



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

**Reference: Conduct of the 2007 federal election and matters related thereto**

FRIDAY, 27 JUNE 2008

CANBERRA

BY AUTHORITY OF THE PARLIAMENT



## **INTERNET**

Hansard transcripts of public hearings are made available on the internet when authorised by the committee.

The internet address is:

**<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to:

**<http://parlinfoweb.aph.gov.au>**

**JOINT STANDING**  
**COMMITTEE ON ELECTORAL MATTERS**  
**Friday, 27 June 2008**

**Members:** Mr Melham (*Chair*), Mr Morrison (*Deputy Chair*), Senators Birmingham, Bob Brown, Carol Brown, Hutchins and Ronaldson and Mr Danby, Mr Bruce Scott and Mr Sullivan

**Members in attendance:** Senators Birmingham, Carol Brown and Ronaldson and Mr Melham, Mr Morrison, Mr Bruce Scott and Mr Sullivan

**Terms of reference for the inquiry:**

To inquire into and report on:

The conduct of the 2007 federal election and matters related thereto, including the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008, with particular reference to:

- a. the level of donations, income and expenditure received by political parties, associated entities and third parties at recent local, state and federal elections;
- b. the extent to which political fundraising and expenditure by third parties is conducted in concert with registered political parties;
- c. the take up, by whom and by what groups, of current provisions for tax deductibility for political donations as well as other groups with tax deductibility that involve themselves in the political process without disclosing that tax deductible funds are being used;
- d. the provisions of the Act that relate to disclosure and the activities of associated entities, and third parties not covered by the disclosure provisions;
- e. the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections;
- f. the availability and efficacy of 'free time' provided to political parties in relation to federal elections in print and electronic media at local, state and national levels;
- g. the public funding of candidates whose eligibility is questionable before, during and after an election with the view to ensuring public confidence in the public funding system;
- h. the relationship between public funding and campaign expenditure; and
- i. the harmonisation of state and federal laws that relate to political donations, gifts and expenditure.

**WITNESSES**

**CAMPBELL, Mr Ian, Electoral Commissioner, Australian Electoral Commission ..... 2**

**CARPAY, Mr Pablo, Assistant Commissioner, Roll Management, Australian Electoral  
Commission..... 2**

**DACEY, Mr Paul, Deputy Electoral Commissioner, Australian Electoral Commission ..... 2**

**EVANS, Mr Tim, Assistant Commissioner, People and Performance, Australian Electoral  
Commission..... 2**

**ORR, Mr Doug, Assistant Commissioner, Elections, Australian Electoral Commission ..... 2**

**PICKERING, Mr Tim, First Assistant Commissioner, Electoral Operations, Australian  
Electoral Commission ..... 2**

**PIRANI, Mr Paul, Chief Legal Officer, Australian Electoral Commission..... 2**

**URBANSKI, Ms Gail, Assistant Commissioner, Communications and Information Strategy,  
Australian Electoral Commission ..... 2**



**Committee met at 9.19 am**

**CHAIR (Mr Melham)**—I declare open this public hearing of the Joint Standing Committee on Electoral Matters. The committee is inquiring into the conduct of the 2007 election and related matters. The inquiry was referred by the Special Minister of State, and the Senate has also asked the committee to examine specific issues, including political party financing and voting systems for Senate elections. The electoral matters committee has reviewed every federal election since 1983. These inquiries have proved a valuable mechanism for the public and other interested parties to have their say on the conduct of elections. They have also given the Australian Electoral Commission an opportunity to raise desired changes to the Commonwealth Electoral Act and to detail any issues relating to the conduct of the previous election.

The committee has set out a schedule of public hearings in major capital cities over the next few months to gather a range of views on the conduct of the 2007 election and related matters. Visits to regional areas may also take place, depending on issues raised in submissions and the public hearings.

At this first public hearing, the committee will hear from the Australian Electoral Commission. There are a number of issues to canvass with the Electoral Commission, ranging from the administration of the electoral roll and the count of the vote to broader issues such as political finance and disclosure regimes and penalty provisions under the Commonwealth Electoral Act. Before introducing the witnesses I will refer members of the media who may be present at this hearing to the need to fairly and accurately report the proceedings of the committee.

[9.22 am]

**CAMPBELL, Mr Ian, Electoral Commissioner, Australian Electoral Commission**

**CARPAY, Mr Pablo, Assistant Commissioner, Roll Management, Australian Electoral Commission**

**DACEY, Mr Paul, Deputy Electoral Commissioner, Australian Electoral Commission**

**EVANS, Mr Tim, Assistant Commissioner, People and Performance, Australian Electoral Commission**

**ORR, Mr Doug, Assistant Commissioner, Elections, Australian Electoral Commission**

**PICKERING, Mr Tim, First Assistant Commissioner, Electoral Operations, Australian Electoral Commission**

**PIRANI, Mr Paul, Chief Legal Officer, Australian Electoral Commission**

**URBANSKI, Ms Gail, Assistant Commissioner, Communications and Information Strategy, Australian Electoral Commission**

**CHAIR**—I welcome representatives of the Australian Electoral Commission to today's hearing. Although the committee does not require you to give evidence under oath, I should advise you that these hearings are legal proceedings of the parliament and therefore have the same standing as proceedings of the respective houses. We have received a written submission to this inquiry from you. If you wish to, you can present any additional submissions, and I anticipate that you will come back before the committee a number of times as we assess the evidence before us. If you would like to make an opening statement to the committee, feel free, Mr Campbell.

**Mr Campbell**—Thank you. I might make a couple of very brief comments; I think it would be best if we spent most of the morning on questions and answers and issues the committee wishes to raise. I think our submission is reasonably self-explanatory and, as you say, we are envisaging a number of other submissions following. I foreshadowed when we last met that there will be a submission on multiple- and non-voting, as we have done in previous elections. So there will be a couple there, and I expect there may be issues that the committee raises with us on which we will then put in subsequent submissions.

The submission covers a whole range of issues including: close of rolls; our strategy to lift enrolment; POI for both enrolment and provisional voting; the increase in dec voting and the consequences of that, which the submission spends quite a bit of time on; the question of electronic interaction between the voter and the commission in terms of voting and in terms of enrolment; some legal issues going to the issues of penalties and offences in the act; and—probably a perennial which we feel we have to raise with the committee but, of course, will go into the budget context in the run-up to the next event—the question of funding.

There are 19 recommendations in the submission and they cover a lot of the issues we just talked about—POI, for example—and also the question of awareness or communications programs in the run-up to each federal event. What we did before the 2007 event was very different from what had been done before any other event, so we talk about that and about what might happen for future events. There is the question of postal vote applications and the sending out and receipt back of those via political parties. Again, there is the question of the dec voting and the question particularly of prepoll and postal voting and the substantial increase in numbers of those two forms of voting.

There are a number of other issues that are not major in themselves but cover a lot of issues that I think need to be addressed, such as: the national tally room; how we have voting from town camps in some of the communities within the Northern Territory, particularly around Alice Springs and other centres; the question of special hospitals—we have an issue where we think the definition of special hospitals has now been overtaken by activities in other areas of government responsibility, so we think that should be talked about; and, of course, the whole issue of electronic voting, offences, penalties and, indeed, the internet. I might just leave it there, Chair. Obviously members have had the submission. I leave it to you and your colleagues to pursue issues with us.

**Mr MORRISON**—I have an opening question and comment relating to the decision of the AEC, at this stage, not to make any submission in relation to the whole issue of political donations and fundraising, expenditure on elections and so on. I note that you do not think you will be in a position to make any comments on that until November of this year. Given that this is the most significant part of the other reference provided to this committee, I wonder whether that November timetable is one that we would expect to be dealing with. If I am mistaken, my advice is wrong and we might be able to get something on that from you earlier, I would be keen to understand, because it is a substantial part of what this committee is looking at this time around in addition to its usual areas and we would welcome the views of the AEC on this issue, as was flagged at our last meeting.

**Mr Campbell**—I am not sure where you have got the November time frame you are referring to from.

**Mr MORRISON**—I understood that the secretariat had been advised that you would not be able to get any information until after the disclosure return period was completed and that some 16 weeks would intervene between now and then. Given that that is pretty much at the heart and soul of this review, I wonder—

**Mr Campbell**—I think there are two issues. There are the broader issues, including the bill that is currently before the parliament, and there is the green paper that is being prepared. I thought you were referring to those, but what you are actually referring to is our views on what happened in the 2007 event with regard to funding and disclosure. That is what you are talking about, isn't it?

**Mr MORRISON**—Yes and no.

**Mr Campbell**—What we have said is that, if the committee is asking us for information about what happened in the 2007 election with regard to funding and disclosure, we cannot provide

that until November because we do not have the information back from the parties and candidates.

**Mr MORRISON**—I understand that, but the committee's terms of reference from the Senate deal generically with issues relating to political expenditure, donations, fundraising regimes et cetera. I note that in this first submission those matters have not been addressed by the AEC, and I wonder at what stage we might hear from the AEC on those issues, as they are very topical.

**Mr Campbell**—I am sorry, there is obviously a confusion. You do understand that we cannot comment on the specifics of what happened in 2007 yet because we do not have the material.

**Mr MORRISON**—I do understand that.

**Mr Campbell**—With regard to the other issues, I was not envisaging making a submission to the committee on, in effect, the bill that is before the parliament.

**Mr MORRISON**—But my question does not go to the bill that is before the parliament; my question goes to the reference that has come from the Senate. That reference deals with:

a. the level of donations ...

b. the extent to which political fundraising and expenditure by third parties is conducted in concert with registered political parties ...

I will not read the whole terms of reference. It would just seem that the AEC's submission on this occasion has addressed the reference that has come from the Special Minister of State but, at this point, has totally ignored the reference that has come from the Senate. I am happy to accept that that may be addressed on later occasions by the AEC, and I hope it will. My question is: will we be hearing from the AEC on the items referred to this committee by the Senate on the motion of Senator Ronaldson?

**Mr Campbell**—As I said, I think there has been a confusion. Part a of that reference uses the word 'recent'. We can only talk about federal and we assumed that that reference was referring to 2007, hence the observation about November. If we have misread that, I am quite happy to go away and respond, as best we can, to issues raised in that resolution, in the terms of reference 1a to 1i. But, as I stress, I will not be able to do some of those because I cannot talk about state and local or about the 2007 election. I think there might have been a bit of a confusion or misunderstanding.

**Mr MORRISON**—I am happy to accept that. In addressing those comments, though, there are a couple areas in particular where I think the AEC can provide some expertise. Through its officers the AEC is involved in the review of electoral procedures and these regimes in other countries. It has people with a great deal of experience in understanding these matters. Secondly, the AEC is also in a very strong position, I think, to address the area of state-federal harmonisation of some of these arrangements, which is a constant issue for all who engage with these regimes at state and federal levels. So those are the areas where I think I and my colleagues would be hoping to get some good advice from the AEC as to how we can address some of these matters.

**Mr Campbell**—And that is quite okay. We will do that.

**Senator RONALDSON**—On that point, with the greatest respect, Mr Campbell, I think it was a very disappointing response. I accept there is a timing issue with some of the information, but you have effectively refused to address a number of matters. To say, ‘We do not comment on the level of donations at a state and local level,’ is all very well—I suppose as a matter of principle that is right; but as a matter of practice, you are the one who is supporting harmonisation but you are not—

**Mr Campbell**—No, I am sorry—

**Senator RONALDSON**—No, let me finish. I will finish my question, and then you can respond. You had the opportunity, in my view, to say, ‘We are prepared to look at this. In the context of harmonisation, we will look at the level of donations and expenditure, et cetera.’ But rather than doing that—you cannot blandly say, ‘We agree with harmonisation’ and then not be prepared to accept there is a bit of leg work that needs to be done to see how that is going to work. Part of that would be to make those inquiries.

**Mr Campbell**—I do not have the resources. We are a small organisation. I do not have the resources to go and completely analyse the level of donations, income, expenditure received by political parties, associated entities and third parties at recent local, state and federal elections. I do not have the resources.

**Senator RONALDSON**—Why didn’t you say that? What you said was, ‘We are not prepared to do it.’

**Mr Campbell**—I did not say that. I said—

**Senator RONALDSON**—It is in there.

**Mr Campbell**—I do not have the funding to do that amount of research. I do not have those resources. I have a very small area that looks after funding and disclosure. We will do it for the 2007 election when we have the data and, if the committee wishes me to, we will do it for the 2004 election. But I cannot commit to do it for all levels of government, for all relationships with political parties, associated entities and third parties.

**Senator RONALDSON**—What resources have you committed to the green paper? I presume you have been asked to have some input?

**Mr Campbell**—You know well that we have. We discussed that at Senate estimates.

**Senator RONALDSON**—Indeed. What level of staffing resources have you allocated to the green paper?

**Mr Campbell**—Obviously, there is time by myself and Mr Dacey, my deputy, and also several of the staff members of the funding and disclosure area.

**Senator RONALDSON**—Are they working full time on that?

**Mr Campbell**—One is.

**Senator RONALDSON**—Right. Is it only the disclosure aspects of the green paper that you have staff allocated to?

**Mr Campbell**—There are two parts to the green paper, and I am only talking about the first part of the green paper. The team that will be working on the second part of the green paper is the team that has just completed doing the submission to this committee.

**Senator RONALDSON**—How many people are on green paper mark two?

**Mr Campbell**—Two full time, one of whom is on secondment from the Department of Finance and Deregulation, and one part time. I did have two other officers working on the submission to the joint standing committee, but they have now gone back to their jobs.

**Senator RONALDSON**—Thank you.

**CHAIR**—We will come back to it. Mr Scott has limited time.

**Mr BRUCE SCOTT**—Thank you for facilitating my time schedule. The return trip home is one flight a day, and if I miss that it is an eight-hour drive. I have a few questions relating—probably predictably—to postal votes. Do you think you addressed the concerns that were raised during the 2004 election related to postal voting in the 2007 election?

**Mr Campbell**—I will try to summarise the concerns in 2004. Several were specific to 2004, including the fact that a number of postal vote certificates did not get out in any timely manner. That issue was raised in response to an audit that we had done by Minter Ellison and to quite a deal of investigation by this committee. I believe that we did not have any of those problems in 2007. As a result of that experience from 2004, in 2007 we had an increased number of prepoll centres, particularly in Queensland—because of the rurality and remoteness of Queensland—using the local government areas. That, I think, worked well.

I think, however, that there is a perennial issue that exists—it existed in 2004, would have existed in 2001 and existed in 2007—that is raised in the National Party's submission: we only have a three-week window after nominations to print the ballot papers, get them out to people and get them back. For a significant number of Australians, if they get their application in early enough or if they are a GP—general postal—voter, that is okay. However, for a number who are in rural and remote Australia, where they might only have one or two mail deliveries a week—say, one a week—that time frame is still very short. I am aware of concerns, particularly in, I think, 146 cases where they signed and dated the postal vote certificate, probably, on or before election day—I think most of them were dated 23 November or thereabouts—and put them into the postal system, but they did not have a postmark prior to the 24th. Therefore, when we got them we could not admit them. I think that is probably an issue. I draw the committee's attention to that.

We raised this issue in our submission after the 2004 election for the committee's consideration as to whether or not they wished to continue to use the postmark or the date of the witness's signature as the date that the vote gets in the system. The committee's decision was

that they would stay with the postmark rather than going to the date of the witness's signature. That is something, of course, that the committee may wish to consider again. It is a difficulty, because we only have three weeks from the time that nominations close, we do the draw and the group voting tickets come in from the Senate. We then have to print, and by Monday we have millions of ballot papers printed. To then get them out and back is sometimes in the lap of the postal system. I think that probably under current arrangements, if no change is made, we would have that same issue in 2010-11.

**Mr BRUCE SCOTT**—Thank you. I will just describe the circumstance. If the ballot paper is on the mail run south of Timbuktu, going out even on a Thursday, and Friday is a local show holiday, it will not be postmarked till Monday, when it would have got back in the hands of the postal system. Even if it is delivered on the Friday—if the mail run goes to Timbuktu out of One Tree Hill, for example, the voter picks it up, they deliver it to the post office when they return to town after 5.00 on Friday afternoon and the ballot closes on Saturday—the post office is not open till Monday; that is when it goes into the system. For instance, take Longreach. It might go to Rockhampton to be sorted. There really is a problem about that date that fails to allow people their democratic right to exercise their vote because of the way the postal vote system works. It is compounded, to some extent, by the closure of some of those very small booths in those communities, whose people would otherwise have gone 30 or 40 kilometres to the little community. It may only be 30 or 40 people voting. That has been closed, and they are now on a postal voting system. I have just described an example from a practical side, and I think we really do have to address that issue. I would like to return to that, Mr Chair, some time as part of this inquiry. I will give an example: the seat of Flynn.

**CHAIR**—It was indicated to me that that change to postal voting was supported by the committee in its recommendation No. 10 but was not supported by the government at the time. We can revisit it and have a look at it.

**Mr Campbell**—That is true, Chair. It was, yes.

**Mr BRUCE SCOTT**—I will talk to my colleagues.

**CHAIR**—Your colleagues are not in a position to do anything about it to the extent that they previously were. They might be if this government supports it, but they are things we can look at.

**Mr BRUCE SCOTT**—In terms of being enrolled on the electoral roll for a particular seat, why is it that we are using geographic areas rather than people's postal address? I mean, my own is not Roma. I am on 865 Carnarvon Development Road, Orange Hill—that is not my postal address; I have a post box—and if it were on a mail run, my postal address would be Roma Post Office.

**CHAIR**—I indicate to Mr Scott and to the commission that, at the moment, I am actually minded to bring Australia Post before the committee. Postal votes are a pretty essential part of an election. I am just thinking that we might have a roundtable with the commission and Australia Post regarding protocols and a whole range of other things. I just put that on the table for you, Mr Scott. We might be able to pick that up at a future hearing of the committee.

**Mr Campbell**—Could I add a point on that before Mr Scott comes back? I did not mention it because I did not want to take up too much time, but after 2004 we spent a lot of time with Australia Post, and we mentioned it in our submission. Indeed, their cooperation was quite significant for us trying to find ways of actually sending the ballot paper from our office, where we went to local print, that was actually closest to where the person was living using the postal system. Sometimes it is not clear. For example, in Roma or Dalby we would post them from that divisional office in previous years and they would go to Adelaide, Rockhampton or Toowoomba first before coming back. So we bypassed that facade and posted them from the most direct place for us. I think it would be useful to talk to Australia Post about that.

**Mr BRUCE SCOTT**—On the electoral roll—

**Mr Campbell**—No, the issue that Mr Melham and I are talking about is slightly different. I might ask Mr Dacey to talk to you about your issue with the electoral roll.

**Mr BRUCE SCOTT**—I get a lot of representation on this very issue. I had one the other day; a lady said, ‘My address is Injune, but I am kind of at One Tree Hill and the region is a county region in Bymount.’ This lady came up to me and said: ‘Why am I not “One Tree Hill, Injune”?’ Injune is not mentioned on the electoral roll.’

**CHAIR**—I am happy for Mr Dacey to answer this as it is obviously an issue that is important to Mr Scott. If it is important to Mr Scott, it is important to me as chair of the committee. It is something we can look at, if it is possible, in a round table with the commission and Australia Post. If you want to put the issues on the table so that both Australia Post and the Electoral Commission have notice of them, that would help and then I think we will move on.

**Mr BRUCE SCOTT**—One final one involved voting interstate. I get a lot of people coming through who would like to prepoll. They ask, ‘Where can you prepoll?’ The answer is, ‘Three hundred kilometres that way.’ Or they cannot vote on the day because they are from Victoria or Western Australia and they are part of the wonderful army of grey retirees.

**Senator RONALDSON**—‘Nomads’, I think.

**Mr BRUCE SCOTT**—Well, yes. They are a great army of people travelling around. They get very frustrated and they ring someone. There is an issue about being able to vote interstate.

**CHAIR**—Okay.

**Mr BRUCE SCOTT**—We say, ‘Go to Brisbane City Hall. You will be able to vote there.’ They do not want to go into Brisbane. They say, ‘How far away is it?’ The answer is, ‘About 600 kilometres away.’ So there are real issues about it, because our society is so mobile and there are so many people travelling around today. I also witnessed the issue in those mining communities where so many people fly in and fly out, or work shift hours into the night on those nights.

**CHAIR**—There is something in the submission on mining communities. We will come to that.

**Mr BRUCE SCOTT**—But I will certainly return to the issue. I have to leave here very shortly after a little round of questions; I will leave you in the hands of my colleagues.

**CHAIR**—If you have particular questions, we can give them to the commission on notice. I am happy to accommodate.

**Mr SULLIVAN**—I have a couple questions in relation to postal and prepoll voting. We have noticed, and you have pointed out to us, a quite substantial increase between 2004 and 2007. To what extent do you think this is consequential upon the electorate becoming a little more informed about their early voting opportunities and using those to avoid a number of the problems that we saw in 2007 at polling booths? To what extent do you think it is due to people taking more holidays or becoming older and more infirm?

**Mr Campbell**—I certainly feel I am becoming older. I am not sure I can say that about the rest of the electorate. I think your first proposition was whether the community is becoming more aware of the opportunities or potential for early voting, either by postal voting or by prepoll. I think that is true. I do not have any hard data to prove that but I do not think you only have to look at the increase in early voting between 2004 and 2007. I think it is very instructive to go back to 1993; it is not that long ago, and we have had roughly a doubling in the number of early voters. Whether it is because of what you termed ‘problems’—and I am not sure I would agree with you in using the term ‘problems’ but I think I know what you are referring to—

**Mr SULLIVAN**—Telling a line of voters that they have to go to another polling booth because there is not enough room inside to lock them in at 6 o’clock is a problem, and the people who turned up at that polling booth are not likely to want to do that again in 2010, 2011 or whenever the next election is.

**Mr Campbell**—I understand. I thought you might have been referring to the question of queues more generally. Of course, to do a prepoll, including a postal vote, you actually have to sit there and fill in the form. We have made a recommendation in our submission that would overcome that. I suspect it is more people’s awareness rather than difficulties with voting on the day, although there is the issue of queuing on a hot day. In Perth, for example, the temperature was 40 degrees that day and it was very hot, not only for the voters but also for our staff.

We are, if you like, operating under some difficulties that we cannot get over. Until we actually have the date of the election—and, in recent times, the notice has been between 5½ and 6½ weeks—we cannot finalise our bookings for polling booths. We use a large number of schools as polling booths and we are dependent upon the area that the schools give us. In some cases we get their big halls, but we had a number of schools last year that were involved in their end-of-year exams and so we could not use the big halls because it would have been too difficult to pack it all up on a Friday and then put it back out again when we were counting. The nature of our electoral system, whereby there is 5½ to 6½ weeks notice, means that we do the best we can. Most of our polling booths are the same—but not always. We will always have limitations on the size of the polling booth, the number of issuing points and, indeed, the number of people who we can get inside at any one time.

**Mr SULLIVAN**—Given that any number of Australian citizens seem to be prepared to blithely sign a false declaration in order to obtain an early vote, do you see any value in moving

towards an extended period of voting where people can, over the course of a week before the election day, cast a vote and avoid the Saturday rush?

**Mr Campbell**—As our submission suggests—although we do not use this term—I think the genie is out of the bottle with regard to early voting. If you include absent voting, over 20 per cent, close to a quarter, of people now are not voting in a static polling booth in their division on the day. So I think that we—and by ‘we’ I mean not only the AEC but we the committee and the parliament—have to tackle how we are going to handle that. There are consequences for the voter, there are consequences for political parties—which I do not have to tell you; you know what they are—and there are consequences for us because we are getting to the point where we are going to be slower in doing counts because of the number of—

**Senator RONALDSON**—Did you say 25 per cent are voting outside their division?

**Mr Campbell**—I am saying that 22 per cent or thereabouts of votes cast in 2007 were in envelopes. That included a small number of provisional votes, but there were only 167,000 of those.

**Senator RONALDSON**—Yes. This was not a shortlist.

**Mr Campbell**—There were, I think, 2.8 million votes in envelopes. That is double what occurred 12 or 13 years ago. My exchange here with Mr Sullivan is that I think that we, this committee and the parliament generally, have to consider what we are going to do and be very careful, because if we make it too tough we might actually affect participation. But if you have voting—

**CHAIR**—Is it a question of the integrity of the system? Let us get real here; working hours have changed, leisure has changed and a lot of people are voting earlier because of casualisation of the workforce. In the old days, people were not working on weekends to the extent they have been recently. As long as we can maintain integrity in a system and not have double voting or people manipulating the system, isn’t that, rather than disqualifying people, the balance?

**Mr Campbell**—I was not talking about disqualifying them.

**CHAIR**—No, I am not saying you are.

**Mr Campbell**—I think it is, and that is what I meant when I said the genie is out of the bottle. One option that we mention in the paper, without saying we support it, is to actually come in a lot harder on eligibility for pre-poll or postal voting. That, I think, in itself will cause all sorts of difficulties. I think we should responsibly recognise that we have a community that for a whole host of reasons, of which you articulated many a minute ago, will want to have a choice of voting on the day or before the day, and try to work our way forward so that the voters are not disadvantaged and the results can come through as quickly as possible.

**CHAIR**—As long as we have proper safeguards.

**Mr Campbell**—Safeguards and integrity, yes.

**Mr SULLIVAN**—On a slightly different line, but still on postal voting, your recommendation 6 says that party postal vote applications should be returned directly to the AEC. I wonder if AEC officers have ever gone out on secondment to an electoral campaign office to see the amount of your work that our volunteers actually do and to consider whether you want to take that into your offices and whether or not it is going to create a greater level of disharmony out in the community. I know that a number of our people contact the parties directly for any voting information without going to you and, if we have to tell them to talk to you, I believe you are going to have to increase your staff at those offices.

**Mr Campbell**—What work, exactly, are you saying that party workers are doing ‘for the AEC’?

**Mr SULLIVAN**—We are liaising with a number of voters about their rights to vote. We are making sure that, if they have not got their postal ballot, they ring us—they do not ring you. In many cases, that is down to whether or not we have actually been party to lodging their postal vote application. I happen to represent an electorate that is one of those at the top end of the ageing group, so I imagine that I have probably got a decent proportion of postal voters. Their relationship is with their political party, not with the AEC. For us to flick pass them to you to answer questions that we might otherwise answer is going to create work for you, and it is going to create a level of dissatisfaction, I guess, in the electors.

**Mr Dacey**—Mr Sullivan, I do not think our recommendation is suggesting that at all. We are certainly not suggesting that. We acknowledge the parties’ involvement in the process and that people in the electorate will still talk to the parties and some people in the electorate may choose to walk into candidates’ or members’ offices and lodge postal vote applications. All we are saying is that if people choose to post their postal vote through the postal system, it comes to us directly rather than through the party.

**CHAIR**—How do you propose to do that—to legislate that political parties cannot have a return address to an electoral office or a head office of a political party?

**Mr Dacey**—It would have to be legislation which specified that the postal vote must be returned to the AEC.

**CHAIR**—What is the basis of that legislation? I would have thought you would have some problems legally. I am talking about the ones that are not your votes. Let us understand that the political parties reproduce the postal votes identical to the Electoral Commission’s. They mail them out, the return address is either to the electoral office of the candidate or the major political parties and then they are passed on. I am being the devil’s advocate here. Where is the power for the parliament to legislate that you must require that those forms produced by a political party—so it is not material owned by the Electoral Commission—have to be returned to the Electoral Commission?

**Mr Pirani**—The act was amended to allow the political parties to use the AEC’s approved form—

**CHAIR**—That is right. So you are saying, ‘Don’t let not to let them use it’?

**Mr Pirani**—No. What we are saying is that the legislation would merely say that that form would have to have a return address and that return address would be the AEC office, for it to be returned directly to us.

**Mr Campbell**—There are two issues here: the issuing of PVAs and the return. We are not saying the parties cannot issue PVAs.

**CHAIR**—You are saying the return address has got to be the Electoral Commission?

**Mr Campbell**—There is an interesting element here which I thought your question was going to, and I will come to that. We are not saying that the voter cannot talk to the person that they are comfortable with. What we are saying here is that a PVA that was sent out by a political party should have our return address on it, not the party's return address. If, however, a voter drops it in to a candidate's office, entrusting them to give it to us, then section 197 of the act covers that. What we are saying is the parties continue to send out PVAs but the return address would be our return address rather than a party's return address.

**Senator BIRMINGHAM**—Parties are the only ones at present who proactively or pre-emptively distribute PVAs, aren't they?

**Mr Campbell**—They are.

**Senator BIRMINGHAM**—The AEC does not distribute PVAs unless somebody rings and asks for them.

**Mr Dacey**—We distribute on request.

**Mr Campbell**—We have them on our website and they are available in post offices.

**Senator BIRMINGHAM**—Indeed. But in terms of getting it in the hand of a voter, both parties across most electorates are the only ones who actually put it in the post and send it to the voter so that at the start of the election campaign they have got a PVA in their hand.

**Mr Campbell**—That is true.

**Mr Dacey**—That is right.

**Senator BIRMINGHAM**—Do you think the parties would continue to do that if your recommendation were adopted?

**Mr Campbell**—I do not know. First of all, I have to give credit to the major parties. We spoke to them after 2004 and, indeed, the time turnaround for party sourced PVAs was quicker than it was in 2004, so I give credit to the major parties because they actually took it on board. The fact remains, as our submission shows, that the very nature of returning them through a political party, be it a candidate's office or a state branch office of a party, automatically adds in times of delay. That is the point we are making. If we are saying we are worried about the timeliness of getting the postal vote certificates out after we have received and processed the PVA so that the voter can vote and have it postmarked on or before polling day—the issue we were just raising

with Mr Scott—then we are saying that one way of giving more time in this process, because we only have this three-week window after nominations close and we have the weekend of printing ballot papers, is not to have the PVA go back through the party. So the PVA goes out by the party but it comes back direct to us.

To answer your question, I suspect the legislation will be saying that any PVA sent out has to have our return address on it, but if the voter wishes to drop it in to a political party then there are obligations under section 197 to actually entrust it and get it back to us.

**Senator BIRMINGHAM**—My contention is that, thanks to the parties, most voters, within a couple of days of the election being called, have got a PVA in their hot little hands. If the parties have no incentive to send that out they probably will not, therefore voters probably will not have the PVA in their hot little hands in that first week of the election. So, in fact, you may see that you have a week or so delay at the beginning of the process that is longer than the couple of days delay that you are talking about through the party process.

**Mr SULLIVAN**—If I can follow on from that, before you answer, we might be more inclined to send them a piece of paper that says, ‘If you want a postal vote, ring this number.’

**Mr Campbell**—I think there is an important point here, though, on Senator Birmingham’s question, because there is a timing issue that I think you need to be aware of.

**Mr MORRISON**—On the timing issue, Mr Campbell, it is in the parties’ interests and, indeed, in every candidate’s interest, whether they are the incumbent or not, to ensure that any postal vote applications that they have sent out get to the AEC as quickly as possible. I appreciate the fact that you have noted that the parties themselves have improved their systems. But I know from experience as a former director of the party in New South Wales that the constant advice that is given, as you move into that last week before the election, is that those seeking to apply for a postal vote at that time are actually encouraged to deal directly with the AEC to overcome any problems. Firstly, the question I have is: have the commission taken any legal advice on their recommendation on this and, if they have, I would not mind seeing it? Secondly, if you were to prevent electors from sending postal vote applications back through the parties, effectively what you are saying to us is: ‘Well, send this out and let’s just hope it all goes through at the other end.’ As my colleague said, the electors have a direct relationship with either the candidate or the party and they will contact us, as they do—we both run information lines; we both have the phones open—and they will say, ‘I sent this on this day.’ On our records, we know that we would have received it on a particular day and that we passed it on to the AEC on a particular day. So, particularly if any matters come up later in the process, we know absolutely for a fact how many postal vote applications have come through our various processes.

The recommendation you have put forward would actually remove that source of information available to the candidates and, frankly, to the electors themselves. The parties and the candidates become advocates for the elector in this process because the party has taken the initiative, as Senator Birmingham said, to actually, if you like, encourage the franchise and its exercise by putting these out there. As your submission notes, as you have said, the increase in provisional votes through postal votes has increased over the years largely as a result of the parties taking the initiative, firstly in marginal seats but now it is a common practice. So what worries me about this is that, having established this very strong practice in the community for

postal voting, and people taking these up, you are effectively asking the electors and the parties to go: 'Well, just trust us. It'll all get there and it'll all be fine.'

**Mr Orr**—Can I just comment on the process we have in place to provide information to electors. After the issues that occurred in 2004, we enhanced our own in-house system to record a great more detail in relation to the stages of postal vote application through its life, if you like. We now record in our systems the date that we receive it; the date that we input it; the date that we send it to the contractor, if it is a central production, which is the majority of our postal vote material; and the date that it is lodged with Australia Post. That information is made available to our call centre and to our divisional office staff.

**Mr MORRISON**—I do not doubt that your systems are improving.

**Mr Orr**—All I am saying is that, if the elector rings us, we are giving a little bit more information than you would be aware of.

**Mr MORRISON**—But the point is that the elector who has dealt with the party does not ring you, the elector rings us. The elector rings our campaign offices. They ring our party headquarters and they have dealt with us for many, many years. What this recommendation does is effectively break a nexus at a critical point of that relationship. I am unsure as to what advantage that is giving the elector where the elector is choosing to do this through the process of their political party. I am not quite sure what is implied in the statement in the submission which effectively says that the communication that is provided to electors is a little hazy. I think that is what is being suggested in the submission, that somehow it is a little hazy how this is being done. These things go out with big Labor Party and Liberal Party stamps on them. I do not think they are confused about where this information is coming from. They have a relationship with us and it is coming back through that, and I am frankly puzzled as to why you would want to remove that element of the relationship. Also, I would not mind an answer to the question: have you taken legal advice on the recommendation and can we see it?

**CHAIR**—Section 197 of the act, which is headed 'Failure to post or deliver postal vote application etc.' says:

A person to whom an elector entrusts:

- (a) an application for a postal vote; or
- (b) an envelope apparently containing a postal ballot-paper;

for posting or delivery to an officer shall post or deliver the application or envelope, as the case may be, as soon as practicable.

Penalty: \$1,000.

So there is actually a provision in there that, in my personal view, gets the balance right. It says to the political parties or anyone else, 'You should be getting these back as soon as practicable.' I do not want to overreact here, but I have to say that in my experience—which is only about 30 years—in federal and state campaigns, if that provision were to be adopted then a lot of people would be disenfranchised. I am interested in how many people missed out under this system as a result of what you say are the current practices. It seems to me—I do not want to get emotional

about this—that we are about enfranchising people. I am happy to support recommendations that I think get the balance right, but not others that miss the mark. I have to say that I think there are ways around what you suggest.

**Mr MORRISON**—The vast majority of postal vote applications are processed by the AEC—your submission shows that—

**Mr Campbell**—It is about 70 per cent.

**Mr MORRISON**—and the balance of them are on a basis of a relationship between that elector and their candidates and their parties. I think this recommendation runs contrary to that.

**CHAIR**—It seems to me that even on your evidence it has improved. I am sure that the major parties, and all of us, want to continue to see improvements on it. I think that what you are trying to achieve is noble; I am just saying to you that my initial position is that I think you are using a sledgehammer to crack a walnut. That is just my view.

**Mr Campbell**—I would agree with that.

**Mr Orr**—I will just make a comment on the statistics you just mentioned, Chair, about the percentage of AEC versus other parties.

**CHAIR**—No, that was Mr Morrison.

**Mr Orr**—Sorry, Mr Morrison. The figures in the table relate to the period from the time when we had ballot papers available to polling day. As has been mentioned, the great majority of postal vote applications are received in the first few weeks before papers are available. I have not got the statistics with me, but they would probably show that the majority in that time are definitely from the parties, not the AEC, as a result of the reaction to receiving the mail. Those statistics are specifically for that post ballot paper availability period, because there can be no delay. As long as we get them by the Friday before that weekend, when we draw out the data to do our initial central postal vote production run, if it has been quite a long time—maybe up to 10 days—and for whatever reason it has been late, it is of no consequence. That is why those statistics are only after that time, when it actually starts to matter. In that 15-working-day period, two days, three days, four days or any delay is significant no matter what the cause of that delay might be.

**CHAIR**—One of the problems I have with Australia Post—I have been at war with them in a number of campaigns—is that when you just do a general distribution they will take 10 days to deliver it because, even though there is an election pending, they do not regard it as a priority. So at the election I basically direct-mailed the whole electorate on postal votes and the result was vastly different. That is one of the discussions I would like to have with you, the Electoral Commission, and the political parties. If you are in an election period, you have a situation, quite frankly—and I think Australia Post have improved—where some of their views on the delivery of some of this stuff in the first instance are archaic.

**Senator RONALDSON**—I suspect that we are all agreeing on the principle and we are going to have a bit of a look at the practice on the way through.

**CHAIR**—We will come back to it, because there is plenty of other stuff—unless there is something you particularly want to—

**Mr Campbell**—I just want to come back to Mr Orr's last statement, which really got to the question that Senator Birmingham was raising. For all those who come in from the announcement of the election until the close of nominations et cetera, we cannot actually process those until, in effect, the Monday after nominations close, because we print them up and then it all goes out on those first couple of days—for example, on the Tuesday and the Wednesday, I think it was, after nominations closed last time and we did the group voting ticket et cetera. We sent out over half a million on that Tuesday.

**CHAIR**—But there is also one issue you have not raised. You will not recognise anything that comes in before an election is called, so to speak. In anticipation of an election, where a lot of people know that something is coming or whatever, if it predates a certain time, bad luck, you cannot even lock it into the system. So it seems to me that that is something we also need to look at in terms of even parking it there for the Electoral Commission to act on when an election is called. That is a disqualifier. Am I right in that or not?

**Mr Orr**—You are right, the premise being that the person cannot make a declaration that they are unavailable on a particular date when there is no particular date. So that is the premise of why they cannot apply for that sort of thing beforehand.

**Mr Campbell**—They can be a general touch above it.

**CHAIR**—I understand that, but they might not qualify for going overseas.

**Mr MORRISON**—Can I just clarify one thing to help the committee as we consider your recommendation: is there legal advice on that recommendation?

**Mr Campbell**—No. While we have had internal legal advice, we have not sought formal legal advice, because we were thinking about what used to exist. But I think that is a very good question and we will take that on notice.

**CHAIR**—Thank you.

**Senator RONALDSON**—Can I just go back to Mr Sullivan's point before? I want to get back to the wandering genie. Just so I am absolutely clear: was the cork lifted through any legislative mechanism or any change in administrative arrangements within the AEC, or is the situation that, after many generations or decades, people have realised what can be done? I just want to be clear because I think Mr Sullivan has raised a very interesting, long-term point and I just want to find out what the dynamics are. If it is the hand of the legislator or within the AEC in an administrative way, then that might determine how we deal with the cork and get the genie back. If it is a community attitude to this, then I think it is an entirely different matter.

**Mr Orr**—I have just a couple of points. Firstly, as part of the postal voting segment, you have the general postal voter group. The ageing population are often a high percentage of that proportion. In between the 2004 and 2007 elections that group grew by about 40,000. That is not a huge amount but you would expect that it will continue to gain momentum. So in effect, the

postal vote growth between 2004 and 2007 is really just about GPVs. The core of postal voters really did not increase that much; it was really that whole growth was tied to that. In terms of prepoll voting, there were some recommendations that the previous committee made which the government recommended in relation to prepoll voting. That was about a number of things. One was about advertising of prepoll voting; others were about prepoll signage; and there were certainly comments made in discussion with the committee after the 2004 election about the hours of opening and availability of prepoll centres across Australia.

So after that time the AEC looked at this and there were a number of outcomes. Some of the main ones were that we made a point of opening on the Saturday before polling day, which we had not done previously; and where a prepoll voting centre was located near a major shopping centre, we would open hours that were similar—late night shopping hours, if you like. We also had more prepolling voting centres available. I think the combination of those things led to an increase.

Also, we made a point of raising the question on our postal application for the elector to think about: 'Because you have a personal vote application, is this the best means for you? Have a think about where you live—what is the postal delivery service? Have you thought about prepoll voting instead, because that is instantaneous? Once you do it, that is it; you are not waiting because postal delivery time frames might not be able to deliver it to you in time.' So I think it was a combination of things, plus there is a combination of people who have prepolled before. Perhaps it is not a great number at the moment, but there are a growing number of people who are repeat prepoll voters, and I assume that will continue as people come to appreciate the convenience, as mentioned earlier.

**CHAIR**—There was some legislative change on permanent postal voters with regard to regional and remote areas as well. Has that made any impact? The changes were some years ago.

**Mr Orr**—Yes, but there were also changes from the last election in relation to GPVs for overseas personnel et cetera. There were not a thousand—not many.

**Mr Campbell**—If I could add to what Mr Orr is saying, and so come back to the questions being raised by Senator Ronaldson and Mr Sullivan, I do not want to leave the impression that we have led the charge. We have reacted to community concerns and, indeed, the concerns of this committee after the 2004 election with greater availability of prepoll places, particularly in Queensland, and greater advertising. In a sense, our administration has not driven the change, but our administration has certainly seen the change and reacted to it, if you see what I am saying there.

**CHAIR**—Correct me if I am wrong, but the truth is there is more integrity in the vote of each of these voters than there is in some people just rocking up on election day because there are checks in place in terms of signatures and a whole range of things.

**Mr Campbell**—No, I am saying—

**Mr MORRISON**—It is a true point, though.

**Mr Campbell**—I did not want anyone walking away from the hearing or reading the transcript later to think that we took into our own minds that were going to push an increase in—

**CHAIR**—I am trying to make the point that I do not want people going away fearing that the rise in these votes leads to a question mark in the integrity of the result.

**Mr MORRISON**—If anything, it is the reverse.

**Mr Campbell**—I am not sure that it goes either way.

**CHAIR**—The signatures have got to be checked. There are a whole range of things. It does not happen on the day.

**Mr Campbell**—I think there is one other factor here that probably helps quite a bit. We have reacted to community and, indeed, committee and parliamentary, concerns. I think, however, if you go back and look at the start of the increase of this process, a bit of it occurred in 2001. What happened is that several of the elections in 1998, 2001, 2004 and 2007 occurred during school holidays on the eastern seaboard. While the school holidays are staggered over the three large states on the eastern seaboard, there were school holidays then and people were travelling away. I suspect that, with the first one or two school holiday elections, people found out that they could vote in a different way and decided they would continue to do that. I would add that to the list of reasons that Mr Sullivan had.

**CHAIR**—They found it more convenient.

**Mr Campbell**—Yes.

**Mr MORRISON**—Coming back to this issue of the provisional votes, I think you said in an earlier meeting we had that the initiative taken by parties to encourage postal votes has also encouraged a general view that there are other ways that you can vote and people are taking advantage of those. As you say, it is over 20 per cent of the votes now cast. The point Mr Melham made was a very good one: the standard of proof of identity relating to those votes is actually higher than for votes cast on the day. In your submission, you make a number of recommendations that, frankly, weaken the requirement for proof of identity, whether it is in terms of enrolment or in terms of provisional votes.

Probably the most disturbing figure I saw in the submission was that, for provisional votes that were cast, the number of people who provided proof of identification by 30 November was 6,372. The number of people who actually came in to vote and had the opportunity to provide proof of their application but failed the 30 November deadline was 27,529. Almost 28,000 people rocked up for a provisional vote saying, 'Yeah, I live here and I vote here,' but for some reason were unable to then come forward later and provide some proof of identity. That strikes me as a bit of a canary in the mine on these issues. If we are going to consider anything in relation to proof of identity, then I strongly suggest that we should be raising the bar, not lowering the bar. I would be interested in the commission's discussion and comments about why they are seeking to lower the bar on proof of identity.

**Mr Dacey**—I do not think that we could suggest that those 27,000 were potentially people trying to vote fraudulently. I think it was an imposition. Perhaps people saw it as an imposition that, if they did not have their licence or whatever with them when they came to vote, they would have to seek out a divisional office in the next five working days and front up with proof of identity.

**Mr MORRISON**—That does not seem like a very burdensome task.

**Mr Dacey**—It is not a very burdensome task, but they have fronted up to a polling place, they have been given a provisional vote and on the Monday they know the result of the election. Some people may think, ‘Well, why now bother finding the divisional office and going to show my proof of identity?’ That is just a view—

**Mr MORRISON**—According to your figures, 90 per cent of people, when they are registered to vote, actually use their drivers licence as a proof of identity.

**Mr Dacey**—They do.

**Mr MORRISON**—And 27,529 people did not have their licence available to them when they turned up to vote.

**Mr Dacey**—They may not have had it on them at the polling place.

**Mr MORRISON**—27,529 did not have their licence available to them when they went to vote.

**Mr SULLIVAN**—It is a bit more than that because there were the 6,000 who did turn up.

**Mr MORRISON**—That is right—34,000 did not have their licence on them. That is extraordinary.

**Mr Dacey**—But when you look at that across the total number of voters, that is not a large number.

**Mr MORRISON**—I would suggest to you that it is a large number and we will never know whether these people showed up to fraudulently vote or not.

**Mr Dacey**—No. We will not know.

**Mr MORRISON**—We will not know, and I do not know if the AEC has the power or the resources to investigate that either. But my point remains: why are we looking at lessening the proof of identity in this submission rather than raising it?

**CHAIR**—Can I offer the suggestion—because I want to come in on this—that legislative change as a result of a bit of paranoia resulted in a whole lot of people losing the vote that they otherwise would have got. I am talking about people who were knocked off the roll because they did not answer a letter from the Electoral Commission and who previously would have been reinstated by a provisional vote, following a search by the Electoral Commission that they had

been on the electoral roll at a previous election. I give you some figures off the AEC website. In 2004, as far as provisional voters were concerned, 61,451 were reinstated. In 2007 the figure was only 3,052. We are talking about a lot of people who roll up and who, as I said, have not answered a letter from the Electoral Commission and so lose the safety net that was previously there for their vote. Is that a fair observation, Mr Dacey, or am I being too emotional when it comes to provisional voters? The rules were changed, weren't they?

**Mr Dacey**—The rules were changed.

**CHAIR**—And the rules have resulted in a massive number of people not getting the vote.

**Mr Dacey**—Significantly more people missed out on a vote at the 2007 election.

**CHAIR**—And these are not fraudulent voters. These are voters at a time when there was a safety net under the Electoral Act that said the commission could check the envelope, check the voters and check whether these people were still at an address within the electorate—and had previously been within the electorate.

**Mr Dacey**—That is correct.

**Mr MORRISON**—We are dealing with two separate issues here, though. There is the issue of that process and the safety net that was still provided for those voters. They could turn up on the day with proof of identity and vote. If they did not have proof of identity on that day, a week later they could find the electoral office in their electorate and show their licence then. According to the enrolment figures, 90 per cent of voters have a licence. But 27,000 still did not do that. So, my question is again: in a country where you need more proof of identity to hire a video or do any of the other things that have been mentioned before in this committee and other places than you do to vote, why are we seeking to lower the bar on proof of identity? Why is the AEC putting that forward?

**Mr Campbell**—Can I make a couple of observations here. First of all, there is an inconsistency in the act. I need to get one point clearly on the table. People who end up doing a provisional vote do not come in to do a provisional vote. They come into a polling booth thinking they are on the roll but discover they are not on the roll or the issuing officer cannot find them on the roll—and sometimes they are on the roll but you cannot find them because of a language or spelling difficulty. What we do then is issue a provisional vote. Some other jurisdictions in Australia do not do that. The provisions that were imposed were: if you did not have POI with you on the day—and a motor vehicle licence is the best one—then you have until the following Friday after polling day. You cannot assume that the 27,000 people who came in and did a provisional vote for whatever reason knew they were going to do a provisional vote. I do not think that that stacks up.

**Mr MORRISON**—I think that is a default presumption which is fair to make in any system. I would stand corrected on the figures—I do not have them in front of me—but in the electorate of Swan I think there were some 1,400 provisional votes, of which roughly only about 140 ended up being validated. If the submission as put forward by the AEC were adopted then I would assume all of those 1,400, based on what is put forward in this submission, would have been cast and counted and the outcome could well have been different.

**Mr Campbell**—Not necessarily, but a significant number would have been. We are saying that, based on what happened in 2004, we think there would have been that sort of level of admission. I need to pull a couple of points together, because sometimes points get lost and points get made. Earlier on in the committee we were being subjected to some questions and comments from Mr Scott about the lack of polling booths and closeness of polling booths. We have 7,700 polling booths on the day. I have 150 divisional offices, which was the point that Mr Dacey made. I suspect that there are a number of frustrated people who just fill in a provisional vote because they did not answer a letter from us and got into the polling booth without their licence or whatever with them. I am not sure what their incentive would be to send us their licence—some did, but not many—when by 10 o'clock that night they knew what the result of the election was. So I just want to make sure that we actually are discussing this in a holistic sense. I will raise one other issue, which is raised in the submission. Absent votes have no proof of identity. Yet nobody here, as far as I have heard this morning, is actually saying there is an integrity issue about people that come in with an absent vote.

**Mr MORRISON**—I am happy to make the recommendation.

**Mr Campbell**—You might well be, but my point is this. I will make another observation, because here I think there is a question of the fabric of our electoral system. I will not always agree with everything that is said in this committee, but I think there is something fundamentally wonderful about the Australian electoral system—and that is that, on a day chosen with six or seven weeks notice, 10 million people front up in a 10-hour period and cast a ballot. They queue. Sometimes they complain. I queued this year early on, and I was down there very early, before the polling booth opened. It was very nice to hear people behind me saying how wonderful it was that there were no threats saying, 'You're queuing up here,' and everybody was in good humour. To my mind the fabric of what we would face if every individual had to produce proof of identity in the polling place before they could cast their ballot—although you might get a change in attitude over a period of time—would create immense problems in the first one or two elections. I suspect that ultimately it would cause a downturn in turnout.

**CHAIR**—The proof of identity argument is a nonsense argument on provisional voters. Let me tell you why: they fill out an envelope with their signature on it.

**Mr Campbell**—Exactly.

**CHAIR**—You then go back through the process and check the signature that was on their application for enrolment that was lodged with you. There is your proof of identity: it is a comparison of signatures. You do not need a licence to get reinstatement; you have signatures.

**Mr Campbell**—Can I make one other point, because I think this is one of the issues that caused some difficulty for a small number of voters in 2007, in addition to what I have been saying. The way the legislation is worded, if a person comes in and the issuing officer cannot find them on the certified list, they get issued with a provisional vote. We had people in this category. They then have six days, or five working days till the following Friday, to give us POI. If they do not give us POI then the process goes no further, including for those who are on the certified list but the issuing officer made a mistake. So we had a number of people—not many—whose vote was not admitted to the count even though they were on the certified list, because they did not give us POI after polling day.

**Mr MORRISON**—My question still remains as to whether or not the recommendation should be to include pre-poll votes as ordinary votes and count them on the same day, which would therefore lessen the test effectively applied to pre-poll votes. You would have to admit that doing that would increase the risk of double voting through the process of a pre-poll and an ordinary vote.

**Mr Campbell**—That is a very different question to the one we have been talking about.

**Mr MORRISON**—But they all relate. The point I am getting to is that there are a number of recommendations in here in which, when I read through them—whether it is on issues relating to pre-poll votes and how you would like to change those or on how you would like to change issues relating to proof of identity—there is a view that we need to go for the expedience of being able to count more quickly. That is an outcome that I know that the AEC is interested in, and frankly, to be fair to the AEC, you are often judged publicly in terms of how quickly these things can be counted. But, at the same time—I cannot speak for other committee members—I have a concern that, by going for that quicker count and that expedience, we may be undermining some of the integrity of our system, particularly as it relates to proof of identity. I think people have a right to know that everybody who has cast a vote is validly there to cast a vote. There will be lots of people who will take advantage of the provisional-voting system, declaration votes and others for all the right reasons, and you would not want to restrict that franchise at all, but at the same time you would want to make sure that the tests continue to be applied, and this submission is arguing that those tests be lessened.

**Mr Campbell**—The argument is that there is one group of voters at the moment who have a more onerous task in casting a ballot on the day than everybody else. That is point 1. Point 2, which is not in the submission but is the observation that I made a few moments ago, is that if you are going to have POI then you have it for everybody, and then you will have difficulties. In our environment, our community and our society, I think you will have difficulty if you go for POI at the polling place. I would like also to make one final point. It was very kind of you to mention that we get criticised. We are sensitive about the criticism, because in previous elections we have had senior politicians who should have known better being critical of us for not having the result earlier. Indeed, there is one submission there about the timing with which we declared the poll. We will take those, if you like, ‘slings and arrows of outrageous fortune’, as they might say, but I am here trying to help the committee and, indeed, the community.

At the moment, we have checks on such things as envelope votes, but we have 10½ million or thereabouts people who voted on the day. The way it has worked in this country since 1901 is that those people have come in, they have voted, they have said their name, and they have been asked three questions about their name, address and whether they have voted before in this election—not ‘this day’; we have changed the question to, ‘Have you voted before in this election?’ Then they have been marked off the certified list. To my mind, we do not have any proof—I know we have allegations, but we have no proof—of electoral fraud, substantial multivoting or anything like that. The submission is saying that we have a small number of voters whose vote, up to and including 2004, would have been admitted but that, because of the very particular POI for voting that was applied to them and to nobody else, their vote was removed. That is what we are drawing to the attention of the committee.

**CHAIR**—On this point and on counting the votes early, do you have any figures on cases where someone who has had a declaration vote is purported to have had an ordinary vote under the current system? You know how you have come to us in private meeting and said that there is—

**Mr Campbell**—I would have to take that on notice.

**CHAIR**—Can you take it on notice. I am just interested as to whether you can identify how many had declaration votes who were alleged to have had an ordinary vote.

**Mr Campbell**—I do not wish to mislead the committee, so I will take that on notice, but I tell you that the numbers are very small.

**CHAIR**—That is okay.

**Mr MORRISON**—Following up, and to bring those sorts of questions to a close, I would encourage the AEC not to be bullied, if you like, by the comments—impatient comments, I suspect, at times—on election nights. I think that, with what we see in Zimbabwe or in other places and with the increased participation we have in our elections in Australia, electors are increasingly valuing their vote. I commend the AEC on the advertising campaign that they ran before the last election. Personally, I thought it was very strong because it highlighted a valuing of your vote, and that is a good thing. But I think that, as people increasingly value their vote, what they want to see is that that voting system has the highest integrity possible. I would hate to see that sacrificed for the expedience of an earlier count.

**Mr Campbell**—The AEC is not bullyable, and I am sure you are aware of that. The point I was making was that it is unfortunate that people who are in the political process make comments, and this was the case particularly in 2004, when they know full well that we wait 13 days for postal votes to come. I was just making the observation that it is a bit unfortunate that sometimes people try to place pressure on us when we are doing what you are asking, which is making sure that the community has complete trust in the integrity of the system.

**Mr MORRISON**—I commend you for doing so. It is lucky we all have such thick skins.

**Mr Dacey**—I would like to point out in our submission—

**Mr MORRISON**—What page?

**Mr Dacey**—Page 43, paras 457 and 458. In relation to what we have called ordinary pre-poll voting, we suggest that electors' names be marked off a certified list before they are issued with ballot papers. If their name is not found on the certified list they would be given a declaration vote. We are not suggesting that they just come in and not be marked off. We are adding to the integrity that is there as best we can.

**Mr SULLIVAN**—Mr Campbell or Mr Dacey, I am not sure who, said 27,529 is not a large number. In Victoria 6,490 did not show up with proof of identity. One of your suggestions was that they knew the result of the election. This is about 180 votes per electorate. I know we cannot be specific, but that could have made a significant difference in McEwen and it could have saved

us as a nation quite a deal of money in the process that we are going through. I do not want you to go into that process until after it has happened. While this is a small number of votes, there were a large number of electorates that were within those sorts of numbers of votes and the inclusion of these votes may well have had some bearing on the outcome of the election in a number of electorates. So I do not think that it is something that we can easily discard as a small number of votes.

**Mr Dacey**—I take your point. I was the one that mentioned the small number of votes. In the context of a close seat, any votes may count.

**Senator CAROL BROWN**—Have the AEC done any research on the age and gender of people that did not have proof of identity at the time? Are you going to look at that?

**Mr Campbell**—We had not planned to, but given the discussions that have occurred here we might investigate that if we can. There will be some difficulties because we will have to go back and pull the votes out of the various bundles. We would only do that at the moment in 149 divisions. There would be one we would not touch the bundles of. I am also interested in whether or not we can work out any data as to the numbers that might have already been enrolled but the legislation said that we could not admit their vote because they did not give us POI. Perhaps it might be best if I take that on notice. We will look at what we can and we will come back to you with subsequent information.

**Senator CAROL BROWN**—If you do that will you do it separately for the ones that did subsequently come in and provide proof of identity and those who did not?

**Mr Campbell**—We will do as good a split up as we can, but I would probably want to concentrate on those that did not provide proof of identity, to see how many of those we knew about who were either on the roll and could not be found or had been on the roll and were taken off and did not re-enrol. Perhaps we should take this as a general issue, go away, look at it and come back to the committee.

**Mr SULLIVAN**—The other point that I was going to raise goes to proof of identity and some form of voter identification card. There could be some benefits to it. In the 2006 Queensland state election every voter got a letter which they were encouraged to take to the polling booth. I was actually handing out how-to-votes at a booth that serviced three electorates. When people came in they knew what polling booth to go to because the letter told them. However, they did not really know what electorate they were in, but we knew where to find it on the letter. It was very helpful to us, the presiding officer and the issuing officers at the booth that that letter went out. I am sure you have communication with your voters from time to time, or with our voters—

**Mr Campbell**—The electorate, I think.

**Mr SULLIVAN**—The electorate. Would some form of card be of some assistance?

**Mr Dacey**—Obviously it would not be used as POI, because there is no provision in the law for any enforcement of that sort of voter card or voter letter being taken along to give you the vote. I know that some of the state jurisdictions are increasingly taking that approach. The last time we canvassed it with the parties, which is probably going back 10 or more years, both

major parties were certainly opposed to that for what were, at the time, probably good reasons. But sending voter cards or letters to people is not something that we have considered. It may aid us in finding people on the roll, because people, if they bring it, can help some of the polling officials who currently struggle with the alphabet and with people with unusual names, but adopting this approach universally has certainly not been considered.

**Mr Campbell**—I will add to that. I am not sure of the timing of the Queensland elections, but New South Wales also sent it out before their March 2007 election. But they did it with a roll download in December, and then the letters were staggered and were still being sent out in January. For it to be effective, we could only do it after we closed rolls, to be honest. Otherwise you would end up with significant baggage. So I think that, if this is to be taken further by the committee, there has to be more consideration about timing of it, because we have a close-of-rolls period and then have to print our certified lists and get them ready, and to do a mail-out to 13½ million electors at the same time might be difficult. I just put that on the table.

**CHAIR**—But you write them letters when they enrol, don't you?

**Mr Campbell**—Yes.

**CHAIR**—Isn't that an appropriate time, when they are newly enrolled—if you were to do this?

**Mr Dacey**—What we call an acknowledgement letter when they enrol—

**CHAIR**—An acknowledgement letter, yes.

**Mr Dacey**—Some people do bring them to the polling place.

**Mr Campbell**—In the past 12 months, maybe a million or two million people have changed their details; you still have 10 million who have not.

**CHAIR**—I understand that.

**Mr Campbell**—We send a card out, yes.

**CHAIR**—As people have changed, I think—

**Mr SULLIVAN**—I now have a piece of plastic to represent the fact that I belong to a bowls club, a sporting club or an RSL club. I carry those. I do not—

**CHAIR**—I suppose the answer is that you will do whatever you are funded to do. If we give you the funding, you will send it out.

**Mr Campbell**—I am also saying, Chair, that even with the money—and we will take the money and not run—there is a time issue here about doing such a thing with all the other things that are occurring.

**Senator RONALDSON**—Mr Campbell, I will just take you back to our discussions earlier about items a to i of the Senate's reference. I am pleased that you are not 'bullyable', to use your word. It is some new language, but I think we all know what you are talking about. I am very pleased that that is the situation. I will just take you through your submission. I am looking at the first three pages of attachment A. I accept your commentary, and I think we have agreed that November is the sort of timeline where there can be some response.

**Mr Campbell**—Certainly on the 2007 election.

**Senator RONALDSON**—Indeed. That is also the same for item 1b, and presumably you will be able to respond to the committee after receipt of that information. This is on the second page:

... the AEC has no information in its possession that would enable it to respond to the Committee.

But we have agreed that the response will come after. On the tax deductibility, 1c, I accept that that is not an issue that you would be discussing. I presume that, with the green paper, you have not been asked to comment on tax deductibility or those sorts of matters.

**Mr Campbell**—The green paper has not been finalised by the government, but I think that at this stage it is concentrating more on the provisions in the Commonwealth Electoral Act rather than any taxation issues.

**Senator RONALDSON**—I presume that you received a request from the minister as to the sort of information and input that he wanted in relation to the green paper.

**Mr Campbell**—As we said at the Senate estimates committee three or four weeks ago, there is a task force made up of ourselves, the Department of the Prime Minister and Cabinet and the Department of Finance and Deregulation that is drafting some papers for consideration by the minister and government. In that context, the task force has been charged with putting forward views and discussion issues for the minister and government; there has been no direction to the task force to include or exclude particular things.

**Senator RONALDSON**—On what basis have those decisions been made?

**Mr Campbell**—The task force, which, as I said, is three departments, is doing what bureaucrats do quite a bit: sitting down, talking through the issues and working out which ones we are going to recommend get included. Of course, what actually gets included in the green paper in the end will be a matter for the minister and government, not for the bureaucrats.

**Senator RONALDSON**—I accept that, but are you solely confined to discussion of matters in the Commonwealth Electoral Act 1918 or is the brief far wider than that from your officers' point of view? You have got two staff working full time on this. Is there brief to look at matters outside the Electoral Act?

**Mr Campbell**—From my perspective as the Electoral Commissioner, my input is on the Electoral Act and issues. To the extent that the green paper ultimately might include issues outside that will be a matter the government will determine. It is really not a matter for me—it is outside the act.

**Senator RONALDSON**—Just so I am clear: the only input that your officers are having into this working party is on matters relating to—

**Mr Campbell**—Mr Dacey was just saying state and international comparisons of electoral issues pertaining to the Commonwealth Electoral Act are also included.

**Senator RONALDSON**—So your full remit is confined to that?

**Mr Campbell**—That is what we are doing. The remit implies that the government has asked me to limit our involvement to that. As I said, the government has not, but that is what I am limiting my involvement to because those are my statutory functions.

**Senator RONALDSON**—Did you say you were looking at other jurisdictions?

**Mr Campbell**—We are looking at what happens in each of the states across Australia to compare the sorts of regimes the federal system and state systems have. We have also been looking at funding and disclosure issues, particularly in countries such as New Zealand, the United Kingdom, Canada and the US, who have political systems quite similar to our own.

**Senator RONALDSON**—They also have quite different disclosure and other matters, as well.

**Mr Campbell**—I presume the green paper will draw all this out. There is a spectrum, but there are differences of emphasis between some of the countries.

**Senator RONALDSON**—Going back to this working group: there is no official piece of paper requesting your input into A, B, C or D—is that right? You have just been asked to attend this series of meetings in conjunction with PM&C; there is no actual piece of paper requested?

**CHAIR**—This is not Senate estimates. I am reluctant to intervene on you, but I do not really want to open up the relationship between the commission, the government and the green paper. We can do it at the time of the green paper, but it is not before us. I will give you latitude; I am not going to stop you.

**Senator RONALDSON**—I acknowledge what you are saying, but this follows on from the discussion we had—

**CHAIR**—I am going to give you latitude.

**Senator RONALDSON**—Thank you. This follows on from the discussion we had about an hour ago, where we did discuss resources and Mr Campbell said he did not have the resources to look at the level of donations et cetera and expenditure in other states. But, indeed, part of the commission's input—and I presume this committee will be taking great interest in—

**CHAIR**—We will. What I am saying is that, when we get the green paper before us, I have no problems with you going hammer and tongs.

**Senator RONALDSON**—Yes. That is true, but I want to ensure—

**CHAIR**—Put the markers down. I want to get my cup of tea.

**Senator RONALDSON**—that the Senate's terms of reference—

**CHAIR**—I am not saying no to you; I am saying yes.

**Senator RONALDSON**—are met to the best of our ability. I am not too sure how we can look at state jurisdictions in the context of the green paper but not have the resources to look at the level of donations, expenditure et cetera, which I think would be pivotal to the disclosure aspects of your inquiry.

**Mr Campbell**—There are two very important differences here in subtleties. What we have looked at in regard to the state governments or state divisions and overseas countries are the general statutory legislative provisions that exist, that is, the level of disclosure: who has to disclose; do donors have to disclose as well as donees, that sort of thing. We are not looking at, and have not looked at, what is covered in 1a here, which is:

... the level of donations, income and expenditure received by political parties, associated entities and third parties.

There are two different things: firstly, what is the framework? What are the statutory provisions that exist? Secondly, what happens under there with regard to how much is received, what is income and what are donations? That is what 1a talks about and that is what I was talking about this morning.

**Senator RONALDSON**—I am mindful of the admonishment of the chair, but I am sure we can pursue this later on. Can I now turn to item 1d. You indicated that you were not clear about the scope of the item. Was there any endeavour made to contact the secretariat to get some clarification of that to enable you to actually make some commentary on item 1d?

**Mr Campbell**—I assumed that that might come out today, because this was part of our submission. I assumed that, if committee members were saying, 'Well, okay, it should be made clear to the AEC that what we mean is this' then we would have that discussion today.

**Senator RONALDSON**—Yes. You know, it is a Senate reference and I would have thought that, for the sake of completeness, it was probably worthwhile seeking some clarification so it could have been completed in the submission. But this is not so much about individual organisations as the activities of third parties in the overall context—the millions of dollars of advertising that we saw from third parties before the last election and what the potential impacts of that might be. It includes the impacts of advertising; it includes the potential impacts of online content; it includes the impacts of voluntary labour. That was the scope of that item, but not limited to those matters.

**Mr Pirani**—I am still having some issues about 1d, because it concludes with the description of associated entities from third parties not covered by the disclosure provision, so I just was not clear. We get the information with the annual returns and that comes in from the third parties under 314AEB of the act, from the political parties under 314AC and from other associated entities under 314AEA, so I just was not clear how to comment—

**Senator RONALDSON**—No, that is probably a good point in relation to things like advertising, which, of course, would be disclosable in the general category. But, certainly, the impact of voluntary labour or online content would fit under that nondisclosure type category.

**Mr Pirani**—The definition of ‘gift’ excludes voluntary labour, so, in relation to donations et cetera, in the definition in section 287 there is an exclusion of voluntary labour. The act actually says in section 287 subsection (1):

“gift” means any disposition of property made by a person to another person, otherwise than by will, being a disposition ...  
(other than volunteer labour)

My issue in trying to prepare a response on this was, given that I do not have the information because the act specifically says that it is excluded from the operation of the act, on what basis can I really assist the committee in giving information which is about something we do not collect. That is the difficulty that I was having.

**Mr MORRISON**—I would ask the AEC to take a step back in looking at this term of reference particularly. As we go through this process—and with other processes going on in state jurisdictions, particularly New South Wales—the architecture of our donation system, our expenditure cap system and all of these things are potentially up for review, I think it is fair to say. In an environment like New Zealand or the UK, for example, where there are caps on expenditure in campaigns and there are limits on political donations and so on, the activities of other agents in the political environment operating in an election context becomes very, very relevant. So you can seek to constrain an activity in one place but in another place leave the activity completely unfettered. To the extent to which the AEC has any experience or understanding of those issues, where the activities of other third parties are currently not touched, not recognised and not regulated by our system, I think it is important for us to understand how we might regulate them, if we are to be consistent and achieve the objective of having a system that does those things. Does that help?

**Mr Pirani**—That is certainly the type of issue that we are looking at in the green paper.

**Mr MORRISON**—We would be keen to hear about it in the context of this review, under these terms of reference.

**Mr Campbell**—I now understand what you are getting at with term of reference d. We will come back to the committee on that.

**Mr MORRISON**—Thank you.

**Senator RONALDSON**—In relation to term of reference e, is your response that it is a policy issue and therefore you are not prepared to comment on it, or do you not have a view at this stage on an appropriate level of public funding to meet the requirements of that public policy matter outlined in the Special Minister of State’s second reading speech?

**Mr Campbell**—The AEC does not have a view on whether four per cent, five per cent, as some countries have, or two per cent, as other people talk about, is appropriate. Before term of reference e is considered, which refers to ‘the appropriateness of current levels of public

funding', the appropriateness of public funding could be considered per se, although that is a different question to the one in the terms of reference. The AEC does not have a view on whether four per cent, five per cent or two per cent is appropriate.

**Senator RONALDSON**—Do the green paper discussions involve any of these aspects, the public funding—

**Mr Campbell**—I cannot say that what is being prepared by the task force will get into the green paper because it is a government green paper. The government is seeking advice from various sources. So I cannot really say what is in the green paper.

**Senator RONALDSON**—The issue is that—

**Mr Campbell**—It is not my green paper.

**Senator RONALDSON**—I understand that, but the issue is that this committee cannot be the poor cousin in this policy debate. Whatever the language might be, all the matters that are raised in these terms of reference are, I suspect, the sorts of matters that are being addressed in the green paper. Chair, I would have thought as a matter of courtesy we should not have to wait. If the AEC is involved in the preparation of the green paper and there are matters that are being discussed, I think that as a matter of courtesy this committee, given the terms of reference, should also be accommodated with that sort of information, as opposed to the—

**CHAIR**—My only view is that we do not know what is actually going to come out. There are obviously these preliminary discussions, but I can give the committee this assurance: we will be involved in the green paper process. When it comes out a lot of these issues can be examined. We will not be like a moo-cow watching the green paper passing by. We will be into it, but not before it is released.

**Mr Campbell**—The point I have to make, and I know I have said it before, is that the green paper is a paper of government. It is not an AEC paper.

**Mr MORRISON**—I understand that.

**Mr Campbell**—I will not be surprised if the committee asks for the AEC's views on things that are in the green paper.

**CHAIR**—Yes, we will.

**Mr Campbell**—I do not think it is fair to ask me and, even if you think it is fair to ask, I cannot answer. I do not know what the government will have in their green paper when they release it.

**Mr MORRISON**—Did we establish before—I may have missed it—which agencies are represented on the task force?

**Mr Campbell**—Yes—the AEC, the Department of the Prime Minister and Cabinet, and the Department of Finance and Deregulation.

**Mr MORRISON**—Thank you.

**CHAIR**—I am not trying to stifle debate. I can assure the committee that my understanding is that there will be a role for the electoral matters committee.

**Senator RONALDSON**—There is a bit of ‘the chicken and the egg’ in all of this. I am sure you appreciate that.

**CHAIR**—I agree, but I am waiting for the chicken to drop the egg before I comment on the egg! As I said, I work to proper hours, so I am proposing we have a quarter of an hour break. We will start at quarter past 11 on the dot. I will adjourn the committee until then.

**Proceedings suspended from 11.00 am to 11.17 am**

**CHAIR**—We will now reconvene this public hearing of the Joint Standing Committee on Electoral Matters. Before I allow Senator Ronaldson to continue his questioning, I welcome as an observer to the committee Senator-elect Mary Jo Fisher, a Liberal senator from South Australia. She will take her place on 1 July.

**Senator RONALDSON**—She is already here, mate!

**Senator FISHER**—I took Senator Vanstone’s place.

**CHAIR**—Sorry! I got that wrong. It just shows you how much attention I pay to the Senate these days.

**Senator FISHER**—It is a very important place.

**CHAIR**—Senator Fisher will not be asking questions because our rules are a bit different from those of Senate committees, but we welcome her along.

**Senator RONALDSON**—I just think that is indicative of the complete and utter lack of understanding by the House of Representatives members of the extraordinary contribution the Senate makes to public life in Australia.

**CHAIR**—Is that why you chose to come back as a senator?

**Senator RONALDSON**—I am a convinced convert, Mr Chair. Looking at item 1f in relation to free time: have you considered any other models in relation to free time such as, for want of a better word, government funding of free time? Has that been looked at in a policy sense?

**Mr Campbell**—No, not by the AEC.

**Senator RONALDSON**—Finally, looking at item 1g in relation to unqualified candidate, your submission states:

The AEC repeats that it has received external legal advice that confirms that there is no power for the AEC to take any action to recover election funding ...

I think you and I had a bit of a discussion about this at estimates—not that I want to get back to estimates. In a general sense, it seems to me that your enforcement powers are extraordinarily limited, if they exist at all. Has there been any thought given by the commission to requests for legislation for enforcement or other powers?

**Mr Campbell**—To do what?

**Senator RONALDSON**—To do a whole variety of things. We have got legal advice in relation to the matter that you and I discussed—

**Mr Campbell**—Yes, but in this respect here there are a number of issues that people might want to consider. One is having a test of candidacy before the election is held; that is a constitutional issue. A second is having a test if a question is raised after the election as to whether or not a candidate was eligible. The third question is, if you assume that you go through the second issue I have just raised and it is found that a candidate was not eligible, whether or not the public funding should be repaid. They are the three issues.

The first one really gets to a constitutional issue about a candidate's eligibility, but I would also make the point that the time between nominations closing and election day is very short, and I do not think we would have the time. If there were any number of candidates whose candidacy was being appealed against, that would obviously go to court, so I think there has to be a very careful consideration about making such a consideration prior to the election. After the election, whether a person was eligible or not is up to the Court of Disputed Returns, I think, in the formal legislation. That then brings me to the final one, which is whether or not public moneys that were given in respect of a person who was a candidate and who, after a Court of Disputed Returns appeal, was found not to be a candidate should be refunded. The answer to that question is that the AEC has not given any real thought at the moment—we have a lot of things on our plate—as to whether or not we would seek to have legislative changes so that money would be repaid. But I stress that there would still have to be a legal process where that person was found not to have been a candidate in the terms as set out in the Constitution. So the answer to your question, in a nutshell, is: no, we have not done any consideration on the last point, which is the one that would be in our area.

**Senator RONALDSON**—Is that something which—it is a bit of a hypothetical—you are likely to consider in the fullness of time when other matters have been addressed?

**Mr Campbell**—I would have to say yes, in the fullness of time, but I would make just one observation. The number of cases in the last 20 years where there actually has been a person who was elected and then found not to be eligible and where a by-election had to be held is not very many. My colleagues can tell me, but I think that since 1990 there would be three or four, wouldn't there?

**Mr Pirani**—Yes.

**Mr Campbell**—Four. So it is not very many. So it becomes a question here of risk.

**Senator RONALDSON**—That, of course should not be the determining factor—

**Mr Campbell**—No, but it can be a factor to be considered as to how often—

**Senator RONALDSON**—but I take your point.

**Mr SULLIVAN**—My question is about something that your submission has been relatively silent on—that is, absent voting. There was a degree of disquiet in my area about the limited number of places where people could lodge an absent vote on the day. You have not covered much.

**Mr Evans**—What were the concerns in the division of Longman?

**Mr SULLIVAN**—There was an absent voting booth at Bribie Island, there was one at Caboolture and—

**Mr Campbell**—Here we have to distinguish between intra- and inter-state. In any division, you can do an absent vote for any other division within the state. If the concerns that you are talking about involve people from other states or the two territories who wanted to vote in the division of Longman on the day, and there were only several polling places that would take interstate—

**Mr SULLIVAN**—Three, really. It would probably be something that would apply to places that are much more of a holiday destination than we are, but we are a bit of a holiday destination, so I would imagine that there would be some concerns in places like the Gold Coast and Cairns, where people were on holidays during a holiday period.

**Mr Campbell**—I am not sure what the question is, Mr Sullivan.

**Mr SULLIVAN**—You have not mentioned anything in your submission. Have you had any feedback or concern?

**Mr Dacey**—Those voters can also vote prior to polling day.

**Mr SULLIVAN**—They can.

**Mr Dacey**—It is just that where they can vote is somewhat limited on polling day itself.

**Mr SULLIVAN**—On polling day, yes.

**Mr Dacey**—But, no, I have not seen any negative feedback.

**Mr SULLIVAN**—That then leaves it to you, Mr Morrison, I think, because I have just had a very short answer to my inquiry. I want to draw attention to a couple of things. The first one relates to page 8 of the submission where you note—I think it is interesting to note this and I commend the AEC for their role in this—that in 2007 there were 100,370 people who missed the close of rolls deadline for enrolling or changing their enrolment details. There was significant discussion before the last election about the changes that had been introduced to the cut-off of

roles. So in 2007 the figure was 100,000 or thereabouts, and that compares under the old rules to 168,394. I have no doubt that the work of the AEC played an important role in all of that but I am just interested in your observations. From election to election there is always a different climate and environment surrounding the election and people's raised awareness or otherwise of the election that is coming and the issues that surround it. But I do find that to be a fairly interesting figure—that, despite all the noise that there was about people's votes being disenfranchised, at the end of the day 68 per cent more people missed out last time than did this time. I am just interested in your comment. You may wish to respond by mentioning the need for funding for future campaigns.

**Mr Campbell**—If you look at recommendation 4, you have given me a perfect lead-in to it. You have said it yourself: every election is different. We can all speculate on the different factors in 2007 compared to 2004 and 2001. Going into the beginning of 2006-07, we were certainly worried about the roll. We spent a lot of money on the roll; we spent a lot of money on public awareness. There were other political factors applying during the lead-up to the 2007 election. I think the size of the roll was very pleasing for the community. I think the number that came in after the close of rolls and prior to election day was pleasing in comparison to previous years, although 100,000 is still quite a few people.

**Mr MORRISON**—Sure. I understand that. I do not dispute that.

**Mr Campbell**—But one of the arguments that I will be raising, both in this context, as a form of awareness, and certainly in processes with government leading to the next election, is that the AEC should be funded to provide public awareness campaigns well before the election starts. That has been the traditional thing, but 2007 was different. I think a lot of factors added to what was a pleasing outcome, but there were still 100,000 people who did not get up.

**Mr MORRISON**—I appreciate that. And the funding levels that you had for the campaign leading into the election on that occasion, I suppose, are borne out by the results in terms of the enrolment. Was the sort of weight that you were able to put behind the campaign sufficient, in your view, and is that the sort of weight that you believe is necessary for future elections, or do you think there should be more?

**Mr Campbell**—There was a discussion about this at Senate estimates, and I will not revisit that in terms of funding et cetera. The timing of an election is very uncertain. I know now, for example, that if the next federal event is a House of Representatives with a half Senate, the earliest possible date it can be is early August 2010 and the last possible date is 16 April 2011. That is a very big time gap for us to pick. Last year it was easier because we knew we had a more compressed time frame. We have to make a formal judgement as to when we start our advertising. We started in May, even though the odds were in favour of an election being called after APEC, which was going to be in early September. But we did not feel that we could do that. The longer the gap, the more advertising we have to do and therefore the more funding we need.

**CHAIR**—There is targeted enrolment and there is advertising. To be honest, I would not mind a better breakdown in terms of what targeted enrolment did for you because of the ongoing nature of that. Let me put on the record that I am more of a fan of targeted enrolment than I am of advertising. I think advertising is good for a limited period but I do not know how effective it is. Previously, you used to have situations where there was an incentive for schools to

provisionally enrol 17-year-olds. I wonder how effective some of those campaigns were. I know you are under budget constraints and you are not doing it the way you used to, and I know advertising on TV and radio is sexy; I wonder if the commission could come back to us with how effective some of those campaigns are.

**Mr Campbell**—We can take that on notice. On page 10, we have a table showing the source for the supply of enrolment forms to electors. That is an interesting analysis for us but it does not tell us everything. It tells us what we stamped on the form that the person happened to fill in.

**CHAIR**—Correct.

**Mr Campbell**—They may well have got their form from targeting but they may have got one from targeting or a mail out and then gone down to the post office and got three more for the rest of the family. We have to be very careful about that. The same sort of argument applies to particular activities. We think that a lot of this activity was reinforcing last year, so you cannot necessarily say that one particular activity led to that much growth of enrolment. If you look at the totality of what we did and what a number of players in the game did last year—we went out with targeted enrolment, we went with Enrol to Vote Week in schools, we went to Big Day Out concerts, we went to orientation weeks in universities—we really think, and as I said we will come back with more formal and more articulate information, that a lot of this is actually reinforcement of a number activities, not just one.

**CHAIR**—I understand that. I accept that one activity is not going to pick everyone up, but I have always been a fan of the targeted stuff on the ground used by your divisional returning officers. When there is a development that is going on, they will know about it through their involvement in the local area and they are going to drop some electoral forms there.

**Mr Campbell**—We liked that but we did get some anecdotal comments from some our field workers that they would knock on the door in the middle of last year and the person would say, ‘Ah, we saw your ad.’

**CHAIR**—I understand they saw the ad. But they did not enrol as a result of the ad, you see? It is one thing to say, ‘Oh, we’ve got to get on the roll because there’s an election.’ I have not got the figures; I am just interested in if you have done that analysis.

**Mr Campbell**—You cannot do an analysis that says, ‘This five per cent of enrolment forms came because people saw the ads.’

**CHAIR**—No, but there is continuous enrolment, surely.

**Mr Campbell**—Yes, and the way continuous enrolment was run was not that effective at getting people on the roll. That was the problem we raised.

**CHAIR**—That is what I want to know. I would like to see some figures or whatever.

**Mr Campbell**—We went to targeted enrolment last year, using a CRU but doing it in a far more targeted way. That was run the same, so we will come back to you on that.

**CHAIR**—I have got high schools in my electorate. I know that if, at a certain time of the year, they are visited by the electoral office, as they used to be, and there is an incentive for that school, then there are a whole lot of year 11 and 12 kids that you will get on the roll at age 17 that you otherwise would not have got. Quite frankly, I do not care how sexy your ads are, they will not get them on. I am sorry.

**Mr Campbell**—That is okay.

**Mr MORRISON**—As someone who had some involvement in some sexy ads of my own at one point—with Lara Bingle—I am not suggesting ‘Don’t forget to bloody vote’ is what we might go forward with, but you need an integrated wholesale and retail brand strategy in your campaign. What I am observing in the AEC is that type of approach. To pick up the chair’s point: rather than only looking at this initiative from a three- or four-month lead-in to an election, the ‘Value your vote’ or the ‘Your vote is precious’ campaign—I cannot remember which it is—

**Mr Campbell**—The ‘Your vote is a valuable thing’ campaign.

**Mr MORRISON**—That to me was very much in the brand space, which raised awareness of people’s votes. That is the sort of initiative which could take place on a more regular basis so you get a heightened awareness of the value of voting over a period of time. That way we are not trying to cram everybody into the roll in those last three months as people turn 18, change address or go through any number of events which may, one way or another, see that they are not on the roll. We want to ensure that they take action at that point in time and that there is a tension in the chord throughout the entire electoral cycle rather than just in the lead-up.

I equally support the chair’s comments about the retail end of this, with the targeted activities that you undertake. But I would ask you also to think about what I would call the wholesale end. All members of parliament, particularly those in the lower house but also senators, have a role to play in trying to encourage this process. We all do things in our communications with our electorates and in our own relationships with our schools. Getting MPs and senators, and parties for that matter, to assist as wholesalers in this process of encouraging people and facilitating that in a year-round way I think would be a good thing, whether that is by other allowances, databases or whatever. I would welcome any suggestions from the AEC on that and the resources that would be required to implement it being part of any further discussion that we have on the issue. But, again, I commend you on the campaign.

**CHAIR**—Has there ever been any campaign with the Real Estate Institute of Australia, who are responsible for a lot of leasing?

**Mr Pickering**—Yes. The work with real estate agents has been done at the local level. We have got our divisional staff to make contact with the real estate outlets in their divisions and to supply them with cards. Some real estate agents have welcome packs and the like that they distribute and we provide them with material to include in those.

**CHAIR**—Thanks.

**Mr MORRISON**—I would like to continue on another matter, and that relates to resources. You have already made some comments about resourcing in relation to being able to attract staff

at competitive rates. You have made observations either in your submission or at previous hearings about the relative rates you are able to offer vis-a-vis some of the state electoral offices, which is a point I would note. I am also interested in your views on your resource requirements in relation to your ability to encourage or even enforce compliance with the Electoral Act, to undertake investigations, to analyse and to do all of the things which would ensure that we have a cop on the beat when it comes to compliance with our electoral laws. In New South Wales, the Nile inquiry has put forward some recommendations about a review of penalties for breaches of the act. It has also put forward views about enhanced powers of the Election Funding Authority of New South Wales. I am very interested in any views of the AEC about what resources, powers, authorities and penalties they may need to play a stronger role in enforcing the Electoral Act in Australia.

**Mr Campbell**—Are you talking about the act generally, or are you more on the areas of disclosure?

**Mr MORRISON**—I am talking about both, actually. For example, it might be the issue of double voting, where it has previously been indicated in these meetings that matters have been referred to the Federal Police. No prosecutions have ever come forward from that, and that could be for a whole host of reasons, but I would hate it to be because the AEC has not had the resources to properly prepare the brief.

**Mr Campbell**—I might just take two areas because that is a very large question. First of all, the bill that is currently before the parliament has some increased penalties that will flow with various provisions of the act—I am sure the members are aware of those. We have a bid with the department of finance for increased resourcing to follow through with those functions. Of course, when the parliament passes the legislation—or if the parliament passes the legislation—that is when the resourcing will flow. In terms of those provisions of the bill I am confident about that resourcing, but I will have to wait to see what the parliament does and what the department of finance budget negotiations produce. More generally, the fines for non-enrolment and nonvoting are not very large. They are quite small. We take a positive view rather than a punitive view, particularly of non-enrolment. We would rather get people on the roll and, if they get on the roll, we do not take any further action.

**Mr MORRISON**—I would agree with that.

**Mr Campbell**—It is more encouragement, rather than threatening. It is a very small fine anyway, in terms of most people's consideration. I should probably mention briefly that in terms of multiple voting we had a day of action with the AFP after the 2004 election. We gave them a series of names of people who had voted three or more times. There were not very many; there were 64. I am very appreciative to the AFP, given all their other activities, that they actually went out and interviewed these individuals. What happened was that the individuals denied multiple voting. We are in a situation where there is not much that can be done about that, because it is not going to be proved in a court of law. That is why there were no prosecutions coming out of that. I do not think it is fair to say that it was because the Federal Police were not cooperating. It was because they came to a dead end. In terms of multiple voting and non-voting offences, we do have quite sophisticated data matching, where we can get the names. Ultimately, if the person is denying multiple voting, and you do not have any photographic evidence of them entering 14 polling booths or three polling booths, then there is not a lot that can be done.

**Mr MORRISON**—The compliance section of the AEC is how large? What sort of a role does it play?

**Mr Campbell**—We do not have a compliance section per se. Compliance factors are built into the respective areas that are responsible. The funding and disclosure area has compliance as being a large part of their responsibility. The responsibility of the elections branch, together with the legal area, is multivoters. The enrolment area is the area that looks after the question of compulsory enrolment and penalties for nonenrolment.

**Mr MORRISON**—I assume the same would apply to donation disclosure and so on. When we come back again, as I am sure we will, I would be interested in any further views about how the compliance powers and resources may assist. If people do not turn up to vote, then I agree with you about taking more positive measures towards encouraging people to vote. What I am concerned about is whether we have a cop on the beat more in relation to what is quite malicious or negative activity in our political system.

The other point I would make is in relation to federal and state inconsistencies. The rate of informality, particularly in New South Wales versus other states, while down a little this time, is still significantly higher than the other states. We had a state election in New South Wales in 2007, as well as a federal election, and the two voting systems—federal and state—are quite different. It is clearly causing some confusion in New South Wales. I am interested in your views on recommendations that our electoral systems and things that surround those also be put on the COAG agenda—from optional to preferential, from disclosure laws to laws relating to signage, laws relating to forms, enrolment processes and so on. I am sure the AEC has a pretty long list of inconsistencies between the New South Wales and the federal systems, let alone the federal system and all the other state jurisdictions. I am interested in your views on having a clear COAG agenda on actually harmonising these.

**Mr Campbell**—I am hoping that will be a very important area of consideration in part two of the green paper.

**Mr MORRISON**—It is on the terms of reference for this inquiry.

**Mr Campbell**—I am saying that I hope it would be in the green paper as well. We will be providing you with a report on informal voting, and we will cover those issues in that. We did this after our last two elections and we compared informality in 2007 with informality in 2004. We think there are a number of issues that impinge upon the level of informality. Unfortunately, there is no silver bullet. I think you would be foolish not to think that New South Wales and, for example, Queensland voting systems do not have an impact, particularly if there is a close proximity. We also think that the difference between the House and the Senate has some impact. We also think the level of education or, more particularly, the level of English proficiency has an impact. The paper will show you some very interesting factors. The 10 divisions with the highest level of informality in the 2007 election were all in metropolitan Sydney. When I saw the 10, I asked a question about one electorate that was not in the 10, that was on the edge. I asked, ‘Why isn’t that one of the 10?’ The answer was: ‘Because it is number 11.’ So there is quite an interesting element there that I think goes well beyond what happens just in an electoral process.

**Mr MORRISON**—From the work that, obviously, you are privately contributing to the green paper, could the AEC provide to this committee, in terms of our own terms of reference, a shopping list, if you like, of the inconsistencies between state and federal electoral laws so we have a good template to work from, and could that be part of this review.

**Mr Campbell**—Yes. I am quite happy to do that.

**CHAIR**—I now propose to go to Mr Sullivan, then to Mr Birmingham and then I am going to do a bit of a run-through on the submission.

**Mr SULLIVAN**—If I have the floor for a minute, I will go to the first point that Mr Morrison made in relation to the roll transactions in the period between the election announcement and the issuing of the writ. I think we all understand that there was a generous lapse between the two, given what could have occurred under the legislation. My interest is in how many of the 279,469 transactions would not have been made had the earliest issuing of the writs been taken.

**Mr Campbell**—In other words, the Prime Minister announced the election on a Sunday, and you are asking, ‘How many would have happened if the writ had been issued on the Monday?’

**Mr SULLIVAN**—Yes.

**Mr Campbell**—We will take that on notice, but it would not have been very many.

**Mr SULLIVAN**—That is fine. If Daryl is going to do a run-down on the submission shortly, I am interested in your recommendations or comments about the national tally room and the fact that it costs about \$1 million. In your submission you talked about the prospect of charging—I assume, for television channels. It is, some of us believe, riveting television, and I would be interested in—

**CHAIR**—It is generally worth it.

**Mr SULLIVAN**—whether you have taken any figures on the number of viewers that watch the various channels and whether or not you think that the television channels would be prepared to pay.

**CHAIR**—Can I just come in on that before you answer, Mr Campbell, so we are under no illusion here. I regard the national tally room as essential to election night. I am sure, without having canvassed my colleagues on the committee, they are of the same view. An election would not be the same without a national tally room. I think it plays an important role in terms of the acceptance and the awareness in the community of what has happened, but I very much take on board that what you are talking about is resources. If people want it to continue, it needs to be properly resourced. That is a matter that is obviously for government. But I am just telling you now, hell can freeze over before I ever recommend the end of the national tally room because it would be a stale election night without it. But it is a resource issue. You are looking at \$1 million and you are looking at ways to fund it, I take it.

**Mr Campbell**—It is more than the \$1 million. I mean, it is \$1 million, but—

**CHAIR**—There are some resources issues.

**Mr Campbell**—it is also the opportunity cost of very valuable resources, including IT resources and IT people.

**CHAIR**—I understand.

**Mr Campbell**—In answer to the question—no, I am not privy to television ratings. I make two observations. I think there is a bit of a misunderstanding—though certainly not by people in this place—about the tally room. As you would all know, the count does not occur in the tally room and, indeed, what goes on in our virtual tally room is behind what goes up on the tally board and what the TVs have. The tally room, as you say, has been an institution for many years, but its contribution in terms of the strict provision of electoral results has changed dramatically. Indeed, it is not necessary anymore. That is what we are trying to say. If there is a value to it in terms of the fabric of the community—

**CHAIR**—That is my view.

**Mr Campbell**—I understand what you are saying.

**CHAIR**—The value of election night changed when we brought in two candidate preferred votes. For those of us who know what they mean, you know what is happening within an hour.

**Mr Campbell**—That is right.

**CHAIR**—It is not like the old days, and yet some seasoned commentators still do not quite get it. They are waiting for votes from the remote areas.

**Mr Campbell**—I think that it would be an interesting challenge, though—to come to Mr Sullivan's second question, which is whether the television studios will actually pay. The catch in all of this is that we are the ones who deal with the very good people out at the exhibition grounds. They are very good to us, but we do not lock a date in until we have a date for the election, so we both have to work around that. For the television studios, obviously it is very convenient for them to have the studio provided at a time they do not have to worry about. There is a disincentive to them because they presumably have to bring a lot of people from Sydney and Melbourne here and move all of their kit and caboodle. The fact is that we found last year very tight in dollars. The efficiency dividend that was imposed—and I make this point because I need to make this point—

**CHAIR**—I understand.

**Mr Campbell**—We had an efficiency dividend imposed upon the election after we had spent all the money. That, to me, was inappropriate. It made it very hard for the AEC. We had to find an efficiency dividend out of the running cost of the election after the election, and we must be the only agency in the country that had to do something as dramatic as that. To be quite frank, if I am the commissioner for the next election, there has to be a more careful consideration of the funding of the tally room. Decisions have to be made very carefully because we get criticised

about lack of polling booths for absents, we get criticised about queues for polling booths and we get criticised about closing small polling places. They are all cost issues.

**CHAIR**—Can I suggest to you that what you then might want to do for us is come up with how this thing might work on election night in terms of who you think should contribute and a whole range of other things? Come up with a formula. What you are saying is that, in effect, you are struggling to meet those costs without contributions from others.

**Mr Campbell**—Yes.

**CHAIR**—Could you come up with a formula or some principles where there is some sharing that we might be able to work through? As I say, my problem is that, without election night and the national tally room, how is it going to operate?

**Mr Campbell**—I presume what would happen is that each television studio would have their own feed from wherever they are. What you would lose would be the background noise and vibe and the big tally board. What you would also lose is having commentators move from one TV network to another.

**CHAIR**—I think it is a small price to pay to let the electorate know what they have done.

**Mr SULLIVAN**—At the end of the day, there is going to be somewhere where the television stations will want to be together so that one leader can concede and another can accept graciously.

**CHAIR**—As I said, let us look at it in a way that tries to retain it. What you are saying is that, if we want to retain it, then there has got to be some funding. Let us look at getting that, be it from government or private sources.

**Mr Campbell**—Yes.

**CHAIR**—We will come up with some options.

**Mr Campbell**—The tally room has nothing to do with claiming victory and conceding defeat. We have not had a leader at the tally room for many elections.

**CHAIR**—No, they have all come out of hotel rooms.

**Mr Campbell**—It is not a place for the political parties.

**CHAIR**—They tend to be with donors.

**Mr Campbell**—That is right. I just wanted to get that on the record.

**Mr MORRISON**—You have got Kerry O'Brien there.

**CHAIR**—I want to preserve Kerry. He survived 11½ years under the Tories; I do not want us doing him in.

**Mr Campbell**—I think he and most others found some of the background noise a bit distracting last year.

**Senator BIRMINGHAM**—I will not dwell on this much because I am sure my colleagues in Senate estimates pursued it, but how much was the efficiency dividend for the AEC?

**Mr Campbell**—For the last financial year?

**Mr MORRISON**—Yes.

**Mr Campbell**—It was over \$800,000.

**Senator BIRMINGHAM**—Over \$800,000 that you had to slice off an event that you had already done.

**Mr Campbell**—No. To be fair, the cost of the election was half of our running cost, so you would have to say that I had to find \$400,000 or \$500,000 elsewhere because I could not take it out of the running of the election because the election had already been run.

**Senator BIRMINGHAM**—Your point is understood and well made. I will return, firstly, to some of Mr Morrison's questions on enforcement. I think you are providing us with further data on this. With regard to the multivoters, have you assessed or will you be assessing whether the 64 multivoters from last election also happened to be multivoters in the 2007 election?

**Mr Campbell**—Yes, we did. When we get multivoters, particularly those who vote more than twice—because with two there is often confusion, ageing et cetera—yes, we do have a look at their record.

**Senator BIRMINGHAM**—Is there a pattern of multivoters at multiple elections?

**Mr Campbell**—We could take that on notice, but I suspect that we might have had one or two repeat offenders.

**Mr Dacey**—Certainly, the only time I have looked at it, it has not been significant.

**Mr Campbell**—It would be a handful across the country.

**Senator BIRMINGHAM**—On Mr Morrison's point of enforcement and so on, I guess that if you are going to look at one category of people particularly closely—even particularly closely on an election day if possible—it would be those multivoters.

**Mr Campbell**—Yes.

**Mr MORRISON**—We do not know what we do not know.

**Senator BIRMINGHAM**—Indeed.

**Mr Campbell**—Yes. We will give you the numbers, but I can assure you that they are very small.

**Senator BIRMINGHAM**—What work is undertaken with regard to potential fraudulent enrolment? If somebody comes on the roll during the period between elections, and they are then roll-cleansed for whatever reason during that period of time, is there any work or sampling done to see to see why those people have been roll-cleansed in such a short period of time?

**Mr Pickering**—Yes, Senator. We have undertaken sampling in a number of close divisions on exactly that point, to see whether or not there was a movement of electors into a division before the close of rolls and then a migration of those people out of the division following the election. On the occasions when we have done this sampling, we have found that there has been no trend at all.

**Senator BIRMINGHAM**—That is, I guess, in terms of you sampling the whole electorate or sampling the movements of voters who have changed their enrolments of their own accord. I am just wondering, in terms of those who are picked up in roll-cleansing activities, whether there is any closer scrutiny applied to what proportion of them have simply moved house—that is it—versus any of those roll-cleansed people with any further issues.

**Mr Pickering**—These are things that we are always watching with our normal ongoing enrolment process. Because of the migratory nature of the Australian population, we have got people moving in and out of divisional rolls all the time. The objection process of taking people off the roll is something that we are concentrating on at the moment, looking at that more closely to see where they are going. We are looking to obtain data of that particular category of electors to be able to pick up their new address from data external to the AEC that we get on a monthly basis. Once we have that information, then we start targeting them with letters encouraging them to update their enrolment. So, from that point of view, we are watching the movement of electors in and out of the division on an ongoing basis.

**Mr Dacey**—Very little of what we would suspect as fraud comes to our attention or before us. In the last 12 months we may have had four cases, but in the main that was not for electoral fraud; that was people seeking to have multiple enrolments to perpetrate other fraud on the Commonwealth, such as through welfare payments.

**Mr Campbell**—Multiple identities.

**Mr Dacey**—So it was not for electoral fraud as such.

**Senator BIRMINGHAM**—Moving through a couple of other issues, you decided that there was an additional level of promotion of prepoll, I think, for this election in terms of where prepoll stations were and increased activity there. Taking a step back, how well is the prepoll option explained on the postal vote application, do you think, and is there an opportunity to, I guess, further highlight that to address some of the concerns about the volume of PVAs that are being handled? I realise that it shifts pressure from one to another, but there is, I guess, a lot less pressure in the AEC process that comes with a prepoll vote than there is with a PVA.

**Mr Orr**—As I mentioned earlier, prior to the last election we looked at including new information on the PVA for the first time to explain about early voting options. It was just about postal voting. It meant the introduction of another panel to the postal vote application, which caused the parties some concern about that information, but we were convinced that we needed to give that information to the community so that they would be aware of that option. So what we did was just to talk about early voting, both prepoll and postal, and to introduce the notion not just that you can vote by post but also that early voting is an option now.

Also, as I said earlier, we introduced the idea about the problems depending on postal delivery arrangements. We do not know how effective that was. I would think that it would have had some effect on people by raising awareness because that was on the PVA. That meant that every household had at least of one of these in their house through the courtesy of the parties, so therefore there would have been an awareness through that and through our own advertising campaign, which talked about early voting and the options available. Our early voting messages for the last election were also focused on prepoll voting as, I guess, the predominant form of early voting because of the immediacy of it and the non-reliance on third parties such as Australia Post, whereby postal votes have to go from the elector to us through Australia Post in that time frame to enable them to achieve their vote. So there was awareness in a number of different ways.

**Senator BIRMINGHAM**—In some electorates—I know you are aware of this because you have told this committee before and we are all aware—individual candidates or parties more actively promoted prepoll options as well as PVAs. They sent their PVAs out, usually in that first week, and then information on the prepoll option once that venue was known. In those electorates, what difference have you found from the electorates where such direct communication with voters was absent?

**Mr Campbell**—We have not done that sort of analysis, because we are only aware in a small number of cases of letters going out. But we have been told, ‘Oh, that happened elsewhere,’ and one of the members involved actually said, ‘Well, I did it because it was done in another state.’ We have not seen many of those letters, so we cannot do that analysis.

**Senator BIRMINGHAM**—Okay.

**Mr Campbell**—I will add to Mr Orr’s comment. I think we need to be careful here. I would not want it on the record—and I know you are not saying this, Senator—that we are promoting early voting per se. We are saying: if you are going to vote early because you meet the criteria, then postal voting is not your only way of doing it; there is also prepoll voting. Not only did we have it on the PVA, but page 3 of our guide that we had sent to every household in Australia explains to the reader that, if you cannot get to a polling place on the day there are other ways to vote before polling day—an early voting centre or a postal vote. That, I think, has to be added to Mr Orr’s answer to your question with regard to the PVA.

**Senator BIRMINGHAM**—I was going to come to the guide as well. The guide is distributed in the first week or two of the election, isn’t it?

**Mr Campbell**—No, in the last 10 days.

**Senator BIRMINGHAM**—Okay. Following the questions Mr Sullivan was asking earlier—he was talking about a voter ID card—what capacity would there be for the guide to be tailored more towards individual electorates, containing information about polling booths and prepoll locations?

**Mr Campbell**—The information would be available and it is not beyond the wit of us to produce a document that has it all in there—so at one level, yes, but on another practical level, no. By the time we have finalised our polling places and then print 150 of these with different polling places to fit all the polling places in prepoll in time for when our prepolling starts, I do not think it is possible. Logistically, you would get caught.

**Senator BIRMINGHAM**—Does that arrive before prepoll starts?

**Mr Campbell**—No.

**Senator BIRMINGHAM**—At present it does not arrive before prepoll starts anyway.

**Mr Campbell**—At present, no. We were a bit concerned as some of these were not delivered until late in the week before polling day.

**Senator BIRMINGHAM**—My understanding is that with people voting earlier there is a balance to be struck between providing the information in an early and timely fashion. But it also concerns me that we still get lots of calls from voters seeking information about where prepoll locations and polling booths are. I am sure the AEC gets a lot of those calls as well.

**Mr Campbell**—We do.

**Senator BIRMINGHAM**—It is a question of how we best and most effectively ensure that voters in local electorates have that understanding of where they can go and what they can do. Whilst I do not think that voting stations are a major issue on the day, because of the prevalence of them in metropolitan areas and the tradition of them usually being in the same location and so on, prepolls are a different matter as in some electorates they have a tendency to move around a bit and are still not as well understood by electors unless candidates or parties have drawn them to the attention of voters.

**Mr Orr**—As I said earlier, part of our campaign was the voting phase, with the advertising, and the focus of that was to refer people to our call centre. They would get a simple message: these are the things that are available. For specific information ring 132326 or refer to our website. Our call centre staff had access to the full availability of prepolling locations nationally. That way we could also respond to the specifics of an elector's own circumstances more directly than you may be able to through a website.

**Mr Dacey**—We did also publish the location of early voting centres in major newspapers and some regional newspapers, as well as on our website and through our call centre.

**Senator BIRMINGHAM**—How strong was that advertising schedule—was that a once-off?

**Mr Dacey**—I would have to take that on notice.

**Mr Campbell**—I can understand where your questions are coming from, but we do not have an exact date of the election. We have a time frame in which we know the election is going to be held, assuming it is a half Senate and a full House of Representatives election and we have everything ready. At the point of time when the election is being called, we know 98 per cent of our polling places and we know 99 per cent of our prepoll places. There will be some that we may still be debating the terms of a lease with a landlord or we may be arguing about an indemnity clause. In the end it all comes together, but given the capacity and the shortness of time then to say that it not only all has to come together but has to be tailored to something like 150 individual electorates, I think, means we would run out of time.

**Senator BIRMINGHAM**—I understand that. Obviously, if ever we shift to a fixed date, then we will be having very different conversations about these matters with you, I am sure.

**Mr Campbell**—It would be a very different world.

**Senator BIRMINGHAM**—Indeed. What data have you kept comparing from 2004 to 2007 on the use of your call centre, which you mentioned before, and the website in terms of the effectiveness of those services and the use of those services?

**Mr Dacey**—There is a table on page 25 which talks about 2004 to 2007 statistics for call centres, emails, website et cetera.

**Mr Campbell**—You will see in there that the website took far more hits in 2007 than in 2004, whereas the call centre numbers appear to be very similar. The one thing that we need to point out is that in 2004 we had more calls failing to get through because of a load on the system. That did not occur this time. We had more calls being answered the first time people called in 2007. The other thing is that in 2004 we had the unfortunate circumstances of the postal voting issues which, particularly in the last week caused a substantial load on our call centre. Because we did not have postal voting problems of that kind, or of any real kind, in 2007, we did not have that number of voters needing to contact us. But the use of the website is starting to increase dramatically and the use of emails is increasing, and we think that will increase even more.

**Senator BIRMINGHAM**—Is that data broken down at all in terms of people seeking to find out where their nearest polling booth is?

**Mr Evans**—One of the things that we did during the election was real-time analysis of developing trends. That was a direct response to what happened in 2004, where we felt that our intelligence was happening post the time when we could make decisions about redeploying resources so as to respond to issues as they were emerging. So we invested some effort in something called the election dashboard, which took data from several systems, including our roll management system, our election management system and the call centre, and provided the AEC executive and the election management team with developing trends and information about the volumes of calls, for example, if it came from a call centre, according to the nature and type of query that was being made by the elector. At the same time we were able to look at delays in receiving postal vote applications, for instance, and see whether we could map data that we held about postal vote processing and distribution to the types of queries, for instance, that might be coming into the call centre and so try and isolate any issues that might be occurring with our network or with the Australia Post network. I have wandered into a specific example about

postal voting delays. We have a considerable amount of data about the location of calls, the volume of calls and the particular inquiries that were being made by the caller.

**Senator BIRMINGHAM**—It might be useful to see whether there were some discernible trends in terms of calls and website hits that relate to volumes of download of postal votes—

**Mr Campbell**—We will have to use our judgement, because you do not want to be overwhelmed. You will find that, during the period of time from the announcement of the election to the election date, the factors that the voters were ringing up about changed. Early on it was, ‘Am I on the roll?’ and those sorts of issues; then postal votes, and there were not many of those; and then ‘Where are the polling booths?’ et cetera. We will give you a paper on that, which we will try not to overwhelm you with.

**Senator BIRMINGHAM**—Thank you. What processes are in place in terms of the management at special hospitals and their control over those sites? We had instances where scrutineers were told they would not be accepted into some special hospital sites by the management of nursing homes. That strikes me as probably being inappropriate, but of course I realise it is a fine balance for the AEC in managing the relationships with those people who are managing a private property.

**Mr Orr**—I am not specifically aware of any instance where that happened. However, our normal practice would be that scrutineers would accompany the mobile teams. There might be circumstances with particular patients or groups of patients where large numbers of new people might be an issue. But our starting principle is that all our operations for voting are under scrutiny. So what you are aware of may be an exception for a specific reason of which I am not aware.

**Mr Campbell**—If you have any particular aged care facility in mind—if you can let us know privately—in the run-up to the next event we will see if we can do some negotiation with those facilities. Would that be okay?

**Senator BIRMINGHAM**—Yes, I will certainly let you know details. That is not a problem. Finally, just briefly—because it would not be appropriate if a senator did not at least ask about Senator Brown’s bill—what work has the commission undertaken in relation to group voting tickets, if any; in particular, in terms of the understanding of voters as to where their preferences go as a result of group voting tickets and the comfort, or otherwise, of voters with regard to those arrangements?

**Mr Campbell**—We explain group voting tickets in a number of our documents and on our website, but we do not have any formal campaign to explain to people how particular preference flows occur, transfer values and those sorts of things. No, we do not do that.

**Senator BIRMINGHAM**—Have you undertaken any research or are you aware of any research that has been undertaken that would demonstrate the level of understanding in the community of that?

**Mr Campbell**—No, we have not.

**Senator BIRMINGHAM**—Okay.

**Mr Dacey**—We do have the group voting tickets available in the voting place, of course, if a small number of voters wish to look at them, but the take-up rate of people wanting to look at group voting tickets is not particularly high.

**Mr Campbell**—Of course that does not explain how the transfer value system works afterwards or anything like that.

**Senator BIRMINGHAM**—No, you would probably need more than an election day to explain that to voters.

**Mr Dacey**—And we do explain it in as simple terms as you can explain it in the householder guide that goes out to all households, as well.

**Senator BIRMINGHAM**—Yes. Thank you. I will pursue that.

**CHAIR**—Mr Campbell, I will hand you five photographs of polling places in the Banks electorate. I will identify those for the *Hansard* shortly. They are polling places in that part of the electorate in Bankstown which was added to my electorate at the last election. The first one is the Condell Park booth, taken in the early morning. The second is the Condell Park North booth at St Clement's Anglican Church, also taken in the early morning. The third is the Condell Park South booth at Bankstown Senior College, taken in the early morning. The fourth is the Bankstown booth at Bankstown Public School in Restwell Street, Bankstown, taken at midday. The fifth is Bankstown Central booth at the Masonic Centre, taken at midday. They show some queues at the polling place on election day. In relation to the first one, Condell Park, queuing is a problem because it is one of the bigger polling booths in my electorate. They do not have a hall and they use a number of classrooms.

The last time I experienced polling booth queuing was really in the 1990 election and I think that was remedied as a result of changes to formulas and a range of things. I am not critical of what has happened here, as queuing on the morning of an election is, I think, typical in a number of polling places, depending on the facility. There was obviously also queuing at midday. I am interested in whether the commission could look at the formula that it is currently using and if it could get some feedback from some of the returning officers. Talking to some of my colleagues, they experienced some of this. I am wondering whether, in the early morning or whatever, there are not enough issuing points; whether there might be some flexibility introduced into the process. I am not wedded to a particular view and I am just raising it.

**Mr Campbell**—One of the things we review—and certainly not at this point, because of all the other things that we are doing—is the question of issuing points. Mr Orr will speak in a moment on the changes we did make, but, of course, the number of issuing points depends on—apart from funding, which is a big issue—

**CHAIR**—I understand.

**Mr Campbell**—the size of the room and how many—

**CHAIR**—No, I understand that. So some of these are related to size, but what I am concerned about is the flexibility in the allocation of staff within some of these places. It seemed to me that, in some of the places I have visited in the past, you had people guarding where the ballot is going in. You had absentee voting, but you might not have had a lot of absentees or whatever. I have not got the answer.

**Mr Campbell**—I will ask Mr Orr to speak, but I would make the observation that the feedback we got, particularly on the day, was that queues were the most prevalent—

**CHAIR**—They were happy.

**Mr Campbell**—Yes, people were happy.

**CHAIR**—They were coming out to do a job.

**Mr MORRISON**—They couldn't wait to vote for you!

**CHAIR**—They were not voting for me; they were voting against someone.

**Mr Campbell**—It was New South Wales and Queensland where our anecdotal advice during the day said the queues were the greatest, which was interesting to us. I had people say to me that the queues in Queensland, in Brisbane, were still there in mid-afternoon. But I might ask Mr Orr to speak a bit about issuing points and some of the things we did for 2007.

**Mr Orr**—You are quite correct, Chair: after the 1990 election there were increased polling booth table loadings, as we call them. In terms of ordinary issuing table loadings—and this is just a formula we use to allocate the numbers of polling officials to a location depending upon the expected number of votes they are going to take—that is done across the board nationally prior to each election as part of our planning processes. It is the same for ordinary votes. The formula has not changed since 1993.

As was mentioned earlier, in this same time frame we had the increase in declaration votes, so there was a bit of a juggle trying to manage how many offsets we should provide for people who are not going to come to the booth because they have voted by other means already. But I would say that, almost without exception, all our DROs would err on the side of caution because they do not want queues in their polling places, either.

For the last election, there was a change in the table loading for declaration vote issuing officers. This was to reduce the loading, so that there was more declaration staff for the last election than there was previously. We were concerned from the point of view that the introduction of POI meant it would have taken a longer time to process people because of the need to explain the new processes, so the table loadings decreased, which, as I said, resulted in more staff being employed as declaration vote issuing officers.

Typically, 60 to 70 per cent of the electorate votes by lunchtime—by 1 pm or thereabouts. Also, historically, if it is a fine day they will come out early. There is the opportunity for our staff to employ part-time polling staff to try to map that, but the difficulty they have if they do that is that they can go for the load up front on the Saturday but then if it is raining they will miss the

peak. That is one of our challenges. The overriding thing is that, on a resource basis, we try to manage the numbers of polling officials we have.

In the main, the problem is probably not so much issuing table loadings but that there is also the issue of small polling places, as you mentioned. In effect, table loadings and throughput are governed by the number of staff but also by the number of voting screens in a location. A small number of voting screens will slow down the ability of people to pass through, which impacts on the other end as well.

**CHAIR**—These were new to my electorate, so I did not have a previous experience with them, but that is why I was in that vicinity. Because it was new, that is where I did my work on the day.

**Mr Orr**—Yes.

**Mr Evans**—Mr Morrison, when he was speaking earlier, touched on the issues that we have started to experience with recruiting polling officials. In our submission, we have made mention of the fact that we will be exploring opportunities to make the job of a polling official more attractive. It is possible that one of the problems is the notion of a 14- to 16-hour day on a Saturday, so one of the things we will be exploring is whether, notwithstanding the difficulties that Mr Orr mentioned a moment ago, part-day packages, which would then hopefully be offered at times that we could match to peak work, made it more attractive to be an employee.

**CHAIR**—I am just raising the issue because, as I said, this is a new part so I cannot say to you that I can compare it with what happened previously, but anecdotal evidence was coming from other booths that similar things were happening, which obviously meant that something different was occurring.

**Mr Campbell**—The anecdotal evidence we got from both New South Wales and Queensland was that we had more queuing last year than we had in previous years.

**CHAIR**—Okay. I am relaxed about what you are doing, but Mr Sullivan, as a Queenslander, wants to say something.

**Mr SULLIVAN**—Mr Orr, you mentioned that the formula has not changed for a number of years. I wonder if you have done the work, where you have anecdotal evidence from your own people that there were lengthy queues, as to whether those booths were actually staffed according to the formula or whether the numbers of voters turning out skewed it. Were there, at the same time, any booths where there were not queues because the numbers were below? I wonder, too, what effect the increase in prepolling has had on this. There is something going on, and I am not sure that it is explainable anywhere.

**Mr Orr**—On your first question, about looking at any trends or reviewing the table loadings, the AEC look at many things after each election in preparation for the next one, and one of the things we will be looking at will be reaffirming or reviewing whether the table loadings are correct. So we will be looking at that. One of the problems, of course, is that—

**CHAIR**—In reviewing that, you get feedback from your divisional returning officers, I assume.

**Mr Orr**—Yes. One of the biggest issues with queuing is, I guess, its sporadic nature. It could be here in this polling place this time but not somewhere else another time, or it is not there again. There are quite a lot of reasons why it could happen on occasion. I do not know if there is, I guess, systemic queuing. If that were occurring, it would be a separate issue. That may point to an inadequate polling place, which may or may not be within our control, or perhaps it could be the local management at a particular polling place on an individual basis. In terms of the bigger picture of nationally looking at the loadings, that is something that is on my radar for the next 12 months.

**Mr Campbell**—Of course, there are quite a few polling booths that have no queues. They are the ones that take a small number of votes, but we still have to staff them. So there is a trade-off in all of this as well. I am not saying that about the metropolitan areas, but in the non-metropolitan areas we—

**CHAIR**—That is why, Mr Campbell, I was suggesting that you look at some flexibility. I do not want to impose an extra burden on you in areas where you do not need it. What I do have is some confidence in your divisional returning officers, the people on the ground, and I know that in a lot of these booths some people who staff them are experienced even though they are not full-time Electoral Commission officials.

**Mr Campbell**—Yes.

**CHAIR**—That is all I am trying to do.

**Mr SULLIVAN**—Mr Evans gave us some information a moment ago that suggests that they may be looking at the length of time being a disincentive—

**CHAIR**—Yes, the part-time staff.

**Mr SULLIVAN**—which suggests that officers may be engaged for less than the 14 or 16 hours, which gives the opportunity to have a larger number in the morning and a smaller number in the afternoon. So that is a possible flexibility.

**CHAIR**—I will take you to paragraph 2.4.6 of your submission, on page 16, which I want to read out:

Turning first to entitlement, it can be clearly stated, in relation to false identities, that there has never been any evidence of widespread or organised enrolment fraud in Australia. The few cases which have arisen have generally been linked either to internal political party issues, or to attempts to support false identities being generated for non-electoral purposes. However, it should also be clear that the introduction of an externally verifiable identifier, such as a driver's licence number, does provide more assurance that only entitled applicants are enrolled to vote.

You do come to another option as well, however: that we not just have the drivers licence but—I think this is recommendation 1(iii)—as an alternative:

... if their enrolment forms are witnessed by another person on the Commonwealth roll.

**Mr Campbell**—Which used to be the provision.

**CHAIR**—Which used to be the provision.

**Mr Campbell**—To be quite honest, using the motor vehicle licence, we think, is easier for the large bulk of voters—

**CHAIR**—Which is 90 per cent, according to your table.

**Mr Campbell**—and it makes our life a little easier as well because we do not have to have two signatures.

**CHAIR**—But have the alternative as the—

**Mr Campbell**—We know there is some concern about tiers 2 and 3, particularly tier 3, for some groups within the community. We are saying: keep POI as a major tier for us, because we think that is easier for the voter and for us. If there are real concerns about 2 and 3—and we understand some people have them, although we do not have a lot of evidence as yet—either have more research done or, if we do not want to wait that long, then go back to making tiers 2 and 3 what the original one used to be, which was a witnessing by someone who is eligible to be on the roll.

**CHAIR**—I will take you to recommendation 10 in your submission. It says:

The AEC recommends that the 2006 amendment set out at paragraph 4.6.14 above be repealed, and that the CEA provide that where a declaration voter has been previously removed from the roll by objection action on the ground of non-residence, then:

(i) if his or her address at the time of voting is within the division for which he or she was previously enrolled, his or her House of Representatives and Senate votes will be counted; but

(ii) if his or her address at the time of voting is in a different division in the same state/territory, his or her Senate vote will be counted, but his or her House of Representatives vote will not be counted.

So, in effect, you want to go back to the old provision? This is a bit different to the previous provision, isn't it? My recollection is that if they roll up and they write down that they are there—

**Mr Dacey**—We are not suggesting this time that they be automatically reinstated. We are suggesting we count the vote but then we pursue them for an enrolment form rather than just putting them back on the roll. That is the difference.

**CHAIR**—Under this recommendation, would you then do what you used to do: still look up whether they were enrolled previously? Or do you just accept that they were in the electorate?

**Mr Dacey**—No, you would still check whether they had a previous enrolment and whether—

**CHAIR**—So you need a previous enrolment?

**Mr Campbell**—The difference between this and the previous situation is that there is not automatic reinstatement. That is probably the best way of putting it, isn't it?

**CHAIR**—So there is automatic reinstatement for the vote, but to get back on the roll you reinstate?

**Mr Dacey**—Within the division the vote is counted, but they do not automatically go back on the roll until we have some evidence or a form from them.

**CHAIR**—I know it is more paperwork but I suppose you could always have enrolment forms there on the day.

**Mr Dacey**—We do hand out a lot on the day.

**CHAIR**—That way when they do their declaration they can also sign a fresh roll, which would pick up most of it.

**Mr Campbell**—We were thinking of that as well, but we do not want to make it automatic reinstatement.

**CHAIR**—I understand; I just wanted to clarify that.

**Mr SULLIVAN**—Why don't you want to have automatic reinstatement?

**Mr Dacey**—Because we need to be satisfied as to their new address.

**Mr Evans**—In an instance like this the elector is normally claiming an entitlement for an address in the division. It is often the case that that address is one at which they used to live but for whatever reason are not currently living at. In the old days, when we reinstated we could be putting them back to an address at which they were no longer resident.

**CHAIR**—Within the electorate.

**Mr Evans**—Yes, within the electorate. This process accepts that they have an entitlement, but not an entitlement to be returned to the roll at an address where they no longer reside.

**Mr SULLIVAN**—The re-enrolment process at the moment is a little more cumbersome than it used to be. Is there any thought in your mind that an individual who presents in a case like this could have an easier re-enrolment process?

**Mr Campbell**—What do you mean by 'more cumbersome than it used to be'?

**Mr SULLIVAN**—If you change your address nowadays you have to fill out the whole form and send the whole lot off.

**Mr Dacey**—It has always been the same.

**Mr Campbell**—What you are talking about, Mr Sullivan, is the 2006 change to sections 104 and 105 of the act so that when you change your address within the division you have to fill in a new POI.

**Mr SULLIVAN**—They are the people that we are talking about now, who could be claiming a vote in a division in which they no longer live.

**CHAIR**—Your recommendation 13 is to do with special hospital polling. You want to make that 12 days before polling day?

**Mr Dacey**—Yes. That would bring it into line with remote mobile polling as well.

**CHAIR**—It is there. I want it on the record. I want to go to recommendation 16, where you recommend:

... the CEA be amended to provide the AEC with a range of options for dealing with electoral offences, including:

- warning letters for technical breaches;
- public shaming and reports to Parliament for more serious breaches;
- compliance agreements that are signed and published on the internet that acknowledge the breach and agreed steps to prevent future breaches;
- civil penalties; and
- withholding election funding for continuing breaches.

I want to take issue with one aspect and I am sure you know what that is: public shaming. I have a real problem with that if we are not dealing with people who have been convicted. I am wondering if that is really necessary, rather than just reporting the more serious breaches. If they have been convicted and it goes through the courts, that can be dealt with in the normal way. I do not want to bring back the stocks and put people out there and throw tomatoes at them.

**Mr Pirani**—That recommendation goes beyond just the issue of voters. It deals with a whole range of participants in the electoral process.

**CHAIR**—Who do you want to publicly shame?

**Mr Pirani**—This is something that our colleagues in Canada use, and they say they have used it quite successfully, in relation to the financial disclosure and reporting regime.

**CHAIR**—Mr Pirani, I am not disputing anything else other than public shaming. I want to know who you want to publicly shame and the method of it.

**Mr Campbell**—There may be a term of definition here.

**CHAIR**—Yes, maybe I have got a different—

**Mr Campbell**—Maybe you have a different definition of public shaming.

**CHAIR**—It's the public defender in me!

---

**Mr Campbell**—I certainly had not thought of somebody in stocks with tomatoes or whatever being thrown. Perhaps if Mr Pirani explains what he meant would occur—

**CHAIR**—Tell me who, and what stage of the process.

**Mr Campbell**—what activity and what would happen, and give you an example.

**CHAIR**—Yes, please.

**Mr Pirani**—The current example we are looking at is the issue of candidates at the last election who have failed to lodge an election return. Those are candidates who were not endorsed by a political party. That group would be the sort of group we would be looking at to do this sort of action. They are people who we have repeatedly chased up, we have attempted to make contact with them, we have sent them reminder letters and we have even gone as far as trying to send them letters by registered mail to ensure they have been received. They still ignore us. For us to take them and do a prosecution is going to cost more than the actual fine. The issue is trying to come to a process whereby we are able to give some teeth to the provisions of the act.

**Mr Campbell**—In a sense, what would happen here is that we would issue a public statement.

**CHAIR**—Saying: the following members of parliament or the following candidates did not lodge—

**Mr Dacey**—Publish it on our website.

**Mr Campbell**—Given that we have different definitions of ‘public shaming’, perhaps we should put that in quotes and you know that is what we are saying.

**CHAIR**—That is a different kettle of fish. If you are a candidate and there are certain requirements for you to lodge, or whatever, I think there is an entitlement for the electorate to know that these people have not complied. I do not regard that as public shaming. That is a disclosure of individuals who have not—

**Mr Campbell**—What we are talking about here is people who have an obligation and who have not done it, but we know that it would not be a high priority for the law enforcement agencies so we want the public to know.

**CHAIR**—That is a different issue. I think it is a transparency and openness issue to know whether, for example, Mr Morrison lodged his return in a particular time, whether I lodged a return, whether the New South Wales branch of the Labor Party did. I do not necessarily regard that as public shaming.

**Mr Campbell**—In hindsight, we should not have used the term.

**CHAIR**—That is all I am saying.

**Mr Campbell**—We are on the record now that this is what we are talking about.

**CHAIR**—You are about disclosing people who have not complied.

**Mr Campbell**—We will use a different term in future.

**Mr MORRISON**—Chair, I do not have an issue with the principle we are discussing. Everyone should complete their returns and get them out and have them there. But I would again ask, if we move forward on something like this, that if the commission have any legal advice about exposure of the Crown in relation to how this might happen or exposure to damages or anything like that—

**Mr Campbell**—We would do all of that.

**Mr MORRISON**—they would consider this and make it available to the committee.

**Mr Campbell**—We would do that before we went any further.

**CHAIR**—I thought there were provisions, in some limited respects, that if people did not comply they were outed anyway. Isn't that the case, or am I thinking of something else?

**Mr Dacey**—That is not a provision in our act.

**Mr Pirani**—There are certain things that the Electoral Commission can include in reports to parliament under section 17, but we are specifically limited in relation to some of those, the reporting ones—it is section 17(2A), I think, that you are thinking of.

And there are other ones:

The Commission may prepare and furnish to the Minister ... reports on the operation—

**CHAIR**—Sorry, what was the section?

**Mr Pirani**—Section 17, pages 20 and 21 of the 11th reprint.

**CHAIR**—Yes, that is fine. Just change your terminology.

**Mr SULLIVAN**—Chair, one more question?

**CHAIR**—Yes, and then we will close it up. Someone's got to drive home!

**Mr SULLIVAN**—You have not, in recommendation 16, suggested loss of entitlement.

**CHAIR**—I think we will particularise this. If there are particulars, I would like to know what you are actually—

**Mr Campbell**—Would you like us to come back with some further work on this with a bit more detail of the particulars?

**CHAIR**—Yes, of course, and that is all-encompassing. I am not going to sit down and give you carte blanche unless I know what you are talking about, what it is you say the penalty is or what you should be allowed to do. Just particularise the sorts of things you are talking about.

**Mr Campbell**—We will do that.

**CHAIR**—It's the cynic in me! Can I just thank you all for your attendance today. Obviously we are going to have a number of other hearings and I would anticipate that you will be asked to come back before the committee. There are some statistics I am interested in and have asked for. On the provisional voting stuff, I am interested in how many would have got a vote under the old rules. We have talked about Langer provisions in the past. I am interested as to how many might have been counted under the old rule that applied a couple of elections ago. I know you have raked them into categories. Is that okay, or you can't get that? You look at informal votes.

**Mr Campbell**—Some of that we will be able to get out of our informal votes, some we will not.

**CHAIR**—That is okay. On the summary: the previous summary that you have done—nothing different.

**Mr Campbell**—We have already done the survey, as I said earlier, for 149 divisions.

**CHAIR**—All right. Before we conclude, is it the wish of the committee that the photographs which relate to the evidence be received as an exhibit? There being no objection, it is so ordered.

Thank you again. I thank Hansard and everyone else who has assisted us today. It is much appreciated.

Resolved (on motion by **Mr Morrison**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

**Committee adjourned at 12.42 pm**