Voting – Australia has a rather unique voting process of preferential voting. I believe it gives rise to government that can claim legitimacy in having usually majority voter support. In large part it is connected to having single member electorates, but with the Senate and upper houses preferential voting also applies here in Australia.

Living in the ACT I would not recommend that the Hare-Clark system be adopted anywhere else, and I suspect Tasmania would never move away from it. The use of single member lower house seats and proportional representation for upper houses (where they exist and except for Tasmania) provides a certain balance of review as upper houses invariably do not have government majorities. In hindsight the change to a proportional voting regime for the Senate from 1949 onwards was a very progressive and constructive step.

Robson rotation has the effect of removing the random advantage of benefiting from been below eliminated candidates. The belief that a donkey vote is significant is nonsense, rather there is a tendency of electors to flow down a ballot paper, and it is a function of our linguistics and our pattern of reading from top to bottom. If Robson rotation is adopted, it would entirely negate the need for how to vote cards.

Optional Preferential Voting – New South Wales, Queensland, Tasmania and the ACT all in effect have optional preferential voting (OPV). Rather than OPV been unusual, is in fact dominant within 60% or so of the elector population. Whilst it is likely to lead to election of candidates with less than a majority if the vote, this is not a problem. If people chose not to indicate more preferences that is their democratic right. Applying OPV at a federal level would not be that dramatic a change from the existing system.

First past the post voting is clearly most relevant for single member electorates, but can also work in proportional representation environments. OPV represents in effect a halfway point. Between the full preferential voting and first past the post. First past the post is not that widely used in the democratic world, as it is quite unrepresentative in terms of results.

Going to OPV would remedy many issues around vote formality. I am not that enthusiastic about ticket voting, and the fact it is only used in South Australia indicates that it is not seen as a solution elsewhere.

Redistributions – the current federal process of allocating Divisions to states and regular redistributions is a sound and fair basis of operations. One issue that is problematic is the time it takes to conduct redistribution, when an election is to be held. Such a case will be Victoria in 2010, where a seven year passage of time means that redistribution is due to be held. It is highly likely that it will not be completed before the federal election.

Malapportionment – Queensland and Western Australia are now the only jurisdictions with malapportionment in their electoral systems. In both cases the arrangements were introduced by Labor Party administrations in recent times and in both cases they are the principal beneficiaries of these malapportionments. It is ironic that in both states whilst the ALP has claimed to be disadvantaged, they proposed such systems in 1991 in Queensland and 2005 in Western Australia. The irony is that Queensland used to have relatively fair boundaries in terms of malapportionment until the ALP changed the rules in 1947, and introduced a four zonal system. Needless to say it was the beneficiary of these changes. I would be very sceptical of partisan advantage motives in changes being proposed by this government.

I am not proposing that South Australia be followed in relation to adjusting boundaries after each election so they are in theory politically fair. But electoral fairness is not guaranteed by seat enrolment size, it is guaranteed by voter will being reflected through boundaries being fairly drawn. In South Australia the issue of regular redistribution is not that problematic, as now there are fixed terms of four years.

The situation that gave rise to the current laws was the result of the 1989 state election where a ALP government was returned with only 48% of the two party preferred vote, and could have won a election with as little as 46% of the two party preferred vote. This all in an environment of equally sized electorates.

Formality rules – there should be consistency in this area. Absurd things such as the side (left or right that is) of the ballot paper where the number is located may render it informal is absurd. The application of above the line voting for the Senate, and rules to include votes where intention is clear, should be applied with greater logic.

Rather than changing voting systems, the solution may lie with the simple solution of greater latitude of formality rules. Every change brings new problems. I have indicated a preference for OPV which would eliminate part of the problem.

Dedicated electorates for indigenous Australians and overseas electors. I oppose special seats, as it is divisive and racist. It will also create more problems for drawing of boundaries, and create voter inequality issues in terms of electorate sizes. The situation in New Zealand, sees Maori seats with the lowest enrolments in the country. Were it not for Mixed Member Proportional system in use, these seats could completely distort the electoral outcome in New Zealand.

For overseas Australians they should be able to vote in the electorate they last resided. Creating special seats as some other countries have done will create voter inequality issues and also boundary drawing issues as above.

By-elections – In respect of Senate and proportional representation houses members who die, resign or are expelled can be replaced easily. In the case of single member electorates the member is directly and personally elected and a by-election is necessary. Resignations for convenience may be disapproved of, but I personally do not have a problem with senior people leaving parliament if they have occupied a senior position. They are elected not sentenced!

Many of those who complain are usually partisan in their concerns, if those who are so outraged that a Liberal MP resigns, I rarely hear them complaining if a Labor MP does the same thing. In the case of all the states with current or recent Labor administrations there have been numerous by-elections in Queensland, New South Wales, Victoria, Western Australia, and casual vacancies in Tasmania and the ACT in recent times.

NT – use of photographs

I found the reference to the Northern Territory and the use of photographs of candidates interesting. Allowing for a degree of illiteracy amongst particularly indigenous Australians one would hope this sort of provision will eventually become passé. Many third world nations because of illiteracy also have party symbols on ballot papers; I would suggest that neither be adopted. The situation in the Northern Territory should also eventually be unnecessary.

Chapter 6

Independence and other institutional ideas

If there is felt to be a need for an expression of independence in legislation, do so. But there is little point if it mere words. Actions count for much more.

I found the mention of the New Zealand experience of use of New Zealand Post for electoral roll maintenance as interesting. I have referred elsewhere to using Australia Post, to facilitate enrolment updating. We need to make the updating process a regular and painless problem, the mass of late enrolments when an election is called is disgraceful and potentially undermines the electoral process with the risk of corruption, or false or politically opportune enrolments.

Independence needs to be seen to be done, not merely claimed. Would the AEC these days locate its office in a premises owned by a political party (like the ANAO did

here in Canberra)? Would the AEC again locate its additional office in a federal campaign in an office adjoining the sitting federal MP, like it did in the Hawker in 1990? The only separation was a light wooden door! In that case the sitting ALP MP lost her seat, but there were considerable irregularities in the pattern of vote (a voting night TPP margin of over 400 votes fell to 14).

Chapter 7

Enrolment – I have canvassed previously maintenance of enfranchisement at age 18. I have also referred to the fact that enrolment is an area of weakness (the enrolment of a cat been such an example). The requirement for proof of identity approach in existence federally are quite reasonable. Removing them would simply enable enrolment fraud. Other nations have proof of identity requirements, which do not cause difficulties sometimes claimed. The US recently has experience issues around fraudulent enrolments, and an organisation called ACORN has recently been condemned for its illicit enrolment practices and has had federal funds cut off as a result. The electoral roll should only contain living, properly entitled and enrolled electors. Similarly deceased electors or those that move permanently from Australia, or lose entitlement to vote should be promptly removed from the electoral roll.

Maintaining the electoral roll – I note that Centrelink, Australia Post and motor registries and housing authority records are used to assist update rolls. I assume that the ATO is similarly used and other substantial holder of address information. Similarly utilities could assist. Again this is an administrative solution and should be readily dealt with.

Close of rolls – This is an area of contention as it can provide an advantage. This is only an issue when there are non-fixed election dates. This problem/contention completely disappears when election dates are fixed. Perhaps this is the solution?

The volume of elector updates dealt with in a matter of days by the AEC is staggering. Disenfranchisement is an issue, but so is potential for fraud. To claim that there is no evidence of fraud is as lame as the AEC referring to lack of convictions for fraudulent voting. Once a name is on the electoral roll, it is never really checked. It can be maintained easily. If you are aware of deceased, overseas, or interstate electors, they can be readily impersonated. If a postal or absent vote is received from the legitimate person, it is discarded as ‘the person’ has already apparently voted. Proof of identity when voting would be helpful, and few people do not have a form of identity (even a credit card) with them.

The rolls in affixed date climate could close off at a set date. Otherwise a relatively short close off period should apply. If you implement some of the updating suggestions I have canvassed above, and the AEC is active, the numbers of truly late updates would be much smaller than currently. The close off should be a few days after the issue of writs for the election. It is important that candidates can canvass electors and the later the close off the more difficult this would be.

Homeless - I have dealt with homeless people and think the claimed problem of homeless voters is overstated. If such voters want to vote, they can enrol and vote. My experience is that many are not that interested. They are generally able to navigate

their way through the social security system and if inclined manage to enrol and vote. I should note that this issue is being promoted at the same time as there is the proposal to remove 160,000 British subjects from the electoral roll. So I am a little confused? We want to take the vote away from a large number of currently enrolled people for no apparent reason, but engage in a fruitless debate about homeless people, that can vote if they want to, but most have little interest in doing so?

Election day enrolment and voting. I oppose election day enrolment and voting. This is fraught with difficulties. If an elector cannot enrol by the due date (noting that there is adequate provisional enrolment arrangements) they should not be able to vote as the roll was closed. The lodgement of enrolment papers should be accepted and the roll updated in due course, but the person has missed the cut off to enrol and vote in the relevant election.

Harmonisation of enrolment requirements and processes – I thought this was overstated as a problem. I am frankly astonished that state and territory jurisdictions would not want to have enrolments that were accurate and based on good proof of identity records. As the AEC is a Commonwealth agency and compiles the rolls nationally, the prevalence of Commonwealth laws and practices I thought would prevail.

The risk of having ‘mickey mouse’ quality electoral rolls in some states and territories I think might prompt some movement in the respective states and territories. As the Commonwealth has the higher standard of rolls I would not compromise them for some absurd states rights, or other nonsense argument. If this sort of undermining of the electoral integrity process continues we might as well go the whole way and have a truly third world electoral system, with fingers dipped in indelible ink, pictures of candidates, party symbols, mass filling in of ballot papers, and turnouts of 99.7% (or more). Perhaps Robert Mugabe could advise us on this matter?

Chapter 8

Party registration – The NSW requirements for registration are extraordinarily onerous and frankly there should be some consistency. The Commonwealth rules appear to be the most sensible.

Candidate qualifications – the Western Australian, Tasmanian and Northern Territory requirements are excessive. An elector should be able to nominate. Nominees from interstate would clearly struggle electorally, but this is the most sensible requirement.

Candidate restrictions – I believe that eligible electors should be able to stand for election. Restrictions on office holders, and certain occupation (I understand that Ministers of Religion could not stand for election in South Australia until comparatively recently) should be minimised. In relation to non-citizens (other than those British subjects who can currently vote and should continue to be able to vote), those convicted of treason, undischarged bankrupts, the current arrangements are sound. It appears that some changes could be achieved legislatively to make it more uniform.

Public servants should not be forced to resign to contest an election. This is primarily an issue for Commonwealth employees, but affects them when contesting elections at

Commonwealth, State and Territory level. Unfortunately this requires a constitutional amendment to remedy. It should be undertaken at the next occasion that a referendum is held.

Chapter 9

Civics and citizenship education in schools – this is fine but falls down in respect of the requirement for example to visit the national capital. For many parts of Australia it is simply unreasonable to require this. Surely for those you live outside the Sydney, Melbourne, Canberra axis a form of virtual education material could be made available. From my own travels I am often astonished by the limited travel of many people, let alone children. For areas such as Western Australia and Northern Territory, many have not travelled outside their own state or territory.

For new citizens – in recent times there have been questions to ensure that there is a level of knowledge about Australia. Having been to citizenship ceremonies I appreciate that knowledge about Australia's history, institutions etc needs to be more widely known for prospective citizens. Depending on where new citizens have lived it is possible to have relatively limited exposure to much of our electoral processes. For younger people they have had exposure through the education system, for older new citizens this is less common.

The polling revealed for the 2007 JCEM inquiry into civics and electoral education suggests there is a long way to go in improving knowledge. It will take time, no amount of apologies, rousing speeches, reports etc will substitute, it just takes work and targeting at the school, and citizenship junctures, and at points of mobility, such as moving house, or whatever and facilitating involvement.

Chapter 10

The campaign – the existing provisions around canvassing etc at a federal level are fine. The ACT and Tasmanian 100 metre restrictions in large part relate to the Hare-Clarke and ballot order issues. These are two small jurisdictions and this is a small variation over what is a largely nationally consistent system.

I am supportive of the public election advertising blackout period. The volume of material transmitted means this is a reprieve for electors, and also limits the potential for a deceptive or misleading advertisement that cannot be rebutted. A good illustration albeit from the US was the infamous 'Daisy' advertisement used in the 1964 Presidential Election.

Changing environment - Attempts to ban or severely limit campaigning have failed. But with time each election brings changes from the previous election. There are new technologies, new tools for campaigning, and new emphasis of campaign tools. Once newspapers were full of advertisement and people read newspapers. Now increasingly radio and television are used. Now telephone canvassing (often automated) is used. Similarly email, twitter and social networks such as YouTube and Facebook are used. A government has the advantage of access to public resources, and the use of their office gives a degree of credibility. Similarly sitting members have certain public

resources. The attitude of the current government was probably somewhat different to when it was in opposition.

Public funding and free airtime – I am aware of the ongoing controversy over fundraising, buying of favours, and disparity of party resourcing. Major parties have the office of Prime Minister, Premier or Chief Minister and the resources of government, Opposition leaders have somewhat less resources, minor parties or independents have less still. I am supportive of public funding, based on first preference votes. Raising funds from party members should not be prevented, although public disclosure is needed. I believe that a practical and sensible level of disclosure should apply. When set at \$1,500 in 1984 some indexation and tax deductibility should have applied. To some degree this has occurred.

For unions and corporate (businesses generally) entities they are able make donations. Unions are clearly affiliated and are able to assist the ALP (largely with other resources and campaign for issues of interest that almost entirely align with the ALP which they are largely affiliated with. Because of some business activities and asset sales the Labor Party has amassed a very large internally managed asset base. This is relevant as it gives them a substantial financial base which advantages them relative to any other party.

One remedy that exists in part due to the ABC providing free broadcasting to represented political parties is to extend this and this would lessen the financial imperative on parties. This can be done quite easily such that any (and all) radio and television licensee is required to provide free airtime. Alternatively a certain level of free airtime be provided (based on votes previously obtained) and a capped amount of paid advertising be allowed to prevent the burden on licensees not been excessive. I am sure some formulation can be struck that would both limit the cash financing burden, and also provide the degree of election campaign to enable the public to be informed of party policies and arguments.

Such a proposal would not prevent parties from other campaigning, but the overwhelming cost of elections is in the radio and television space. I am open to suggestions on options in emerging media.

Public funding may also be scaled back if free airtime was introduced. There is always a fuss with public disclosure which is a separate but related issue with donations, and campaign expenditure. Given that one major party (the ALP) has such a significant asset advantage over all other parties any reform here may have limited effect.

Truth in advertising – This apart from its Orwellian overtones has been the source of endless futile debate. The failed Federal and current ineffectual South Australian rules probably are testament to the absurdity of this.

Polling booth neutrality – The amount of ‘non-election advertising’ at schools and the like on polling days is on the rise. The so called ‘education revolution’ and ‘economic stimulus’ related signage and related controversy merely highlights that a political advantage is sought at what is in many cases a polling booth for an election.

Similarly signage for 'public education' is clearly intended to convey a message, as are t-shirts with Kevin07 messages (which astonishingly the AEC considered non-political). The question that should always be asked is '*what is the purpose of the material and if it is to secure a political advantage, or promote a political or point of view*' - *it should be banned?* It is really quite easy.

I personally would like a ban on signage at schools at all times other than election day. Other than the school name, why does there need to be anything displayed on a school polling booth on any day other than polling day? I do not know what percentage of all polling booths are schools, but a national approach would be a good thing. Given the Commonwealth provides money to the states and territories and non-government schools for schools and education, the Commonwealth should require this of all. The threat of denial of money for display of signs should be quite effective.

I have no particular problem in the blunt use of coercive powers and if that is necessary to bring about uniform solutions, then they should be pursued.

Chapter 11

Early voting – I noted the discussion about the rise of early voting. I actually have no particular difficulty in the increase in pre-poll voting. Generally this will reduce the need for postal and absent voting, whilst I accept it does provide voting convenience which may not be entirely in accord with the law.

Postal voting – I have canvassed the AEC (and if necessary with other agencies) to increase the ease with which potential postal voters can be automatically provided with electoral voting material. Similarly having seen the Queensland electoral visitor process in operation, it is a comparatively humane approach and helpful to people some of whom have real mobility issues. I am not necessarily suggesting that the Queensland approach be adopted elsewhere, but it does work quite well in built up areas.

The potential for fraud in voting is slightly increased with the most probable instance being the fraudulent voter voting in a polling booth and the 'real' person voting by post, absent or at an institution.

Postal vote applications – to have some 50,000 rejected applications is appalling. Removing the witnessing and possible applicant's signature requirement makes sense, and whilst allowing for more electronic options makes sense, most applicants are older and electronic literacy is not a strong point. Effective disenfranchisement on this scale due to administrative burdens cannot be defended.

The absurdity of some of our electoral requirements becomes obvious when you consider where people might possibly be, say Timbuktu in Mali, there might be a shortage of available Australian elector witnesses? Similarly the ATO has an employee on a secondment to Saint Helena in the South Atlantic, if there were an election she would probably not be able to vote.

Electronic voting – should be facilitated. Overcome issues around privacy, data loss and the like and electoral administration will improve dramatically. The more remote

or isolated the locality the easier voting would become. In para 11.67 there is a reference to mine workers and aged care facilities. The AEC and state territory electoral bodies should be adaptive to changed circumstances, this is an administrative decisions and making access easier is good for voters and also good for the administrators!

Internet voting - This will probably be an option in the future. Identity issues, hacking, etc need to be managed.

Multiple voting – I would recommend the use of networked checking of the electoral roll. This was done in the ACT in 2008 and was successful as I understand it. I also recommend the use of proof of identity checks on polling days.

I do not accept that multiple voting or fraudulent is not a problem. The logic of a fraud being only those that are detected is folly. Most frauds are not detected. I note the somewhat dismissive tone of paragraph 11.43. Given some 50,000 people are disenfranchised due to defective postal vote applications, and another mere 20,633 multiple voters (enough to fill Bruce Stadium) and a full five per cent or more of named electors don't even vote I would suggest there are some issues that cannot be readily dismissed. In all we are talking nearly 1 million names, votes, defective forms, and fraudulent votes, on top of defective numbering of ballots, so possibly 10% of all named electors are disenfranchised. That is a material number of people and electors.

Provisional voting – The current provisions are both more and less onerous than argued or claimed. Most electors have some form of identification on them, and some reasonable form of identification together with a check of matching signatures of electors on provisional voting envelopes and initial enrolment forms should remedy this problem.

Improved updating of the electoral roll would remedy many of the problems associated with AEC electoral roll updating, and issues around provisional voting.

Compulsion – Whilst I have an interest in human rights, I don't believe that compulsory voting is that onerous. The participation of disinterested electors is one negative, and it would be better if there was a better level of informed decision making, but our system stacks up well against other democratic states.

Election timing – Ensuring that elections do not clash is in my view a good thing. The US system with multiple elections does not appear to add any value to public administration.

I have canvassed a range of issues above, some items can be dealt with administratively, and wherever possible consistency should be attained. However rather than agreeing to the lowest common denominator, once there is agreement move with those jurisdictions that are agreeable.

Chapter 12

Scrutiny of ballots – Fortunately Australia has not had many large instances of ballot discrepancies. It is important that votes cast be legitimate, and counted accurately.

The electoral roll, and voter legitimacy issue is key to the start of this process. The use of Intelligent Character Recognition (ICR) could be expanded to ensure that there is an electronic record of ballot papers, not merely for allocation of preferences for PR based elections.

Electronic voting – This is done at least in part in some states and territories. It can be managed and expanded. Noting that the use of electronics for scrutiny and preferences allocations is already in place.

National Tally Room – I think with increasing use of electronics that the purpose of a NTR is limited, and probably passé.

Formality rules- The interpretation of formality is not precise, and this is the case in Australia and elsewhere. The US Senate race in 2008 in Minnesota is a good case in point. The more famous case of the Florida results in 2000, the appellant (Gore) in that case only sought a partial recount to overturn the result. The US system is not based on uniform rules and courts may do things such as extend voting hours on the day, e.g. in St Louis in Missouri. In the case of McEwen the fact the court came to different judgement on formality is not surprising, courts frequently arrive at a decisions at odds with the intent of laws. Anyone that has seen the application of returning officer decisions will not be surprised that different people will reach different conclusions.

Automatic recounts – Agreed. It is important checking occur, and this is on top of sound enrolment, proof of identity and voting.

Chapter 13

Dispute resolution – This appears to be an area of potential standardisation of appeal periods, finality and the grounds of appeals. Queensland period of seven days is too short, whilst Tasmania's of ninety days is too long. I believe the costs of appeal should be borne by the state. Restricting who can appeal to interested parties would ensure this is not abused.

Electoral roll accuracy – I am astonished that electoral accuracy is not the basis of appeal. It should be, and it would serve to ensure that the necessary prominence to accuracy is given to the electoral roll. The Nunawading By-election in Victoria in 1985 was created in part because of the extraordinary scale of stuff up by electoral officials. The roll must be correct to start with. If it is not, where does that leave us?

Chapter 14

Compliance and enforcement – I have been astonished by the large number of non-voters on electoral rolls. Could the AEC explain why some 5% of more of voters invariably do not vote? What are the characteristics of these people, or are they merely names on the roll? Some may be dead, some overseas, some non-competent to vote, some may not be aware of the election? I can only conclude that the roll is far from accurate, and that many more names need to be removed from it.

Conclusion

I have canvassed a wide range of issues within this paper. I am particularly concerned that proposals to remove electors from the electoral roll (British subjects) not proceed. It runs counter to all the proposals which in theory are about increasing participation. I am keen that every administrative means of improving participation be taken. I am keen that things are done progressively, rather than wait for agreement by all jurisdictions.

The problem with any electoral changes is that there a conflict of interests. Major parties benefit from the current arrangements and minor ones want changes, until they benefit from the system as major parties. Such is always the case.

Martin Gordon
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