



COMMONWEALTH OF AUSTRALIA
PARLIAMENTARY DEBATES

SENATE

Official Committee Hansard

LEGAL AND CONSTITUTIONAL
LEGISLATION COMMITTEE

Reference: Constitutional Convention (Election) Bill 1997

THURSDAY, 24 APRIL 1997

BY AUTHORITY OF THE SENATE
CANBERRA 1997

SENATE**Thursday, 24 April 1997****LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE****Portfolios:** Attorney-General; Immigration and Multicultural Affairs**Members:** Senator Abetz (*Chair*), Senator McKiernan (*Deputy Chair*), Senators Bolkus, Coonan, Murray and O'Chee**Participating members:** Senators Brown, Bob Collins, Colston, Cooney, Ferris, Harradine, Heffernan, Lundy, Margetts, McGauran, Minchin, Neal and Tambling**The committee met at 10.24 a.m.**

Matter referred by the Senate:

Constitutional Convention (Election) Bill 1997

ACTING CHAIR (Senator McKIERNAN)—On 26 March 1997 the Selection of Bills Committee recommended, and the Senate agreed, to refer the Constitutional Convention (Election) Bill 1997 to this committee for inquiry and report by 14 May 1997. The committee advertised this reference in the *Australian* newspaper on 5 April 1997 and wrote to several interested groups and individuals inviting them to lodge submissions on the bill.

The committee has received 30 submissions and with the concurrence of the committee I propose that they be received as evidence to the committee and made public. I also propose that further non-confidential submissions be received as evidence and published on receipt. There being no objection to that course of action, it is so ordered.

Today the committee will hear evidence from officers of the Australian Electoral Commission, the Australian Chamber of Commerce and Industry, the Women's Electoral Lobby, the Proportional Representation Society of Australia and two private citizens. It should be noted that in accordance with Senate resolutions the committee has authorised the broadcasting and re-broadcasting of its proceedings. I now welcome officers of the Australian Electoral Commission.

DACEY, Mr Paul, Assistant Commissioner, Development and Research, Australian Electoral Commission, West Block, Parkes, Australian Capital Territory

HALLETT, Mr Brien James, Director Information, Australian Electoral Commission, PO Box E201, Kingston, Australian Capital Territory

MOYES, Mr Andrew David, Acting Assistant Commissioner Information and Education, Australian Electoral Commission, West Block, Parkes, Australian Capital Territory

ACTING CHAIR—Before inviting you to make an opening statement, I would remind senators that these officers should not be asked questions relating to policy or advice that may have been tendered in the formulation of policy. The Parliamentary Secretary, Senator Minchin, who will give evidence at the committee's hearings in Adelaide on 9 May 1997, will respond to these questions. I now invite you to make an opening statement, at the conclusion of which I will invite members of the committee to address questions to you.

Mr Dacey—Thank you, Mr Chairman. Firstly, let me pass on apologies from Mr Bill Gray, the Electoral Commissioner, who unfortunately cannot be with us this morning. The bill to which this inquiry relates is the result of deliberations by the government and advice provided by the AEC. This bill, as you are probably aware, is substantially drawn from the Commonwealth Electoral Act and the explanatory memorandum for the bill notes the provisions that are so drawn from that act.

Our submission identifies the process behind the development of the bill and explains the operational aspects of the conduct of the election of delegates to the convention. In the submission we do make the point, and we would like to reiterate, that for elected delegates to meet in early December, as announced by the Prime Minister, those delegates would need to be elected by no later than the end of September of this year. This means that the election period must commence no later than 23 June 1997, requiring passage of the bill by that time.

Before we take any questions on the operational aspects of the bill and the election itself, there are some corrections which I would like to read into the record. On page 4 of the AEC submission, which is page 87 of volume 1 of the published submissions, in the second sentence of paragraph 5.1 the words ‘two million and 2.5 million’ should be replaced with ‘2.1 million and 4.2 million or more depending on the participation rate.’

Next, the estimate of compulsory voting costs shown at attachment 4, which is page 99 of volume 1 of the submissions, has been incorrectly calculated and I understand that the replacement page has been provided to the committee. We do have further replacement pages here if some people need them. Then, finally, on page 1 of attachment 5, which is page 100 of volume 1 of the submissions, the days corresponding to the 3, 4 and 6 July should read ‘Thursday, Friday and Sunday, respectively’—not ‘Wednesday, Thursday and Saturday’, as shown. That is all we wish to say in our opening remarks, thank you.

ACTING CHAIR—Thank you very much. I also tender the committee’s apologies for the late start, but it was caused by factors outside the control of the committee.

Senator BOLKUS—I would like to start off by comparing the figures, as I mentioned earlier to officers. The more I look at these the more I think we are comparing apples with oranges and the more rubbery they look. Looking at the \$57 million figure, is that for the Senate election in 1996 or for both the Senate and the Reps election?

Mr Dacey—That is for both the Senate and the Reps election in 1996.

Senator BOLKUS—So if you were to compare this convention with the last Senate election, what would you reckon the costs of running a stand-alone Senate election would be?

Mr Dacey—Based on the 1996 figures our estimate is \$53.8 million for a Senate election alone.

Senator BOLKUS—You may not have this information but I would like to compare that to the previous election and what the cost would have been to have had a stand-alone Senate election in 1993.

Mr Dacey—I would have to get back to you on that.

Senator BOLKUS—What I am trying to do is work out whether there were any particular costs that occurred in 1996 that would not normally occur in—

Mr Dacey—Certainly there were no particular costs other than normal CPI increases. However, I understand that the advertising component for the 1996 election did increase significantly more than the CPI rate due to media placement costs being increased. But, from memory, the \$57 million shown here for the 1996 election was about \$51 million for 1993.

If you drop that by the equivalent for the Senate you would probably be looking at \$47 million to \$48 million for 1993, but I would need to confirm that.

Senator BOLKUS—Referring to the table on page 98, and you mention advertising costs were the big difference between 1996 and 1993, can you say whether that was just rates or was there a need to advertise for any particular purpose? Was it seasonal factors in terms of advertising rates? Was there more advertising for a particular—

Mr Hallett—The main reason for the increase was that media costs rose substantially, in particular, television and press costs. The increased press costs were partly due to an international paper shortage and I can provide more details on notice.

Senator BOLKUS—You say the costs for advertising for the convention will be \$4.95 million as opposed to \$7.193 million for the previous one. How do you come to that reduced figure?

Mr Hallett—We looked at the 1996 figures as a starting point and we then looked at the items that we would not need to advertise. For example, we would not need to take out large advertisements identifying polling places, which is very expensive. We would not need to advertise pre-poll voting facilities. We would run an enrolment campaign which would be similar to the last election.

The main focus of this advertising campaign would be an explanation phase to explain to electors that it would be a postal ballot and how to complete their ballot papers. That will be only in the press because the advice that we have received from our advertising agency is that that is the best way to get that message across, and that is the main reason why we have managed to bring it back to the \$4.95 million.

Senator BOLKUS—You will probably want to take this on notice but could you tell us what it would cost to advertise for this election, if you were going to, the polling places and those other aspects that would accrue to a normal election?

Mr Hallett—Certainly.

Mr Moyes—It would be fair to say that the estimate of the cost for advertising in that instance would probably go back to about the \$7 million mark if we had to start advertising polling places and pre-poll voting centres and so forth because they are the figures that have actually been taken out to get down to the \$4.9 million.

Senator BOLKUS—Yes, but I am trying to work out what has been taken out. It seems to me to be more than just the advertising of polling places.

Mr Moyes—We will get back to you with some firmer figures.

Senator BOLKUS—I would like to know what has been taken out and the cost of each of those.

Mr Moyes—Okay.

Senator BOLKUS—As for election stats and the results, you say that it was \$144,000 last time but they are not necessary this time. Would they be necessary if you had a—

Mr Hallett—We actually propose to publish election statistics as part of the money that has been set aside for public information. It is actually not itemised in that table but it will be part of the money for public information.

But once again, because the major component of the election statistics are results by polling place and because we will not have polling places, the election statistics this time, although

they will be comprehensive, will be a more modest publication than for a normal general election.

Senator BOLKUS—In essence here we are looking at a saving that is not really a saving because it is somewhere else, but—and I am contradicting myself here as you have been contradicting yourself—if you had a normal election instead of a postal vote, what costs would you need for election stats and results?

Mr Hallett—The publication figure for the 1996 election statistics, which are due out next month, I understand to be about \$80,000 at the moment, and that includes published volumes plus material on a CD-ROM.

Senator BOLKUS—What have you actually factored into the item that you mentioned earlier that you factored this into? How much for this election? You said that these election stats and results are included in another aspect of your budget.

Mr Hallett—Yes, there is an item there for publication information, materials and support, and that will include a range of publications that we produce for people such as the media, candidates and scrutineers, handbooks, the publication of election statistics, and a public relations campaign which will support the advertising.

Senator BOLKUS—So you have included election stats and results in that. How much have you allocated for election stats and results?

Mr Hallett—I would have to take that on notice, Senator.

Senator BOLKUS—Okay. Electoral leaflet?

Mr Dacey—That is the householder leaflet for a general election which is delivered to all households which we would not be doing this time, so that is a saving.

Senator BOLKUS—And why would you need to be doing it if you had a normal election this time?

Mr Dacey—It is just common practice as an information campaign for electors for the election—the method of voting, pre-poll and ordinary voting, et cetera.

Mr Moyes—But the difference between this election is that, with the postal voting material, we will send information of that kind that would be in the elector leaflet with the other material. If you like, we are sending it as a part of the package, so we do not need to have something as a separate item to do that.

Senator BOLKUS—So the amount of \$1.47 million includes both the production of the pamphlet and postage, or is it just for the production?

Mr Dacey—And delivery.

Mr Hallett—Production and delivery.

Senator BOLKUS—And you are saying that similar information will be distributed through the general mail outlet—which is included in the \$20 million.

Mr Dacey—Yes.

Senator BOLKUS—If you were to have a normal election, it would be basically within your discretion to do anything more than what you have included in your \$20 million figure here, wouldn't it?

Mr Dacey—Sorry, when you say a normal election, do you mean if we had an attendance ballot?

Senator BOLKUS—If you had an attendance ballot for—

Mr Dacey—We would still need to have some awareness campaign. Whether that would then be a mail-out or a delivery to households or an advertising campaign, that would be a matter for our policy, but—

Senator BOLKUS—But you can run it within the component that you have already accounted for in the \$20 million?

Mr Dacey—Within the \$20 million, yes.

Senator BOLKUS—So this saving could be there whether it is an attendance election or a postal election because you have basically taken into account the need for information in the other aspect of your budget?

Mr Moyes—I am not quite following what you are getting at there, Senator. The \$20 million for the postage of material will include information on how to vote, the process and so forth, which is the sort of material that goes in the elector leaflet. If we have one we do not need the other.

Mr Dacey—That is right, but if we had an attendance ballot and we still have to get that material out, we would be looking at that \$1.474 million to get that out.

Senator BOLKUS—Right. We will come to the \$20 million figure at some stage. The next item is public information, materials and support. Why is that listed?

Mr Hallett—Basically, Senator, we looked at the materials that we would need to provide, and we developed a cost. As I said, there will be several issues of electoral news file, there will be candidates and scrutineers' handbooks, there will be a public relations campaign. We were obviously trying to make as many savings as possible so that was the figure we arrived at.

Senator BOLKUS—So if you were to have an attendance ballot this time around you could come up with the same figure, \$750,000, as opposed to \$895,000.

Mr Hallett—I would have to go back and look at what we needed.

Senator BOLKUS—Okay. With ballot paper production and associated printing, there is a saving there of a quarter of a million dollars. How did you come to that?

Mr Dacey—The \$2.74 million for the 1966 election included two types of ballot papers, the Reps and the Senate. The estimate of \$2.475 million is just for the one type, the convention election.

Senator BOLKUS—So if you had an attendance ballot this time around it would still cost you \$2.475 million?

Mr Dacey—The cost would be the same.

Senator BOLKUS—So the saving would be there regardless of what sort of ballot you would have. Cardboard equipment and production?

Mr Dacey—That is our cardboard polling place equipment, so if we had an attendance ballot we would have that cost.

Senator BOLKUS—Certified lists?

Mr Dacey—Once again, they are the certified lists for use in the polling places, so that would be a cost for an attendance ballot.

Senator BOLKUS—Regarding computer support services, I presume the bigger figure for 1996 relates to the fact that you had a Reps as well as a Senate election?

Mr Dacey—That is right, and also because of the computer support required for the national tally room.

Senator BOLKUS—But you would not need a national tally room if you were to have an attendance ballot this time, would you?

Mr Dacey—No, Senator.

Senator BOLKUS—So that saving of almost \$1.3 million would be made even if it was an attendance ballot this time?

Mr Dacey—If we, with an attendance ballot, had results phoned through from polling places to divisional offices and divisional offices had to enter those results, as they do on election night, that 1.5 may well rise because we are not looking at, with a postal ballot, a count on the night and progressive results like that.

Senator BOLKUS—Sure. Just diverting from the list for the moment, what I would like you to do is to come back to us with costings as to how much it would cost to run an attendance ballot, but with the votes not counted on the night—something that the republican movement have put up in their submission and something that I think would raise a substantial amount of savings. What I would like is information as to how much it cost for staffing costs at the last federal election.

I presume those staffing costs would have been based on a 15-hour day, 7 a.m. to 10 p.m. in many circumstances. I also presume that you would probably need an hour after ballot closing time to wrap up the ballot boxes and whatever. So I anticipate that there is a chance that you could save three hours in labour costs on a ballot day out of the 15-hour costs, the scenario being basically that you can get the ballots and use the resources of the commission to count them over the space of a week or two, and you have got permanent staff across the country in every electoral office. You could either take them there or you could take them to a central location and have them counted, but I would have thought you could accommodate a ballot count by a regional office over the space of a week or two and make some savings, for instance, on the day. Do you have anything to say about that at this particular stage, and can you come back with figures on it?

Mr Dacey—I think we would prefer to come back, Senator. Whether we would be looking at three hours or somewhat less it is difficult to say, but we could certainly give an indication of what proportion of the day might be the current scrutiny in the polling place and come back with figures on that.

Senator BOLKUS—Sure. Can you tell us at this stage what amount of money you have estimated it would cost to pay for staff labour costs on the day of the ballot?

Mr Dacey—There will not be a count on the day, Senator, so it is not really factored in.

Senator BOLKUS—What did it cost you for the last federal election?

Mr Dacey—Staff for the full day?

Senator BOLKUS—Yes.

Mr Dacey—I have not got the figure for the whole of the day but it is 50,000 to 60,000 staff for the day times \$13 an hour times the 15 hours or whatever.

Senator BOLKUS—Can you come back with a figure of what it actually cost?

Mr Dacey—Sure. Per polling day?

Senator BOLKUS—Per polling day, and then an estimation of what it would cost if you did not have to count the ballot on any date that might be fixed for an attendance ballot.

Mr Dacey—Senator, I have just been handed information that our polling staff costs for the 1997 election were \$17.3 million—that is staff employed for polling day only.

Senator BOLKUS—Okay. On rough arithmetic—and probably the worst possible scenario from what I can see, having had the Electoral Commission here for some time—you could make almost a \$4 million saving if you weren't to count it on the day.

Mr Moyes—Sorry, Senator, it is very hard to hear you with the talking behind us.

Senator BOLKUS—If it has cost \$17.3 million and we can reasonably look at saving three hours out of 15—that is one-fifth—\$3.5 million at this stage is my estimation of the saving. But can you come back to us on this.

Mr Moyes—We will come back with some real figures for you, and we will look at that three hours. With the figure we gave you earlier with the \$53.8 million for the half Senate election on its own, without the House of Representatives election at the same time, that already accounts for some of the factors like that it will not take as long on the night because we only have one ballot paper to count. Some of those savings, if you like, are already factored in.

Senator BOLKUS—But they are not factored into the government's figure of \$57.2 million. They are factored into the figure that we have been able to get out of you this morning.

Mr Moyes—That is correct.

Senator BOLKUS—I appreciate that they are factored in, but the comparison we are asked to make here is with an election for both Reps and Senate last time, and I think that is a false comparison. If you can do that, that would be great. Why is corporate services administration halved?

Mr Dacey—That figure for the 1996 election included the purchase of our Telstra telephone system for our central inquiry service. Now we have that system, the cost this time of \$600,000 will be to actually run the inquiry service.

Senator BOLKUS—So that saving of \$671,000 will be a saving whatever you do this time.

Mr Dacey—For whatever sort of election we undertake, yes.

Senator BOLKUS—With divisional offices, you are saving \$27 million there. How is that?

Mr Dacey—The divisional office component includes polling staff. As we have talked about before, our divisional office costs, casual staffing, is the big cost of the election—the overheads of having an attendance election and the staffing component of that election.

Senator BOLKUS—As we said just a few minutes ago, that \$30 million covers staffing for both Reps and Senate.

Mr Dacey—That is correct. It also covers casual staffing that would be employed in the office other than on polling day—for instance, post-election staff who are in the offices doing further scrutinies, distribution of preferences and so on.

Senator BOLKUS—I am sure it would be possible for you to work out how much of that almost \$31 million would be needed to run a stand-alone Senate election.

Mr Dacey—We can probably apply some sort of formula and give an estimate for that.

Senator BOLKUS—Sure. What about the forms and equipment saving of almost \$2½ million?

Mr Dacey—Once again, the major factor there is that we are not producing training manuals for polling staff and that would be a cost for an attendance ballot. Because we are not using

external staff to a great extent, we are only looking at forms for our own internal use rather than forms for our staff and training manuals.

Mr Moyes—And all the other forms and returns documents that we would need to put into polling places—it is a substantial reduction.

Senator BOLKUS—Working on the thesis that we are not comparing like with like, can you come back to us with a figure there of what it would cost for forms and equipment if you had an attendance ballot?

Mr Dacey—This time? Yes, we could do that.

Senator BOLKUS—I suppose that saving on funding and disclosure, whether you had an attendance ballot or not this time, would still be there, would it not?

Mr Dacey—That is correct.

Senator BOLKUS—You would not necessarily need a national tally room if you decided not to have an attendance ballot?

Mr Dacey—Not on this scale, definitely not, no.

Senator BOLKUS—So that is another half-million dollars. On operations administration, is some of that saving tied in with the national tally room or is it separate?

Mr Dacey—No, most of those savings are tied in with not having to establish our systems for our internal election management system to actually run House of Representatives and Senate elections through our computer systems.

Senator BOLKUS—So there would be a saving anyway if you had an attendance ballot this time.

Mr Dacey—The saving would be similar to the saving shown here, whether it was postal or attendance.

Senator BOLKUS—So that is another half a million dollars. There is no allocation this time for overseas postal voting.

Mr Dacey—That is correct, Senator.

Senator BOLKUS—So the couple of hundred thousand people who live overseas or might be travelling overseas have just got to rely on the vagaries of Australia Post?

Mr Moyes—The arrangement with the postal ballot is that we would have to get material to all electors. The bill makes provision for the commission to make arrangements with the appropriate departments to get material to staff in our diplomatic missions as well as defence and police personnel overseas. The reason we have a saving here is that with the postal ballot the cost of getting that material to them is taken up as a part of the mail-out and so we are not having to transport material overseas to the 99 or 100-odd posts overseas. If there was an attendance ballot we would need to make some additional arrangement for overseas postal voting. It might be the same as what we are proposing to do now, but there would still be a cost.

Senator BOLKUS—Is that a long way of saying that, if the mail is forwarded on to the person who is overseas by their families, or whatever, then they get it, but otherwise there will be no capacity for them to vote while they are overseas?

Mr Moyes—There will be no attendance balloting overseas as would be the arrangement in a normal federal election.

Senator BOLKUS—We can come to that later on as a matter of substance, but I am trying to get through the figures at this stage. If you had an attendance ballot this time, you are saying, maybe the saving would be half of what you have got now?

Mr Moyes—I could not put a figure on that. I do not know what the difference would be.

Senator BOLKUS—Could you come back with one?

Mr Moyes—Yes.

Senator BOLKUS—What about the payment system?

Mr Dacey—We run a payroll system for our staff. Obviously, if we are not employing 50,000 casual polling staff there will be a significant saving.

Senator BOLKUS—Prosecutions, sure. What is resources monitoring?

Mr Dacey—We will come back to you on that one, Senator.

Senator BOLKUS—And what about the scanning centre?

Mr Dacey—The scanning centre is tied in to whether it is voluntary or compulsory voting. With a voluntary vote there will be no need to scan the rolls to check for non-voters.

Mr Moyes—I would have to add to that. If there was an attendance ballot, with the certified lists being out in the polling places, we would need to still scan the certified lists for things like duplicates and multiple voting. Whether we had compulsory voting or not, we would still need to do that. I would suggest that that cost would substantially be the same.

Senator BOLKUS—Senate scrutiny: what aspect of the scrutiny is that?

Mr Dacey—That is the central scrutiny which is conducted for below the line Senate ballot papers in each state capital, following the Senate election.

Senator BOLKUS—Why would it cost you less for a convention ballot scrutiny this time?

Mr Dacey—That is shown two lines down, at the convention scrutiny, BTL, which is below the line, as an equivalent figure. So one balances the other.

Senator BOLKUS—What is the convention ballot paper scrutiny?

Mr Dacey—That would be the costs in the divisional office before the papers actually go in to central scrutiny to count the above the lines.

Mr Moyes—And the additional cost then in the central scrutiny point itself to conduct that scrutiny. Essentially, the two scrutinies will be almost identical.

Senator BOLKUS—Can you give us what it would cost to run those scrutinies if you were to have an attendance ballot this time? You might want to take that on notice.

Mr Moyes—As far as that part of the scrutiny is concerned it would be the same.

Senator BOLKUS—I will leave the \$20 million for the moment, and just complete the list. The \$761,000 for storage and distribution would have included the House of Representatives as well as the Senate ballot?

Mr Dacey—That is correct. It would also include distribution of cardboard polling equipment to polling places.

Senator BOLKUS—So if you had an attendance ballot this time, you would still make a saving when you come back to this?

Mr Dacey—The major component would be the cardboard equipment so there would be only a minor saving.

Senator BOLKUS—Okay, but you will come back to us with what it would cost for an attendance ballot. As to the training of polling officials, we might let that go for a minute.

Mr Dacey—That cost would be there for an attendance ballot.

Senator BOLKUS—And election allowances?

Mr Dacey—Election allowances are allowances paid to our staff for the conduct of the parliamentary elections, but it is not a parliamentary election as such. There would be no cost either way.

Senator BOLKUS—The \$20 million figure is a ballpark figure. I would like to get details of how you come to it.

Mr Dacey—Basically through experience in postal ballots, particularly with local government elections in Victoria—we have worked on some figures there. The \$20 million includes the material to be sent out to the elector—with the exception of the ballot paper, which is covered earlier under ballot paper printing. It is the outer mailer, the reply envelope, the ballot paper envelope and the booklet, which will have the how-to-vote information and the candidate's statement included. It is the production and the printing of those, plus the mail-out charges from Australia Post and the return charges from Australia Post. It works out at about \$1.70 per elector.

Senator BOLKUS—I would like to get the detailed break-up of those sorts of stats. What I am getting at is that we started with a figure of \$57 million this morning; we took it back to \$53.8 million. On my counting of savings that we can make on a ballot this time round, regardless of whether it is attendance or otherwise, there is another \$7 million at least, with answers to a whole list of questions to come back to us. So we are down to \$46 million already, with some other figures to come. I am a bit concerned that your \$20 million figure is an estimate, and I am concerned as to how rubbery—

Mr Dacey—Senator, it is an estimate.

Senator BOLKUS—Just let me go on. I am a bit concerned as to how rubbery that estimate would be, given the fact that you have not done it before. The information I have had from local governments in South Australia is that it costs them twice as much to run a postal ballot as it does to run an attendance state ballot. Okay, that is possibly because of a higher return rate, but what I do want to do is go through the costs at some stage—probably we will have to come back to this, given that we do not have an itemised break-down—to see how they come together.

For instance, to go through the list: you are talking about no need for training in certain circumstances. Given that you have got a bit of experimentation, you have got a postal ballot, you have got needs to check the security of it and so on, and you have got a new system of voting as well, what is your training allocation this time?

Mr Dacey—We are not training temporary staff as such; we are training our own staff. That is covered in our own AEC overheads. We have the staff there.

Senator BOLKUS—It is still going to cost you, though.

Mr Dacey—What will cost us is people getting out to our divisional officers or getting our divisional officers in for sessions to train them, so there will be travel costs mainly. There will be no payment for training costs as we would have under a normal attendance ballot, when we are training polling officials.

Senator BOLKUS—Sure, but we are not saying now that the training costs you had included in the figures for the 1996 election were only those for the temporary staff, are we?

Mr Dacey—Under training of polling staff, they would be. The other training costs would appear either in divisional officers charges—that \$30.749 million—or perhaps in operations admin. So those costs would still be there to train our people.

Senator BOLKUS—They are factored into the 1996 analogy.

Mr Dacey—And they would be factored into the convention 1997 column as well, under operations administration, for instance.

Senator BOLKUS—What is operations admin?

Mr Dacey—It is under the national tally room, at \$450,000.

Senator BOLKUS—I would like some figures on what you estimate it will cost for the training of your staff. Do you have to purchase any new equipment for this particular process?

Mr Dacey—We will need to purchase some computer equipment to handle the reading of the bar codes.

Senator BOLKUS—And that has been factored in?

Mr Dacey—It has. That is in computer support services.

Senator BOLKUS—In your submission you acknowledge that the expensive part of the last election was the scrutiny of postal votes.

Mr Dacey—We might have been talking about a full preliminary scrutiny under schedule 3 of the Commonwealth Electoral Act.

Senator BOLKUS—Maybe I will come back to that.

Mr Dacey—Sorry, Senator, I am just not quite sure where—it could have been in one of the original pages.

Senator BOLKUS—I will get back to that in a second. You have taken on notice what the \$20 million means; we need component parts of that. I suppose we can come back to that once we get those figures. Regarding the security of the ballot, I presume there will be costs occasioned by the fact that there is going to be a need for a lot of security checking. What security checking do you anticipate taking place here? When the Prime Minister talks about a new bar code type approach, what are we talking about and how does it work?

Mr Moyes—If I could just run through the procedural process that will be undertaken, the material that will be sent out will be preprinted with the name and address and a bar code and that will be printed from the roll. We will be asking the elector to write their date of birth on that certificate and for them to sign it. When it comes back, the bar code will be read, up on the computer screen will come the date of birth from the official record and those things will be matched. If there is a match, then we will accept that as the elector and that will go into the count. If there is some difference in the date of birth, then we will be issuing guidelines—which we have not finalised at this point—as to how that would be acceptable or not acceptable and what further checks would need to be made, through to the checking of the signature if that is necessary.

Senator BOLKUS—So if you know someone's date of birth, you can vote for him or her?

Mr Moyes—Yes, you could do that, remembering that the electors themselves, if they do not receive their material, have the opportunity to obtain replacement material. When that comes through, we will have two pieces of material. If we have everything else equal and the

dates of birth the same, the signatures, presumably, would be different. We would do a signature check.

Senator BOLKUS—We have got a regime in Australia where people's dates of birth are not really protected in many instances by law. We do not have national privacy legislation. We have credit data agencies that, as a matter of course, collect that. We have got nursing homes. We have got student colleges. We have got a whole raft of organisations and people who have access to people's dates of birth. You have acknowledged that if you know someone's date of birth, you can vote for him or her. It is a pretty fast and loose system, isn't it? When we talk about security we are really talking about 'Yes, Minister' speak, aren't we?

Mr Moyes—No, I reject—

CHAIR—It is better than just knowing their name, which is what you have got to do.

Senator BOLKUS—Mr Chairman, there is no security provided in terms of protecting a ballot against a rort if all you have to do is know someone's birth date.

CHAIR—But how is that any worse or different to a federal election where all you have got to do is front up and say, 'I'm Nicholas Bolkus' and they look for your name and strike the name off and give you a ballot paper? I do not have to prove any identification. I would have thought having to know somebody's name and birth date might just be a little bit of extra security.

Senator BOLKUS—For a start, Mr Chairman, it would be very hard for you, and probably for a lot of people, to pass off as me.

CHAIR—I do not think many people would want to.

Senator BOLKUS—But people do vote quite often at their local ballot box, their local suburb or their local venue where they have got to front. It is very hard for someone, for instance, to go and vote a couple of hundred times a day, whereas if you are running a nursing home, you may very easily have access to a whole bucket of ballot slips and to private information on people. That is my concern.

Senator COONAN—Presumably there would be some problem if there were 200 identical signatures. It might raise a few questions.

Senator McKIERNAN—Wouldn't it be better if we allowed the witnesses, whom we have asked to come here, to give responses rather than having this argument between committee members, which we can do at our leisure at a different point? Why don't we make this the opportunity for having the witnesses reply to the questions?

Senator BOLKUS—Thank you, Mr Deputy Chairman.

CHAIR—We are starting, are we not, to get into a degree of potential policy and—

Senator BOLKUS—Maybe if I just go back to costings and—

Senator McKIERNAN—I would like to ask a question on the security aspect of the date of birth. Does the electoral roll at the moment include the date of birth?

Mr Moyes—The publicly available roll does not include the date of birth. When we seek enrolment details on an enrolment application we ask for date of birth. It is used by the Electoral Commission for matching purposes only. If somebody moves house—there are a lot of people who have the same name—we can match them up more absolutely.

Senator BOLKUS—You say the publicly available roll does not, but what about the rolls that are available to political parties?

Mr Moyes—Political parties do not have date of birth.

Senator BOLKUS—No-one has access to date of birth from—

Senator McKIERNAN—Where will that checking take place with the bar codes?

Mr Moyes—At the divisional office.

Senator BOLKUS—On page 92 of your submission you talk about the cost of the manual scrutines in the checking of the formality of ballot papers in the initial scrutiny and the checking of the preference flow from candidate to candidate being the greatest. That was probably what I was referring to earlier on. Given that the security aspect is something that you would have focused on, can you tell us how much of that \$20 million—or how much from anywhere else—is allocated in terms of staff, equipment and so on that might be needed to check the security of the ballot?

Mr Moyes—Most of the cost in relation to that is already in place by the fact that we have a divisional staff and that is the material that would be coming through there. As we mentioned before, there is some computer equipment that we would need to purchase to run the bar coding system and for the mark-back process as material comes through. There will be some costs included in our estimates for the storage of the material but I would think most of the security arrangements are already there due to the fact that we are operating in a secure environment.

Mr Dacey—Even in terms of printing, the mailing house and Australia Post involvement, we have not factored in any security in terms of separate costing because we will have our permanent staff on site when things are being produced. When ballot papers and declaration envelopes in mailing houses are being produced, we will have our staff on site and we will have particular checks built in through that system so that we know that if a tape goes in with 300 electors on it, it comes out with 300 names and addresses to go out—and our staff will follow that process through. We cannot separately identify that as something we have costed because we have the staff there and the capacity to do that.

Senator BOLKUS—What percentage of the ballots will be security checked?

Mr Dacey—Every ballot that comes back into our offices will have the bar code checked through our system.

Senator BOLKUS—And you are not expecting that you will need extra staff to do that?

Mr Dacey—We will be employing some additional casual staff. Because the mail-out period or the period people have to vote—from commencement of mail-out to cut-off day for the election—is some four weeks, we will have our people checking that bar code progressively as they come in. They will not, of course, be opening any envelopes until the last day of polling.

Senator BOLKUS—Your South Australian officers advised local government there that to run a postal ballot would mean an increase in the commission's administration costs of some 10 to 15 per cent.

Mr Dacey—I am not aware of that estimate.

Senator BOLKUS—I find that quite a reasonable one and I am just wondering whether you factored that sort of figure into your costing nationally for this particular ballot.

Mr Dacey—We have not factored an overall percentage figure plus or minus in any aspect of postal vote versus attendance ballot. We have gone through our election costs, as you have seen in the list here, and estimated what it would cost us to run a postal ballot.

Mr Moyes—I will answer that question in a different way: to run any sort of ballot increases our administrative cost in that we need to put on additional staff somewhere to do most ballots. Given that it is a postal ballot, we have tried to identify the difference in the administration; and we will come back to you with more details. In any ballot—in an attendance ballot or a full-blown federal election—we have to put on considerable numbers of staff. If we were to run a postal ballot for local government in South Australia, we would, presumably, have to put on additional staff.

Senator BOLKUS—I suppose we will get a chance to look at those when we get the figures for the break-up. My concern is that the councils there have been advised that, whereas it would normally cost them \$56,000 to run a ballot, it is going to cost them \$126,000 to run a postal ballot.

Mr Dacey—I do not know, Senator. Was it \$56,000 for an attendance ballot?

Senator Bolkus—Yes, \$56,000 for an attendance ballot; \$126,000 for a postal ballot. It is one particular large council. Has any allocation been made for—

CHAIR—Could I ask Senator Bolkus: if you want the Electoral Commission to respond to that, could you give them full details because it would seem to me the chances are that they would have a fairly complex system for postal voting to come up with those sorts of figures? So, just to make sure we are comparing apples with apples, if you can provide them—

Senator BOLKUS—I can give them information as to which council later on—I am not sure the council wants to go public at this stage. We can check that experience. Of that \$20 million, I suppose you have factored in the Australia Post cost. How much have you allocated and how definite is that figure?

Mr Dacey—We feel, at this stage, that approximately half of that may be Australia Post—without having a final quotation from Australia Post and a final quotation on our printing. That is factoring in mail-out to 11.8 million electors and return to sender mail coming back in.

Senator BOLKUS—In terms of mail-out, can we clarify this: how many mail-outs are we talking about—just one?

Mr Dacey—We are talking about 11.8 million mail-outs.

Senator BOLKUS—Just once?

Mr Dacey—We are talking about 11.8 million articles going out through the Australia Post system.

Senator BOLKUS—What will be in that package that goes out to people?

Mr Dacey—That will include the ballot paper; the candidate's statement booklet, which will include information on how to vote as well; the return reply-paid envelope and the ballot paper envelope where the declaration is made.

Senator BOLKUS—What allocation has been made for an awareness campaign or for alerting people to the fact that they have to vote within a certain period and so on?

Mr Hallett—Senator, what we propose to do is to conduct an advertising campaign. The advertising campaign will, as I said earlier, start with a small enrolment campaign. The main focus will be the explanation phase explaining to electors how to complete their ballot papers. There will be a small reminder phase towards the end as we approach the cut-off to remind electors to send their materials back, and there will be a very small number of press ads later on stating who the successful candidates are.

Senator BOLKUS—Can you give us some figures, on notice, of what each aspect of that campaign will cost and what it cost at the last federal election?

Mr Hallett—Certainly.

Senator BOLKUS—I presume that at the last federal election there was provision for campaigning in languages other than English?

Mr Hallett—Yes, there was.

Senator BOLKUS—Will there be provision this time?

Mr Hallett—Yes, there will be.

Senator BOLKUS—How much?

Mr Hallett—At a dollar level?

Senator BOLKUS—You can come back to us on that.

Mr Hallett—Yes, I can come back to you with that.

Senator BOLKUS—There was provision at the last election for Aboriginal voting. What provision will be made this time other than sending them the letter?

Mr Hallett—There will be two issues: one is that we will certainly be looking at Aboriginal media, newspapers, community, radio and television and also the public relations campaign. We have identified an Aboriginal and Torres Strait Islander component in that, which will specifically target those electors.

Mr Dacey—In terms of getting ballot papers to electors in remote areas, we are having discussions with Australia Post about where they do not have delivery points—and obviously they do not have too many delivery points in quite a lot of remote Australia—and we are making our own arrangements for delivery of material to those communities. That would be with our staff delivering material.

Senator BOLKUS—So we are relying on Australia Post and the broad media to get the message across to Aboriginal communities.

Mr Dacey—No; our people, as well as delivering that material to those remote communities, will be mounting an education campaign in those communities, particularly in the Northern Territory and the northern parts of Western Australia.

Senator BOLKUS—The Aboriginal electoral support service, whatever we called it at its last—

Mr Dacey—The old ATSIEIS service.

Senator BOLKUS—That is now dead, isn't it?

Mr Dacey—That is correct.

Senator BOLKUS—You are not putting on extra staff to do this work?

Mr Dacey—We will have to put on additional staff to pick up that load in those remote areas—casual staff and community staff.

Senator BOLKUS—What is that going to cost you?

Mr Dacey—I have not got that figure separately. The figures are in the submission, Senator, and we can separate them out for you.

Senator BOLKUS—Okay. Can we get from you the correspondence detailing the most recent quote from Australia Post?

Mr Dacey—It may still be commercial-in-confidence, Senator. We would need to check with Australia Post. If they agree, we would be able to provide it.

Senator BOLKUS—Commercial-in-confidence implies that there is a competitor who may—

Mr Dacey—There is no competitor at this stage.

Senator BOLKUS—That is right. So I do not think commercial-in-confidence could apply here.

Mr Dacey—We will clear it with Australia Post first.

Senator BOLKUS—Okay. What sort of savings would you have if you just had above the line voting?

Mr Moyes—Broadly speaking, we would not need the money put aside for Senate scrutiny or the convention scrutiny for—

Senator BOLKUS—You might want to take that on notice.

Mr Moyes—Yes, I will take it on notice.

Senator BOLKUS—Could you give us details of the numbers of staff, full- and part-time, that you expect to be employing for this process?

Mr Dacey—In terms of the number full-time, we expect all staff in all our divisional offices will be involved throughout the process. As to the actual number of casual staff, whilst we have had to make an estimate we will be unsure as to total numbers until we have a better indication of the participation rate in the election.

Senator BOLKUS—Okay.

Mr Dacey—But it will involve all staff across our organisation.

CHAIR—If I were to be overseas working somewhere and a federal election were to be called, how would I become aware of that?

Senator BOLKUS—Radio Australia.

Mr Dacey—Through media overseas, basically.

CHAIR—Right. So there would be no difference in relation to this constitutional convention as to where I ought to get a ballot paper from or how I ought to access a ballot paper, other than that it is more likely that I would be told about it by virtue of it being sent to my last Australian address so there might be a chance of it being forwarded on?

Mr Dacey—That is correct, although during a normal federal election you can have a pre-poll vote at each of Australia's missions overseas; you can go in and have a vote.

CHAIR—Yes, but it begs the question of how I know that I am entitled to cast a pre-poll vote if—

Mr Dacey—It depends what press you read and what radio stations you may hear overseas, and how aware you are of what is happening back in Australia.

CHAIR—So, from that point of view, the overseas aspect would not be much different at all to what it is at a federal election, would it?

Mr Moyes—Not from that aspect.

CHAIR—In relation to Aboriginal voting, I understand that, from time to time, a mobile booth visits certain areas.

Mr Dacey—For each election, for each federal attendance ballot, we have mobile polling in remote areas.

CHAIR—They are there for an hour or so?

Mr Dacey—That is correct.

CHAIR—Is it correct that there have been some difficulties in mobilising the locals to come at a specifically given time to cast their ballot?

Mr Dacey—There can be problems in certain communities, depending on some cultural aspects or some ceremonies which may be on in communities. Generally it is successful, but we do have problems sometimes where some communities may not be present. But that would be an exception.

CHAIR—Right. With a postal ballot, how much time will people be given from when they receive the ballot paper until when it has to be back?

Mr Dacey—Approximately three to four weeks. We would certainly be making an effort to get material out to the remote areas first so, in fact, they would be four weeks.

CHAIR—So it would be fair to say that for those communities that do not run themselves by wrist watch, as chances are the people in this room do, the opportunity to cast a vote over a 21-day period, or even with postage let's say a 14-day period, would be a lot better for them rather than having to turn up at a specific location on a specific day for a specific allotment of one hour or two hours?

Mr Dacey—It certainly gives them much more time.

CHAIR—I understand it ballot papers are dropped to each polling booth and an exact number is left there—

Mr Dacey—That is correct.

CHAIR—Part of the process, in the past in any event, of counting on the particular night is to ensure that the ballot papers are all accounted for before the polling clerks and scrutineers and others leave the building to ensure there hasn't been any foul play with ballot papers.

Mr Dacey—That is correct.

CHAIR—Given Senator Bolkus's suggestion that there would not be counting on the particular evening but we would somehow defer it for a count the following week, how would you be able to guarantee that all the ballot papers in that particular polling booth had been accounted for without doing a count?

Mr Moyes—We could not do it without doing a count. As for the arrangements that we have for an attendance ballot, we have equipment there which is not lockable. It is sealable but not lockable because it is opened in the polling place and counted on the night.

Without going to the fairly great expense of purchasing equipment and going back to the good old days of the metal ballot box, we would need to open those ballot boxes on the night. This is without having thought about this matter in any depth. We would need to open the ballot boxes on the night and sort the ballot papers and account for them and seal them up securely through the normal processes of security, signing and so forth, and having them transported back to the divisional office.

CHAIR—So the suggestion that you could simply close the booth at 8 p.m., and dismiss the staff at 8 p.m. when voting closes, isn't really a substantial cost saving device because the polling clerks would nevertheless need to open up the ballot boxes, count them, and whilst they might not allocate ballot papers to individual candidates they would nevertheless have to do a count and balance up the ballot papers.

Mr Moyes—There would have to be some form of balancing process undertaken if we were to open the ballot boxes. Again, off the top of my head, that to us would be the appropriate way of doing it.

CHAIR—If we did not count the votes on the night—the proposal is that your staff might count them during the day in the following weeks—I would assume that that staff, if they were not employed in counting or sorting those ballot papers, would not be sitting in their offices twiddling their thumbs if they were not given the constitutional convention count to do. Is that a fair assumption?

Mr Dacey—We expect they would not be twiddling their thumbs.

CHAIR—Can I put it more forcefully then. Would they be otherwise gainfully employed in the service of the Australian Electoral Commission if they were not counting the convention ballot papers?

Mr Dacey—Yes, certainly.

CHAIR—So somewhere along the way something would have to give in relation to the cost factor there.

Turning to the question of compulsory voting, you have indicated in the figures that possibly an additional \$2 million would be required for prosecution costs. That is on page 98 of your submission, the single asterisk at the bottom of the page. Can you just expand on that as to the cost and the time that is allocated to that for the Electoral Commission, or is the \$2 million—

Mr Dacey—It is probably best to look over the page at attachment 4. Hopefully you have the amended version.

CHAIR—Yes, I do.

Mr Dacey—That ranges from \$4 million for an 80 per cent turnout down to about \$2 million for a 90 per cent turnout, and they are basically the costs associated with the follow up of non-voters.

CHAIR—To the Australian Electoral Commission?

Mr Dacey—Our costs, yes.

CHAIR—What happens when I do not vote, for example, and I then get summonsed to attend my local court of petty sessions under a breach of the Electoral Act? The Australian Government Solicitor's Office or the Director of Public Prosecutions would be pursuing that matter. Is that built into this cost?

Mr Dacey—It is. That is in the prosecutions column and it varies from state to state as to the cost, but that is an average. In attachment 4A you will see that prosecutions of 41,000 is \$2 million.

CHAIR—Yes.

Mr Dacey—That would be the costs involved with that side of the proceedings.

CHAIR—Right. So that includes—

Mr Dacey—Which is borne by the AEC—we pay those bills.

CHAIR—To the Director of Public Prosecutions?

Mr Dacey—That is correct.

CHAIR—But there would then, of course, be the extra costs of magistrates and courts and things of that nature.

Mr Dacey—That is right.

CHAIR—How many people are we talking about?

Mr Dacey—Depending on the turnout or participation for this election, they range from, on the example we have given here, with an 80 per cent turnout of 1.6 million non-voters down to 814,000 non-voters with a 90 per cent turnout.

CHAIR—How much is recovered by way of fines?

Mr Dacey—It varies. I think it has been averaging about \$40 or \$50 in recent—

CHAIR—Yes, but all up.

Mr Dacey—I have not got those figures, Senator. I can give you the 1997 figures.

CHAIR—And some people will elect to go to jail rather than pay the fines. The Electoral Commission runs postal ballots for industrial elections, does it?

Mr Dacey—Yes.

CHAIR—For any other organisations?

Mr Dacey—We have recently been in the business, particularly in Victoria, of running postal ballots for local government elections.

Mr Moyes—In Tasmania, we ran local government elections on behalf of the state electoral commission.

CHAIR—So the Electoral Commission has now developed some degree of expertise in running postal ballots?

Mr Dacey—We have.

CHAIR—It is not a brave new world type of experiment?

Mr Dacey—It is not totally new.

CHAIR—It is not an experiment that is completely foreign to the Australian Electoral Commission?

Mr Dacey—No, it is not.

Mr Moyes—Certainly not. The experiences that we have gained from Tasmania and particularly from Victoria have been very useful in developing the procedures for this particular election.

CHAIR—Did you receive any feedback from, let us say, the Tasmanian government and the local government association there as to the cost-effectiveness of having a postal ballot as opposed to having an attendance ballot?

Mr Dacey—I had participation figures but I did not have cost figures. I understand the cost is somewhat less for a postal ballot than for an attendance ballot.

Mr Moyes—I think it could be read in that they are quite satisfied from the fact that they want us to do it again.

CHAIR—As I understand it, with a lot of local government elections they use the council chambers or community halls free of charge because the council owns them and that is not actually factored into the cost of running attendance local government elections—which, under normal circumstances, would be a fairly substantial cost.

Mr Dacey—The other effect it seems to have had in both Tasmania and Victoria is that it has increased the participation rate over attendance ballots in the past. So the participation rate with postal ballots is more, the percentage rate is higher, than the participation rate for attendance ballots for local government is.

Mr Moyes—That covers both situations of compulsory balloting and voluntary balloting. The participation rate has increased in both cases.

CHAIR—Was the local government election voluntary in Tasmania?

Mr Dacey—Yes; it was voluntary and the participation rate for 1996 was 65 per cent.

Mr Moyes—Which, for attendance ballots, is 30 per cent less than in 1995.

Mr Dacey—That is correct; for a compulsory attendance ballot for a federal election.

CHAIR—But, in Tasmania, previously, the participation rate for an attendance ballot was a lot lower.

Mr Dacey—Yes; it was a lot lower.

CHAIR—My friends in the Labor Party pride themselves on being associated with the trade union movement, which they see as being very democratic and representative of the workers. Can you tell us about the participation rate for the postal ballots for industrial elections?

Mr Dacey—We will take that on notice, Senator. I think it is somewhat less than in local government elections.

CHAIR—Yes. Has there been a huge demand from the trade union movement requesting you to have compulsory attendance ballots so that the participation rate can be increased?

Mr Dacey—I am not aware of any, Senator.

Senator COONAN—At the constitutional centenary forum held in Sydney last Friday, Malcolm Turnbull, from the ARM, asked a question of an AEC officer to the effect—and I realise that this has been touched on this morning in a couple of respects—that there could be a substantial saving in the cost of an attendance ballot for the convention compared with a federal election because, for the former, there would be no need to have counting proceed on election day. I am making a distinction here between counting as opposed to securing the vote or counting, or otherwise making sure that the votes were in.

Mr Turnbull asked whether or not the AEC agreed with that proposition and, if so, whether there had been any savings factored in which could take account of that. It was taken on notice by the officer on that occasion, and she said that she would need to get some assistance. I am wondering whether, to the knowledge of any of the people here this morning, it has been taken any further?

Mr Moyes—Certainly not to my knowledge, no. I have to say that I am not aware of the question having been asked.

Senator COONAN—It was specifically put in those terms—that there could be savings accounted for by the fact that counting did not have to proceed on the day.

Mr Dacey—Certainly, that is a factor. If you look back at attachment 3, which Senator Bolkus took us through—and we have undertaken to give more information on those two tables—it is not just the count which comes under divisional offices, there are savings in a lot of areas other than the counting, or the count itself. But that is a factor and, obviously, not having the polling day operation is a factor; but it is not the only factor.

Senator COONAN—Thank you.

Senator McKIERNAN—I would like to go back to the security of the ballot. I can understand that the bar code checking will be quite easy, if we equate it to Coles or Woolworths and their supermarket checkout systems—which I imagine it will be something similar to, will it?

Mr Dacey—Similar to that, yes.

Senator McKIERNAN—What manual checking will be done on the date of birth? It would have to be a manual check.

Mr Dacey—It will be a manual check. When the return envelope is scanned by an operator, the bar code is read and up on the screen will come the enrolment details of the elector, including the date of birth. So the operator will have to check that the date of birth on the envelope matches the date of birth on the screen and that the declaration has been signed by the elector, before a decision is made to accept that ballot.

Senator McKIERNAN—What checking will then be done on the signature?

Mr Dacey—If the date of birth matches and there is a signature, unless there is some doubt in the returning officer's mind, that will be accepted. It would be physically impossible to check every signature against every signature we hold; that is why we have gone for the date of birth check as a security measure.

Senator McKIERNAN—Isn't that a flaw in the security measure, if the signature is not being checked as well? One can envisage the circumstance which Senator Bolkus alluded to where, in a nursing home, for example, a person might be in possession of that date of birth information and might have access to bulk mail. They could quite easily access the ballot papers and vote for the people by forging a signature.

Mr Moyes—I suppose that is a possibility. I bring you back to the example of a federal election where exactly the same situation might occur. But there has never been any allegation nor any evidence that those sorts of things might occur. We could build in the most watertight security systems known to man in these things. I guess there is some factor that we have to build in as to where we draw the line as far as cost is concerned, time and, if you like, convenience to the electorate in the long run.

Senator McKIERNAN—Is it exactly the same as a general election? I have participated in mobile booths where the electoral officers went into the nursing homes and conducted presence ballots in the nursing home—

Mr Moyes—That is correct. But not all nursing homes and not all hospitals would be visited in that way.

Senator McKIERNAN—Not all, but how many?

Mr Moyes—I do not know.

Senator McKIERNAN—And none will happen in this election.

Mr Moyes—There will be none in this election.

Senator McKIERNAN—And there is a possibility—we can put it no higher than that—that there could be a major security breach?

Mr Dacey—There is a possibility that someone could fill in those ballot papers for someone else if they had the date of birth. However, as Mr Moyes was starting to point out earlier, if the elector for whom the ballot paper was destined filled out the ballot paper as well, the system we have would then pick up that there were two or more ballot papers for that elector. Then the returning officer would have certain procedures whereby only one of those ballot

papers—hopefully the one that was completed by the elector, because it may get down to a signature check if there is more than one ballot paper—would be included in the count. So multiple ballots will not be included in the count.

Mr Moyes—And it would not take long in that situation—if we got that sort of return from a nursing home where there were bulk returns and a number of duplicates from that particular location—before we would start seeing that there was something wrong.

Senator McKIERNAN—How would you know, though? We have a timetable here and somebody who was about to do something like that would obviously cover their tracks. They would post one each on different days, and how would you know—

Mr Dacey—But if we had several instances of our inquiry service receiving requests for material that did not turn up to a particular location or a particular street, or duplicates coming back from a particular street or location, it would not take us long to start to think that something may be amiss there.

Mr Moyes—We would certainly then go into it in depth.

Senator McKIERNAN—There are other instances where groups of electors are in one place—for example, working in remote mines—where the mailing address would be the employer, sometimes even at the city location. How are you going to cover circumstances there?

Mr Dacey—We are going to rely to a certain extent on the knowledge of our divisional returning officers in areas like that, and caravan parks and nursing homes. We will also be writing to the proprietors or managers of those establishments, advising that this election is on and asking them cooperate in making arrangements for the people residing in those establishments to get their ballot papers. We will also be relying to a certain extent on the campaign that Mr Hallett described, the information campaign.

Senator McKIERNAN—So the divisional returning officer, for example, in Perth, the central capital city, would be the person expected to have knowledge of the remote gold mine somewhere in the outback of the divisional electorate of Kalgoorlie?

Mr Dacey—No, Senator. We are using our returning officers in each electorate for this election.

Senator McKIERNAN—But if the mailing address is a Perth mailing address for the—

Mr Dacey—I am sorry, I misunderstood you. I thought you meant that it was going to an address in the remote location and being held there for people in that camp or whatever.

Senator McKIERNAN—Probably your experience with trade union elections would have given you the knowledge that, indeed, some people do give their employer's address as their address. Is that another case in point?

Mr Dacey—There would be some people on the roll that perhaps do have their employer's address as their postal address on the roll, yes.

Senator McKIERNAN—Then it is a matter for the employer delivering that mail to them—for this particular ballot, a ballot paper?

Mr Dacey—That is correct.

Senator McKIERNAN—And it is conceivable that that ballot paper could be interfered with because it is going through the—

Mr Dacey—Yes, as we said before, it is conceivable. It can happen.

Senator McKIERNAN—You mentioned that there is added advantage to remote Aboriginal communities now because there is a longer time frame in which they can vote. In actual days, how much longer is available under this system to remote Aboriginal communities than is available under a general election system?

Mr Dacey—For a general election, remote Aboriginal communities that are voting through remote mobile polling runs usually have one to two hours to vote at that community. The AEC makes arrangements that they will be in a certain location, say, from 10 until 12. Under this situation, we would envisage that people would have ballot papers for between two and four weeks. However, I should point out that also for a normal attendance ballot there is provision for postal voting as well as remote mobile polling, if people meet the criteria for postal voting.

Senator McKIERNAN—So what period of time is available for postal voting?

Mr Dacey—From close of nominations to two days before polling day—22 days.

Senator McKIERNAN—So it is basically about the same amount of time?

Mr Dacey—A similar amount of time, yes.

Mr Moyes—Not entirely. If they are applying for a postal vote, the application has to be sought and then the ballot material provided as a result of the application. If you like, there is an extra step in the process.

Mr Dacey—There is an additional mail-out in a normal election because they need to make an application first.

Senator McKIERNAN—And then there is security with the date of birth and the signature. How is that going to apply in remote communities?

Mr Dacey—We will have to make special arrangements and we are looking at making special arrangements, particularly in remote Aboriginal communities where some people do not know their date of birth. We will have staff out there, as we do on mobile polling runs, assisting those people to vote. In those cases our staff would be the counter-signatories or the marksmen where those people cannot sign their name.

Senator McKIERNAN—What happens in places where it is not remote—for example, in a major centre like Kalgoorlie where there are quite a number of Aboriginal people who may not necessarily be literate and who may not also have a registered date of birth?

Mr Dacey—That situation is no different to a normal election where those electors would be applying for a postal vote, that they need to rely on assistance to complete it.

Senator McKIERNAN—How much experience have you got in general elections of people applying for postal votes who are in the circumstances that I described—living in a major centre, are illiterate and do not have the registered date of birth with the commission?

Mr Dacey—I do not know those figures at all, Senator, they would be impossible to extract.

Senator McKIERNAN—If they are impossible to extract for a general election, how can you be so confident that you can get systems in place for an election to take place in August and September of this year?

Mr Dacey—I am sorry, when I said they were difficult to extract, it would not be possible to know the circumstances and the location of all those people applying for postal votes—in Kalgoorlie or whatever. But in this case we are going to be mailing to those people if they are in an urban centre.

Senator McKIERNAN—But you just told me it is no different in the current situation. I may be misrepresenting you but I understood you to say, in response to my question—

Mr Dacey—The procedures involved for those people would be no different to people having a postal vote at a federal election was what I was saying, but I do not know how many of those people would have a postal vote at a federal election.

Senator McKIERNAN—I suppose what I am putting back to you is that those people—for example, people in Kalgoorlie—would not necessarily apply for a postal vote—

Mr Dacey—Not necessarily.

Senator McKIERNAN—Because they would go for a presence vote. On this occasion there is no ability for them to go for a presence vote, so how are they going to be catered for in the system?

Mr Dacey—They will complete a ballot paper with assistance, if they need assistance. If they cannot sign their name, we have procedures as adapted from the Commonwealth Electoral Act for marksmen to countersign the material, the declaration. That situation is the same, as I said, for those people that have a similar problem with federal elections.

Mr Hallett—In addition, Senator, we will be advertising the fact that we have a national inquiry service. One of the things that we will be saying is that if people have any problems they can ring the AEC for assistance.

Senator BOLKUS—Will that just be in English?

Mr Hallett—No, we will also be looking at a range of other languages as well.

Senator McKIERNAN—Can you envisage any needed, necessary amendments to the bill as it currently stands to cover the circumstances we have been discussing in the last few minutes?

Mr Moyes—No, I don't think so. As far as how we process the material as it is returned and how we determine the eligibility of people to vote is concerned, there are so many different circumstances that can arise that we build that into our procedural documents. To try to legislate for that would be very difficult, to try to cover every circumstance, and could preclude those circumstances that were not included there, that there would be people perhaps disenfranchised unnecessarily.

Mr Dacey—For instance, we would not like to have it stipulated in legislation that if there is no date of birth shown, a vote is rejected. There still has to be some discretion by the returning officer because as you pointed out, Senator, and as we know, there are certain people in the community who may not know their date of birth and we have to then give them the benefit of the doubt. But that decision is ultimately the decision of the returning officer, whether or not to accept that vote.

Senator McKIERNAN—There are special provisions in the bill for electors who are in Antarctica. Concerning Australians serving in the armed forces overseas, are there special provisions in the bill to cater for those people?

Mr Moyes—There is a provision there that is similar to the diplomatic posts provision. We will make arrangements with the appropriate departments to get material to those places. In fact, in a federal election we do something similar. If we know there is a contingent of defence personnel or peacekeepers or whatever in a particular place, we will make arrangements with the appropriate authorities to get material to and from them. Often they are in places that are very isolated and the only way to get material in and out is by using their transport facilities. We will be making arrangements with those departments to get material to and from them.

Senator McKIERNAN—What material?

Mr Moyes—It will be the same material that goes to every other elector.

Mr Dacey—It is the same package of ballot material.

Senator McKIERNAN—The rolls are going to close on 30 June on this suggested schedule.

Mr Dacey—Our suggested timetable, yes.

Senator McKIERNAN—It is quite a considerable time in front of what happens in a general election.

Mr Dacey—It is, but then we need that time to not only produce the ballot material and mail it out to the electors but for the electors to be able to complete it. You cannot produce the required number of personalised pieces of mail in a short period of time. We are looking at a two-week period for production and that has to go to mailing houses to go out, and then there is the up to four-week period for the material to be out with the electors.

Senator McKIERNAN—How many people do you expect to be disenfranchised because of the earlier closing date of the rolls. Have you got any estimate? I still want to come back to that overseas—

Mr Dacey—I do not have an estimate at all. We will be advertising heavily the closing time of the rolls and that the close of the rolls will be, if we maintain that timetable, on 30 June. As with the federal election, we will be relying on our advertising to advise people of the close of the roll.

Senator McKIERNAN—How many people in a general election are disenfranchised from voting now because they have moved home between the close of the roll and the actual election?

Mr Dacey—I have not got figures but it is a very small percentage.

Mr Moyes—To say how many would be disenfranchised is difficult because they move between the close of rolls and—

Senator McKIERNAN—You are talking about the closing of the poll on 2 September, a two-month period.

Mr Moyes—In this particular election, if somebody was to move between the close of the roll and when the material is mailed out, a couple of different things could happen. One is that the mail could be forwarded to the new address and they will receive it anyway. The second is that if they do not receive the material they can obtain replacement material and that will be sent to their new address. If before the close of the roll someone notifies us that they are moving then we can take that down as a temporary address and send it to the temporary address.

Senator BOLKUS—What is your experience of the number of people who change their address in the course of, say, one year?

Mr Dacey—There are about two million transactions. That is about 20 per cent of the roll.

Senator BOLKUS—Will there be a chance for you to do what you normally do on election campaigns? When was the last time, for instance, you have gone through a roll check, whatever the technical name is?

Mr Dacey—Electoral roll review?

Senator BOLKUS—Yes.

Mr Dacey—I think 1995 was the last full review. They are staggered from state to state, but we are certainly undertaking as much enrolment activity as we can for this election.

Senator BOLKUS—There is a fair chance then that more than two million people would have changed address and their postal ballot would go to the wrong address. It would go to the right address as far as you are concerned, but not to their current address.

Mr Dacey—Senator, if you would just bear with me while I let you know some of the roll purification activities that we are looking at. We have recently switched our enrolment system to what we call an address base, so now we have a listing of what we call vacant households on our system, which are addresses where we have had electors over our history but where we currently do not have electors. Today, we are mailing out to those households. That will encourage anyone that is not on the roll and has moved into those households to get on the roll.

We are also getting change of address information from Australia Post for the last 12 months, since the last federal election, and matching that against our enrolment system. Where an elector has not given us a change of address, we are also writing to those people. Rather than actually doing a doorknock, we are mailing out as best we can to all information we have from changes of address.

CHAIR—Senator Bolkus, could I just indicate to you we have got eight minutes left. Senator Cooney would like to ask two questions. If you people could organise it amongst yourselves, that is fine.

Senator McKIERNAN—I thought we had two hours for the Electoral Commission.

Senator COONEY—Can I ask a question? Knowing you lot, you are going to argue for two hours about five minutes. Senator McKiernan asked questions about security. Would that be improved—and I just ask this not as a policy question but as a matter of technicality—if the ballot was compulsory? If people realised they had to vote, they would be ensuring that they got their addresses correct. If they did not get a ballot paper they would be more inclined to raise that with you whereas if it is voluntary they may well not comment upon the thing. Have you thought of that?

Mr Moyes—Not necessarily. I guess that might be a factor. In answering that, could I point perhaps to the figures for return rate in Tasmania and Victoria where one is voluntary and the other is compulsory. The figures are not that much different in turnout.

Senator COONEY—It is not so much turnout I am talking about, as accuracy—if you like, the policing of it.

Mr Moyes—I know, but what I am getting at is that the more people that are participating—and that should come in from the compulsory voting side of it—the fewer opportunities for a ballot to come in from somebody that is not the elector and the elector not requesting a replacement because they did not get it. Because of what has happened in our experience with Tasmania and Victoria in local government elections and the fact that it is a postal ballot—you have got something under a person's nose—the participation rate increases. If somebody—and this is only anecdotal evidence coming from those elections—knows that they are meant to get ballot material and they do not get it, they will seek to get a replacement, whether they wish to participate or not: 'I did not get my ballot paper. Where is it?' They request it, then they decide themselves what they want to do with it.

Senator COONEY—The second question I have arises out of the submission from the ACTU, at paragraphs 3.1 to 3.13, in the postal voting section. I do not know whether you have seen that. I was wondering whether you could note that and, in so far as you are able, give some comments upon it. The reason I ask is that, as Mr Chairman has said, the union

movement uses this form of ballot a lot and you may presume that the ACTU has some experience upon that. Could you do that? Would that be too much trouble?

Mr Dacey—Yes, we could do that on notice.

Senator COONEY—I do not think that it would take a great deal of trouble, but if it does, if there is any part there where you say, ‘This is going to take too much trouble to investigate,’ skip it. But I would like to hear your comments upon that.

Mr Moyes—We will look at those points that have been made and prepare a response.

Senator BOLKUS—Following on from that previous question, the number of people moving address would be about two million a year. The last clean-up was in 1995.

Mr Dacey—That was the last full doorknock of a state. We have done partial ones; we are doing a partial one at the moment in the Northern Territory and we have done one in the ACT. But also the 1996 election, with the campaign and activities surrounding that, was considered to be a roll stimulation activity.

Senator BOLKUS—My concern is that you have been given a job that is almost impossible, in a sense. From 1996 to 1997 you are talking about one year full; you have done some minor work, as you say, in terms of the Northern Territory and the ACT; and you are doing some extra work now.

Mr Dacey—I would not classify the work we are doing with Australia Post as minor, because we are getting changes of address for that full year when we have not had any activity.

Senator BOLKUS—Sure. I said ‘minor’ in terms of the ACT and the Northern Territory. But there is quite a chance that a fair proportion of those two million people will not be caught by what you are doing.

Mr Dacey—I would hope it would be significantly fewer than two million. But the AEC has always said that at any one time the roll will not be 100 per cent up to date, and there will be people that we are mailing to at the wrong address. We hope that either that would be on-forwarded or those people would ring us for a replacement ballot paper at the new address.

Mr Moyes—In any case, a close of rolls in an event like this, a national event, generates a great deal of activity, as we all know.

Mr Dacey—And there will be advertising as well.

Mr Moyes—We would expect it to be as accurate as it would ever be.

Senator BOLKUS—But it would not be unfair to say that about a million people would still not have been located?

Mr Moyes—I could not put a figure on it.

Mr Dacey—I will not put a figure on it either, Senator.

Senator BOLKUS—You can take this on notice. What is the largest postal ballot that you have conducted? I said to the chairman that I will have to go a little bit over 12 o’clock and I want to put as many questions on notice as possible in the intervening period between now and when I finish. I had, in fact, expected that we would be having three hours with the commission, but we will see how quickly we can go through it. Obviously, there is a big difference running a discrete ballot in a local government electorate or for a trade union, as opposed to one among 12 million people.

You mentioned material going to the armed services. That includes the—

CHAIR—Senator Bolkus, could I just interrupt you. I suggest we go through to, say, 10 past 12. The Electoral Commission will be back in Adelaide on 9 May, as I understand it, before the committee.

Senator BOLKUS—Sure. Could we try and get it through by 20 past 12? I am sorry, there might be things that I want to put on record now, rather than wait till 9 May.

CHAIR—I can understand that, but there are other time considerations as well.

Senator BOLKUS—There was a time consideration when we were here at 10 o'clock this morning, Mr Chairman, and we could not start. We did not start until about 25 past 10.

CHAIR—That is quite unfortunate. That was beyond anybody's control, unfortunately. I am just making you aware that there is another time allocation with these witnesses, later on in our proceedings.

Senator BOLKUS—Mr Chairman, this committee has had an enormous workload and we have always been able to advocate a degree of flexibility in going over time, whether it is this committee, or this committee, or another incarnation. We can spend the next 10 minutes arguing about how much time we can have today, but I think there are some issues that need to be placed on the agenda today, to give the officers some time to work on them. I am sure Mr Mackerras has something important to tell us, and we will get to that.

CHAIR—Absolutely, and that is why I want to give him and other witnesses the opportunity to put their full submissions to us.

Senator BOLKUS—Sure.

CHAIR—They have only one appearance before this committee scheduled, whereas the Electoral Commission has two appearances before us.

Senator BOLKUS—Indeed they do. We all realise that they are running the ballot and Mr Mackerras is giving us some advice on it. Their role is a critical one, as of course the advice is, but we really need to go through this exhaustively and that is what I want to do. I can see that we have got a lunch break from 12.45 to 1.30; it is not a long one but there is some capacity to take an extra 10 or 15 minutes into that if we need to.

CHAIR—No, there is not today. We might be able to—

Senator BOLKUS—I am sorry, Mr Chairman, I had expected a 9 to 12 session on the commission; I expected three hours. We now, because of time delays, are looking at one hour 40 minutes, and maybe an extra 10 or so.

CHAIR—You may have had an expectation of 12 hours with the Australian Electoral Commission, but that was never ever on the agenda. You have a right to complain that Ansett had a plane that was not serviceable and, as a result, my arrival was delayed and our proceedings got under way 25 minutes later. I am suggesting that you get an extra 10 minutes, so it will be 15 minutes short. You could make that time up in Adelaide, I would have thought. It is not the end of the world, is it?

Senator BOLKUS—You have already taken five minutes of it. Maybe, if you allow the flexibility that we normally have in these sessions, we will even get through it in the next 15 minutes. But we may not, and I think it is important to get some of these issues on now. I also have the capacity to raise them in the Senate debate, at the last moment. We do not want that. If there is going to be some degree of cooperation here, I would have thought an extra 10 or 15 minutes this morning with the commission, at a critical time, might have been reasonably accepted. If it is not, we can find other ways of doing it.

CHAIR—Good. Find other ways of doing it—

Senator BOLKUS—Well, I will go on—

CHAIR—But I would have thought you were going to do it on 9 May rather than in the Senate.

Senator BOLKUS—There are some critical issues here about, for instance, who votes overseas.

CHAIR—Ask your questions.

Senator BOLKUS—If you keep quiet I might, Mr Chairman, with respect.

CHAIR—I should hope so.

Senator BOLKUS—You said that material will be provided for armed services people overseas. That is the ballot slip and so on. What about other categories of people overseas—who else will have that same service provided to them?

Mr Moyes—At this stage we are only looking to cater for the diplomatic people, the defence force and the Federal Police.

Senator BOLKUS—So another 200,000 people who are in the business of travelling or living overseas will not be located. Can you give us—

Mr Dacey—Senator, just on that, I think that for the 1996 federal election our overseas postal voting was 40,000, not 200,000.

Senator BOLKUS—Can you give us details on notice of the largest, say, 10 overseas missions where people voted absent.

Senator McKIERNAN—Can I clarify something? You said that your overseas posting was what, 20,000?

Mr Moyes—About 40,000.

Mr Dacey—I think it was about 40,000. It certainly was not the 200,000.

Senator McKIERNAN—That was the postal voting?

Mr Dacey—No, that is pre-poll and postal. It is votes taken overseas. This being a postal ballot, any elector that is registered with us as having an overseas vote will have votes sent to that overseas address, and any family of people here that may be overseas will have that option of sending the material overseas to them to vote.

Senator BOLKUS—You tell us that the extra cost of making voting compulsory is how many million dollars—four?

Mr Dacey—It varies.

Mr Moyes—It varies, on the participation rate, from about \$2.1 million at a 90 per cent participation rate up to, I think we said, \$4.2 million at 80 per cent.

Senator BOLKUS—So a compulsory vote somewhere close to a normal attendance election would be hard to estimate but would cost us about \$2 million extra?

Mr Moyes—About \$2 million.

Senator BOLKUS—That is not much. What percentage of the vote is the highest that the commission has achieved in postal ballots in local government elections?

Mr Dacey—I think the highest was, on average, for Victoria in the 1997 elections just conducted—

Senator BOLKUS—About 66?

Mr Dacey—No, it was in excess of 80.

Mr Moyes—In our submission we said:

However, if the other categories are included the participation rate was 89.3% leaving only 10.7% unaccounted for.

That is average.

Senator BOLKUS—Do you have an estimation of what percentage you expect for this ballot?

Mr Dacey—No, Senator, we have not estimated what to expect.

Senator BOLKUS—And you have not made any estimation of what percentage of older people or migrants might vote?

Mr Dacey—No.

Senator BOLKUS—At what stage in the timetable is the cut-off date for nominations?

Mr Dacey—Currently, under the proposed timetable, it is about 3 July.

Senator BOLKUS—Do you have any information on when the names of the appointed delegates will be announced?

Mr Dacey—No.

Senator BOLKUS—Will there be a distribution of the how-to- vote ticket? Is there the capacity for that?

Mr Dacey—There will be the distribution of the candidates' statements, but in terms of a how-to-vote ticket, there won't be. They will be on display in AEC offices.

Senator BOLKUS—Will candidates be able to include in their statement a how-to-vote ticket?

Mr Dacey—No, they won't.

Senator BOLKUS—They won't be able to?

Mr Dacey—They won't; not the statement that the AEC will be sending out.

Senator McKIERNAN—If those statements are in other than English or include parts of the statement which are in other than English, will they be disallowed?

Mr Dacey—There is no provision in the legislation or the bill as it stands for anything other than English for the official candidates' statements that we will be sending out.

Senator McKIERNAN—Is there a particular reason for that? The Electoral Commission now, for general elections, actually puts out publicity material in a range of languages, do you not?

Mr Hallett—I think we need to distinguish between the public awareness campaign, which will try to reach every elector and will include material in other languages, and the candidates' statements. Logistically, it will be very difficult to start translating candidates' statements into a variety of languages within the time frame. My understanding is that the bill actually states that the candidates' statements should be in English.

Mr Moyes—From the commission's point of view, it is very much a practical issue. Being able to print them in a variety of languages would be extremely time consuming. For instance, in New South Wales, the estimates of the number of candidates is anything from 200 to 500, depending on whom you talk to. So that, as a logistical exercise, would be almost impossible.

Mr Dacey—Just arranging those translations in a two to three day period would be virtually impossible.

Mr Moyes—As far as candidates being allowed to have anything other than English in their statement, it would require the commission to undertake a translation service for those in a period when time is extremely critical.

Senator McKIERNAN—The time frame we have got here is from 6 July, which is the alteration of candidates' statements, to the mail-out on 24 July.

Mr Moyes—That is correct.

Mr Dacey—That is correct, but in that period those 11.8 million candidates' statements have to be printed as well and sent to mailing houses for dispatch. You cannot print 11.8 million booklets in a short period of time. We are looking at up to a two-week period to do the printing.

Mr Moyes—It is a logistical, practical problem.

Mr Dacey—It is a huge exercise logistically.

Senator McKIERNAN—But the Electoral Commission does it now, with publicity material. You put it out in a range of languages, not just a few.

Mr Hallett—Probably the key thing is that we are already preparing the material for the public awareness campaign. We will not receive the candidates' statements until the last minute. We would then have to embark, as Mr Moyes has said—

Senator McKIERNAN—With all due respect, it is not at the last minute. You will receive them on 4 July. You will not be sending them out until 28 July. That is 24 days in my calculations. That is three weeks. It is the individuals who are making the statement. Surely, with all the expertise that is in the commission, you can get people to do an interpretation to check the accuracy of the statements. You do not need to check what has been said in them. You need to check that they are not making allegations about somebody who then could bring defamatory actions against the commission. That is all that is required, isn't it?

Mr Dacey—It still comes back to a matter of logistics and timing. I know that it appears we have got a three-week period, but, as I said before, the printing and mailing out of these 11.8 million articles will take up the bulk of that three-week period. It does not give us any time at all to look at arranging for up to 300 to 500 translations.

CHAIR—I think we can re-arrange this afternoon's proceedings in such a way that we could invite the Electoral Commission back and they have kindly agreed to return at 3.20 p.m.

Senator BOLKUS—I have to leave at lunchtime. That is why I am keen to get through this in the next 10 to 15 minutes. It may just take 10 to 15 minutes.

CHAIR—Now we know the real reason for the urgency. If you had told me earlier, I am sure we could have accommodated you and made Mr Mackerras aware of that.

Senator BOLKUS—The secretariat was advised yesterday that I was not going to be here this afternoon. They were not advised yesterday that you would not be here at 10 o'clock this morning.

CHAIR—Yes, but I had arranged to be here, Senator Bolkus, unlike you, wafting off to do something else because you had other priorities. My priority was to be here.

Senator BOLKUS—But you weren't.

CHAIR—It was beyond my control. Proceed for a while, Senator Bolkus.

Senator BOLKUS—It may be a short while, too. We probably could have had this finished by now. How difficult would it be to have a registration system in place for parties?

Mr Moyes—Again, that is a matter of timing. We could not commence any registration process until the bill was passed because we would have no regulation to enforce any rejection or objection periods and so forth. We are looking at a period of less than a week between passage and commencement of the poll. It is not feasible under the timetable. As far as having one, if the election was next year, we would be able to put one in place similar to what we use for registration of political parties, but it is a very long process.

Senator BOLKUS—It wouldn't be impossible, though, would it? Okay, you have got a short period of time but there is no reason why you can't call for expressions of interest at this stage.

Mr Moyes—We have no legal basis to do it. But as far as objection processes and so forth are concerned, there is nothing the commission can rely on in law to be able to undertake that.

Senator BOLKUS—But you are actually doing a lot of things at this stage in preparation for which you have not got a legal basis?

Mr Moyes—No, that is a little bit different in that what we are doing is preparation on a logistical scale. If you like, a lot of what we are doing will carry over to other things, anyway.

Senator BOLKUS—My point is that, in the same sense in terms of getting the logistics right, you do not have the legislative basis to do a lot of things but you are doing them and you should be doing them, and this could be one thing that you could be doing.

Mr Moyes—This is something that is in a public arena where whatever decisions that might be made by the commission can come under scrutiny and attack and we have nothing to rely on.

Senator BOLKUS—Sure, but you do not have to make a decision this week; you can actually start doing the preparation work.

Mr Moyes—That is true, and we make the decision the day after the bill is passed. But then the appeal process and objection process could be quite lengthy.

Senator BOLKUS—There is a range of questions as to the ballot paper, candidate numbers and whatever, that we can let go for now. There is a whole range of other issues. I am suggesting, Mr Chairman, that I will finish now and that we can come back to these in Adelaide.

CHAIR—Yes, but could I say to you—and I am sure the Electoral Commission would not mind and I hope they do not mind my making the suggestion—that, with regard to any questions you have got about the ballot paper and other things, if they were to be sent to Mr Dacey at the Australian Electoral Commission, they might be able to provide written answers prior to 9 May and thus expedite the proceedings somewhat.

Senator BOLKUS—Sure.

CHAIR—Good. Thank you very much.

Mr Dacey—Mr Chairman, would you mind if I covered one point very quickly?

CHAIR—Go ahead.

Mr Dacey—Senator Bolkus, you were talking before about the accuracy of the roll, and it is some time since we have done a formal electoral roll review. Just looking at the figures from the Victorian local government election which was held earlier this year, and looking

at unclaimed or returned to sender—and this was a compulsory ballot—for people who were obviously at the wrong address, the figure was three per cent of those sent out.

Senator BOLKUS—Which councils were these?

Mr Dacey—There were 17 or 18 councils in Victoria. It is a mixture across Victoria, mostly country. Of people requesting replacements—people who, for whatever reason, did not receive; whether they were lost, misplaced or had not turned up—the figure was only 1.2 per cent. That is a total of about five per cent that were returned through the Australia Post system as unclaimed and people asking for replacement ballot papers.

Senator BOLKUS—It is still about half a million across the country.

Mr Dacey—It adds up across the nation, but we hope, with the other activities that we are undertaking—and we are not saying we will not get ‘return to sender’ mail or that people will not ask for replacements—that the level is low.

Senator BOLKUS—Thanks very much, Mr Dacey.

CHAIR—Mr Moyes, Mr Dacey and Mr Hallett, thank you very much for your contribution so far to our consideration of the Constitutional Convention (Election) Bill 1997. We look forward to meeting you again in Adelaide on 9 May and also any written contributions that you might seek to make to the committee in the meantime. Thank you very much.

[12.15 p.m.]

MACKERRAS, Mr Malcolm Hugh, 35 Creswell Street, Campbell, Australian Capital Territory 2612

CHAIR—Thank you, Mr Mackerras, for making yourself available. In what capacity are you appearing before the committee today?

Mr Mackerras—I am here in a private capacity.

CHAIR—I invite you to make an opening statement. I understand that the secretary of the committee has spoken to you about the time limitation, so we will just proceed and see how we go. I thank you in advance for your indication of flexibility for today’s proceedings.

Mr Mackerras—I am actually here really because Mr Bessell asked me to come. I did not make a written submission, and you might wonder why. The reason is I was given the bill; I was given the draft ballot papers by Senator Minchin; they were explained to me by him and by Megan Enders; I wrote a favourable article about the bill in the *Australian*, and then I thought to myself, ‘I don’t really have much to criticise in this.’ Then I thought, ‘Perhaps I am being a bit uncritical so I had better think up some criticisms.’ So, having thought up a lot of criticisms, I pestered poor Mr Brien Hallett and Megan Enders with, ‘What would they say if I said such and such,’ and I was given completely satisfactory answers on every point, except one.

I have only one criticism to make. I have read all the submissions in so far as one can, briefly, this morning. I have to say I disagree with most of the opinions here, though I would not want to argue with them. For example, I would not want to argue with Mr Brian Cox’s submission, which I have read. But there is one submission I would want to argue with, and that is the WEL submission.

CHAIR—When you say ‘the submissions here’, you are referring to the document entitled, *Submissions to Senate Legal and Constitutional Legislation Committee, Volume 1, Submissions 1-25*?

Mr Mackerras—Yes. I was given this three hours ago. I have tried to read them, and I do not want to argue—

CHAIR—When you refer to this, *Hansard* does not know what you are referring to. Did you get volume 2 of the submissions as well?

Mr Mackerras—No, but I did get yesterday the Proportional Representation Society of Australia submission faxed to me. The only submission here I would want to argue with is that of WEL. All the rest, I would just say, ‘I don’t agree with this, I don’t agree with that, but I do not really want to argue about it.’

So what do I therefore want to say? I will tell you what I want to say. What I have to say only affects electors of the Australian Capital Territory, the Northern Territory, Tasmania and South Australia—it does not affect any other elector. It is this. I was shown these ballot papers, and my immediate reaction was, ‘I approve of those, but I know what a lot of other people will say. A lot of other people will say, “If we can have that for a Senate election, why can we not have it for this?” That is what people will immediately say.’ In fact, I have found people in Canberra saying precisely that. I have noticed in the submissions this morning that there are people who are saying precisely that.

I know the answer to the question. The answer is that the constitution requires that the Senate ballot paper must have the name of every candidate upon it. It would be unconstitutional to have this for a Senate election; it would actually be against the constitution. But there is no constitutional requirement relating to this particular convention, so therefore I have no objection to that ballot paper, which is the mock one for New South Wales.

What is my objection? I have had conversations with New South Wales electors and Australian Capital Territory electors. I have said to the New South Wales electors, ‘I think it is most unfair that you, Helen Coonan, can rank the candidates one, two, three, four, five, six, up to 20, on your ballot paper’—which is fine as far as I am concerned. You, Senator Abetz, can rank up to six on your ballot paper, which I think are unreasonably few preferences allowed to you. But the people who are really being treated unreasonably are people like me and my neighbours and the electors of the Northern Territory. We are only allowed to vote one and two below the ballot line.

The justification for that is that you, Senator Abetz, are electing six and therefore you are entitled to six; Senator Coonan is electing 20 and she is entitled to 20; Senator Bolkus is electing eight and is entitled to eight; and Senator McKiernan is entitled to nine. My opinion is that it is most unreasonable to say to me, ‘Okay, you have worked out your first and second preference, but you are not allowed to go beyond that.’ Once you do that you are simply telling me I have to vote above the line. I simply will not buy that.

All I am saying is that I have discussed this with quite a lot of people in Canberra and, as a result of my consensus taking, I have come to this conclusion: the ballot papers for New South Wales, Victoria and Queensland are fine—I think 20, 16 and 13 preferences below the line is quite reasonable; the unreasonable cases, in my opinion, are the ones I have mentioned. What I am suggesting is that for Western Australia, South Australia, Tasmania, the ACT and Northern Territory the permission should be for nine below the line. So you, Senator Abetz, would be allowed to vote up to nine, instead of now being allowed to vote up to six; you, Senator Bolkus, would be allowed to vote up to nine, instead of eight; and you, Senator McKiernan, would remain at your nine.

That would be a reasonable standardisation of permission for electors to vote below the line in what I call the ‘non-populous states’, which are Western Australia, South Australia,

Tasmania and the ACT. I would then be allowed to rank nine below the ballot line. Once you do that I find myself in the situation of having no objection to the bill.

CHAIR—Right. Can I say for the record that, as I understand it, the ballot papers or mock ballot papers that you were referring to are only draft ballot papers, at this stage, from the Australian Electoral Commission. How objective is your allocation of nine preferences, let's say to myself as a Tasmanian, when there are only six positions to be elected, whilst only having 20 for people in New South Wales when there are 20 positions to be elected? Couldn't it be argued that if you are going to give what would be 50 per cent more in Tasmania than positions to be elected, then surely New South Wales should be entitled to 30? What is the answer to that?

Mr Mackerras—I am sympathetic to the desire of the Electoral Commission and the government to prevent this from becoming like the ACT 1989 election—the impossible ballot paper that everybody laughed at. There is a great danger of that in respect of New South Wales, Victoria and Queensland, and I am sympathetic with regard to the ballot papers for those three states which could become laughing stock ballot papers.

I admit that this idea that nine is reasonable is purely arbitrary; it is purely the consequence of me talking around to neighbours, to people who ask me questions. There are people who ask me questions about these things and, generally, I do not know the answers to them. But I have tested this out and most people think it is quite reasonable. Not all that many people will want to go beyond nine. Obviously, two is completely unreasonable, but nine is fair—it is a reasonable House of Representatives ballot paper number. So my little piece of consensus taking, which is about eight or nine people, yields this particular opinion. That is all it is.

CHAIR—It is very welcome to see that that is your only suggestion to improve the legislation or the procedures that are before us.

Mr Mackerras—I did have some objections to other features of the legislation, but when I thought aloud about those objections to appropriate people I decided that the objections were not sustainable.

CHAIR—I understand that you have read the other submissions. One submission suggested that instead of having a ballot paper with a section A and a section B, which could become unwieldy in size, you have it, in effect, as two separate pieces of paper. My own view was that there could be a real possibility of fraud, or whatever; that the ballot paper that was not used could be sent in, or something else. That aside, what comments do you want to make about that proposal or suggestion?

Mr Mackerras—I have not given it the thought that I should have.

CHAIR—Right.

Mr Mackerras—I would just say that I think the Senate ballot paper is sensible, people are accustomed to it, and I like the provision of the bill that permits optional preferential voting. You voted on that ballot paper—I suppose you voted for yourself. But you would have had to vote for one through to 20 and get 90 per cent of the numbers correct. I think this thing is an advance because I can write down my first preference, if I want, and leave the rest blank, or my second et cetera; it is a fully optional preferential. For that reason, it is in a way the best of both worlds.

This one is a successful ballot paper which I think is too restrictive in as much as it requires too much of you below the ballot line; this other ballot paper is very sensible, providing that you allow me to rank from one to nine on my ballot paper. It should be totally optional: if

I want to vote one, I can vote one. Providing you let me vote from one to nine I will vote below the ballot line and will rank in order of my preference; if you are going to make me vote for two I will simply have to vote above that ballot line.

Senator BOLKUS—Would the problem be solved if you moved to Queanbeyan?

Mr Mackerras—I am an elector of the Australian Capital Territory.

Senator BOLKUS—But you said it is a personal concern you have about not being able to vote when there are nine candidates.

Mr Mackerras—That is an unreasonable request!

Senator BOLKUS—It is in jest, Mr Mackerras.

Mr Mackerras—The point about it is that I cannot see any reason why it could not be known. You only have to look at this ballot paper and you can see that there is plenty of room on either side of that. Why couldn't you have nine? Given that there is room there, why restrict the voters choice? Whereas, by contrast, on this one I think 20 is quite reasonable, because I do not know that there would be room to put in more, given the need to stop the ballot paper making a fool of the system.

CHAIR—In relation to voting below the line, one of the submissions, if I recall correctly, suggested that instead of placing the candidate's number in the box, you ought to write the candidate's name. Do you have any view on whether that is good, bad or indifferent?

Mr Mackerras—I do not have any view.

Senator COONAN—If, as might happen, the total number of candidates is unprecedented, there are untold numbers of people, are you happy that the voting method outlined in the bill can cope with that?

Mr Mackerras—I am satisfied with that. I do not want to get into an argument with Mr Brian Cox, but I notice he thinks it is unreasonable to have a \$500 non-refundable fee when you pay a \$250 refundable fee. I do not agree with him about that. I think the \$500 non-refundable fee is a very good idea in order to stop the ballot paper being so big as to make a fool of the election. I think it will have that effect; it will keep the New South Wales and Victorian ballot papers to a reasonable size and will prevent the system being made a fool of by excessive nominations.

Senator COONAN—Certainly that was the intention. I was just wondering whether, on mature reflection, you think it will have that affect, and you have said you do think it will contain it some manageable limits.

Mr Mackerras—That is my view, yes. The point is that you are electing 20 from New South Wales, which is more than ever before. I know we had a 12-place election, which was an exceptional case, in the double dissolution election. But this is 20, and you might get one hell of a lot of nominations—you never know. So I think \$500 non-refundable is a way of stopping excessive ballot paper size, combined with the fact that the constitution permits you not to have the name on the ballot paper, where the constitution commands you to have the name of every candidate on that other ballot paper—and the High Court said so—whereas you are not bound by any constitutional provision. Therefore, I think the New South Wales ballot paper is entirely reasonable.

CHAIR—All right, Mr Mackerras. Thank you very much.

Mr Mackerras—I would like at a later stage to tell you why I disagree fairly emphatically with the WEL submission. Do I come back again or not?

CHAIR—Please proceed. After Senator Bolkus and I had a little spat about timing earlier this morning, we are now in fact running in front of time, so please proceed to tell us why you disagree with the Women's Electoral Lobby submission.

Mr Mackerras—I begin by saying, having read it—when I say read, I would not really pretend that I read very thoroughly this huge great collection of things, having only been given it this morning—my reaction to most of them is, 'Oh well I do not agree with that, but I do not feel like arguing with it.' But with the WEL one, I am afraid I do.

The reason that I do is a bit of a hobbyhorse of mine. I teach a course in electoral systems at the Australian Defence Force Academy and it is one of my hobbyhorses and I am going to mount it now. I object quite vehemently to the idea that representation is an opinion poll sample put into the legislature. For example, without in any way wishing to disparage the Senate, when I hear people argue as I do—

CHAIR—I should hope not.

Senator BOLKUS—You are disparaging the Prime Minister.

Mr Mackerras—No. You have not heard me yet. There are arguments, as you know, as to whether the House of Representatives is more representative than the Senate. The people who say that the Senate is more representative will tell you that one-third of the senators are women and only one-sixth of the House of Representatives are women and therefore the Senate is more representative. I have heard this argument and I have to say to you, I simply do not agree with it. I do not think—

Senator COONAN—On gender alone.

Mr Mackerras—With great respect to Senator Coonan—

Senator COONAN—Yes, on gender alone you are saying.

Mr Mackerras—I am sorry.

Senator COONAN—It is not representative on gender alone.

Mr Mackerras—This is the point. I do not accept the proposition that representation means since 50 per cent of the population are women, 50 per cent of the legislature must be women. Since two per cent of the population are Aboriginals, two per cent of the legislature must be. In New Zealand, since 10 per cent of the population is Maori, then 10 per cent of the legislature should be. In America because 12 per cent of the population is black, then 12 per cent of the House of Representatives must be black. I simply do not accept the proposition.

Senator COONAN—Except that everyone alive has to be one or other or in transition.

Mr Mackerras—I do not accept this idea of what is representative. I will just say this as a personal opinion. In actual fact at the last federal election, I voted for a woman candidate for both the House of Representatives and the Senate, and I intend to vote for a woman candidate in the next ACT assembly election. I am quite happy to vote for women candidates.

What I object to is the idea that somehow it is progressive to tell people that they must elect half of the 76 people as women and half as men. For that reason, I really do object rather strongly to the WEL submission which says to you that you have got to tell the parties that if their first candidate is a man, their second candidate must be a woman and all this sort of business. I just reject all of that and I will not have a bar of it. I hope you dismiss the WEL submission entirely.

CHAIR—Thank you for that and I think Senator Coonan has got the first question to the Women's Electoral Lobby as to what we do with those in between male and female. Thank you very much. Sorry, Mr McKiernan?

Senator McKIERNAN—Mr Mackerras, I think you are misrepresenting what WEL have got to say. Their recommendation on page 2 is that section 28 of the bill be amended to encourage gender equity. That is slightly different to what you have said they were saying—it is more than slightly different, it is dramatically different. They are not telling people to do it; they are saying we should encourage equity.

Mr Mackerras—I admit that I did not read the thing perhaps as closely as I should have and perhaps I have misrepresented their thing, but my clear memory of it was that they said that there should be a requirement that parties balance tickets.

CHAIR—Yes, they did.

Mr Mackerras—It actually says that the section should be amended to tell these parties that they must balance the tickets. They do mention other things. My view is that what is effectively a partyless system, which this is sort of becoming, has the actual affect of increasing the number of women anyway.

The Senate has twice as many women as the House of Representatives, essentially because there is a considerable element of party machine appointment in relation to the election of senators. That is the actual fact. Given that this Senate system is going to produce probably 40 per cent women elected anyway, I think this bill goes quite far enough in the direction of gender equity.

CHAIR—I think the difficulty for the Women's Electoral Lobby, quite frankly, is that they cannot necessarily get women to vote for women candidates and women voters have the right to choose, as do men voters, for which candidates they elect at election time. But, in fairness to Mr Mackerras, on pages 134 and 136 of the papers, it states:

The option favoured is that of requiring that any group ticket list alternate men and women nominees. On page 136, the submission further states:

Adopting an electoral system which provides for equal convention seats for women and men.

Senator COONAN—Mr Mackerras, are you saying that, whilst gender equity is to be encouraged in the normal course, it should not be a prescription?

Mr Mackerras—That is exactly what I am saying. I am also saying that putting this in as a prescription is a bad idea because it encourages this—what I call—nonsense. I don't favour this kind of business.

Senator McKIERNAN—It encourages people to talk about gender equity, which is something Australia had not done for many years. The fact that we are talking about it here is, I think, quite encouraging. In a democratic system, different views are purported and there is room for disagreement with those views.

Mr Mackerras—Okay, let them make the submission which they have done. I am simply saying that I hope the parliament does not adopt that submission. In relation to all the other ones that I disagree with, I do not particularly feel strongly enough to say more. I would just prefer to leave it at that.

Senator McKIERNAN—Thanks for bringing it up.

CHAIR—As I understand it, Mr Mackerras, you are not objecting to the fact that WEL is entitled to make a submission or that we have received it. You are saying that they are

exercising their democratic right but you, similarly, are expressing your democratic right by disagreeing with it.

Mr Mackerras—That is what I am saying.

CHAIR—Thank you for your submission and for your contribution.

Sitting suspended from 12.36 p.m. to 1.42 p.m.

[1.42 p.m.]

COX, Mr Brian, RMB 226 Gundaroo Road, Bungendore, New South Wales 2621

ACTING CHAIR (Senator McKiernan)—Welcome. In what capacity are you appearing today?

Mr Cox—I am appearing as an interested private citizen.

ACTING CHAIR—The committee has received your submission, which we have numbered No. 16 in the list of submissions that we have previously published. We thank you for that submission and thank you for your attendance here this afternoon. I invite you to make an opening statement, and at the conclusion of that statement I will invite members of the committee to address questions to you.

Mr Cox—I begin by drawing attention to an amendment I gave it to your secretary earlier today. It replaces page 4 of my submission, which is page 63 of the printed volume of submissions. There are two amendments that I have made. The first is in the second top line of the page, where it says:

. . . whilst N.S.W. and also the A.C.T would be under represented . . .

The error is that the ACT would not be under-represented, and it should read:

N.S.W. and also Victoria would be under represented . . .

The second amendment is at the end of the next paragraph—that is the paragraph which begins with the words ‘I therefore recommend’. The last words in that paragraph are ‘in the Parliament’ and I have changed that to read ‘to the House of Representatives’. They are the only changes I have made.

I hope that, by and large, my submission stands on its own and what I am getting at is fairly self-evident, which is that representatives in the convention should be elected on the basis of numbers which are arrived at in a detached manner using a formula objectively applied. That is the same basis that is used for the determination of the representation entitlements of the states and territories in the House of Representatives. I cannot see any just reason why such an approach should not be followed in this case, because what we have in the bill is that the proposed representation is rather badly skewed—and one has only to look at the Tasmanian representation of six; that is far higher per voter numbers than anywhere else. It is even more skewed than the Tasmanian representation in the federal parliament. My table on page 62 of the printed documents I think demonstrates that pretty clearly.

The point of my making this submission is that it concerns me that, if there is a basic flaw in the representation entitlements—the representation in the convention—that could reflect on the outcome of the convention’s proceedings, and if the convention were to propose a change rather than the status quo, then that, we understand, would be followed by certain processes leading to a referendum. It would be most unfortunate if the conclusions of the convention were to be attacked on the process rather than on the merits of the case, so it concerns me to suggest to the committee that they try to avoid that situation.

So the end result of this is that if election to the convention were from each state and territory in such numbers as a detached formula applied objectively would determine, then that would remove one serious element of criticism that would be in the process from its very beginning. That is the philosophy that lay behind my submission. Mr Chairman, am I allowed to introduce a thought and an issue beyond that which is in the written submission?

ACTING CHAIR—Yes, by all means.

Mr Cox—Thank you. It relates to the question of voluntary voting as against compulsory voting—and I notice there are a number of submissions which take up this point. I have thought about this a little bit further since I lodged my submission and I feel very firmly that the processes used for voting in federal elections and referendums should be applied in this case. I do not recall that in the second reading speech or other papers the basis for deciding to have a voluntary vote was explained. I can understand the cost kind of argument and that sort of thing that was discussed here this morning, but it does seem to me that, by having a voluntary process for voting, the status of this convention is being devalued by the government compared with the other electoral and voting processes involving the federal parliament and federal affairs.

If it is good enough to have compulsory voting for a referendum, why not have compulsory voting for the process which might lead to the referendum? It does seem to me that there is a flaw in the logic if you do not have compulsory voting here. That was the additional point that I wished to make.

ACTING CHAIR—Mr Cox, thank you for the effort that you put into your submission and for the examples you have given on the representation that should appear at the convention. When I first saw the proposal I thought, ‘What’s the point of messing around with half of the elected convention, in any case, because the other half is appointed?’ You start from a basis where the system is corrupted right from the beginning—and, indeed, 50 per cent of it is corrupted—so what is the point in messing around to try to get a fairer system and a more evenly distributed number of delegates in the second half when the first half of it has just—

Mr Cox—I agree entirely with the point you are making. In fact, at a meeting last night of the Constitutional Centenary Foundation in Canberra, I asked a question, similar to that, of Mr Gary Nairn who was there representing the government. Several times in his exposition he referred to this convention as a people’s convention. I put the question to him: how is it that you emphasise it being a people’s convention when half of the delegates are appointed? His answer, which I did not have the opportunity to debate but which I thought was completely unsatisfactory, was that about half of the people who are going to be appointed are members of various parliaments anyway and are elected. The flaw in that argument is they were elected to a parliament usually on a platform publicly stated by their party leader—by Mr Howard or Mr Keating as the case may be—and on their own local programs. That was the basis of their election. At the time they were elected one had no idea what their views might be about the republic or a constitutional monarchy. What I am saying is that I agree with you entirely that half of the representation being appointed does not sit with the idea of a people’s convention at all. But to the extent that it is elected, let us have the elected numbers in proportion to the population or the voter numbers in the states and territories.

Senator McKIERNAN—Even if the number of delegates to be elected were divvied up on a population basis between the respective territories and states—your analysis was done on the House of Representatives—do you think it would have been any different, had it been done just on the straight population base for the respective states and territories?

Mr Cox—I think, in fact, I did that. I am not quite sure that I understand your question. I obtained a quota in much the same way as one obtains a quota under the Commonwealth Electoral Act for determining representation entitlements in the House of Representatives. Then I applied that quota to the populations of each state and territory. By doing that I got column C in that table.

Senator McKIERNAN—Those quotas have changed in recent times. For example, the ACT now has three House of Representatives members and, from the next election, they will only have two. The Northern Territory's quota for electing a member to the House of Representatives is almost twice as high as it is for a member from the state of Tasmania. That is where there is a discrepancy within the current system of representation in the House of Representatives.

Mr Cox—That will be corrected as a result of the redistribution that is taking place this year.

Senator McKIERNAN—With due respect, in that latter instance that I gave you—the Northern Territory versus Tasmania—it will not.

Mr Cox—I must have missed your point, Senator.

Senator McKIERNAN—The point is that there is only one representative from the Northern Territory for over 100,000 electors, and there are something like 60,000 electors in Tasmania for the election of one House of Representatives member. There is a huge disproportion in the numbers of electors. Why not just do it on a straight population basis rather than on the number of House of Representatives seats, which you have done?

Mr Cox—Mine is not worked out on the number of House of Representatives seats.

Senator McKIERNAN—Isn't it?

Mr Cox—No. I used the population figures which were made available to the Electoral Commission for the determination of representational entitlements for the current round of redistributions. They are the latest population figures for the Commonwealth, and were issued earlier this year. If you were to increase the number of Northern Territory representatives by one—to make it two—then the voter numbers would be something like 40,000 or 50,000 per member for the Northern Territory, which would then be less than the proportion in Tasmania.

My view is that the method that is provided in the Electoral Act, whilst not absolutely perfect, is pretty good. What is more, it is a damned sight better than what is in this bill. The representational entitlements in the bill look to me, frankly, to be rather like a party room stitch-up. What other justification can you have for Tasmania, for example, having six places, as compared with four for the ACT and the Northern Territory combined?

CHAIR—Whilst I understand all that, doesn't that give recognition to the fact that if we, as a nation, are to change the constitutional structure we need to get that not only by a majority vote of the people but by a majority of voters in a majority of states?

Mr Cox—Yes.

CHAIR—If people in Tasmania or Western Australia or South Australia, for example, were to be of the view that their population base and their statehood were not being given due recognition and that this might be some hatchet job being occasioned on them by the more populous states, they might be a lot more resistant to potential change. Therefore, what we have in front of us is, in fact, a happy medium which represents numbers, to a certain extent, but also a weighting for the smaller states so that they feel as though they are seen as full participants in the process. If you alienate the feeling of people in, say, Tasmania, South

Australia and Queensland, you can have an overwhelming majority of Australians voting for something but, if those three states do not vote for it, you are not going to get it.

Mr Cox—Quite so; I do understand that.

CHAIR—So, rather than referring to this in a disparaging way as a ‘party room stitch-up’, can’t it be seen as a sensitive way of dealing with the two competing arguments, which were in fact espoused in the media: either that the states all ought to have equal representation at this convention, or that representation should only be on the basis of population? You have got a resolution in the middle which, I think, deals with both arguments in a sensitive way.

Mr Cox—You could present your argument to get a different result. For example, the building up of the strength of the vote in Tasmania could well be seen by the voters of New South Wales and Victoria as undervaluing their position, and they could take the same contrary attitude as you have just described for the people of Tasmania.

CHAIR—Quite; and that is why it is a compromise inasmuch as New South Wales, instead of having exactly the same representation as Tasmania, will in fact be having three and a bit times the representation of Tasmania through this system. So recognition is given to the numerical superiority, but a bit of weighting is given to the smaller states as well.

I fully understand your argument, but it is either one or the other, or a sensible compromise in the middle. That is what I am suggesting to you, that in politics often things are not either black or white; it is being able to come to a sensible solution which the smaller states can live with and the more populous states can live with. Can you see that that could be a rationale for this?

Mr Cox—It is a rationale, but I do not know that I agree with it. This is an area of opinion and preference and that sort of thing.

CHAIR—Of course it is.

Mr Cox—The point about the approach that I am suggesting is that it is not subjective in any way at all. It is defensible on objective, dispassionate grounds. I think in that sense it is quite defensible.

Another point is that the smaller states already have enormous strength because the majority of smaller states, as you observed, I think, can overturn a referendum which might be favoured by the overwhelming majority of people nationally because of opinion in the larger states. So that gives them a great deal of power to start with before you even get into this numbers argument that I have raised.

CHAIR—It was cognisant of that fact that, if you did not get the small states on side at the beginning of the process, we as a nation could go through this whole process, have people’s conventions, elections, all sorts of things and, at the end of the day, be stifled by the three smaller states who felt alienated from the beginning, whereas if you give them a bit of increased representation, let them feel part and parcel of the whole process, then it is more likely to carry them throughout the process to get a result at the end of the day.

Mr Cox—But what I do not see is why they should not feel part and parcel of the whole process if they had a representation that was formulated in accordance with their numbers.

CHAIR—They would say that they were equal partners when the constitution was formed. The constitution recognises them as equal partners for the purpose of any change in the constitution—there has got to be a majority of states, irrespective of the population base—and, unless you are cognisant of that throughout the whole process, you can miss out on an important ingredient that is necessary to achieve constitutional change.

Mr Cox—I take your point, but I am not convinced.

CHAIR—Anyway, it looks as though you are not going to accept that.

Senator McKIERNAN—Taking the representation argument, if you look at the appointed delegates, the Commonwealth parliament will appoint 20. There will be 12 government appointees as opposed to eight from non-government. So that is supposed to be reflective of what the parliament is about, the numbers in the parliament. But that reflection works one way, of course.

Mr Cox—Yes.

Senator McKIERNAN—And I suggest that probably, when the numbers were being calculated, they recognised that there is a certain element of conservatism in some of the smaller populated states and hence the representation that might come from those states. And then you add to those smaller states' representation the numbers that will be appointed from each of the states, and it gives them what could be termed to be gross over-representation to it.

The other question I want to get a response from you on, Mr Cox, is your view on the matter of voluntary voting. I think you alluded to it in part in your opening comments to us this afternoon. Could you perhaps elaborate on the matter of whether the election of delegates to this important convention should be done by a voluntary system, or should it maintain the standards that have been set in this country with compulsory voting?

Mr Cox—As we do have compulsory voting, it occurred to me that, by departing from that in this case and by being less insistent about community participation, then the government or the legislation would in effect undervalue or devalue the importance of this convention. That is a sort of emotive opinion kind of point but, on a more logical basis, if the convention were ultimately to lead to a proposed change in the constitution and therefore a referendum, the voting in the referendum would be compulsory—it is compulsory now—so why should voting in this important step leading to a possible referendum not be on the same basis? I just cannot see the logic of it.

Senator McKIERNAN—Other than the plebiscite on the national song of Australia, has there ever been any other national non-compulsory vote taken in this country to your knowledge? If you have not got an answer you can take it on notice.

Mr Cox—Not that I am aware of. I think the plebiscite on the national anthem was taken simultaneously with an election, was it not?

Mr Mackerras—With a referendum.

Mr Cox—With a referendum. It was taken simultaneously with a voting occasion that was compulsory, but the flag question, the anthem question, was not a compulsory element, so people were turning out anyway, and they had the opportunity to cast a vote without putting themselves out.

CHAIR—Generally, have we had any other indicative plebiscite, compulsory or non-compulsory?

Mr Cox—I do not have that information.

Senator McKIERNAN—What would your expectation of the turnout be for the proposed ballot—like half of the delegates to the convention?

Mr Cox—I have no basis at all on which to form an opinion, to be quite honest. I would have thought, frankly, that if they get a 50 per cent turnout they will be doing well.

CHAIR—Why is that—because the average citizen cannot really care less about whether we are a monarchy or a republic? We politicians get all excited and get sweat on our brows debating it, but I must say that, when I go doorknocking and things like that, the people do not grab me by the collar and say, ‘Look, when are we going to become a republic?’ It is not something that is a burning issue in the electorate at large, I do not think.

Mr Cox—It is not a burning issue, as you say—although it is a burning issue with some—and it does not really affect the daily life and welfare of the ordinary citizen. It is not quite as tangible a thing as a change of government, for example.

CHAIR—So why should you force somebody to front up if they do not want to express an opinion on the matter?

Mr Cox—I suppose the similar argument applies as to compulsory elections.

CHAIR—I fully agree.

Mr Cox—It makes people think about it. Basically, I do not like compulsion in things. I remember reading somewhere that in the original Greek concept of a democracy the idea of compulsive participation was involved. But, getting back to the question as to how many might turn out, I seem to recall that in the last presidential election in the United States—which probably to the average American is much more meaningful and has more impact than the question of whether we should have a change in the head of state here from a monarchy to a republic—the turnout there was something less than 50 per cent. If one takes a line from that, I do not know that one could get an awful lot more than that in a vote here.

Senator McKIERNAN—So on this important issue we might have 50 per cent of the eligible population participating in the ballot. I suggested to somebody during lunchtime that what we should do is scrap this convention, save the money that is going to be spent on the ballot, give that money to legal aid and therefore resolve not only this inquiry but also another inquiry before the committee! I am actually moving further and further to that position.

CHAIR—You might nearly have a deal there, Senator McKiernan. Mr Cox, thank you very much for your written submission and also for the additional page that has been incorporated. Thank you for answering the questions. You have been most helpful.

Mr Cox—Thank you, Senator. It was quite nice to be able to tread the boards again.

CHAIR—I invite Mr Paterson, from the Australian Chamber of Commerce and Industry, to come to the table. Whilst he is doing so, I have in front of me a two-page document containing questions on notice for the Australian Electoral Commission from Senator Bolkus. If there is no objection we will forward those on and accept them on behalf of the committee. [2.09 p.m.]

PATERSON, Mr Mark Ian, Chief Executive, Australian Chamber of Commerce and Industry, Level 3, 24 Brisbane Avenue, Barton, Australian Capital Territory 2600

CHAIR—Welcome. Thank you for appearing today. Would you like to make an opening statement?

Mr Paterson—To provide a little bit of background: the Australian Chamber of Commerce and Industry is the largest representative business organisation in the country. We are a federation or a combination of both state based employer organisations and national industry associations. Through our membership we represent in excess of 350,000 businesses throughout Australia, of every size and in every sector. We have got the top 100 companies within the

membership, right through to small to medium sized enterprises and individual micro-businesses in every state and territory, and across a whole range of industry sectors.

Our submission to the committee was brief and I would hope that my comments today are equally brief. We did not seek to put forward any controversial view, but raised the issue, firstly, of our expectation that the proposed constitutional convention was to be a single issue forum and that nothing came out of the processes of this committee which would change that focus. Therefore our comments were limited to its being a single issue forum. If it were for some reason to be changed from that approach, then we would want to consider that position and put alternative views, or put a view to the committee.

CHAIR—That is noted.

Mr Paterson—On the second question, we noted the distinction that was to be made between appointed delegates and elected delegates, and that the legislation that we were being asked to comment on anticipated appointed delegates but did not indicate the process by which those delegates would be appointed. We wanted to explore, if there was any information in relation to the process of appointment, how that would occur.

Our concern is not to pursue a particular interest from the business community on whether there ought to be a republic or ought not be a republic, but there are some clear consequences of any change in our constitutional arrangements. We would want to ensure that the convention was informed from a business perspective on what some of the ramifications of areas of proposed change might be. It was not clear that that would necessarily occur if business was to be reliant on the elected component, because one would expect that anybody going through the elected process would need to take a position one way or the other in relation to constitutional reform and be called upon to make a declaration as to whether they supported a republic or supported the existing constitutional arrangements.

That is not something that we would wish express a view on, but we believe it is important that there be a business and private sector industry view available to the deliberation of the convention and through that process. It is not clear to us at this stage how the appointed delegates are to be identified, and we wanted to raise the issue with the committee, discuss it if that was an appropriate opportunity with the committee and to respond to any questions that you might have.

CHAIR—Thank you very much for that opening statement. I will just quickly ask a question so we get an understanding of your organisation. Your organisation undoubtedly thinks that it democratically represents its members.

Mr Paterson—Yes.

CHAIR—I assume that the officials of your organisation are elected by a postal ballot on a voluntary basis.

Mr Paterson—The officials of the organisation are elected by the membership. Our membership comprises 38 individual association members. They appoint delegates to our general council and the general council is charged with the responsibility of electing the officers. General council fills any casual vacancies in relation to the office-bearers.

CHAIR—So your constituent bodies, if you like, would have the postal ballot voluntary voting?

Mr Paterson—There would be different approaches, depending on the nature of the organisation. Those of them who are registered industrial organisations, as some are, will have their affairs governed by either state or federal industrial regulation. In some of those cases

it requires postal ballot; in some cases they are exempt from the postal ballot requirements of the federal Industrial Relations Act; others are companies limited by guarantee and are therefore covered by the Corporations Law.

CHAIR—I will ask you this in relation to the limited agenda, which you have accepted as a given. Is it vitally important, from your point of view, that the government appoint at least one ACCI or business representative to this convention? What would business's interest be, or how would it impact on business, whether we were to be a republic or a constitutional monarchy? A possible exception is the printing industry, who have great fun changing letterheads and doing things of that nature.

Mr Paterson—The printing industry are part of our constituency. They would clearly have a vested interest in that. Our view is that there may be issues raised within the discussion at the convention where a private sector business perspective could add value to the deliberations of the convention. We do not believe that it would be appropriate for us to advocate a position one way or the other on constitutional change, given the nature of this issue—we believe that is an issue that is appropriately to be canvassed by individual electors at an appropriate time—but we do believe that there ought to be at least a business representative appointed by the government to participate in the convention. Certainly, as the most representative business organisation in the country, we would see it as appropriate that ACCI, or one of its member organisations, be appointed as a delegate. But that is a matter to be considered later, as long as there is appropriate private business representation. That is the thrust of our submission.

Senator McKIERNAN—What would be the value in having one representative as a delegation at a convention where there is 152 delegates?

Mr Paterson—The size of the representation does not diminish the force or value or quality of any input that may be able to be made. Certainly, if the view that was being put did not carry the day, one representative or 10 representatives are not going to sway the 150 delegates. I think it is important that the view is provided and that there is an opportunity for that view to be put, and that we would participate in such a convention if we were asked to do so.

Senator McKIERNAN—I would have thought that the value to your organisation might be as an outside commentator looking in, therefore not being locked into any particular position that may or may not arise out of the convention. Certainly your organisation is very good at putting its views forward in the public arena. Would you not say that there would be some danger in being a participant in something which might lock you up in a particular position which may or may not end up being quite partisan political?

Mr Paterson—It is clear that, given the breadth of our constituency, the range of views within our constituency would be reflective of the range of views in the broader community. We are unlikely therefore to take a partisan position, one way or the other. Our considered position—it was considered by our general council—was that, if we were invited to participate in the convention, we should do so on behalf of the business community.

Senator McKIERNAN—There is going to be a range of some 40 parliamentarians, from the Commonwealth and the states, representative of governments and oppositions. Indeed, there is room for an Independent and a Democrat in that process. Should not an organisation such as yours be expecting a parliamentary representation on behalf of you at such a convention? Why is there a need for a business viewpoint to be put forward?

Mr Paterson—I think it is important that a business viewpoint is put forward to provide balance in the considerations from the full range of perspectives that are likely to be put

forward. I do not see that a parliamentary delegation or parliamentary representation would necessarily displace or take a business view on the matters before the convention.

Senator McKIERNAN—You say here today that the organisation has no view one way or the other on whether or not Australia becomes a republic. But there might be business ramifications from a change. Is it possible to alert us to what they might be?

Mr Paterson—The approaches to how the change may be given effect, to the timing of such change, the nature of the legal arrangements that may be put in place to be pursued at a later time by a referendum may have some commercial or business implications. Our view is that being a commentator outside and making comment on it after the event, after there has been the debate within the convention, is a less effective way of participating.

Senator McKIERNAN—But you will do that anyway, I would say.

Mr Paterson—Maybe.

Senator McKIERNAN—As, indeed, most of the rest of the participants might. Does the ACCI have a view on whether or not this convention should be held, or whether or not this election of convention delegates ought to be held? Have you a view on the amount of money it is going to cost to run that election?

Mr Paterson—We have taken no formal view on any of those issues.

Senator McKIERNAN—You usually have pretty strong views on government expenditure.

Mr Paterson—We certainly do. It is an issue that will be determined by the people. We accept the government's commitment prior to the election that it was its intention to hold a convention of this nature. It is carrying through with that pre-election commitment. Obviously, we do not like to see excess dollars spent, but it was a pre-election commitment made and it is being honoured.

Senator McKIERNAN—Yes, but it will not necessarily be determined by the people if half the convention is going to be appointed. Only half is going to be elected. How can it then be seen to be determined by the people?

Mr Paterson—The outcome of that process, if change is proposed, will be considered by the people.

Senator McKIERNAN—If it is only 50 per cent of the people—and that is an estimate that was given to us off the top of a particular individual's head who participated in the balloting process—that really is further diminishing the fact that it will be the people making a decision on this matter at this early point in time. Down the line it requires a referendum, doesn't it?

Mr Paterson—The clearest response I can give is that we took a view in relation to our participation, given the government's announcement. We did not see fit to debate the various issues that you have raised. Any view that I was to express would therefore have to be a personal view.

Senator McKIERNAN—Thank you.

CHAIR—I am sure that Premier Carr when he comes along will feel very confident that he is representing the interests of the people of New South Wales.

Senator McKIERNAN—How can you be so confident of that, Chair?

CHAIR—I am just confident of that, knowing—

Senator McKIERNAN—Have you been talking to him?

CHAIR—No, but I see him on TV and he considers himself to be a good representative of the people of New South Wales—whether he is or not, I would agree with you that that is a matter for debate.

Senator McKIERNAN—With all due respect, that was not the point I was making. I picked up the comment that was made about the people making their choice in the situation where you have got a stacked convention in the first instance, and the fact that you are going to now have a completely different method of electing delegates to the convention, so it cannot be said to be a people's convention after all—it really cannot. But I accept where you are coming from, Mr Paterson, and I do not want to labour the point.

CHAIR—Mr Paterson, thank you very much for your contribution and that of the ACCI. It is very much appreciated.

[2.24 p.m.]

MUSIDLAK, Mr Boguslaw Czeslaw, National President, Proportional Representation Society of Australia, 14 Strzelecki Crescent, Narrabundah, Australian Capital Territory

CHAIR—Thank you for making yourself available this afternoon. I invite you to make an opening statement before we ask questions.

Mr Musidlak—I just say that everyone calls me Bogey. I am the national president of the Proportional Representation Society of Australia and am representing that organisation in following up the submission that we have made to the committee. I have also left with the secretariat eight copies of an example illustrating one of the points raised in the submission about how the transfer—

CHAIR—If I could quickly interrupt you there, so we do not forget, could we incorporate that addendum into the evidence? There is no objection, that is done. Please continue.

The document read as follows—

Example to illustrate major defect in definition of transfer value used in both Constitutional Convention (Electoral) Bill 1997 and Commonwealth Electoral Act 1918: a transfer value that increases in mid-term!

The numbers have been chosen for the sake of simplicity. It is straightforward to draw up examples based on potential State voting numbers in which the defect is even more striking.

Let's take the quota to be 50,000.

Suppose that Jones obtains 35,000 first preferences, then receives 100,000 ballot-papers at transfer value 0.1 when Costa is elected (another 10,000 votes, not quite enough), and finally 25,000 ballot-papers at full value when Perez is excluded.

At this point, Jones has progress total 70,000 and is therefore elected, with a surplus of 20,000.

Under the definition in the Constitutional Convention (Electoral) Bill 1997, the transfer value for each of the ballot-papers helping to elect Jones is $20,000/160,000=0.125$!

Oops! The 100,000 ballot-papers that were worth 10,000 when received from Costa, are now worth 12,500. How can they go up in value as a result of helping to elect someone? The definition of the transfer value is crook!

The table below illustrates the problem in another way:

ballot-papers	incoming transfer value	outgoing transfer value	difference in transfer values	contribution to Jones	available for others in surplus
60,000	1	0.125	0.875	60,000 x 0.875 = 52,500	7,500
100,000	0.1	0.125	-0.025	100,000 x -0.25 = -2,500	12,500

A difference in transfer value is always equal to the contribution made to the quota of the elected candidate. Where a ballot-paper has transfer value 0.1, 0.9 has already been used to help elect one or more (in this case) candidates. When it goes up to 0.125, those voters are all getting more than one vote!

Who loses? The 52,500 contribution to Jones's quota of 50,000 shows that the 60,000 voters with ballot-papers of full value are all being robbed of part of their vote in the process. Not something to be encouraged!

Please note that it's easy to construct much greater discrepancies or more obvious injustices. The basic ingredients can be a fair number of ballot-papers of low transfer value and a relatively large surplus.

So what's to be done? The best way of avoiding indefensible anomalies of the type instanced above is to start from first principles and say that, if possible, every vote should contribute the same proportion of its transfer (or remaining) value to the quota of the elected candidate, and therefore have the same **proportion (rather than amount!)** left over for continuing candidates.

Anyone with even modest arithmetical orientation will recognise this as the difference between taking a weighted (as should occur) or an unweighted (as is proposed) average.

So what difference does this make? Jones has progress total 70,000 and a surplus of 20,000, so the transfer value (reduction) factor becomes 20,000/70,000=2/7. In other words, the ballot-papers of full value should have transfer value 2/7 when transferred from Jones, and those of transfer value 0.1 would reduce to 1/10x2/7 = 2/70.

The table below shows the make-up of Jones' quota under the new definition and how the surplus is dealt with (one vote gets lost by fractions):

ballot-papers	incoming transfer value	outgoing transfer value	difference in transfer values	contribution to Costa	available for others in surplus
60,000	1	0.2857..	0.7142..	60,000 x 5/7 = 42,857	17,142
100,000	0.1	0.02857	0.07142..	100,000 x 5/70 = 7,142	2,857

You get a bit of a fright if you suppose that the next available preference on the two groups of ballot-papers is for a different candidate. Let's put the composition of the surplus side-by-side under the two transfer-value definitions.

ballot-papers	contribution to surplus under proposed anomalous transfer value	contribution to surplus under amended transfer value
60,000	7,500	17,142
100,000	12,500	2,857

A swing of nearly 10,000 votes or one-fifth of a quota! Not to be brushed off as some minor irrelevancy, because it can clearly make a difference to outcomes.

The point is that such misweightings are currently occurring all the time. What has prevented the time bomb from exploding is that it's not very common for the next available preferences to want to head off in different directions: that did happen in NSW in 1984 but the contest was not close enough for the outcome to be affected.

It's time for an amendment in line with principle rather than ostensible counting convenience or expediency!

Time to minimise exhaustion of votes

What happens if ballot-papers can become non-transferable? Should they automatically become at least partially exhausted?

Yes, under the proposed definition of transfer value.

No, if you're trying to minimise vote wastage, as most supporters of the single transferable vote would aim to do. The Proportional Representation Society of Australia advocates that as many voters as possible should obtain full value for their efforts, and that vote wastage should be kept to a minimum.

Let's take another example with the quota at 50,000 and Christou having 60,000 first preferences, of which 6,000 ballot-papers do not have a next available preference.

Under the definition in the Constitutional Convention (Electoral) Bill 1997, the transfer value for all 60,000 ballot-papers would be $10,000/60,000=1/6$. The 6,000 papers without a next available preference would therefore lead to 1,000 votes being recorded as exhausted.

There needn't be such an automatic wastage of votes!

The alternative is to have those 6,000 votes wholly included within Christou's quota (their transfer value becomes zero) while the other 54,000 each have transfer value $6,000/54,000=6/54=1/9$. In this way, exhaustion of non-transferable votes is avoided as much as possible (obviously nothing can be done if such votes are being transferred from an excluded candidate!).

In case non-transferability is rampant, one must make sure that the transfer value cannot rise above 1 in any definition.

In the case of ballot-papers of differing transfer values within a quota, the principle is the same but its application is just a little more complicated.

The steps are quite straightforward.

First, check whether all transfer values should remain unaltered. This needs to occur if the combined vote weight for continuing candidates is less than or equal to the surplus.

Otherwise each transfer value should be reduced in the same proportion, that of the surplus divided by the combined vote weight for continuing candidates.

The drafting necessary for such changes will become straightforward if it is built around the concept of combined vote weight for continuing candidates in the general case—this is simply the sum of all transfer values for ballot-papers where there is a next available preference (fractions would best be dropped at the end rather than as one goes along from transfer value to transfer value, although this will not make much difference).

Mr Musidlak—Our organisation really pushes for effective voting. That was the word for proportional representation at the turn of the century when people such as Catherine Helen Spence were very much in favour of it. We have entitled our submission 'Improving the voter's lot' because that is what we have attempted to do—to make suggestions that are consistent with the premises on which the legislation is set out but which really do improve things from the perspective of voters.

We have set out what we regard as the ideal electoral system. We think it is quite legitimate for a government to make its own choices and in this particular case there is apprehension that there might be very large numbers of candidates and, therefore, an unmanageable ballot paper—that apprehension seems to go right through the thinking. We do not entirely share that view, but we think there is a reasonable risk that needs to be assessed and if the

government has come to a decision that there is too great a risk, we would like to make suggestions that improve the system within that particular framework.

We would, as a matter of principle, normally like to see the names of all candidates on a ballot paper, and would normally like to see the numbering from 1, 2, 3 and so on because that is what voters are familiar with and it does not require a process of education. But we can understand the reasons why a different way has been chosen and we seek to work within that.

CHAIR—When you say 1, 2, 3 et cetera, if there were, say, 100 candidates would your society favour people voting 1 to 100?

Mr Musidlak—It is up to them. Our view is from the voter's point of view. To have a technically formal vote, if you are dealing with a single transferable vote, the number 1 is sufficient.

CHAIR—And then it would exhaust?

Mr Musidlak—It is up to the voters.

CHAIR—I understand that.

Mr Musidlak—Our view is that you encourage voters to mark as many numbers as possible because they maximise their chances of getting an effective vote—that is what it is about. But you do not take their vote away if they stop at 4, if they stop at 10 or if they make a mistake.

CHAIR—Yes, I understand that.

Mr Musidlak—So from that point of view there is one aspect of the legislation, the fact that voters are not being forced to mark 90 per cent of the squares below a line, we are strongly attracted to. The downside that we see is that voters are only being allowed as many preferences as there are vacancies. That is why we have suggested that there should be a higher number.

Once you make these sorts of decisions, it is a fairly arbitrary point on which you settle. But the way that we would look at it is that if you could get a uniform number nationally that would make it easier for the Electoral Commission to do its advertising so that would be a good thing. New South Wales has got 20 so it will have 20 on its part B and that would be a minimum. We would see that some sort of scanning technology is likely to be used so it would not matter whether you use 20 or 30 or 40. That is a matter for a value judgement. We would go along with any such number that gave voters at least a slightly greater opportunity to have an effective vote. That was one strand where we put something forward.

The other area is in the actual counting. As the legislation is structured, it proposes that part A have precedence over part B. We feel that that is inappropriate. If voters have gone to the trouble of looking at the numbers, doing all their homework and filling in part B, that should be taken as what they really intended. If they have made a formal vote there, that should take precedence over part A. We also draw attention to the fact that the way the transfer values are defined really is not appropriate. I have brought along eight copies of an example—

CHAIR—That is what we have just incorporated.

Mr Musidlak—Yes. They show a transfer value rising in the course of a scrutiny. That just should not happen. If that happens, your definitions are wrong. If the committee would like me to go through the example at some point, I am happy to do so. I have tried to write it in as simple language as possible, with numerical bits, so that hopefully it will be self-explanatory and will point out the difference between what is proposed in the legislation—an unweighted

way of calculating the transfer value where each vote goes on at the same value irrespective of what value it came in to an elected candidate—as against a better model where you say that each vote is contributing to someone’s election so it should lose the same proportion of its value and should go on at an adjusted rate. We show the difference that that makes in a practice example and also how one would minimise exhaustion of votes by changing some aspects of the definition of transfer value in section 99 of the legislation.

The final main element is to do with countback. We recognise that the government has made a statement that the convention is going to have a limited life. We are very strongly in favour of countback because that means that voters are involved in the replacement of someone who is retiring or who has died. If you have a very limited time, you cannot really organise that. Our view is that, if that is really to be the case, it should appear in the legislation. If it does not appear in the legislation, then you are opening up a Pandora’s box. Are you going to limit what the convention does through the appropriation? What if the people decide that they are going to continue to sit without drawing on the Commonwealth purse? You can get into some very interesting situations. If you really are going to limit it, put it in the legislation in which case we could understand why you do not have countback and the current arrangements are a second-best option.

Although the possibility of the chairman of the convention resigning is not canvassed in the legislation, we believe that sort of thing should be. We also draw attention to the fact that mass resignations for political purposes, et cetera, could not really be handled because the power—in relation to replacement—lies in the hands of the chairman of the convention. You really should be circumscribing what the chairman may or may not do because you could find that the replacement process then becomes a scene for political controversy. That is why we advocate countback because, if you put it in the hands of the voters, then you have a good solution in all cases. If you are not prepared to put that in the legislation, that it is going to be a limited-life convention, then we would certainly strongly advocate countback.

At the very start of the submission, we have listed a number of sections and some very minor points offering either an alternative way of doing something, or maybe a little technical glitch that could be followed up. We have tried to be very constructive and say, ‘If we were looking for loopholes in this legislation, here are the bits that we can find. Here are the suggestions we can make to address that.’

CHAIR—First of all, in relation to whether section A or section B of the ballot paper ought to be given precedence, can you tell the committee what is your understanding of what happens with the Senate ballot paper if I were to put 1 in the Liberal Party box and then go below the line and, let us say, vote through 1 to 60. What would be given precedence?

Mr Musidlak—I know that when legislation was changed in the 1980s, the precedence was below the line. Whether that has now altered, I would not like to take a bet. It is possible that it has altered, but if I was forced to say which it is, I think it is below the line still. My memory is that what has altered is: in the past, if people had an inconsistent numbering party above and below, then the bottom had precedence. But I think that now, if it is inconsistent, the vote might become informal. I would not want to be tied to that.

CHAIR—I would like to follow up on that. With the Senate, below the line, do you have to number each square?

Mr Musidlak—That is the way it is expressed. But if you then look at the fine print, it is 90 per cent with no more than three errors and consecutive numbering. It is one of the most farcical requirements that is about. There is absolutely no justification for that, in our view.

That is one of the reasons that the numbers voting above the line continue to increase. If people are faced with marking 60 numbers—as may be the case in New South Wales—and a lot of those numbers have no meaning whatsoever because their votes will in fact only be looked at to the first five, six or 10 numbers, people are daunted by that.

We find refreshing a break with that. It takes us back to the 1940s when Dr Evatt made compulsory marking of all squares mandatory for the Senate and the coalition was arguing that you should be okay if you mark as many squares as there are vacancies. From a voter's point of view, that is a real choice.

CHAIR—But, of course, quite a few votes could exhaust—

Mr Musidlak—Our view on that is that is up to the voters and, in practice, that is not really going to happen. It is not going to be a big problem. Most voters will still continue to vote for the major parties and within that major party framework they will find a candidate whom they will help to be elected. It will become possible to put that vote within a quota and the exhaustion will be kept low in practice. Yes, it could blow out but we believe that it will not.

CHAIR—Do you accept that the ideal vote is, let us say, one in which, if you had 100 candidates, you voted from one to 100?

Mr Musidlak—No.

CHAIR—Ideally, in principle, if you could educate your voters to consider carefully the ranking of candidates, voting one to 100 would be the best outcome?

Mr Musidlak—If the voters actually could sort out the 20 who really had any prospects of being elected and the other 80 were numbers that were never going to be looked at in the course of the scrutiny, why make them mark those last 80 squares? That is the sort of argument Archie Cameron was running in the 1940s.

CHAIR—I have observed what happens in the Hare-Clark system in Tasmania that, from time to time, the number 20 vote sometimes get transferred as a full number one vote in the count, and so therefore it can have an impact. What I was trying to get at was that a vote above the line would automatically allocate the preferences right out from, if you had 100 candidates, one to 100.

Mr Musidlak—It does in the Senate. It will not in the people's convention rules because the parties and individuals submitting tickets are only required to mark as many preferences as there are vacancies. They are allowed to mark more, but the way the legislation is structured at the moment, the requirement is just that minimum.

CHAIR—Thank you.

Mr Musidlak—Our view is that you encourage people to do it but if, on considering the field, they say, 'Look, there's only 15 of these who could be elected, and I'm only interested in 12 of them,' and they are prepared to take the punt that their vote is going to be entirely used for electing those 12, or fewer, I think that is a reasonable thing. In practice, that is what happens. We did a little analysis of the last federal election. If people had followed the larger party 'How to votes' in each state, there were only a handful of occasions where more than the 10th preference would have been looked at in the course of the scrutiny.

We do not like people losing their vote, but we think it is worse for them to lose it on an arbitrary ground that they do not have the right sort of numbers rather than lose it because in the full light of day, they chose to mark fewer than were wanted.

CHAIR—In the short time left, could you try to explain to us the transfer concern that you have expressed, especially in the addendum to your submission?

Mr Musidlak—It runs this way. Before 1983 it was only the last parcel that took someone over a quota that was looked at to deal with the surplus. That is what happens in the Hare-Clark system in Tasmania and in the ACT. Since 1983, all the papers within a quota have been looked at. To define the transfer value, you take the surplus and divide it by the total number of ballot papers contributing to that person's going over the quota.

The problem is that some of those ballot papers are worth one, some might be worth 0.3, some 0.1. You feed them into the sausage machine and out come all the papers with the same value. That means that a different proportion of the value of each of those votes is being taken to be used in electing the candidate. As soon as that happens, it is possible for a vote to come in at a particular value, and rise in value—in the example I have given, it comes in at 0.1 and it goes out at 0.125. How can a ballot paper rise in value as a result of helping to elect someone? That is absurd. And it is absurd in terms of the principles of the single transferable vote.

The only way that can happen is that if you have got a definition that is wrong, crook, or inappropriate. I am not saying it is malicious, I am just saying that it is wrong. The definition of the transfer value is wrong because it is lumping in all the votes and saying that we count the one that has got the value 0.01 and the one that has the value 0.5 and the one that has got value 1 and we are counting them as making the same contribution to the next available preference, and that is wrong.

And the simple example shows an instance where a paper rises in value, so that the quota is actually made up of—and I have taken a quota of 50,000—52,500 votes from one group, and minus 2,500 from another group. And if you put that whole picture together, one group is getting slightly less than a vote and one group is getting slightly more than a vote. It is not what you want to have happening in an electoral system.

How do you get out of that? The simplest way is to say that instead of having them come out at the same amount, you reduce their values by the same proportion, and then you do not run into this anomaly. I have worked that example through to show how the quota and the surplus would be broken up. The bottom line is—and this is such a simple example—if the votes of value 1 were heading towards one candidate, and the votes of value 0.1 were heading towards another candidate, there is a 10,000 vote swing in that, and you have much narrower majorities than that even in Senate elections.

In practice, it has not yet affected a result because when that bifurcation has occurred there has been a big gap. It happened in 1984 when the Call to Australia votes were heading towards the Labor Party in N.S.W. and the Liberal votes were heading towards the Democrats. And this definition which is anomalous really meant that the Labor Party was robbed of 7,500 votes. In that case the margin was much bigger, and it did not matter. That could be the Labor Party one day, the Liberal Party another day and the National Party another.

What we are putting to the committee is: if we are going to computerise counting, keeping tabs on everything is pretty straightforward, and we could actually clean up the definition of a transfer value to minimise the exhausted votes and to cut out this anomaly altogether. And that would put the definition of the transfer value at world best practice which would be then nice to get into some other systems. So we have put that and I have tried to keep the language as simple as possible to get across that idea.

If you use a weighted vote that is operating on a principled basis you are not going to run into these anomalies. If you use an unweighted vote, then you run the risk of getting something lopsided and the transfer value can go up—and I have come across some ATSIC elections where transfer values have gone up. Most people would not understand that, but when it happens publicly and it makes a difference to an outcome, you can bet your bottom dollar that there is going to be quite a brawl over it.

We have put it to the committee. Please work through that and get the Electoral Commission's comments on it. If the Electoral Commission's comments come back as gobbledegook about what is normative and things not having any meaning, et cetera, you know that you are dealing with uncomfortable bureaucratese. If they can give you something in plain language then you can make a further assessment. We have done our best at giving you a way through. We would stand by this type of definition, as one not giving you any anomalies. It would be a very worthwhile contribution for this change to be made now and with a view to making it at Senate elections and removing the possibility of controversy over an arcane point.

If I can take you back to 1974, that is where this material arose. When we were dealing with the last parcel alone for the transfer of the surplus, Labor voters who put Neville Bonner number one remained all with Neville Bonner. This is from where the change to be looking at all the papers was driven. We just say that the change that was made was not the most appropriate.

Senator McKIERNAN—I have a couple of questions from your submission. It relates to what you said about the non-election of Senator Puplick in the 1990 election.

Mr Musidlak—Yes.

Senator McKIERNAN—You state:

They would be even more puzzled to learn that had Senator Puplick appeared in any place but the third on the Coalition list—

Are you intimating that if he was number four or five or six on that list that he would—

Mr Musidlak—He would not have been elected but three coalition people rather than three Labor people would have been elected. Because he was in the third position and it was against Sue West, and Grey Power and the Citizens Electoral Committee Group put Puplick right at the tail of their list, when it came to comparing him against Sue West, all the votes went to Labor. If it had been anyone else but Puplick in number three position for the coalition then it would have been someone else versus Sue West and on both of those tickets that would have gone to the coalition. That final place, and the dynamics of the Senate to some extent, were determined by where Puplick was and what the other two groups were able to do as a result.

What we are saying is that the people who voted above the line would have had no idea whatsoever that that was going to happen to their votes, which is another reason why we have suggested that some how-to-vote information go out to voters. We understand if you have got 200 candidates there is a problem giving a list of one to 200, but there might be a middle course where you would give a list of one to 20, or one to 30 and say then they go group G, group H, et cetera.

That sort of information would be very valuable to voters who would be able to sit in their living rooms and digest it and then make their judgment. Without that information they are really, in a sense, voting for a pig in a poke once you go beyond that particular column.

Senator McKIERNAN—But had, just for example, all things being equal, Puplick been number two on that ticket—

Mr Musidlak—Yes.

Senator McKIERNAN—and Grey Power and the other group had put forward the same tickets but jumping over the individual—Puplick in that case—wouldn't the result have been the same?

Mr Musidlak—No, it wouldn't have been for this reason—

Senator McKIERNAN—Please, let me finish the question. Puplick would have been elected but the transfer value of Puplick would have been different, would it not?

Mr Musidlak—No. If you just interchange the two and three, the transfer value would remain the same, it would just go to the different candidate. The key issue there is that instead of being a Puplick versus West comparison it would have been a Brownhill or whoever else versus West and the votes would have swung the other way. There are more than two quotas of votes up front. The mathematics at the start does not change but the mathematics where it matters would change.

Senator McKIERNAN—Thank you for that. The other one is on the next page where you say you would have preferred the government sticking to its political promise of a wider convention ambit made before the 1996 election. Can you expand on that?

Mr Musidlak—Our understanding was that there was going to be scope for discussing a number of matters and obviously, having an interest in the electoral system, we believe that some of those things and some of the protections relating to them should be written into the constitution. That those matters should be discussed would certainly have been our preference.

That is just a general view. The reason for our existence is to advocate effective voting for everyone. It is good to see government promises kept but our role is not to monitor government activity and say, 'If you have not kept your promises then we will draw attention to it'. We find that unfortunate, but if the government makes that decision then we can cope with that.

We have seen in this legislation a number of decisions that have been made that have been good, and we are prepared to point to those. We have put our ideal position. But the political process then kicks in. What we would like to see is that the convention go ahead. Perhaps the government will, once the activities are under way, see fit to extend the life of the convention. Those things are open. It is not in the legislation at the moment. We would certainly welcome the opportunity for other matters to be discussed.

Senator McKIERNAN—But would that not be a bit unfair at this time, bearing in mind that certain limitations have been put down—assuming the bill goes through—as to what the convention will deal with. We would not want the convention at a later time to be dealing with something way beyond its ambit.

Mr Musidlak—What I would say to you is that if you look at the words in the bill, as opposed to the words in the second reading speech, I do not think you will find anything limiting the ambit of the convention. The only real mention of the convention is that there is a chairman and the rest is still up in the air.

One of the reasons why we drew attention to this on the count back as our preferred method of filling casual vacancies is that if you are wanting to limit things and you are wanting to put that restriction on discussion then maybe you do it in the legislation so that people know, otherwise it is open for the rules to be changed, or it is open for people to challenge whether you are going to limit things by appropriation or some other way. At the moment the legislation is really about the election process. It comes to the fact that there is a chairman

of the convention—it says nothing more. You have to go to the Prime Minister's second reading speech for any more detail.

That is a matter for the parliament, for the Senate to take up, as to whether these points are going to be addressed in further legislation or whether they are going to be done through ministerial directions, which are legislative instruments, or whether they are going to be controlled through limiting the appropriation.

Senator McKIERNAN—Yes, but you would accept that there are limitations on the convention as things currently stand, wouldn't you?

Mr Musidlak—As the government has indicated, but the convention could take a different view. If the convention says, 'We are going to continue to sit', what closes them down?

Senator McKIERNAN—I suspect the public purse, sitting fees and things like that.

Mr Musidlak—Strange as the thought may be, if they think they are doing worthwhile work and somehow they can find a way of sitting without dipping into the public purse—and this sort of thing has happened in other jurisdictions—it would be a rather interesting situation.

Senator McKIERNAN—It could be, it could be. The Proportional Representation Society is all about fair play and equity and things, isn't it?

Mr Musidlak—Yes. We take the voters' point of view. Let's try to get an effective vote for each voter.

Senator McKIERNAN—And this convention that we are talking about, and the very expensive election, is only going to elect half of the convention delegates. Doesn't that make the situation somewhat farcical in the first instance?

Mr Musidlak—We have put it that we would have preferred overall that the whole delegation be elected, but the government has made a particular promise and in this case it has kept in line with that. With that sort of thing, while we state our preference, we would go along with it. What we are heartened by is that there has not been any attempt to divide states into regions or anything else that is really fiddly or bodgie. We have taken states as a whole. It is unfortunate that the territories are only given two and Tasmania is given six. It would be nice when you have got small numbers to have an odd number so that at least if you can get a majority of the vote then a majority of the seats applies.

Senator McKIERNAN—Where is the equity in all of that, in that X number of delegates from Tasmania, for example, which you mentioned, as opposed to X number of delegates from New South Wales? There is no equity in the proportional representation that each of the delegates would be representing, is there?

Mr Musidlak—On the population basis, yes, but Tasmanians and people in New South Wales will still get a representative delegation. We do not take the view that if for historical federation reasons you are electing six people from Queensland and six from New South Wales that is bad per se. If you are representing Queensland and you are representing New South Wales, and you have got fair representation within each of those, we accept that.

Senator McKIERNAN—What is fair and what is equitable about the proposed representations contained in this bill?

Mr Musidlak—In New South Wales, if you have got 20 being elected—one over 21, that is about 4½ per cent as a quota—for each 4½ per cent of votes you get, you get one person elected. For those who have voted, that is a very good measure and very a close correspondence between votes and delegates. From the voters' point of view, the worst that can happen

is that 4½ per cent miss out, unless some votes exhaust. So you actually allow people to vote, you have got their votes in and you have helped their votes contribute to someone's election.

Senator McKIERNAN—Is there not something ironic about your argument where your submission goes into great detail about splitting percentages off a preferential vote as it is distributed down the line and yet, with something like this, you are seeing a malapportionment of representation between states and territories, in some instance of two to one?

Mr Musidlak—Those are judgments that have got to be made.

Senator McKIERNAN—I know, but you are representing the proportional representation argument.

Mr Musidlak—We do not have one nationwide election, we have an election in each jurisdiction, and our role is to focus on those individual elections, and to try and get something for the vote, because we are trying to get an effective vote for the voters in each of those places. So we miss part of the big picture.

If you equalise numbers within multi-member electorates, you get good results. If you have got proportional representation you will still get good results because you cannot warp a system by getting a six-nil result in small electorates and then limiting your losses in other electorates. If you have got proportional representation, even if you do depart from population equalities per seat, the global numbers will still turn out to be okay. You cannot warp the system that much.

Senator McKIERNAN—Thank you.

CHAIR—How many members are there in your organisation?

Mr Musidlak—We are actually a federation, and we have branches in all the mainland states and the ACT, and you would be talking several hundred. As national president I do not keep full tabs on that, but we were involved in the ACT campaign that instituted Hare-Clark, and we managed to get out the votes there. Actually, at the time when this transfer value definition went through in 1983, we drew attention to the fact that too many or too few senators could be elected. However we have found that, unless there is something that becomes a political issue, you do not get people out in the streets, but you do get some very enthusiastic people who take up the fairness principle.

CHAIR—Taking Senator McKiernan's point to its logical conclusion, I suppose in the United Nations Australia should have one vote compared to 100 votes or more to the Chinese. It would be interesting to see how the United Nations would operate if you did it simply on a population basis of each country as opposed to giving each constituent body equal representation as we in fact do in the states and in the Commonwealth. But that is another point for another day.

Senator McKIERNAN—Is that not how funding to the United Nations is now determined?

CHAIR—But do they pay it—that is the next question. Anyway, thank you very much for your written submission, for the supplementary submission and for the way you walked us through the transfer situation. That is something that is of interest. Thank you very much.

Mr Musidlak—If there are some points on which the secretariat or yourselves would like further elaboration, please feel free to come back to us.

CHAIR—Thank you very much for that kind offer; that is appreciated.

[3.01 p.m.]

SAWER, Dr Marian, Spokeswoman, Women's Electoral Lobby, PO Box 191, Civic Square, Australian Capital Territory

CHAIR—Dr Sawyer, thank you very much for making yourself available this afternoon. We look forward to hearing your opening statement, after which we will ask some questions, if we may.

Dr Sawyer—Thank you, Senator. I am speaking on behalf of Women's Electoral Lobby, and specifically to the submissions forwarded by Meredith Doig and Kim Rubenstein from WEL, Victoria.

CHAIR—Can I just ask you one quick question for clarification? The submission—is that the two-page document entitled 'Submission to the Legal and Constitutional Legislation Committee'?

Dr Sawyer—Yes. That is correct.

CHAIR—We also have a document entitled '1997 Constitutional Convention'. Is that part of the Women's Electoral Lobby submission as well?

Dr Sawyer—That was an attachment to the submission, I understand. It was a discussion paper which was circulated by Women's Electoral Lobby in 1996, and I will speak to both, if I may.

CHAIR—Right. Under that document entitled '1997 Constitutional Convention', we have a list of organisations and individuals. Did they all agree to those four paragraphs—just so that we understand the status of the documentation and we do not—

Dr Sawyer—The list of organisations is a list of the organisations which endorsed the discussion paper which is the attachment. I understand there has not been time to circulate so widely the submission to your committee.

CHAIR—Wait a minute; I think we are at cross purposes. The discussion paper is entitled 'Constitutional Convention 1997: A WEL Discussion Paper—"Not Another Men's Convention!"' I think that is the discussion paper.

Dr Sawyer—Yes.

CHAIR—In our papers before that we have a document simply entitled '1997 Constitutional Convention'.

Dr Sawyer—Oh yes. That was a document which was circulated electronically in May 1996.

CHAIR—And all these organisations and individuals listed underneath have subscribed to those four paragraphs above?

Dr Sawyer—To those four paragraphs, and then the following discussion paper was circulated at the ministerial round table in June, the following month in 1996, and those organisations endorsed and signed off on that discussion paper.

CHAIR—Right, so the discussion—

Dr Sawyer—There is some overlap, but one set of signatures was collected electronically.

CHAIR—That is fine. It was just so that we understood as to who was signing off on what documents. To try and clarify it quickly, if you have got the volume in front of you, Dr Sawyer—

Dr Sawyer—Yes.

CHAIR—In the volume that you have in front of you, pages 134 and 135 were submitted by Kim Rubenstein and Meredith Doig on behalf of the Women's Electoral Lobby—that is their two-page document. Then we have a four-paragraph statement on page 136 which is supported by all the organisations and individuals listed on pages 136, 137 and 138 of the volume. Then we have the WEL discussion paper which commences on page 139 and which was endorsed by those organisations listed on page 142.

Dr Sawyer—Yes, that is correct.

CHAIR—Excellent. Sorry to take you through all that but it is important that we know what comments are attributed to which organisation. Having sorted that out, I now invite you to make some opening comments on behalf of the Women's Electoral Lobby.

Dr Sawyer—I will be talking today to the two issues in the Women's Electoral Lobby's submission—that is, the lack of encouragement of gender equity in the elected part of the convention and the non-compulsory nature of voting for the convention.

I suppose one could say that, as the 1897 constitutional convention was an all male affair, perhaps we should be seeking an all-female convention in 1997. However, you will see from the submission that WEL has made a quite modest proposal. We have been concerned that, although the Prime Minister has said a proper balance between men and women will be sought in relation to appointed delegates to the convention, there is no commitment of that kind in this bill relating to the elected delegates.

So the modest proposal which was set out in our discussion paper of 1996 and, again, in the submission to your committee is that, for registration as a group under section 28, groups should ensure they have gender balance in their nominees—that is, the names of men and women be alternated, where the first name is that of a woman, the second should be that of a man and vice versa. There should also be similar provisions for group tickets under section 59 of the bill.

This procedural requirement we feel complies with the Inter-Parliamentary Union's emphasis on the concept of a balance between men and woman in parliamentary participation, as set out in the 1994 Inter-Parliamentary Union plan of action to correct present imbalances in the participation of men and woman in political life. Of course, we would not regard it as a proper balance if groups forwarded equal names of men and women but all the men were at the top of their tickets and all the women were at the bottom, hence our suggestion of a procedural requirement that there be alternation of male and female candidates.

This procedural suggestion is not a quota and it does not have the effect of a quota. For example, were the Australians for a Constitutional Monarchy, and the Australian Republican Movement to win three seats each in Tasmania, the outcome under our procedural recommendation could range between four men and two woman delegates or two men and four women delegates or of course there is the possibility that there are three of each. That would depend on whether the groups put a man or a woman at the top of their ticket. If they put a man at the top and they have three nominees elected, of course there would be a male preponderance.

So it is not a quota that we are suggesting, and the results are not predictable like those of a quota. However, we believe it would be an important symbolic statement of commitment to equal participation of men and women in this convention and of commitment to political equality of men and women, so we see it as an important symbolic statement, although it is quite a simple procedural device. It is one that is very attractive to women's organisations.

Senator, you have already run us through some of the organisations which signed up when we circulated this suggestion and the discussion paper last year. I would just like to read out the names of the organisations that endorsed this proposal at the time of Senator Newman's ministerial round table in June of last year, because I think it gives you some indication of the breadth of support for this proposal.

CHAIR—That is part of the proceedings. Rather than reading out the whole list, could I invite you to, let us say, cherry pick the half dozen that you think show the breadth of the movement, of the support, otherwise we might be here for quite some time, or would you want us to incorporate that list in the *Hansard* at this particular point?

Dr Sawyer—Yes.

CHAIR—Is that alright?

Dr Sawyer—The list appearing on page 4 of the discussion paper from June of last year to—

CHAIR—Page 142 of the submissions, yes. Is it the wish of the committee that the document be incorporated in the transcript of evidence? There being no objection, it is so ordered.

The document read as follows—

Association of Non-English Speaking Background Women of Australia

Association of Women Educators

Association of Women's Apex Clubs of Australia

Australia Feminist Law Foundation

Australia Local Government Women's Association

Australia Women's Education Coalition

Australia Women's Health Network

COAL

Foundation for Australian Agricultural Women

International Women's Development Agency

Maternity Alliance

Muslim Women's National Network of Australia

National Council of Jewish Women of Australia

National Foundation for Australia Women

National Women's Justice Coalition

Network of Women in Further Education

Older Women's Network of Australia

Soroptimist International of the South West Pacific

UNAA Status of Women Committee

Union of Australian Women

WISENET

Women With Disabilities Australia

Women's Electoral Lobby

Women's International League for Peace and Freedom

Womensport Australia

YWCA Australia

Dr Sawyer—Thank you. You will note that there is a very broad range of women's organisations listed there from the Association of Non-English Speaking Background Women of Australia to the Australian Local Government Women's Association, Women With

Disabilities Australia, the Foundation for Australian Agricultural Women, the YWCA and so on.

In discussion with women's groups about this proposal there has been some concern over the issue of all-women lists because this proposal, in requiring the alternating of male and female names, would seem to rule out those who feel that there should be all-women lists to redress the historical non-representation or under-representation of women in such significant political forums.

As we said in our discussion paper, an exemption for such groups might be considered in line with the special measures exemption in anti-discrimination legislation and indeed the special measures provision in the United Nations Convention for Elimination of All Forms of Discrimination Against Women, article 7 of which requires states parties to ensure the equal participation of women in public life. We feel again that this procedural device we are proposing would be an important statement on the part of Australia of our commitment to achieving that kind of equal participation in public life.

Now, to finish off, the Women's Electoral Lobby's position on voluntary voting as proposed in the bill is that all electors should be involved in the important process of constitutional change and that all electors should be involved in the steps leading up to such significant constitutional change. So we are opposed to the provision in section 11, and we believe that should be amended to provide for compulsory voting.

Furthermore, in order to ensure the meaningful participation of the broadest spectrum of Australians in this process of constitutional debate, we have also submitted a separate proposal to Senator Minchin concerning a targeted public information program which would be delivered by community organisations. We pointed, in that submission, to the 1994 national civic survey which documented women's perception that they were less well informed about constitutional matters than were men. We believe that that perception on the part of women significantly inhibits their participation in constitutional debate and for that reason we have proposed the kind of public information campaign which would make constitutional issues relevant to the lives of women, whether they are rural women, women with disabilities, women from non-English speaking backgrounds and so on.

Those are some of our major concerns around the convention and around the public information process leading up to it.

CHAIR—Thank you very much, Dr Sawyer. Can I ask you what I suppose is a fundamental question, and that is why you consider there to be a difference in gender in relation to the monarchy republican debate. I would have thought that your views on that may well be determined irrespective of gender. In the WEL discussion paper, WEL starts off by saying, 'Australia currently has a constitution which might have been significantly different if women had been involved in its drafting'. If we were to assume that, taking us back in time to that period, if women had been involved in the drafting, how do you say the constitution would have been different?

Dr Sawyer—This, of course, is hypothetical, but has to be based on the priorities as articulated by women's political organisations of the time. If we look at the kinds of priorities being articulated by women's political organisations in the 1890s, of course the constitution for a start would have had a provision for adult suffrage, which was not achieved until 1902. The constitution does not have that provision, so that would have been a first way in which the constitution would have been different.

Another way one can suggest it would have been different would have been that there would have been a constitutional head of power relating to the custody and guardianship of children and not simply a marriage and divorce power. I think that that follows fairly clearly from what women were saying in the 1890s.

Those are two examples. If you follow through on what the major non-party women's political organisations were saying in the first part of the twentieth century, there are other matters which clearly they would have, if they had had the chance to participate in the constitutional drafting process, ensured were in the constitution, such as the power in relation to Aboriginal affairs. This was a major plank in organisations such as the Australian Federation of Women Voters, for example, for many decades.

I think that we can suggest that, if we look at what the political priorities being expressed by women at the time were, there would have been some differences in viewpoint in the constitutional convention of 1897-98 and we might well have had a different kind of document from that which we do have today.

CHAIR—Now in 1997 we have a system whereby men and women are able to stand for election to the convention. Why do we need, if you like, gender specific allocation of people regardless of merit, it has just got to be male, female, male, female or female, male, female, male? Why would not women voters, who in fact are a majority of voters, not simply say, 'Look, women's issues are that important to me on the republican monarchy debate on the constitution I am going to vote for female candidates'? If that were to happen one would assume that the majority of elected delegates will be females. Do we need the leg-up?

Dr Sawyer—One could make the same kind of point in relation to parliamentary representation generally where, of course, Australia lags far behind—27th at the moment according to the latest interparliamentary union report. Of course, there are other loyalties. Just because the party you support does not provide a female candidate for you to vote for does not mean that you will necessarily desert that party if it stands for all the things that you believe in. Can we really say that women would not vote for the Australians for a Constitutional Monarchy if they believed in the monarchy simply because they did not have the opportunity of voting for women? It is unrealistic to suggest that women would put what I suppose you would call gender solidarity above their ideological position or party loyalty or whatever. I do not think that is a realistic thing to suggest. However, I do think it is realistic to suggest that we can encourage women's participation and make a statement that we think it is valuable.

CHAIR—Are you not stepping over the threshold of encouragement to enforcing to an extent that might not even be palatable to women voters by having a regime which specifies the ticket will be male, female or male, female alternately?

Dr Sawyer—Our assumption in Women's Electoral Lobby is—and I think one could say that most women's organisations have the assumption—that merit is not concentrated in one sex or the other, that merit is equally distributed across the population. We do not believe that a requirement that you alternate men and women on group tickets—you do not have to run a group ticket, of course—would mean that merit would be ignored. Frankly we do not think that is a sound assumption. We do believe that women are equally meritorious. What is more, we do believe that women have been significantly under-represented in political forums. We only need to refer back again to the 1897 convention when they were completely absent. We believe that there is great value in having women's life experience represented in these forums,

that women's life experience in Australia is significantly different from that of men. I do not think anyone would deny that.

CHAIR—I do not think you would find anybody arguing with that proposition. Therefore it is appropriate to encourage the involvement of women in the convention but in legislating that it has got to be a gender balance would you, for example, take the same approach to the Australian Democrats in the Senate that have more women than men? Would you take it to the trade union movement that if they have trade union elections, no matter what ticket it is, it has got to be male, female? Would you extend it to the Senate that the Labor Party Senate ticket has to be male, female, male, female or female, male alternately? Why just pick on the convention for this and not impose it on everybody within the community that draws support from the public at large or a group within the public at large?

Dr Sawyer—We are not proposing this device be used generally in elections. We are proposing that it is appropriate for this particular convention, in recognition of the fact that women were not present at all in 1897, that now we put this value on equal participation of women in political life we should make this very small procedural commitment to express the value that we put on that and the fact that we want equal participation for women in relation to the discussion of this significant constitutional change.

CHAIR—But if you have it for the convention, because there were no women in 1897, if you go right back to the genesis of parliamentary democracy in Australia and the states, there were no women involved there. On your argument, is it not even more important that the state legislative assemblies have that sort of ticket arrangement? If we are going to carry the argument through that it was the case in 1897, does it not make your argument even stronger for 1850, let us say, when there were only men in the legislatures around the states?

Dr Sawyer—Our constitution, as you know, has very inflexible arrangements. It is a rigid constitution. It is extremely difficult to change. We cannot say that about normal parliamentary legislation which has been significantly affected by the presence of women parliamentarians.

CHAIR—You call the constitution rigid, but that is only because the people have not supported the proposals to change it. So it is a question of whether you call it rigid or whether you say that the people in fact support the constitution and that is why they have rejected the overwhelming majority of attempts to change it.

Have you approached what I assume will be the two major players, the Australian Republican Movement and Australians for a Constitutional Monarchy, with your proposal to have a gender alternation on the tickets? If you have, what has been their reaction?

Dr Sawyer—Yes, Women's Electoral Lobby has written to both the Australians for a Constitutional Monarchy and the Australian Republican Movement. The Australian Republican Movement has provided an assurance that they will seek that gender balance on their group tickets. I have not seen the response from the Australians for a Constitutional Monarchy, but I understand it is not couched in such affirmative terms.

CHAIR—I move on to the question of compulsory voting. Is there anything particularly meritorious about compulsory voting per se, or are you saying simply for this convention there ought to be compulsory voting?

Dr Sawyer—As stated in our submission, we certainly believe that all electors should be involved in processes as important as constitutional change. That is under section 128. But also we believe in a convention such as this which is an important step towards such change.

CHAIR—I suppose, once again, it is the question of agreeing with you that all electors should be involved. But are we going to force them to be involved and say, ‘You will be involved whether you want to or not’? It seems that the Women’s Electoral Lobby takes a fairly dogmatic approach that, whether women want to vote for women candidates or not, there will be an equality of gender. If you want to be involved in constitutional change or not, you will be involved. What is the social policy argument for forcing people to be involved in a constitutional convention by way of a vote if they are not interested and they could not care less?

Dr Sawyer—We do not believe that that process would have a similar legitimacy if only a fraction of the electorate was involved in voting for it. That is also, of course, the reason why we believe there should be equal participation of women. We feel that would greatly strengthen the legitimacy of the convention. We believe that the participation of all electors in the election of the delegates to that convention will greatly strengthen their legitimacy.

CHAIR—Do you think Margaret Thatcher, Ronald Reagan, Bill Clinton, John Major, or Tony Blair soon, if we believe the polls, will suffer from a crisis of legitimacy because they were elected on a voluntary basis as opposed to a compulsory basis? The vast majority of people around the world in elected positions are elected on a voluntary basis and they do not seem to have a crisis of legitimacy. I would suspect that officials within the Women’s Electoral Lobby are elected on the basis of voluntary voting by members and that you are not expelled from the organisation if you do not cast a ballot, or put in prison like some voters are who refuse to vote. Do you have a comment to make on that?

Dr Sawyer—I do not think that the United Kingdom under Prime Minister Thatcher or the United States under President Reagan were particularly good examples of societies with a high degree of cohesion and that sense of political stability, legitimacy, social capital—all of those things you might want to say. They were very divided societies, with very high levels of violence in the early 1980s in the United Kingdom and significant levels of violence in the United States. I do not think those are good examples of societies where the political system has that high level of legitimacy. I think there was a very large proportion of the population who were totally alienated from those political systems.

CHAIR—It is very interesting that you should mention those two people of a particular political persuasion. I think you have given away your political bias. Could I suggest to you that President Clinton—who you did not wish to acknowledge—had one of the lowest turnout votes ever to get him re-elected to the presidency. Does that mean that President Clinton, because of his terrible, divisive policies, alienated even more people than President Reagan or Margaret Thatcher did? I do not think we can draw that conclusion, can we?

Dr Sawyer—I was not making a political point of that partisan nature. I would certainly be quite happy to say that the United States under President Clinton is still a very divided society with very high levels of violence, a lack of political legitimacy and high levels of political alienation.

CHAIR—But even more so on the percentage turnout than it was under President Reagan. If that is your thesis, don’t you have to acknowledge then that, from the points of divisiveness, violence and all the other factors you mentioned, President Clinton was worse than President Reagan? I doubt that you would wish to say that. That is why I am wondering how much you can support your comments by the experience.

Dr Sawyer—I’m sorry, I do not wish to be drawn into that kind of political argument. I am simply suggesting that compulsory voting, along with other elements of Australian life, has

perhaps given us a greater sense of political cohesion and political legitimacy amongst the electorate as a whole than other countries have enjoyed. That is all I wish to say there.

CHAIR—What should we make of the alleged opinion polls which tell us that the majority of Australians would want voluntary voting?

Senator McKIERNAN—When are you going to give me the call?

CHAIR—Straight away. We have got another 25 minutes.

Senator McKIERNAN—I am not going to sit here listening to your questioning on the United States system for another 25 minutes. If you come back to the convention—

CHAIR—No, I said that you have got another 25 minutes.

Senator McKIERNAN—With all due respect, I am not going to sit here while you canvass your views, or the views of the witness, on the systems of the United States and Britain—and listen to the outrageous comments that you have been getting away with—when we have got a bill in front of us. If you want to come back to the bill—

CHAIR—Senator McKiernan, you are showing a complete misunderstanding of the bill. It deals with voluntary voting. People have told us that voluntary voting means that it will not have a degree of legitimacy. I have therefore pointed to international examples, which is often what Labor colleagues like to tell us to do: to look at international examples and follow international best practice.

I am asking Dr Sawyer now—back in the Australian context—what we should make of what appears to be the view of the Australian people that they would prefer voluntary voting as opposed to compulsory voting. Should the government take any cognisance of that?

Dr Sawyer—Our view—that is, the Women's Electoral Lobby view—is that we support compulsory voting for this convention in acknowledgment of its importance. Our belief is that it will not have the same legitimacy if delegates are elected on a voluntary basis and there is a much smaller participation of the electorate in the process. I do not really want to go beyond that point here.

Senator McKIERNAN—Are we not uncovering here, Dr Sawyer, somewhat of a plot by women to stack the convention in order to protect the monarchy, which happens to be female?

Dr Sawyer—Organisations such as my own, when discussing the issues of a republic and so on, do tend to ask: what will there be in it for us? Are we likely to get out of this process a preamble with some commitment to the equality of men and women? I do not believe that there is a conspiracy by women in favour of the monarchy. But, certainly, these views have been expressed: we would want to know what would be in it for women if we have a republic.

Senator McKIERNAN—Are you sure it is not just a pro-Elizabeth thing rather than an anti-Charles?

Dr Sawyer—It has been, I suppose, good to have a female head of state from the point of view of seeing women in those kinds of political roles, but many women would prefer to have an Australian female head of state, I think.

Senator McKIERNAN—The discussion paper which has been mentioned—the constitutional convention 1997: WEL discussion paper has a postscript which states:

We envisage that the number of elected representatives for each State would vary in accordance with population, as in the House of Representatives.

That is noted in your discussion paper, but it is not mentioned in your submission and, of course, that is not the case now. Have you got anything to say about that representation?

Dr Sawyer—It has not formed part of our submission, so I could not put forward a view on behalf of the Women's Electoral Lobby. But I was a little surprised at the way that the seats were allocated.

Senator McKIERNAN—I was surprised that it was not in the submission. Obviously the organisation had thought about it last year, and I am surprised that they did not give attention to it in the submission being, as it was, in the mind of the organisation. Was there any reason for that?

Dr Sawyer—I was not present at the meetings in Melbourne where this submission was developed and approved, so I cannot really tell you all about that, unfortunately. I agree that it would have been useful for us to have revisited that point, but I understand that it has not in fact been done.

Senator McKIERNAN—I was also surprised, in reading that discussion document, that of the three options which were in front of WEL on how the convention should be organised, you adopted the second one rather than the first one. My concern now is, if this committee and then the parliament were to accept your recommendation about male-female or female-male order—or whatever sequence it takes on the ticket—that I, as a male parliamentarian, might get myself into trouble yet again with women's organisations, because we would be intruding into their right to determine how their ticket ought to be put forward for any election to the convention. I really do not think that I have got the right, as a male parliamentarian, to tell an organisation such as yours that you have to have a female-male/female-male order on your ticket for the election. I am quite serious about that proposition I am putting to you now.

Dr Sawyer—We did address that quite seriously in the discussion paper and the possibility of a special measures exemption for tickets which were meant to redress the historic absence of women from constitution making.

Senator McKIERNAN—I understand about the special measures, but then how do you account for the will of the electorate? Even if we adopted the proposition and put forward a male-female/male-female ticket, but the electorate then determined that it was going to be a three-quarters male conference, how then do you impose the special measures on top of what the electorate wishes, to bring it back to a fifty-fifty representation? Where would the justification be in that?

Dr Sawyer—The special measures exemption was not intended to be a post facto measure, but simply that if organisations believed that, as a matter of redress for historic absence of women from constitution making, they wished to run an all-female ticket, there could be a special measures exemption for that, as there is under the Sex Discrimination Act to promote equality.

Senator McKIERNAN—I accept it and understand it within the terms of the Sex Discrimination Act. But, in the sense of electing delegates to a convention, what would be the point of having special measures if there was going to be no postscript, as you describe it, no end result of giving effect to those special measures other than allowing, say, an all-female ticket to appear on the ballot paper?

Dr Sawyer—That would be the special measure. It would be up to the electors to decide. But we would assume that, if we had this procedural requirement of gender equity in group tickets, the incentive for all-female tickets would be largely removed. Usually, the purpose of those all-female tickets is to provide a bit of leverage on the major parties or groups to try and get them to preselect more women. That is the way that all-women tickets have functioned

in other countries, such as in Iceland where the existence of the Women's Alliance has led to the major parties in that country substantially increasing the number of women candidates they have in winnable positions on their tickets.

Senator McKIERNAN—I thought you were proposing this special measure, this system, just for this convention and election, rather than proposing it for all elections within Australia. Is that correct?

Dr Sawyer—Yes.

Senator McKIERNAN—I am not sure if my party will be formally standing candidates for this convention. I have no doubt there will be Labor people who will stand, but I do not think the party, at this time, will be standing a list of candidates. So, if the proposal is limiting to the convention, it will not have an impact on the political parties per se, will it?

Dr Sawyer—I am not advocating the use of all-female tickets to promote—

Senator McKIERNAN—No, I am talking about gender split—male-female, female-male, whatever the order. You are advocating that?

Dr Sawyer—Yes, we are advocating that in relation to this convention in consideration of the previous absence of women from constitution making and the need for a strong symbolic statement of the importance of equal participation by women in this convention. We do not believe that there is anything in this bill to encourage women's participation.

Senator McKIERNAN—Participating in the process of the convention or participation in the voting system?

Dr Sawyer—Anything to encourage women to think that their participation is valued, that it is seen as important, that there is a desire that women should achieve that kind of equal participation.

Senator McKIERNAN—In the last federal election, there was a women's party organised which I believe ran candidates right around Australia. Are you aware of that?

Dr Sawyer—Yes. There have been a number of women's parties in Australia over the years since women had the right to stand. From time to time, women's parties have appeared, usually out of frustration at the failure of the major parties to preselect women for winnable positions on their ticket.

Senator McKIERNAN—In the last election, it was the Australian Women's Movement, wasn't it?

Dr Sawyer—Australian Women's Party.

Senator McKIERNAN—Did they have any success in the election?

Dr Sawyer—No. Such parties have never been successful in Australia. Party loyalties have been too strong for that to be feasible.

Senator McKIERNAN—If women are standing as a political party in the democratic election process for election to try and address an imbalance in things, and they do not get elected, isn't that sending some form of message that the electorate is not feeling aggrieved by the process?

Dr Sawyer—I do not think you can say that. As I said earlier, in answer to a question from Senator Abetz, I think women voters—like men voters—vote for a party which they identify with or which their families identify with. They vote in a certain way because they are fed up with the government or they might vote for specific policy proposals. I think that those

things take precedence over gender solidarity in terms of voting patterns. I do not think there can be any argument about that.

Senator McKIERNAN—Why should we, as a parliament, tell the constituent groups, who will stand candidates in the forthcoming ballot for the convention, that they have to alternate their tickets to address an imbalance of representation that occurred 100 years ago? What would give us, as elected parliamentarians, the right to do that?

Dr Sawyer—The last government, as did the current government, went to the people with commitments to women and to the equal participation of women in public life. We feel that this would be an expression of those commitments that have been made.

Senator McKIERNAN—I have problems with this convention anyway in that I do not see that it is democratic in the first instance. Half of the delegates are going to be appointed, and more than half of that half are going to be parliamentarians and there are only going to be 36 other community representatives. So I have a problem in addressing the convention in the first instance. I have even greater problems with the imposition of restrictions on who can be elected from the half that is going to be elected. There will be nine elected from my state of Western Australia; how does one divvy that out between the genders, between the sexes?

Dr Sawyer—I cannot see that this would be generally perceived in the community as being an unfair proposal. We know who a large number of the appointed delegates are going to be. They are going to be premiers and leaders of the opposition in the state parliament, the chief ministers of the territories. So we will have one woman chief minister and all the others in that particular category will be men. We are suggesting that on the elected side we should make some real effort to ensure that women receive every encouragement, including this requirement for group tickets. People do not have to lodge a group ticket.

Senator McKIERNAN—I am all in favour of the encouragement, it is the imposition that bothers me—that is, where the encouragement stops and where the compulsory element begins. That is where my problem is, where you draw that line. I support, and always have supported, affirmative action, but when affirmative action is then set at a level where a compulsory element comes into it, which takes away the will of the electorate, as in the case that you are suggesting here, that is when I have a problem. What happens if the electorate is in opposition to the views that your organisation is putting forward?

CHAIR—You are not talking about Labor Party quotas, are you, Jim?

Dr Sawyer—I am not clear why you are taking away the choice in one situation and not in the other. If you have a quota, which a party adopts, you are putting forward men and women candidates. If people want to vote for that party and tick the box above the line, they are going to get men and women candidates.

Senator McKIERNAN—Within my party that is fine. I can argue that within the forums of my party. My party will not be standing candidates. How can I tell the organisation for a constitutional monarchy that they have to have male, female, male, female? That is where I have the difficulty. Where are you giving me the right, as a parliamentarian, to make this law to have this ballot that says, 'Okay, that's where you have to have a fifty-fifty split'?

Dr Sawyer—As I said, neither the Women's Electoral Lobby nor a very large number of other women's organisations spanning a great range of women in Australia believes that that constitutes a real problem. We believe that, if you are committed to gender equity in such an important forum as this, a requirement for gender equity in group tickets should not be such an enormous stumbling block. You, Senator, suggest that encouragement is fine and that you

as a parliamentarian would promote encouragement, but a procedural device like this is not fine. What kind of encouragement do you think would be effective in ensuring that all groups who sought to register a group ticket would, in fact, have established this kind of gender equity in their group?

Senator McKIERNAN—Firstly, I am more concerned about Australia becoming a republic. I think that is more important than the matters that you are addressing, and so that is where I am coming to this convention from. Secondly, I think the convention is stacked, in the first instance, and so I am not really putting a great deal of effort into the other matters associated with the conference. In saying that, I am not saying that they are unimportant but that they are not the number one priority.

Dr Sawyer—You do not think it would be very exciting to have a constitutional convention where women were actually playing an equal role? Can you even imagine what it would be like? You have never seen anything like that in Australia.

Senator McKIERNAN—It probably would be exciting and it might be a good spectacle to witness. I would like to see it democratically elected—and I mean ‘democratically’ elected, because I do not believe that the system that is suggested here for the election of half of the delegates is democratic, in the strictest sense of providing equity across the board. I would want to tackle that, in the first instance. Secondly, the whole 152 members of the convention, I believe, should be elected and not simply half of them. I see that as a greater problem than the other. Of the three options that your organisation has suggested, I would have gone for option No. 1, so that the community, the electors, could make the decisions on the women from a women’s ticket, rather than out of half of the convention, thus further splitting them up and further muddying the system that is proposed, as you suggest.

Dr Sawyer—Because Mr Carlton’s proposal actually related to making single member constituencies into two member constituencies, it did not relate to a Senate style of system of proportional representation. So, what exactly would you be suggesting?

Senator McKIERNAN—There could quite easily be a way. There are 152 candidates on this, and there are 148 House of Reps seats; so there is not much difference in changing the overall numbers. It could quite easily have been set up to link two electorates together and do it in that way. In that sense, individuals would have the right to stand on their own merit.

Dr Sawyer—Actually, we did support proportional representation for this election, because not only do we believe in greater gender equity but we also wanted to have a greater diversity of representation, which you cannot obtain from single member or even two member electorates, but which you can from a state-wide constituency. In some of the papers which were attached, you would notice that we said ‘from a diversity of backgrounds’.

CHAIR—Dr Sawyer, thank you very much for your written submission and for the contribution made by the Women’s Electoral Lobby. Thank you for answering questions this afternoon. Thank you to *Hansard* and the secretariat. I now declare this hearing closed.

Committee adjourned at 3.54 p.m.