



COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

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

THURSDAY, 21 AUGUST 2008

PERTH

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**JOINT STANDING
COMMITTEE ON ELECTORAL MATTERS**

Thursday, 21 August 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: Senator Birmingham, Mr Melham 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.

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Committee met at 9.13 am

CHAIR (Mr Melham)—I declare open this public hearing of the Joint Standing Committee on Electoral Matters inquiring into the conduct of the 2007 federal election. Today's hearing continues a series of consultations in the major cities with people and organisations that have told the committee about how they think the electoral system can be improved or that have some expertise in this area.

Today we will hear from recently retired Australian Democrats senator, Mr Andrew Murray, who will expand on the Democrats' submission to the inquiry. While in the parliament, Mr Murray was a valued member of the Joint Standing Committee on Electoral Matters, where he made a significant contribution to the work of the committee over a period of more than 10 years.

The committee will also hear from the state manager for the Australian Electoral Commission about the conduct of the 2007 federal election in Western Australia. Other witnesses include the Greens Western Australia, the Association for the Blind of Western Australia, Mr William Bowe and the Council for the National Interest, Western Australia. I would like to thank today's witnesses for appearing.

[9.14 am]

NAGLE, Mr Colin James, State Manager and Australian Electoral Officer for Western Australia, Australian Electoral Commission

STRINGALL, Mr Ian, Director of Operations for Western Australia, Australian Electoral Commission

CHAIR—I now welcome the Australian Electoral Officer for Western Australia, Mr Colin Nagle, and the Director of Operations for the Australian Electoral Commission in Western Australia, Mr Ian Stringall, to today's hearing.

Although the committee does not require you to give evidence on 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.

While we have received a submission from the Australian Electoral Commission, it does not directly deal with the conduct of the election in Western Australia, so you have an opportunity to present an additional submission or to make an opening statement to the committee, should you wish.

Mr Nagle—I commenced as state manager and Australian electoral officer for Western Australia in March of 2008; therefore, I do not have firsthand knowledge of the election. However, Mr Stringall will be able to provide greater insights into the conduct of the election in Western Australia should the committee require that.

The AEC conducted public awareness and enrolment stimulation activities in Western Australia throughout the three-year lead-up to the 2007 federal election. The number of electors enrolled in Western Australia as at 31 January 2007 was 1,256,007. Despite our activities, this was an increase of only 18,658 electors compared to the close of rolls figure for the 2004 federal election.

To further stimulate enrolment and to grow the electoral roll, the AEC undertook intensive activities in the period from January to October 2007. This included the national advertising campaign that the committee would already be aware of, together with a range of other local and national activities, including reviewing 110,615 addresses throughout Western Australia between March and July, resulting in 43,066 enrolment forms being collected.

We continued to target electors through mail review activities, with 222,467 letters sent and almost 50,000 enrolment forms returned. We attended community events across Western Australia, such as the Big Day Out in Perth, the Centrelink expo in Kununurra, the Triple J AWOL concert in Karratha, and crop festivals in Derby and Mullewa. We also attended university orientation days at the major campuses of all universities.

Fifteen thousand *Are you ready for it?* flyers were mailed to households in growth suburbs in the metropolitan area and the need for electors to enrol was promoted to 142 local government authorities prior to the roll close for local government elections in August of 2007.

One hundred and fifty eight, or 61 per cent, of Western Australian high schools participated in the national Enrol to Vote Week, which targeted students turning 17 years or older. Sixteen thousand three hundred forms were distributed and 2,218 enrolment forms were returned.

In September 2007, AEC staff in purple bibs approached electors in the Perth and Fremantle CBDs to check and update enrolment details. In conjunction with the Western Australian Electoral Commission, birthday cards and enrolment forms were mailed to people turning 17 years of age, using data from the Department of Education and Training. In the period July to October 2007, 6,207 enrolment forms were mailed, resulting in 372 enrolment forms being received.

Throughout this period AEC staff continued to attend citizenship ceremonies and achieved a return rate of enrolment forms of better than 93 per cent from all participants. Additionally, remote and rural areas were targeted with activities to encourage enrolment and promote an understanding of the electoral process. In September, 34,000 letters with enrolment forms were mailed to every private and roadside delivery point throughout rural and remote Western Australia.

In the same month a letter promoting the electoral process and a supply of enrolment forms were mailed to the chairpersons of 104 Indigenous communities. The letter sought the chairperson's assistance in ensuring that community members were correctly enrolled.

Commencing in October, four community electoral information officers were employed to promote the electoral process and enrolment in rural and remote areas in the lead-up to the election. Those officers visited over 100 Indigenous communities in a period of eight weeks. This complemented the ongoing visits to rural and remote areas conducted by permanent AEC staff over the three-year electoral cycle.

As a result of these initiatives and the national advertising campaign, at the close of rolls for the federal election on 23 October 2007, there were 1,312,942 electors on the WA roll. That represents an increase of 75,593 electors compared to the close of rolls for the 2004 federal election and an increase of 56,935 electors compared to the 31 January figure in 2007.

In 2007, there was a marginal increase in the number of candidates nominating for the House of Representatives and Senate. The number of House candidates nominating in 2007 was 125 compared with 124 in 2004, and 54 Senate candidates compared with 40 in 2004.

Due to the evaluations conducted after the 2004 federal election, there were improvements made to processing and handling of postal vote applications and postal voting packs. In line with national initiatives, WA operated a postal voting cell in state office. This cell, using the AEC's automated postal voting system, processed postal vote applications lodged from rural locations, particularly from the divisions of Kalgoorlie and O'Connor. This allowed the postal vote packs to be lodged directly with the Australia Post central mailing point in Perth, rather than moving through regional post offices in the first instance, thus saving delivery time.

State office staff also worked closely with mining companies operating in remote localities. This involved processing applications delivered by the company on behalf of workers or those faxed directly by workers to the postal voting cell and returning the postal vote packs via direct flights to the mine sites. Courier services were also used to deliver postal vote packs to mine sites and other rural and remote locations that could not be serviced by Australia Post. Over 5,200 postal vote applications were distributed to various companies, most of which were in the mining industry. Over the whole WA network, some 64,253 postal voting packs were issued to electors.

CHAIR—How does that compare with the previous election?

Mr Nagle—The total number of postal votes was up by 9,688 or 24.6 per cent on the 2004 election.

CHAIR—Do you know if that showed a marked increase in those electorates that you talked about of O'Connor and Kalgoorlie as against other electorates? Was there a demonstrable difference between where you had that intensive campaign and other electorates?

Mr Stringall—Yes. The number of postal votes in the division of Kalgoorlie, for example, increased from 3.46 per cent in the 2001 election. There was an increase in 2007. The number actually counted rather than issued was 3.76 per cent. So there was a marginal increase between 2001 and 2007. In 2004 the percentage of postal votes counted was 3.2 per cent, so again a 0.5 per cent increase.

CHAIR—How did that compare to other electorates in the state?

Mr Stringall—We would have to take that on notice.

CHAIR—If you could, please. I am sorry to interrupt. I thought it was a relevant time to ask the question. Continue, Mr Nagle.

Mr Nagle—In addition to issuing early votes from AEC offices and designated prepoll voting centres, early voting centres were established at Perth Airport at the domestic and international terminals and at the Port Hedland Airport. Rather than opening just for the week prior to polling day, the sites at Perth Airport were open for two weeks prior to polling day, between the hours of 7 am and 7 pm. Early voting at those airports accounted for 6,071 votes being lodged. There was a marked increase in the early votes being issued at the domestic terminals, with 4,529 early votes issued in 2007, more than double the 2,001 votes lodged in 2004. Over the whole WA network, some 77,142 prepoll votes were issued compared to 56,491 during the 2004 federal election.

The total number of House of Representatives votes cast in WA was 1,224,689, representing a turnout of 93.26 per cent. That was up from 92.8 per cent in 2004. Of the total House of Representatives vote counted, 82.2 per cent were ordinary votes and 17.8 per cent were declaration votes. Although the number of votes cast in an envelope for WA increased by only 7,277 or 3½ per cent, it should be noted that prepoll votes increased by 17,609 or 31.4 per cent and postal votes increased by 9,688 or 24.6 per cent. The increase in early voting is following the national trend. The smaller overall total in WA reflects the reduced number of absent votes,

down from 102,246 to 92,113. This decrease could be attributed to the fact that the 2004 federal election was conducted in the middle of the school holidays, which increased the number of absent votes cast.

The AEC took steps to reduce the number of informal votes during the 2007 federal election. In Western Australia, the division of Fremantle had the highest number of informal votes cast during the 2004 federal election. In 2007, all polling staff commenced 15 minutes earlier and received instruction during the period, targeted at reducing the informality rate. Specifically, polling officials were instructed on how to provide voters with the information they require to cast a formal vote. To illustrate the impact, the polling place at Spearwood, within the division of Fremantle, recorded a reduction of over 50 per cent in the informality rate, from 9.95 per cent in 2004 to 4.76 per cent in 2007. Overall the division of Fremantle's informality rate fell from 6.9 per cent in 2004 to 4.25 per cent in 2007.

CHAIR—Was that trend reflected in other electorates or was Fremantle different to other electorates?

Mr Nagle—The trend was reflected in other electorates but Fremantle stood out because of the intensive effort. So, overall across the state, the House informality rate decreased by 1.4 percentage points to 3.84, and the state informality rate decreased by 1.12, so the decrease was general across electorates but not as marked as in the division of Fremantle.

CHAIR—Had you been able to identify the nature of the informality in Fremantle previously, in terms of its breakdown—non-sequential, Langer et cetera—or not? Were there ticks and crosses or 1s or blank ballot papers?

Mr Stringall—No, and we have done an informal ballot paper survey which is part of the further submissions to you.

CHAIR—That is coming in the further submission?

Mr Stringall—Yes.

CHAIR—Okay. And that is on a state basis, is it?

Mr Stringall—As far as I am aware, yes.

Mr Nagle—Looking forward, the AEC will continue to actively investigate and implement new strategies and evaluate and refine existing strategies to ensure that the electoral roll is accurate and complete and that service delivery continues to improve. Thank you.

Senator BIRMINGHAM—Mr Nagle and Mr Stringall, thank you for your time today. You gave some figures at the outset of the increased number of electors enrolled, that being a smallish number, and small by comparison with what we have heard from most other state managers of the AEC. Is there any analysis you have undertaken as to why programs or measures undertaken in WA may not have elicited the same growth in enrolment that some of those in other states have?

Mr Nagle—Not directly comparative of Western Australia and other states. Some of the anecdotal information, though, is that the preparedness or the propensity to enrol or change details tends to increase if there is an electoral event, so the proximity of state elections with federal elections is one of the factors that we have identified that will contribute to growth in the roll, for example.

I suspect another reason may well be some of the demographic trends, too, and the population growth, and just keeping up with interstate migration is possibly more difficult in Western Australia than in some of the other states not experiencing the mobility of population.

Mr Stringall—I would highlight, too, that there was an increase of over 75,000 electors over the three-year period from the close of roll 2004 to 2007. That was the biggest increase, in that three-year period. Prior to that, our biggest increase was 63,000, and that was with the original close of rolls provisions—the seven-day roll close provisions—compared with our staggered roll close provisions.

Mr SULLIVAN—On the same issue, I have noted here that your growth in enrolment was modest, despite some fairly vigorous efforts to encourage enrolment. In fact, by my very quick calculations—and I do not expect it to be perfect—it is about four per cent over three years. I would be very surprised if the population growth in Western Australia were that low. Mr Stringall mentioned demographics, but have you got a population figure for Western Australia over that period? In my electorate, for example, it is running at about six per cent a year. That is enrolment.

Mr Nagle—I had attempted yesterday to get comparative figures, particularly at division level. I would have to take on notice giving you precise population growth figures over the electoral period.

CHAIR—You can give us a supplementary submission in relation to it through the commission.

Mr SULLIVAN—Following on from what Senator Birmingham said, I would be really interested to know if there is a particular problem in encouraging people in Western Australia onto the roll, if they are trying to not be found, for example.

Senator BIRMINGHAM—Moving on from there, can I briefly look at mining communities. We have had some evidence presented to us previously about the challenge of securing votes from fly-in fly-out workers and the particular challenges of getting into some mining sites. What has the experience of the office been and what measures have you been looking at to address those issues in future elections?

Mr Nagle—Yes, it is true to say that that did represent a challenge. The occupational health and safety requirements that the mining operators apply for people to actually be on site did limit our ability to provide mobile polling services to remote mine sites.

In a number of cases we approached mining companies, and in some cases it was possible to visit and conduct, with our mobile polling program. In one particular case the mining company had initially agreed to allow mobile polling on site, and then in the interim had reversed that

decision, and at fairly short notice we then had to try and arrange for postal voting or alternative arrangements.

CHAIR—What was the basis of the reversal of their decision?

Mr Nagle—Again, primarily occupational health and safety. Many of them have a stipulation that you have to go through quite a rigorous induction, and in one particular case random drug and alcohol testing. It is something that they impose generally and they were not prepared to make exceptions.

CHAIR—Given that that is their requirement, does that mean that the AEC could make the necessary arrangements to have necessary personnel fulfil those requirements in the lead-up to an election?

Mr Nagle—Yes, they are things that we would look at. Where mobile polling is the most sensible strategy to service that site, we would need to be better informed about what the requirements are to enable us to do that.

CHAIR—The sites do not change though, do they?

Mr Nagle—No, the sites do not change.

CHAIR—How many voters are we looking at?

Mr Nagle—Across Western Australia we are looking at—I would not know the precise number.

CHAIR—We do not need precise numbers.

Mr Nagle—We are looking at 30 to 50 sites, I would think.

CHAIR—How many per site?

Mr Nagle—The numbers can vary quite significantly but, again, probably in the hundreds in some of the sites.

Mr Stringall—It would depend on what state the mine site was in. At one particular mine site where we investigated mobile polling, the number of employees was in the thousands because it was in a start-up situation. Murrin Murrin is a perfect example, which is a mine site which we prepoll generally. We have an early voting centre there. They were in a shutdown mode, so we were unable to actually attend.

CHAIR—You are developing intelligence now, in effect, to micromanage those sites.

Mr Nagle—Yes. A major focus for us in this electoral period will be to take what we learned from 2007. The other area is where we made some improvement. I noted the increase in prepolls taken at the airports, but certainly the span of hours was not the most appropriate. A number of the flights to the remote mine sites leave at 5.30 in the morning and they do not all go from

domestic terminal 9. We will need to make arrangements with some of the other terminals or possibly some of the carriers.

Senator BIRMINGHAM—What hours did you have in operation there?

Mr Nagle—We were operating from the two terminals at the domestic airport—terminal 9 and the Qantas departure—between 7 am and 7 pm. We would need to review those hours of operation.

Senator BIRMINGHAM—In terms of other mobile booths, particularly those targeting Indigenous communities, did you have any particular problems in relation to the operation of those booths? Can you take me through the process that you undertake to get language assistance for the operation of those mobile booths?

Mr Stringall—What we do with the mobile booths is employ, where we possibly can, someone from the community on a one-off basis. When the team flies in or drives in to the community, they will identify an appropriate person who speaks the language to assist with the process. In actual fact, with our mobile polling for this particular event, we had evaluated it and we rejigged our whole mobile polling.

We reduced the number of teams to about 19, because it was a bit like a jigsaw puzzle. We reduced that down to five teams: two fly-in teams and three drive-in teams. As far as I am aware, we did not come across any particular problems in our remote mobile polling. There were the usual logistical problems—for example, when you arrive at an Indigenous community, whether you are able, for various reasons, to mobile poll at all. I will take that on notice, if you wish, but certainly as far as I am aware, at all our sites we mobile polled and took votes.

Senator BIRMINGHAM—What electoral officer type responsibilities are explained to the local translators that you engage?

Mr Stringall—They would be given the normal information: that they were employed by the AEC and that they had to abide by the rules. That would be a quick briefing session prior to conducting mobile polling.

Senator BIRMINGHAM—A number of other states faced a significant surge in early morning voting, with lengthy queues. Was that the experience here as well?

Mr Nagle—Yes, it was. Polling day in Western Australia was a particularly hot day, it was forecast to be 40 degrees, and that contributed to people looking to vote early. So we did experience queuing, particularly early in the morning, in Western Australia as well.

Senator BIRMINGHAM—Are you looking at strategies to deal with that in the future, such as an increase, potentially, in the number of polling staff for those early hours, or anything of that sort?

Mr Nagle—We are certainly looking at the rosters. Obviously, numbers of polling staff and numbers of polling places is a function of resources available, but we do from one election to the

next look at the voter flow information and use that to determine the most appropriate allocation of resources at polling places, and rostering will be one of the things that we will be looking at.

Mr SULLIVAN—In relation to the figures that you gave earlier of increases in prepoll and postal votes and a decrease in the number of absent votes, there seems to me at least to have been some evidence that suggests that people are quite happy now to prepoll, although they do not necessarily fit the criteria for people entitled to prepoll. There is no way to check really, I suspect. Do you think that is also the case in Western Australia, or is the increase in prepolling because of your activities at the airports to get the fly-in fly-out voter?

Mr Nagle—I do not think the activity that we have undertaken to promote prepoll voting to address the fly-in fly-out situation explains the full increase in the trend towards prepoll voting and I do not think that Western Australia is different from other states in relation to that trend. I think, again, the convenience factor is a large element there.

Mr SULLIVAN—Following on from that, would the Western Australian office of the AEC look favourably upon an increased polling period of time, so that people could take advantage of the convenience of voting on other than a Saturday?

Mr Nagle—Certainly the Western Australian office of the AEC would be consistent with what the AEC does generally. As you would be aware from the AEC's submission, it is an area that the AEC believes needs to be addressed, and an extension of time to vote is one of the options that would be considered.

Mr SULLIVAN—So in most divisions in Western Australia—in urban divisions generally—you would have had a single prepolling location. But what about in the larger ones?

Mr Stringall—We had 36 prepoll voting centres and the direct answer to your question is, 'Yes.' For instance, in Kalgoorlie there were 14 prepolling centres and O'Connor had four. We would actually be looking to increase that, both in Kalgoorlie and O'Connor, for the next election. We will be seriously considering that. In Forrest—again, a rural division—there were nine prepoll voting centres, and in most others there were one or two.

Senator BIRMINGHAM—You had a couple of extremely close results in Western Australia, from memory. What was the increase and what was the number of votes in envelopes in those seats with very close results?

Mr Stringall—We would have to take that on notice. I do not believe we have got those figures.

CHAIR—Swan had an increase in postal votes.

Mr Nagle—So what we are looking for is: was there an increased proportion of prepolls and postals for Swan?

Mr Stringall—We will take that on notice. From my memory, I do not believe that there was a particular increase in Swan.

CHAIR—It was consistent.

Mr Stringall—Consistent with other divisions.

Mr SULLIVAN—While we are on that issue, could we have the number of provisional votes that were disallowed and the proportion of those that would have been disallowed because people did not return with identification within the period allowed?

Mr Stringall—Yes, there was an increase.

Mr SULLIVAN—A significant increase?

Mr Stringall—Again, I will take that on notice. I would say that that would be the case, yes, but could I take that on notice?

CHAIR—I am interested in the figures from 2004 compared to 2007, in relation to provisional and others that were not admitted in 2007, consistent with what Senator Birmingham says, in the close seats. I am interested in what the trend is, and whether that trend was consistent across the board.

Mr Stringall—To give you an informed answer, we can look at the raw numbers. Was the trend different to the seats that were not close? That would take some analysis.

Senator BIRMINGHAM—Given the increasing number of prepoll votes, the committee has been asked to look at whether they should be treated as ordinary votes. Do you have an opinion on the merits or otherwise of that and on the implications for the AEC of doing so?

Mr Nagle—I think that is an issue that the AEC has addressed in the submission. From the AEC's perspective, we see merit in treating prepoll votes in own division as ordinary votes, both very much from a workload management point of view and also being able to count them on polling day.

CHAIR—I am also interested in the ability to prepoll or postal vote if you are outside of your electorate, as against the current requirement. What is your view of that, compared to on a national basis? How would that fall within Western Australia, for instance? There is an argument that, given the mobility of the electorate now, people might want to vote early or whatever. Rather than retain the provision that if you are within eight kilometres of a polling place outside your electorate, you have to do an absentee vote, it might be preferable to have prepoll and postal voting taking place. I am interested in whether there are any particular problems with a proposed change like that for Western Australia as against the rest of the country—the commission can give us the material elsewhere—or would that be a smooth transition that could go hand in hand with what has been suggested in terms of the treatment as an ordinary vote?

One significant benefit is that it would mean, in a number of instances, fewer votes on the day that are absentee votes, and they could then be counted on the night. My scenario would be that, if you are outside your electorate on election day or if you know you are going to be outside your electorate, you could qualify for a postal or prepoll vote. That is a significant relaxation, but there is the security of it being done in an electoral office.

Mr Nagle—In that case, you would still be anticipating that the elector's ballot would be in an envelope. It would not be treated as an ordinary—

CHAIR—It would be if they showed up as a prepoll, wouldn't it?

Mr Nagle—If they show up as a prepoll outside the division—

CHAIR—What they could do is go to the division before the day.

Mr Nagle—So it is within own division?

CHAIR—Within own division.

Mr Nagle—The basis upon which they are lodging that is that they will not be in that division.

CHAIR—They will not be within the electorate. At the moment, if they are within eight kilometres of a polling place within the state, they have to do an absentee vote.

Mr Nagle—Yes. Again, that comes down to the policy decision of whether the government wishes to relax those arrangements.

CHAIR—I understand that. I am interested in the implications resource wise and security wise for the commission.

Mr Nagle—The implications are: effectively resourcing what would potentially be an increase in the demand for prepolling—

CHAIR—Prepoll and postal.

Mr Nagle—and postal in the lead-up to the election. But I do not see that that there is anything—

CHAIR—What would happen if those votes went in as prepoll votes is that they would be ordinary votes which could be counted on election night—

Mr Nagle—That is right.

CHAIR—instead of absentee votes washing through the system at a later date. I am looking at the suggestion that we have got and trying to see whether there could be other tweaking that does not have adverse consequences. What I am particularly interested in is whether there are any particular consequences for Western Australia because of the nature of your state compared to other states.

Mr Stringall—Only demographics and sheer distance. If we had prepoll voting centres at Broome and Kununurra, for example, which we do have, and if the votes there were being lodged, as they are now being lodged, in an envelope, okay, the security is there. What we have

an issue with is lodging those ballot papers in a ballot box as ordinaries and the transportation issue, and the logistics, with bringing them back to—

CHAIR—The argument is whether they are ordinaries.

Mr Stringall—Yes.

CHAIR—That is a broader argument as to whether, to be classified as ordinary, they have to be lodged within the division. We have got to develop that discussion, I think, with the commission.

Mr Nagle—The key issue there is really around what the impact will be of relaxing the requirements or the provisions for being able to lodge a prepoll vote.

CHAIR—One of the initial impacts that I can think of is, as I said to you, on the day itself, instead of having an absentee vote, it would have been lodged as a prepoll or as a postal vote.

Mr Nagle—Yes, so it is a trade-off in resources saved on polling day versus meeting that additional demand in the lead-up to the election.

CHAIR—Yes. If they are lodged at an Electoral Commission office within the division, they can then be counted on election night instead of so many days later.

Mr Nagle—Yes.

CHAIR—I am just throwing it out there. I am not wedded. You are the experts on how some of these votes are administered. I am obviously interested in the integrity of the votes, which is our main thing, so that there is not a slackening of integrity and accuracy.

Our next submitter is former Senator Andrew Murray, who prepared his submission for the Australian Democrats, and he will be addressing us on a number of issues. He is the only one that has raised this issue, which I want to raise with you because I think there is a particular Western Australian slant to it, and that is to do with British voters.

As you appreciate, section 93 of the Electoral Act allows some persons who are not Australian citizens to be on the electoral roll. In particular, we are looking at section 93(1)(b)(ii), which is:

(ii) persons (other than Australian citizens) who would, if the relevant citizenship law had continued in force, be British subjects within the meaning of that relevant citizenship law and whose names were, immediately before 26 January 1984:

(A) on the roll for a Division; or

(B) on a roll kept for the purposes of the *Australian Capital Territory Representation (House of Representatives) Act 1973* or the *Northern Territory Representation Act 1922*;

shall be entitled to enrolment.

Those voters are able to be identified on the electoral roll, aren't they? Do they have a particular notation?

Mr Nagle—Yes, they can be identified.

CHAIR—So the commission is able to advise this committee of how many of those electors are in each electorate.

Mr Nagle—Yes.

CHAIR—That is possible, nationwide?

Mr Nagle—Yes, and I can give you national and WA figures now, if you wish.

CHAIR—If you can. I will get division by division later on.

Mr Nagle—Nationally, there are currently 159,809 British subjects on the roll and, in Western Australia, 22,277.

CHAIR—Are you able to identify the electorates in Western Australia where they have the highest number of such electors or have you just got your global figure? We can get that later on.

Mr Nagle—Yes.

CHAIR—I will ask this of the commission, but I will put it on notice: I know that there was a policy decision back then to keep those people on the roll who were on the roll prior to 26 January 1984. I am really interested in the impact that the Australia Act of 1986 has. I know of the High Court decision in relation to Heather Hill, who was a senator disqualified from taking her position because British citizens were regarded as aliens. So it is a commission policy question and I think it was a government policy as well. It was obviously done without the Australia Act and the Heather Hill case. I want to revisit this situation and look at the policy. That is a lot of votes. I am not prejudging it. I am doing it as a result of Senator Murray's submission. He has raised it and I think it should be explored.

Thank you for your attendance today. It has been informative. If you have additional material, you can do that either through supplementary submissions of the AEC or, if you want to put a separate submission in to the secretariat on the issues that we have raised, please feel free to do so.

[9.59 am]

MURRAY, Mr Andrew James Marshall, Private capacity

CHAIR—I now welcome Mr Andrew Murray to today's hearing. Although the committee does not require you to give evidence on 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. Is there anything else you would like to say about the capacity in which you appear before the committee?

Mr Murray—When I was asked by the party to write the submission which has caused me to be here, I was then the electoral matters spokesperson for the Australian Democrats in the Senate. I am now a private individual and I hold no post with the Australian Democrats. So I will present my evidence on that basis.

CHAIR—You were not in the room, Mr Murray, but in light of your submission, particularly that part to do with British voters, I did ask the Electoral Commission for some statistics. You might want to note this and later we will talk about it. According to their records, there are 159,809 such voters on the roll and 22,277 in Western Australia and we will get a breakdown in due course on an electorate-by-electorate basis. Can I ask you if you would like to make an opening statement to the committee; and reiterate how grateful we are for you to come before us. You do have a distinguished career. When you were in the parliament, I think you were on this particular committee for over 10 years and made an enormous and thoughtful contribution throughout that time. I know a number of issues that you raised were picked up and run with and others are still outside the square, but we never know.

Mr Murray—Thank you, Mr Chairman. I do want to make a shortish opening statement and to start by saying that it is an honour to sit before you and your committee members. I valued my nearly 12 years on the committee very highly. It is a privilege to have served with it and to have examined the issues and dealt with the people and the organisations that we did over that time.

That leads me into a perspective I came to as a result of my time in the Senate, and that is that I think Australian federal parliamentary committees, by and large, undersell and undervalue themselves a little in comparison to, say, British or American parliamentary committees. I have noted that in Europe, and on many other committees, ministers will actually present their legislation to the committees, sometimes committees will themselves write legislation, and they take a substantive role. I have the view that a parliamentary career, as distinct from a ministerial career, should be enhanced in Australia, and that the chairs and committees should have regard to a bigger role than they have had in the past.

I wanted to say that particularly to you, because I have noted that in Australia there is no committee which has regard to the total political system, and you are the one committee that could. As you know, legal and constitutional committees from both houses have examined constitutional issues and continue to do so. All committees of the parliament have had an interest in the political system, obviously particularly this one, but also the Senate Standing Committee on Finance and Public Administration.

But I think there is room for a greater and more expansive role in examining the health of our system.

That brings me to the third area which I wanted to briefly remark on as I opened up, and that is with respect to the whole issue of political governance. As you know, Mr Chairman, I pursued that theme as rigorously and vigorously and I could over my career in parliament, but it has struck me that many parliamentarians—in which I would not include you, but many parliamentarians—have not sufficiently understood that, until political governance is attended to, they cannot lift the status of the profession and get the value and respect that service in the public cause warrants.

I think the highest calling an Australian can have is to serve the public and to conduct himself or herself in public duty, and yet the political system is not attracting enough people, and many people are switched off by it. It needs, I think, some intelligent and deep reflection on those issues. I will just pick on three quickly but they by no means cover the range.

The first is the entire issue of remuneration and of entitlements and that sort of thing. I think the media and their attitudes are out of touch and need to be not well respected in this matter. It is important that, particularly at the upper end of parliamentary service and of ministerial service, the whole area of salaries and proper reward for the responsibilities that people undertake should be attended to, although I would note that having good salaries does not always mean that you attract the best people.

For instance, Western Australia has a good system whereby they assess parliamentarians in terms of work value and the Remuneration Tribunal here has a more expansive role than it does at the federal level. Nevertheless, I have campaigned for and put motions down and made speeches about it in the Senate and I continue to advocate a far better appraisal of the system and an expansion of the distance between a junior backbencher's salary and a senior parliamentarian's salary and, indeed, a ministerial or prime ministerial salary. I think the kind of remuneration our prime ministers and treasurers, for instance, get is reprehensible. So I will put that on the record yet again.

The second aspect I would come to, and it is the bigger one, is political governance. I was fortunate enough to be in the parliament during the life of the Howard government, when all parties unanimously supported an advanced range of improvements for the governance of unions and registered organisations. It was unanimous: it was not controversial; it was passed.

I have also been fortunate enough in my time in the Senate to witness a huge improvement in corporate governance, the Corporations Law and the requirements of it. I draw your attention to those two because here are two sets of bodies—registered organisations, which are unions and business organisations, and corporations—which have a massive impact on our society and have a huge role to play, and their governance regime is of such a high standard that I think it reflects creditably on the performance and functions that they carry out and on the people who do that. You contrast that with political governance and it is shocking, frankly.

As you know, in my own submission I have made reference to that issue again. This committee, to its credit, has taken it up to some extent in the past. The underpinnings of governance start with the constitutional foundations, and this committee has in the past

recommended that there should be minimum requirements for constitutional registration and regulation which mirror those that are in the union and the corporate field. I think you should pursue that area.

The second thing which unions and corporations do is that they have a high standard of reporting and accountability under the accounting standards that apply in Australia and under specific requirements under law. I think that should be mirrored in the political world.

The third area which this committee can pay more attention to than it has in the past is the area of ethics and culture. As you know, corporate governance has moved significantly into that area. ASX and ASIC have developed very profound guidelines; business organisations reflect those as well. What I wanted to do was to encourage you, Mr Chairman, specifically, because it is your remit, to think hard on those issues and develop them.

The last area I want to reflect on is the issue of sustainability. I am a great admirer of the Australian political system: it is competitive, it is robust; it is relatively free of corruption. I tend to see institutional corruption rather than individual corruption, but of course we are not perfect; individuals do exist who are corrupt. But the need for money produces some unsound situations. I think that the sustainability issue really needs to be addressed by this committee, and I think it has been unfortunate that the advances made in this area, particularly since the mid-eighties by the Labor government at the time, have primarily been at the state level, not at the federal level. It is the states who are now challenging the issues of sustainability; are starting to ask about how funding should occur; are talking about perhaps ending donations altogether; are talking about making campaigning and electoral activity more affordable and cheaper. There are inquiries, as you know, that have been undertaken in New South Wales and are under way in Victoria.

I think that this committee needs to address sustainability as a fundamental part of your inquiry, because we cannot allow politics in this country to become the province of the rich—the rich political parties or the rich donors—and we cannot allow the cost of campaigning in elections to continue to escalate in the way that it is. We have relatively low barriers to entry for candidates—it is not hard to become a candidate—but the real barriers to entry, to proper competitive professional interaction, are quite significant. When you have nine governments and all the local governments, even the biggest of the parties struggles with the financial and electoral requirements. I would urge you—and I do not have all the answers; I have tried—to address the issue of sustainability. It was not short, but it was shortish, Mr Chairman!

CHAIR—On the latter point, I can indicate that I have had discussions with Senator Faulkner and he certainly sees a role for this committee in terms of the white papers that are coming out on campaign funding and disclosure. I take on board the points that you make. I do not know that there is any disagreement across the spectrum of the committee that we should play a role and come forward with some recommendations, because it is really this committee that will allow for public participation or public input into some of the matters that are going to be put out there into the ether.

Mr Murray—Yes. I suppose, Mr Chairman, my point would be that, to some extent, you have to disregard the executive—

CHAIR—Yes, I understand that. Those that know me, Mr Murray, know that the executive is the least of my concerns when it comes to my performance as a parliamentarian. I think you are absolutely spot-on in relation to that.

Mr Murray—That is why I took the opportunity to encourage you.

CHAIR—Yes. I appreciate it. Before I pass to my colleagues, there are a few questions I do want to ask you in relation to your submission. I want to flesh it out. The early closure of the rolls: I take it that you would prefer to go back to the old system of seven days.

Mr Murray—Yes, I would. I felt very strongly about the changes that the coalition introduced. I thought that they were, at best, misguided and, at worst, reprehensible. I have always argued that you can shorten the period of closing the rolls if you move to fixed terms because people then have no excuse—they know the date and so on—but until that occurs, in the interests of maximising the numbers who can vote I think the old system worked very well, and I never had any evidence on this committee from anyone which persuaded me that it resulted in corrupt outcomes.

CHAIR—But would you agree with the point that, under the current system, the announcement by the Prime Minister is itself a wake-up call to a lot of people in the community to get on the rolls, if they have got that period, as against the close of the rolls on the day of the announcement?

Mr Murray—Yes, I do. As you know, we have got a Western Australian election under way, and I recently had sight of someone who had to fill in a change of address; something which should be common and easy. They were not born in Australia. They had to go and dig up their citizenship certificate and find the number and put it in. That sort of bureaucracy is idiotic, frankly. We need to make the system as simple and easy as possible.

CHAIR—What do you suggest we do in relation to the British voters? I quoted the figures that we just got from the commission; they are a bit different, by about 4,000, from the figure for Australia that you had in your submission. I made the point that the Australia Act, I think, postdated that amendment, and then you also had the Heather Hill case, where she was declared an alien and could not take her place in the Senate. This is at page 11 of your submission. Are you saying that the time has come—now that we also have dual citizenship and there is no excuse for these people not to take out Australian citizenship, if there is no bar to it—when we should give some notice to say that, if they are not on the rolls or not Australian citizens by a certain date, they will be removed?

Mr Murray—Yes. As you know, Mr Chairman, I am a migrant myself and had to give up a citizenship to stand in the Senate. I welcome the dual citizenship provisions and changes. I thought the previous government was very smart in advancing that cause and the present government was very smart in supporting it when in opposition. I think your point is accurate. The figures I used were as a result of an answer to a question.

CHAIR—So they are now updated. That is why I asked about the figures just then.

Mr Murray—I guessed that. My attitude is twofold. I think the government of the day and the parliament of the day was right to grandfather the voters roll members at that time, but now 25 years have passed. They have had more than enough time to decide whether they are Australians or not. The High Court since that date has confirmed that a British citizen is an alien under Australian law, so that has happened. These are significant shifts over time.

Other countries that have had the same problem eventually said, ‘Enough is enough,’ and set a deadline, a time, for it. I would suggest that what the committee should do is recommend that noncitizens should no longer be able to be on the roll, as from a particular date sometime forward. It might be the next election, it might be the election after that: a reasonable time to get their affairs in order and decide whether they are committed enough to Australia to become citizens and enjoy the privilege of voting or not.

You have either got a system where you say everybody who lives in the country can vote—it does not matter where you come from, whether you are a resident, a part-time resident, a citizen or not—or you have a system where you say voting is a right that accrues to citizens. I am of the latter school.

CHAIR—What is also concerning is that you have just had a very close result in McEwen, which is not the only time there has been a close result. Imagine a government being decided, or a hung parliament, and the final seat being decided by people who are noncitizens in a particular seat. I hear what you are saying. That is why I went to flesh this out, because you are the only submitter that has raised this in this round of reviews.

Mr Murray—Yes. I came to it by chance almost. Although I had these general views, it was not until I saw the social maps that I saw the intense effect this could have in some constituencies. I named four of them.

CHAIR—Yes, you named Brand, Canning, Kingston and Wakefield on page 12 of your submission.

Mr Murray—That is right. The second thing is that Dr Marian Sawyer, who you know is a very able commentator on electoral law and systems and matters, did a study of voting in local government elections, which of itself is very interesting, because in some cases properties and legal entities, not individuals, have rights to vote in local government elections and not in others. She also drew my attention to this area. I think enough is enough. The committee and the government need to take a view. Are aliens entitled to vote or not? And, if they are not, there needs to be a date by which it is concluded.

CHAIR—With dual citizenship there is no basis for them not to take out citizenship.

Mr Murray—That is right.

CHAIR—The final question I want to ask at this stage relates to voting over the age of 16. There have obviously been some submissions to us that the voting age should be lowered or whatever. I have raised the issue, and it goes to getting young people on the roll. We have provisional voting now as a policy from age 17. I am wondering whether we should look at lowering that age to 16, which would enable young children from that age onwards, who are at

school, if the commission visits a school, to at least get a provisional enrolment. There is obviously the question of civic-mindedness at that stage, and keenness, and whether you think there is a benefit in that. What I was concerned about is that maybe we are not getting enough of these people on the roll early enough because of HSC and other commitments around the age of 17, or leaving to go to do a TAFE course or whatever. You know that it takes from 18 to that 25 age to get the level of enrolment levelled off at about 95 per cent.

Mr Murray—That is right.

CHAIR—Do you see a benefit in at least holding out that olive branch of, while not giving the vote at 16, allowing them to enrol in a provisional way at 16? I cannot see the disadvantage of it.

Mr Murray—Yes, I do see an advantage. Probably, like most politicians, including those I am facing, I took a very early interest in politics, but that is not common. It is a particular type of individual who does. I would suggest to you that I was politically interested by my early teens, so it is not unusual for politically interested people to be at school. The question is: how do they engage with the system? Voluntary enrolment allows for that but does not wander into the dangerous territory of at what stage somebody has sufficient experience and understanding of life and serious matters to make a proper, informed decision. As you know, I did not have a recommendation on this basis. Personally, I ascribe to the view that you should only be able to vote at a legal age, whatever the legal age is for an adult. By consensus, that tends to be 18. I am content with that position, but I am aware that there are members of my party and members of the community who feel otherwise. It is something the committee needs to come to terms with. One of the benefits, of course, of early enrolment at schools is, using the scientific term, you have got ‘captive populations’.

CHAIR—That is why I see provisional enrolment at 16 as being beneficial to getting them on the roll. It could be within an election cycle. If they are provisionally enrolled now at 16, there is none of that late surge of having to get on the rolls if an election is called or whatever, and if an election is called and they are 18, they get a vote.

Mr Murray—If the committee goes that route, it needs to be made clear that there should be no opportunity or possibility for political parties to engage in recruitment or campaigning in school.

CHAIR—Yes. I do not see that. I see the commission being the attendees at schools.

Mr Murray—That is right. But, as you know, at present all politicians are invited to speak to schools and do so regularly, and that is important.

CHAIR—That is why I have found that the year 10s, and even the 11s, are captive audiences, but you are not able to build on that.

Mr Murray—No.

CHAIR—So you do not see any disadvantages?

Mr Murray—No.

CHAIR—Other than that you do not want the political parties to be seen to be manipulating.

Mr Murray—Yes. And it may be going too far, because perhaps people will be sensible, but, if that were to be put into law, there might need to be an injunction in law that you cannot campaign or recruit in schools and that would be sufficient.

Senator BIRMINGHAM—Firstly, for the benefit of the AEC officials, on the British citizenship data it would be interesting to also, if possible, have an average age profile, if they can extract that from the data, or alternatively at least the trend line, because there is a natural phase-out, I suspect, that is occurring as well. It is not that I do not have some sympathy for the view that has been put, but it would be interesting to see that.

CHAIR—If that is possible, that would be good.

Senator BIRMINGHAM—Thank you. Mr Murray, welcome. It feels a little surreal sitting in this arrangement, I have to say, but it is great to have you here.

CHAIR—He has done it before. I am sure he has submitted when he was not on the committee, at that stage, and came before us as a senator.

Mr Murray—I have definitely made appearances, yes.

Senator BIRMINGHAM—I will take up the cudgels on governance and funding out of your submission. Firstly to the governance issues: you have outlined in the submission a range of governance mechanisms that you think should be in place. Some are fairly simple in terms of the lodgement and public availability and so on of parties' constitutional structures, but others go a little more to some of the specifics of rights of party members and the operation of parties. Would you mind taking us through those issues in a little more detail and the rationale behind why you think those conditions need to be mandated for a strong governance regime.

Mr Murray—Yes. For people who have not dealt professionally with governance, because many parliamentarians have not—I have because of my involvement in industrial relations and in corporations law; I have had a great deal to do with it—the important thing to understand is that both my recommendations and the previous recommendations of the committee do not suggest to the political parties that the content of the Constitution will be determined at law. What they determine is that the particular topic must be covered.

For instance, if you are going to state that you need disputation procedures outlined—and, of course, the precedent is that it is not the function of the parliament to say what the disputation procedure should be but that the political party must have a disputation procedure—you might then ask, 'Well, what about newly formed parties? How would they find the money and the expertise to develop the proper systems?' My expectation would be that the AEC or an appropriate university body or something might end up producing pro formas that people can use, in the same way that small businesses who want to incorporate go and get a pro forma company constitution, but, of course, major corporations write their own, and that is how it should be.

So here we are talking about headings, areas that need to be covered. That is the first issue and it is to ensure that any political party which seeks to engage in the political process has a structure which ensures that its members are properly protected by a system of law. It is just a basic principle that applies in any governance system, whether it be corporations, unions, business organisations or any others. That is the thinking behind it.

You would then say, ‘What particular rights should members have?’ I, of course, have my own views and the committee will have its own, but one of the strong views I have is the one vote, one value rule, which is contentious with respect to the Labor Party, but my views have been on the record forever and a day on this and I have both strong support and strong opposition within the Labor Party, depending who it is. Essentially the principle there—and it is the same principle that applies to shareholders and members in unions or corporations, unless you get to the dreadful situation of AWB—is that any member vote has the same value as any other member vote in that class of member.

For instance, the Liberal Party, as I understand it, has a representative system. You elect representatives who act on behalf of: it would be the state council acting on behalf of the state members. That is not a problem. It just means anybody on that council has the same vote value as anybody else on that council, not that an ordinary member has the same value as the council member. Is that clear to you?

Senator BIRMINGHAM—Yes. Do you believe that entities should be able to be members of political parties?

Mr Murray—That is not a feature of Corporations Law, nor is it a feature of registered organisations. Ultimately, even when they say such and such a company is a shareholder of another company, it is the members of that company who end up controlling it, so ultimately it always has to go back to the members. One of the things I have recommended—and it has been a long campaign of the Democrats in the Senate—is that if a political party, such as in the case of Labor, chooses to have affiliates who are entities, the members of that entity should authorise that affiliation and it should be done on that basis. I make that recommendation.

Senator BIRMINGHAM—Yes, there is that recommendation.

Mr Murray—In the end, we are a free country and people are entitled to constitute themselves as they see fit. The difficulty with the Labor structure as I see it is that, in certain circumstances, some people end up getting the bad end of the stick. I think it needs to be regularised more than it is at present.

Mr SULLIVAN—I think you just contradicted yourself. You just said this is a free country and people are entitled to constitute themselves as they see fit, except we want to regulate political parties. I think that is the constitution, and I am not sure that regulation of political parties enables individuals to form new parties, which you spoke about a little earlier, with or without model rules. So are we a free country entitled to constitute ourselves as we see fit or are we an unfree country and we can only constitute ourselves in this fashion?

Mr Murray—I phrased my remarks in the context of those who have understood my broad remarks, so let me be specific. There is no such thing, even with political parties, as an

unregulated system. It just is not a feature of our society. Even common law provides a form of regulation. The reason that that is so is that completely laissez-faire and unregulated markets do not work fairly, efficiently and effectively. Really, what I was saying with respect to political parties is that if political parties want entities to be members, such as through the affiliation process in the Labor Party, then I can see no objection to that, providing the members of those entities have given proper authority for that and are periodically asked to renew that authority. That is the position I take on that. So I do not think it is a contradiction, but I can understand that, if you took it as a bald statement, you might see it that way. But you have not had the benefit of my long advocacy on these matters, Mr Sullivan—probably to your benefit!

Mr SULLIVAN—I have been around for a while. I would like to point out that I did not come down in the last shower.

Mr Murray—No, I was not meaning that. You have not sat with me on the committee was what I meant.

Mr SULLIVAN—I might have enjoyed it.

Senator BIRMINGHAM—You would have, I am sure. Can I jump to funding. The submission, I think, deals a bit in what perhaps you think is the achievable as well as some of the unachievable in that there are recommendations for a cap on donations of \$100,000, but there is discussion of the total abolition of political donations. Given the green and white paper process being undertaken by the government, the reference by the Senate to this committee to examine those issues in a parallel sense, which direction of political funding do you think is ideal for us to go down? Should donations still be allowed? Should they be allowed from individuals and entities or should we be adopting a purely publicly funded type framework?

Mr Murray—Let me start by publicly commending Senator Faulkner and the government on at last engaging in a process of trying to get a national view on electoral matters, including funding disclosure. I think that is terrific. As you would know, as a professional in the area, that process often involves throwing up options, so we do not automatically have to choose to go down a particular path. My own view is that, if you do not go the route of banning large donations, you have to go to the capped system. That is a starting point of mine. I think you might choose to go to the capped system until later on you go to a banning situation. The reason I support banning large donations is because of the inference that it leads to corrupt access or influence. I use the word ‘inference’ because very often that is not so. It is not corrupt. But sometimes it is so; it is corrupt.

I believe that if you ban large donations, you have to recognise the reality, and that is that democratic government, democratic parliaments, work best with a political party structure and that, to be professional, political parties need money; and if you are going to prohibit them raising money in the market, which is essentially what they do at present, you have to provide public funding. So if you regard political parties as a public good, which I do, and if you think the dangers of large donations exist, which I do, then you need public funding, which means for every election public funding, not for a few elections which we have at present. That is the first thing.

If you come to those points of principle and belief, then your last consideration is: is there any form of fundraising and donation which is warranted and desirable? And we come here, by the way, to the difficulty of all political parties of shrinking membership and the need for a committee like yours to start to think about whether you need a primary system, such as the Americans have, or other methods to broaden engagement and participation. But leave that alone for this section.

I have the view that people value something they pay for, so I would support membership fees and I think they should be maintained. I have the view that people get a certain pleasure and relief—it might sound an odd thing to say—from giving money to something where otherwise they might have to give time and effort. I have met many a person who would rather give you a \$100 donation than actually stand in a polling booth or knock on doors.

I do not have much of a problem with donations up to the level of \$1,000, which is the proposal in the legislation. I do not have a problem with that. What I do have a problem with is very big amounts of money coming from very big organisations who seek to influence the process as a result.

Senator BIRMINGHAM—Given that, I go back to the earlier question of affiliated entities or membership of entities. Looking at the role of membership subscriptions, how ideally would we regulate that type of contribution from those entities, which does run into, at present, very large sums on an annual basis?

Mr Murray—As you know, I hold the view—and on this basis I have put up amendments which have been rejected, so it not just a view; I have attempted to change the role—that shareholders should decide whether they support the policy of the corporation or organisation with respect to making donations, and unions. I shrink from the idea that every political donation should be voted for—I just think that is impractical—but I think the policy needs to be different. I believe that, if that policy is agreed to, then the members of a union or the members of a corporation abide by it. If that policy is that affiliation fees are to be paid on the basis of every member, then that is the way it is and, if you do not like that, you do not be a member of that union. However, the policy might be for the particular union that only those who subscribe to a particular political party will have a fee paid in. So it can be determined by the rules of the particular union or the particular corporation, because there may be unions who want to share the love. As you know, there are unions that support the Greens. I cannot recall any giving money to the Liberal Party, but I know some gave money to the Democrats.

Senator BIRMINGHAM—Nor, unfortunately, can I. Of course, tighter restrictions on fundraising by political parties and, therefore, on the potential for expenditure by political parties, does throw open the realm of third party campaigning.

Mr Murray—Yes.

Senator BIRMINGHAM—How would you propose that we address that, if indeed it needs to be addressed, to ensure that, by restricting political parties, you do not open up the potential for third parties to play a much more significant role in election campaigns?

Mr Murray—This committee, on a motion from me, eventually conducted over two parliamentary terms an inquiry into funding and disclosure, and I failed in one of the ambitions I had, and that was to get the committee to examine more deeply and carefully what other countries do. Other countries have been singularly concerned about the third party area and have really taken serious action to restrict that area.

I would name, for instance, Canada and the United States. As you know, they have made very big efforts. Frankly, I believe that a delegation of this committee would find it very worthwhile to travel to Canada and the United States—the UK perhaps; somewhere in Europe—to interview people and to get a hands-on view of the pluses and minuses of the advances there.

It comes back to my point that I think this committee and the federal parliament have lacked what has been going on in the progress of law in this area. I think it needs to be transparent and disclosed if you were to continue with that, but I also think it needs to be restrained and constrained. One of the things I have always disliked intensely is people paying money to access people of influence in the parliament, whether it be coming to a Democrat convention or wanting to see the Prime Minister. It does not taste right to me. It never has. That is a third party area which is awkward and difficult.

Senator BIRMINGHAM—On that note, as possibly the only person at the table who has paid money to attend a Democrat convention, I will hand over to Mr Sullivan or the chair. I am happy to come back if we have time.

Mr SULLIVAN—You have recommended a change to section 44, the citizenship. Do you propose that a person could enter the parliament holding dual nationality or is your proposal that people would still be required to relinquish the second nationality, as you yourself had to do?

Mr Murray—I cannot speak for the Democrats on that matter, and I stress that. My personal attitude is that I have no problem with dual citizens, but I suggest that the recommendations put forward originally by the House of Representatives legislation and constitutional committee should be followed. Those views were unanimous, they have been unanimously supported by this committee, and the key issue is whether you are an Australian citizen. I do not know what the figures are, but I suspect a quarter of Australians probably hold dual citizenship. It must be a very large number. I do not think it should be an issue in our parliament.

Mr SULLIVAN—In terms of section 394 you have talked about removing the impediment to have state and federal elections on the same day. Have you any concerns about what that might lead to? And then I will give you one!

Mr Murray—I have long corresponded with the Hon. Gough Whitlam on this matter.

Mr SULLIVAN—You are in his camp well and truly.

Mr Murray—It was he who originally put me onto it, and it struck me as a very sane and sensible thing for a federation, and, if the Americans can do it, why it should be beyond us I do not know. It may be that there needs to be some sort of governmental agreement that you might not want a state and a federal election going simultaneously, but why a state and local

government election cannot go on at the same time, or a by-election and a federal election, beats me. I am very firmly in the Gough Whitlam camp.

Mr SULLIVAN—I just state, for the record's sake and for your information, that in the 1998 Queensland state election, which was conducted at the height of Pauline Hanson's celebrity, where the one state-wide newspaper gave her, I believe I am correct in saying, front page coverage on federal issues for the 21 days preceding the election, and on the day of the election, in an editorial on page 17, said that people should not vote for her candidates after all but 11 of them won, I was one of the victims of that particular election. There is an opportunity, I think, for issues to be ignored.

State issues and federal issues I am discovering, are really quite dissimilar, and I think that each need an opportunity to be aired, particularly with state and local issues as well. I think there is a capacity for that not to happen in our country, while I acknowledge Gough's long campaign on elections.

Mr Murray—Yes. Although I see grey in you—you have got a lot more hair than I have—I am not sure you are old enough to remember the great contests over the Communist Party and whether it should be banned or not. My point is that democracy always has dangers, in that some really dangerous people can be part of the system. But that is one of its virtues, and I would have voted to have kept them legal, even though I abhor the way that they approach politics. The fact that people, with views that you and I might strongly disagree with, can be beneficiaries of the system I do not think is a reason to—

CHAIR—If they can marshal the votes in a democracy, they are entitled to representation.

Mr SULLIVAN—My concern is cross-pollution of issues.

Mr Murray—I am not sure that you can avoid that. As Americans have discovered, the dog catcher is a political post.

Mr SULLIVAN—You have recommended the introduction of citizen-initiated plebiscites or direct democracy. We have a system of representative democracy. Where do you see CIPs having a role, and what do you see as the outcome of that requirement being placed on government?

Mr Murray—My party has had a long interest in this. As you know, there are many parts of the world which engage in direct democracy in one way or another. I was absolutely fascinated by the last government having, for the first time in Australia, introduced direct democracy through their plebiscites bill, which is potentially far more expansive than people realise. But I am very careful in my own views and in the views I have expressed here to put very strong restraints on it, for some of the reasons that you outlined earlier: you can get madcap fashions in politics that would be dangerous if parliaments were obligated to follow them. You will find in my section on that, page 33, there are a series of dot points, and it is a very high threshold to require plebiscites that I have outlined; it is 0.5 per cent of the population. It is very large; it is not small. There is a very high threshold: 60 per cent voter turnout and a clear majority of votes for the matter even to be considered by parliament—in other words, 'must be considered by parliament'; not 'must be passed', 'must be considered'—and a resolution cannot be imposed on parliament, which is the Californian system, if you understand. It is a guide to parliament.

What my party has been looking at and what I have supported is a mechanism for citizens to engage at a mass level, outside of elections, on issues that concern them. I think it is a matter on which the committee should debate and take a view, but there are people who are firmly against it. I think it is good, providing you have strong controls.

Mr SULLIVAN—The cost of such a plebiscite would be similar to the cost of a federal election.

Mr Murray—Yes, which is why you need high thresholds. Of course, it will not quite be the same cost because of no public funding, no compulsory vote—those sorts of issues. But you are quite right. The US government did open the door, and we have now got that door open; let's see if we can improve on the system.

CHAIR—Can I come back to British voters.

Mr Murray—These aliens.

CHAIR—Yes.

Mr Murray—I must remind the committee that I am British born, even though I am Zimbabwe raised.

Mr SULLIVAN—But you saw the light.

Mr Murray—I did. I love this country.

CHAIR—I want to come to a couple of sections of the Constitution, one of which I think is a particular problem for the proposition. That is why I did a bit of research while you were being asked some questions. Section 8, 'Qualifications of electors', says:

The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

So obviously the parliament prescribes. But the key section—I will just scroll down on this computer because I have not got your little copy—is section 41, and I think this is a bit of an impediment. It refers to Both Houses of Parliament. Section 41, 'Right of electors of states':

No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

I am wondering if that section precludes us from barring them.

Mr Murray—I stress that I am not a lawyer.

CHAIR—No. I am, actually, but I am not a professed constitutional expert. That is why I wanted to draw it to your attention.

Mr Murray—Yes.

CHAIR—I am wondering if that is maybe why they grandfathered the pre-1984 people on the roll.

Mr Murray—I do not know.

CHAIR—We will have a look at it. I just wanted to bring it to your attention so that it is not thought that we are not—

Mr Murray—I would also suggest, Mr Chairman, that you might get the Parliamentary Library to check with the Canadians to see whether, when they put an end date on it, that was an issue. But it does lead me to another section of my submission, where I state that I think we need a constitutional overhaul. That is not a view that is confined to me or my party. It is a view that is widely supported in many political parties; perhaps all. That needs to be a careful and long-term process. I am not a fan of dipping in and out of these things.

CHAIR—No, I agree.

Mr Murray—And I think we need a lot of debate.

CHAIR—It may well be that that section does not apply because the British citizens do not have a right to vote in the more numerous house of a state parliament.

Mr Murray—Yes.

CHAIR—It might be that I am reading too much into it, if you have a quick look at it.

Mr Murray—I cannot answer that.

CHAIR—No, that is okay. I want us to explore what you are saying. I think it makes a lot of sense, if it is achievable, but obviously if it is not achievable I just want us to get the proper advice so that we can make a policy recommendation one way or the other. That seems to be that, if they have a right to vote at a state assembly election, you cannot take them off for the other. I do not know that they have got that right to be on the roll at a state election. I have not looked at it for ages. I just wanted to draw your attention to it, in case you have got a supplementary submission.

Senator BIRMINGHAM—You mentioned—and it is a concern I share—the diminishing engagement, at least in the traditional forms, with political activities as we see them. There are some new and emerging forms that particularly exercised themselves at the last election, I think, in the cyberworld and elsewhere. Your submission—and we have addressed it and canvassed it—talks about citizen-initiated plebiscites, which I imagine you would see as one means by which to inspire re-engagement in a greater proportion of the population. Are there other key measures that you think that the body politic needs to be looking at in that regard?

Mr Murray—I want to avoid being too gloomy. Civil society does engage people in politics. I take the view that political life is much more than just parliamentary life. You do not have to be a parliamentarian to be a politician or in politics.

Senator BIRMINGHAM—No, you do not.

Mr Murray—I forget the number of volunteers in this country. I think it is two million engaged in civil life—huge numbers—and energetic advocacy organisations. People from there do end up being selected and put into parliament; whether they are from unions or environmental groups or civil liberties groups or whatever.

So I am not that gloomy. But the difficulty comes back to the whole process of selecting or finding or recruiting good candidates, then preselecting them and getting them into the parliamentary process. You want to widen the talent pool as much as possible, which is why I stress that if you want to raise the status of politics you need to attend to the governance area, because that produces a greater professionalism. These are all linked.

Frankly, the answer is in the hands of the majors. The Liberal Party and the Labor Party have a massive responsibility to try and make politics both more respectable and more attractive. You should be as radical and innovative as you can and use the law to assist you where that is proper. I think it is proper in governance and sustainability areas. The law should not prohibit situations that could be developed where political parties might want to go down the primary route. Let the AEC conduct elections on that basis—paid for, at the request of the political party.

CHAIR—Thanks for your attendance today, Mr Murray. I would like to again acknowledge the significant contribution that you have made to this committee and wish you all the best in your post-parliament endeavours. If you feel the need to do a supplementary submission on behalf of the Democrats to the committee, please feel free to do so.

Mr Murray—Mr Chairman, let me repeat that it was a pleasure to be here and I am pleased to have met Mr Sullivan, who I have not known before.

CHAIR—He is from Queensland. He is here to help.

Mr Murray—I have noticed how many medals they have been winning. It has been a bit galling. My compliments to you and your committee.

CHAIR—Thank you. We will have a short adjournment.

Proceedings suspended from 11.03 am to 11.19 am

BEILBY, Ms Margo, Co-Convener, Greens WA

MacTIERNAN, Ms Diana, Member of Administrative Working Group, Greens WA

CHAIR—Welcome to representatives from the Greens Western Australia to today's hearing. Although the committee does not require you to give evidence on 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. Feel free to make an opening statement to the committee, should you wish.

Ms Beilby—Our main complaint is the early closing of the rolls.

CHAIR—Thank you.

Ms Beilby—We were very unhappy about that, because we feel that that disenfranchises young people and Aboriginals and so on. So I would rather hope that that might get reversed at some time and the rolls be left open for a bit longer.

CHAIR—So you would like it to go back to what it previously was?

Ms Beilby—Yes.

CHAIR—You think that was the right balance?

Ms Beilby—Yes, I think so.

Ms MacTiernan—Yes, that is reasonable. It is something that we found particularly happens also for people that tend to be itinerant or for whatever reason have been omitted from the role. It does not really provide them an opportunity to register when they need to as an eligible voter. So we would see that as a fairly key issue for us and for all Australians being able to vote.

Ms Beilby—Another point which has been an irritation with me for many years is split booths.

CHAIR—Dual booths? Going in and having—

Ms Beilby—Yes, the dual booths. I feel that the AEC should have maps outside showing people the booths against a map, because the average voter does not know what electorate they are in, especially after a redistribution. It is not fair that the voluntary booth staff are having to tell people what electorate they are in and therefore which how-to-vote card to use. I have known of people getting in to the end of a queue and working their way up the queue—especially very early in the morning—getting to the booth and finding out that, no, they are at the wrong booth and they have got to go to the end of the other queue.

CHAIR—I do not whether this is possible, but I know that in state elections, for instance, in New South Wales the state Electoral Commission has sent out little letters or cards to people

showing them where they are in. I am wondering whether that is a halfway house. I do not know. It is expensive because it has got to go to every elector.

I have heard the feedback on dual booths. For instance, in my electorate I shared about eight or something with the federal seat of Watson and the federal seat of Blaxland, and I am in Banks. It is a bit of a nightmare, but if you do not make them dual booths people have got to go elsewhere or have an absentee vote.

Ms Beilby—No, I have got nothing against your booths, it is just this nightmare of people not knowing. I had recently a state election and the boundary line went practically through the polling booth and people had all got a letter that they obviously had not read because they did not know, and it was a nightmare.

CHAIR—I know that in some of the booths in a school the commission did highlight which classroom was Watson and which classroom was Banks, but the problem really occurs with the electors.

Ms Beilby—Yes, I know.

CHAIR—Where there has been a change.

Ms Beilby—Even if there has not been a change, believe me.

CHAIR—You are raising the general issue that we should put our thinking caps on and so should the commission in relation to dual booths to see if there is a better way of informing electors of which electorate they are in.

Ms Beilby—I remember one election where the ALP actually got a big map of the area and put it on a noticeboard outside and put felt pen lines down it saying, ‘This side is this and this side is that.’ Something like that would definitely help.

CHAIR—Because of the nature now of redistributions and the one vote, one value and the statistics, you are going to get a lot more dual booths. You are not going to necessarily get the boundary being down the middle of a highway.

Ms MacTiernan—Another general point, which echoes to a broader issue on the point that Margo has just raised, is that I do not know whether there are any statistics on the informal voting in the last election.

CHAIR—There are. They are coming to us. We have not got them on a booth-by-booth basis yet, but they are coming.

Ms MacTiernan—I appreciate this is probably a broader social issue than necessarily within the scope of what you are raising, but it occurs to me that people disenfranchise themselves to a large degree when they choose to vote informal. Again, I do not know whether the scope of your inquiry is in terms of engagement with people pre-election about the need to vote and their participation in that process.

CHAIR—Everything is on the table.

Ms MacTiernan—I appreciate that there is promotional material about your responsibility to vote and I wonder whether that is something that needs to be a bit broader. In my area I noticed particularly young males in the 18 to 25 age group typically—who knows what they do in the polling booth—who seemed to be not engaged in the process whatsoever.

CHAIR—Attendance is compulsory; actually registering a formal vote is not.

Ms MacTiernan—Yes, that is right.

CHAIR—We are looking at the complexity of the system. A number of factors—non-sequential voting and the Langer vote and all that. What you are saying is in a different category. It is in terms of the commission itself engaging in an advertising campaign. I know they engaged in an extensive, expensive advertising campaign to get people on the rolls. Of course, the legislation changed and closed the rolls on the day the writs were issued. So they are issues we can look at, if you have got specific suggestions. But you are in effect talking about an education campaign.

Ms MacTiernan—Yes, that is an issue.

Ms Beilby—I would say, though, that people have a perfect right to do an informal vote, if they are forced to go to the polling booth and they are not forced to register a legal vote. If they are saying, ‘I don’t like any of these people,’ that is their right. What worries me much more are the number of people who do not understand the preferential voting system. I believe, from people who do scrutineering, that there are a number of people who put a cross against their preferred candidate because they have been used to that system in Great Britain. So they think that they are registering a formal vote and they are not.

CHAIR—The commission is getting some statistics on the different categories in which informal votes occur. People vote different ways for different reasons. People make mistakes. State systems are different than federal systems, which can account for a high informal vote. I know there was a by-election within the federal electorate of Reid for the state seat of Auburn at one stage shortly before a federal election. Because in New South Wales you just have to vote 1, when it came to the federal election the informal vote exploded in the federal seat of Reid. So they are in the general mix of things and there are policy decisions there and other decisions.

Ms Beilby—But we try to educate people on preferential voting because it is in our interest to do so because we want people to vote Greens 1 and then whatever, sort of thing. People feel that if they vote, say, Labor 1, Green 2, they are doing us a favour, and we are trying to persuade them, ‘No, no, no, vote Greens 1 and then whoever you want to be in government.’

CHAIR—That is a matter for political parties. The thing I will say is this, and it will be controversial: the benefit of compulsory voting or compulsory attendance is that we do not have to spend the money that the Americans spend in getting people out.

Ms Beilby—Or in England.

CHAIR—Then the next phase is trying to persuade them. Here our role as political parties is not about getting them out to vote; it is about persuading the vote a particular way. I think it is actually a cheaper system than non-compulsory voting.

Ms MacTiernan—On that point, we would endorse compulsory voting.

Ms Beilby—You might. I do not.

CHAIR—There is a split in the Greens. Why am I not surprised? No, that is okay.

Ms Beilby—I am a very minor voice. Most of the Greens support compulsory voting.

Ms MacTiernan—The position of the party is compulsory voting.

CHAIR—I am aware of that.

Mr SULLIVAN—And a very good position to have, too. The early closing of the rolls is one of the issues that you raised. To be fair, the former Prime Minister did allow that process to run a few more days longer than he was able to shut it down. So the AEC performed admirably in that period of time in getting people on. But there are a number of submissions, including from the New South Wales Greens, that suggest that we should be looking at automatic enrolment so that people have access to people's details, whether it be electricity bills or whatever, and are able to have that enrolment follow the people around without actually any effort on their part. Have you got a view on that?

Ms MacTiernan—We have not discussed that. While I see the benefit of having that—and so we would not rule it out, but I think we would not want to formally put a position at this point—are we able to submit in writing—

CHAIR—You can put in supplementary submissions at any stage of the process.

Mr SULLIVAN—The difficulty with what has been recommended is people's concern about government agencies talking to each other and the transfer of information, which these days I think is a nonsense.

As I mentioned, I have a photographic card to be a member of a bowls club, which has got every detail possibly that the government has. I think we have reasonably good security in there. But that would be the issue, I think.

Ms MacTiernan—I would say there would be the potential, when you first enrolled, that you may give those permissions. That might be something that people could elect into.

Mr SULLIVAN—We have heard other evidence, and I think Mr Murray earlier talked about somebody changing their address on their enrolment form. They already have an entitlement to vote, they are changing their address, yet they had to go and get their citizenship form. You have to do the whole catastrophe again just to change your address, which is a very difficult exercise which I think needs to be done. But if enrolment can follow you, that might be a sensible idea.

Senator BIRMINGHAM—Thank you both for your attendance today. My apologies for missing your opening remarks. I want to ask some quick questions about political funding and expenditure. What is the position of the Greens WA in regard to political donations, the capping of donations, or restrictions that should apply?

Ms MacTiernan—When the changes came about last year in terms of the declarations of donations, we adopted our own policy on that issue when we made the benchmark considerably lower. Donations over \$1,500 have to be named donations in our organisation, and that is something that we would see as appropriate more generally, as well.

Senator BIRMINGHAM—It would be publicly disclosed on your website or something?

Ms MacTiernan—Yes.

Senator BIRMINGHAM—Donors over \$1,500?

Ms MacTiernan—Yes. That is something that we see as being fairly integral in terms of people declaring and companies declaring—parties declaring—who has made sizeable contributions. I suppose all things are relative and, for our party, we understand that we are smaller and so donations might be relative. But we also think that \$1,500 and above is a considerable sum.

Senator BIRMINGHAM—Should there be a cap on donations?

Ms MacTiernan—We have not had that problem ourselves.

Senator BIRMINGHAM—It is a problem we all have to face.

Ms MacTiernan—We have taken the position that we do not really accept corporate funding. We have had people who have expressed that view, but that is something that we have determined as being appropriate for us at this point. We have not necessarily had that discussion in a strong sort of policy position. The general sense within the party would be that we would probably support a capping of donations, though.

Ms Beilby—Yes. We have also, in our state policy, said that there should be no donations from tobacco or alcohol companies to any political party.

CHAIR—Well, aren't they really matters for the political parties to be making their own decisions on?

Ms Beilby—I do not see how that could be done. Of course, the problem with donations is that a tobacco company can always donate to some organisation which donates to the political party.

CHAIR—Third party or whatever. I know that in New South Wales, and even at a national level, there have been some donations handed back when they became public, I think—not a lot. It has happened infrequently, but I hear what you say.

Ms Beilby—A couple of federal elections back, the Queensland Greens were offered a donation from a union, and they contacted the other states and the Tasmanian Greens said, ‘Not on your nellie,’ and so we knocked the donation back.

CHAIR—The New South Wales branch of the Greens gets some significant donations from the union movement because they have got some—

Ms Beilby—No, they do not. They refuse donations from unions or business.

Senator BIRMINGHAM—I think the Victorian Greens happily took money from the Electrical Trades Union at the last election.

CHAIR—I think if you check your records you will see that—

Mr SULLIVAN—And the Tasmanian Greens—

CHAIR—the candidates at a national level get some support from—and I can name the union, because it is a matter of record—the CFMEU.

Ms MacTiernan—Right.

Ms Beilby—We accepted a donation from a union at the last election.

Senator BIRMINGHAM—One of the many options that have been floated this year in terms of fundraising is to limit donations purely from individual persons. Would you think that would be preferable?

Ms Beilby—We would be happy, because that is who we get donations from usually.

Ms MacTiernan—That is right. I suppose it all becomes an issue then in terms of capping general expenditure in the election process as well, because now everybody has such a high reliance on electronic media and that is expensive. If everything came back to perhaps a more even field in terms of what donations could be generated, then that would be something of benefit.

CHAIR—It is not really a question of what is even, frankly. It is certain principles that should be consistent across the board.

Ms MacTiernan—That is right. I understand that, but also, there are going to be imbalances.

CHAIR—Different political parties have different hopes and aspirations. They appeal to different constituencies.

Ms MacTiernan—Yes.

CHAIR—In a broad democracy, surely what you want is a situation where there are some basic principles, and then people can go about their business, and then you have your disclosure and openness in relation to it.

Ms Beilby—I believe in Great Britain—I may be wrong on this—there is a limit to how much any candidate can spend on their election.

CHAIR—Yes, but that is a uniform principle.

Ms Beilby—Yes.

CHAIR—That is what I am coming back to.

Ms MacTiernan—That is right.

Ms Beilby—Frankly, I think that would be a very good idea.

CHAIR—And hopefully it will be a system that everyone can agree on. You can have a system that might favour the Liberal Party, you can have a system that might favour the Labor Party—and I am talking about the major parties here. What you want is a system that, when you say it is fair, has some consistent principles across the board. We can all design systems where there is political advantage to one party or another. Personally, it is not the system I favour, because it will not last in the long term.

Senator BIRMINGHAM—Thank you both very much.

CHAIR—Thank you for appearing before the committee. It is much appreciated. If you want to do a submission to the committee, you can write to the secretariat.

Ms Beilby—What is the cut-off date?

CHAIR—At the moment it is Thursday, 4 September. But this is a generous committee; we do not have time limits. You can do it later.

Senator BIRMINGHAM—We will accept late submissions.

CHAIR—We will accept late submissions. I do not anticipate that we will report before the early part of next year anyway, because there are a lot more coming in, so feel free to put some stuff in and comment on the submissions. We will now have a short adjournment before we take our next witness.

Proceedings suspended from 11.37 am to 11.42 am

BOWE, Mr William James, Private capacity

CHAIR—Welcome to today's hearing. Although the committee does not require you to give evidence on 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. Do you have any comments to make about your appearance here today?

Mr Bowe—I am a doctoral candidate at the University of Western Australia's discipline of political science and international relations.

CHAIR—We have received a written submission from you. You can either make an additional submission or an opening statement to the committee.

Mr Bowe—If I could, I will make a brief opening statement. Like a lot of people, I am concerned about some of the anomalous results which are being produced by the combination of ticket voting and the single transferable vote system for the Senate. That is my primary point of concern. To broaden that point a little, Antony Green, the ABC election analyst, who I am sure I do not need to introduce you to, in his 2004 submission made the point that there are three elements of compulsion in our system: the compulsion to enrol to vote, the compulsion to vote and the compulsion to provide a full list of—

CHAIR—The second one is actually a compulsion to attend, not to actually vote.

Mr Bowe—Yes, I appreciate that.

CHAIR—As Robert Ray has on many occasions reminded witnesses.

Mr Bowe—Yes. I understand there is a bit of academic dispute even about that.

CHAIR—You attend. You do not necessarily have to register a formal vote, is what he says.

Mr Bowe—Yes, I take that point on board. Nevertheless, the element of compulsion is there and I personally am opposed to all of those elements of compulsion, perhaps with the exception of enrolment to vote. There might be technical virtues to that which I am overlooking, but my order of objection increases down the scale. My immediate list of concerns is that I do not think it appropriate to compel people to number every preference in either house of parliament and particularly in the Senate, where there are such a large number of candidates and people are forced to provide preferences which they clearly do not hold. Increasingly, with the implementation of ticket voting, it is not their own preference in any respect. They are handing their preferences over to the party machines. There are clearly democratic deficits emerging from that. The 2004 result in Victoria is probably the most glaring example of that.

CHAIR—People can vote below the line and do whatever preference they want, can't they?

Mr Bowe—They can, but in New South Wales in particular what we are asking them to do is number over 70 boxes. It is onerous. It does not fulfil what are generally understood to be the requirements of a good electoral system.

CHAIR—But that is why we brought in above-the-line voting. I am from Bankstown.

Mr Bowe—Yes.

CHAIR—My first election was 1974 and two of the aldermen in Bankstown engineered 20 candidates for the then Senate election, which is why you got over 70 candidates in the 1974 election. It was a rort that was designed to frustrate the will of the voters because people had to vote every square, every number in the Senate election. That is seared in my memory because I can remember the gloating after the event that denied the Labor Party an extra seat in the Senate as a result of these extra nominations.

Mr Bowe—I fully appreciate the motivation behind bringing in above-the-line ticket voting in 1984, but since then we have seen new difficulties emerge with the system. Essentially, the overwhelming majority of people use the system without realising what it is that is happening to their vote.

CHAIR—What is your option? That they be given the option to put ‘1’ in a square?

Mr Bowe—I think we should do away with STV altogether. We have a de facto closed list system and we should acknowledge that that is what has happened.

CHAIR—So what do you want to do and how do you want to do it?

Mr Bowe—I would suggest that we move towards the New Zealand model, but I am not advocating multimember proportional. I am suggesting that we introduce a Sainte-Lague method of proportional representation where there are not any preference distributions at all.

CHAIR—Just explain how that works, for the people who read the transcript.

Mr Bowe—You get your vote and there is no transfer of surpluses. It is a single vote system, like single member plurality except that we are introducing it for a proportional representation system. I do not think there is any democratic objective being served by the fact that your surplus goes off to another party who most of the time you do not know about. Most people do not understand the Senate system.

CHAIR—That is why I want you to explain in plain English the system you are advocating and how it would have worked, for instance, in Western Australia at the last election. Six senators are up for grabs. How many candidates on the ballot?

Mr Bowe—Six, and what it would have done was to match as closely as possible the number of primary votes to the number of seats that are allocated. I looked at this last night. It would have produced the same result in Western Australia.

CHAIR—So what is the complaint?

Mr Bowe—It would not have produced the same result everywhere else, and the complaint goes to the 2004 Senate election in Victoria where you had Family First receiving less than two per cent of the vote and you had the Greens receiving over eight per cent of the vote. Family First won the seat, not because of any expression of preference by the voters.

CHAIR—There was a preference to them. The Labor Party's vote was suppressed in that election and Family First were the beneficiaries of it.

Mr Bowe—Yes.

CHAIR—In the New South Wales context, the Labor Party was the beneficiary of a preference to them and got their third candidate elected.

Mr Bowe—But the point is that it is a preference deal. It is not the express preferences of voters. It is a deal made by the party machines.

Senator BIRMINGHAM—So would Senator Brown's private member's bill be a better method of allocating Senate votes?

Mr Bowe—As I understand it, that requires a full list of preferences above the line for every party. Correct me if I am wrong.

Senator BIRMINGHAM—I think he might be proposing an optional preferential model.

Mr Bowe—In which case I believe the difficulty with that is that it would become a de facto version of the New South Wales system where they do have essentially that system, where you have optional above-the-line voting. That is okay in New South Wales because of the high district magnitude. They are electing 21 upper house members. The problem is that if you are electing only six members, then you get a problem whereby, essentially, the final seat goes to the candidate who comes nearest to having a full quota.

CHAIR—What about under your system? Where does it go?

Senator BIRMINGHAM—How does the final seat get determined there if you have Family First sitting there with half a quota and the Greens sitting there with half a quota?

Mr Bowe—There are not quotas. It is based on what is called a divisor.

CHAIR—So a formula determines who gets elected?

Mr Bowe—Yes.

CHAIR—Not a preference.

Mr Bowe—I think a formula does, in any terms, but I am not advocating that there be preferences at all, of course.

CHAIR—I understand that. That is what I am saying. You get a formula that elects your final senator, as against a preference to him?

Mr Bowe—Yes.

CHAIR—Under your formula, how many votes left in the count for the election of the final senator?

Mr Bowe—It is possible that I am not understanding here. There is no wastage quota, so we are not dealing with—

Senator BIRMINGHAM—There is just wastage.

Mr Bowe—There is just wastage, but I find that—

CHAIR—That is what I am asking. I am not a mathematical person.

Mr Bowe—Neither am I, to be honest.

CHAIR—I just want to know what the difference is between your system and what is occurring at the moment. What makes your system better?

Mr Bowe—It provides the final seat to whoever comes nearest to it being justified in terms of primary votes.

CHAIR—Right. In terms of primary votes.

Mr Bowe—Yes.

CHAIR—But that means it could be a substantially reduced vote from the present quota.

Mr Bowe—It could well be, yes.

CHAIR—That is right, so it is someone elected to a Senate seat on a far reduced quota.

Mr Bowe—Yes, if you are talking about quotas, but what you are talking about with quotas is a very small percentage of the vote. In the case of 2004 in Victoria, you are talking about: less than two per cent of this quota that we are talking about here is actually expressed preferences. The rest is vast transfers of preferences.

CHAIR—I understand it is transfers, but it is live votes that are in the count.

Senator BIRMINGHAM—Essentially, we are talking a first-past-the-post system. Is that a fair approximation of the type of system you are talking about: a Senate voter put a '1' next to the party or group of their choice?

Mr Bowe—Yes.

Senator BIRMINGHAM—That is it, and then they are all tallied up.

Mr Bowe—Yes.

Senator BIRMINGHAM—And those votes are, in a sense, apportioned out in a first-past-the-post system to see how many people can get the top six spots.

Mr Bowe—The first six past the post, of course, and I think that is an important distinction. It does not create the difficulty—

CHAIR—Why isn't that a system that could be open to criticism like your criticism of the current system? I do not see any particular benefit with your system—

Mr Bowe—Any system could be open to criticism.

CHAIR—other than that you are getting rid of the dreaded preferential system, which I actually happen to quite like.

Mr Bowe—Yes. I can understand that this is a tough sell when speaking to people who are from major parties, because my argument is that it gives major parties too much say over how the final outcome is determined. Most voters just go in there; they do not understand the mechanics of the system; they entrust their vote to a party; they believe that the effect of that vote is to increase that party's chance of electing members; they are not aware of the fact—

CHAIR—But if you have got minor parties that do an exchange of preferences and they can effectively get enough votes to garnishee a quota—and it is pot luck as to which one gets elected—that gets them elected over the major parties for the final seat. That is where you have the tablecloth ballot paper in New South Wales, where one particular person did get elected with a low vote, but it was the minor parties that got him elected, not the major parties.

Mr Bowe—I should expand my critique.

CHAIR—It is not a personal criticism.

Mr Bowe—No. Fair enough.

CHAIR—I am just testing your theory.

Senator BIRMINGHAM—I have some sympathy for the arguments you are waging, in a sense. The now incredibly popular Senator Xenophon—a little-known fact—was first elected, of course, at the state election in South Australia in 1997 with only about two per cent of the primary vote himself.

CHAIR—And he has built on it.

Senator BIRMINGHAM—He certainly has built on it.

Mr Bowe—I am mindful of that irony.

Senator BIRMINGHAM—I think that was thanks to our mad National Party in South Australia.

CHAIR—I am just not a fan of reduced quotas, Mr Bowe. Just understand where I am coming from.

Mr Bowe—Yes.

CHAIR—I am putting this and then you can come in against it. I am just putting a theory to you. The strength of our current system is that people are being elected with large quotas. There is an argument that there is a bit of a mandate. It does not matter how that coalition was received. If you have first-past-the-post systems, in lower houses or whatever, you can get people elected with 35 per cent of the vote. I think there is a lot to be said for members of the lower house having the majority of the local vote when preferences are distributed, and there is a lot to be said for senators at every level being elected with roughly the same quota, rather than a vastly reduced quota. I do not think that favours major parties.

Mr Bowe—I do not think it necessarily does.

Senator BIRMINGHAM—I want to go back to why you think Senator Brown's model would not improve the provision of voter will, or some variation on that, whether it was a compulsory above-the-line preference model or something of the sort.

Mr Bowe—The difficulty here is quite a technical one. It essentially means that the final seat goes to the person with the highest remaining quota, the highest share, and the problem with that, if you are only electing six members of parliament, is that you can get a result whereby the final seat goes to someone who, say, has 0.8 of a quota; they get one seat. Another party that gets 1.9 quotas also only gets one seat. They get over twice as many votes as the party that got the highest remaining quota, but that is not reflected proportionally. The party that got twice as many votes does not win twice as many seats as the party that got less. That is the difficulty that has been encountered overseas.

CHAIR—That is under the current system?

Mr Bowe—No. In New South Wales this is what occurs, but it is less objectionable in New South Wales because we are electing 21 people rather than six.

Senator BIRMINGHAM—That is very true. In the 2004 federal election I got 46 per cent of the primary vote in a seat and lost it to a candidate who got 42 per cent of the primary vote; such is the reality of the system we have.

Mr Bowe—I also advocate optional preferential voting in the lower house.

Senator BIRMINGHAM—But surely if the concern is the preference deals that are struck, in terms of the way that influences the Senate outcome, then empowering the voter to decide their preferences in the Senate would actually overcome that concern. Yes, you may still have that

outcome where, just as a lower house candidate with a higher primary vote can lose, an upper house ticket with a higher quota can lose, but at least it would be the informed decision of the voter.

Mr Bowe—Yes, I can concede that argument, but it does present that mathematical difficulty which I present. It is possible that there is some method out there which has been devised which reconciles these two conflicting principles but, to the best of my understanding, you have got to make that choice between having a divisor method or having a quota method combined with optional above-the-line voting, which introduces that difficulty that you have with the largest remainder method, as I just explained.

Mr SULLIVAN—I hold very strongly the view that anybody who turns up to a polling booth ought to have their vote counted at the end of the day.

Mr Bowe—Yes.

Mr SULLIVAN—In fact, the preferential voting system, I understand, was invented in Australia to ensure just that. What may be regarded as bastardisation of that process has been done by the political parties with their how-to-vote cards. Firstly, in relation to Senate voting, it seems to me that you are advocating another arbitrary system to replace an arbitrary system that we have, and in your submission you talked about the Robson method that is used in, I think, Tasmania and the ACT.

Mr Bowe—Yes.

Mr SULLIVAN—And you talked about another: equal distribution. Neither of those would represent the individual voter's views. The individual voter in the Senate election, it seems to me, has two options: to represent their view—and I have counted a few ballot papers where they have, and not been happy about it—or to simply take the easy option and, as you said, trust their vote to the views of the party that they support. But the benefit of that process is that everybody who makes a formal vote has their vote part of the determinant about who is going to be elected into power. That, I think, is an important principle, and I would like to hear you on that for a start.

Mr Bowe—I can see the elegance of the system—that every vote is counted absolutely—but I think it ceases to serve any democratic purpose once the voter ceases to be aware of where their vote is going, and plainly that is what happens in STV systems which combine it with the ticket vote. I do not think that most people who were voting for, say, the Australian Democrats in 2004 in Victoria knew about the Family First preference. Yes, it is fabulous to say that their vote does end up going in the same proportion as everybody else's, but I just do not think that it serves a democratic function, given that they did not know that it was ending up with Family First.

CHAIR—But if they have confidence in the Democrats or the Labor Party or the Liberal Party, isn't that the prime concern—that if they register that vote for that party, it is confidence in that party? No-one has the intimate knowledge or intricate knowledge, in terms of large numbers, of the system that you and others have, or the consequences of preferential voting or optional preferential voting. When they want to vote for Kevin Rudd or they want to vote for

Nelson or they want to vote Labor or Liberal, that is why they grab that ticket. If they are betrayed by the party, then come the next election they will stitch them up. I am sorry.

Mr Bowe—I can perceive that argument, yes. You could argue that you are giving them a mandate to do what they want with the vote.

CHAIR—I am just putting an alternative.

Mr Bowe—I just do not agree with that.

CHAIR—That is okay.

Mr Bowe—I do not believe that people are aware that that is what they are doing, and I do not believe that the level of trust in the political parties is quite at that pitch. There is overall confidence in the system.

Mr SULLIVAN—The reality of what you are saying is that people are not made aware enough of where they can get the information. The preference cards for each of the parties are published prior to the election. They are available for the people who are interested to access it, and I would be really interested to know how many of them would be interested to do that. Perhaps in the general context of our electoral education, people do not get enough information. People in a compulsory preferential voting system do not say, ‘Who do I want to be my member? If that person wasn’t running, who of the rest would I want to be my member?’ They say, ‘Do I want to vote Liberal, National or Labor?’ and go and grab the how-to-vote card and follow it. That is an educative problem, not a system problem, in my mind.

Mr Bowe—I agree that we would be better off if people were better educated, but, even if they were, these ticket distributions can be phenomenally complicated and it is open to parties to obscure what they are doing with their votes by scattering the numbers all over the place, when they know full well that what really matters, in terms of the major parties, is who is third on the ticket. They can put a high number next to the first and second Liberal or Labor candidates, knowing full well that that really does not matter because they are going to get elected anyway, and what actually matters is the relative position where they put the third candidate. It requires a very high level of education to appreciate that that is where the crux of the matter is in terms of how these ticket votes are laid out.

Mr SULLIVAN—If I can move on to House of Representative issues, you talked about optional preferential voting in New South Wales and Queensland skewing the informal vote in the federal election in those states. In your submission, you indicated that the preferential system is preferable to a first-past-the-post system, and yet optional preferential voting in my state, in Queensland, is increasingly becoming a first-past-the-post system. Have you or Possum or maybe Mumble—although I do not think he does that stuff—or anybody done any analysis in the optional preferential states on how many candidates get elected to sit in our parliaments with, after the distribution of preferences, less than 50 per cent of the formal vote cast?

Mr Bowe—No.

Mr SULLIVAN—In 1998 in Queensland it was 16 for the Beattie government. The Beattie government had a landslide victory. Sixteen of its MPs were not preferred by the people that cast a formal vote; they preferred the opponent or nobody. They did not want that person, but that person got into power. The preferential system that we have, I think, achieves what it was set out to achieve, and that is that the person who is elected has the majority support, whether it is grudging majority support or whether it is outright ‘people are in love with them’.

But my real concern here is that, were this committee to recommend and the government take on board optional preferential voting at a federal level, we are going to have incredible informality in state elections in South Australia, Western Australia, Victoria and the Northern Territory as a consequence, because they will then have a system that is different. The idea of optional preferential voting needs to be universal.

Mr Bowe—I do agree. If you were to say that this is not a good idea for precisely the reason you point out—that it is going to increase informality in those states that you mentioned—then I would have to concede that point.

Mr SULLIVAN—I do not have any other questions. But can I say to you that I am an avid reader and I congratulate you for almost getting it right at the last election in relation to my own seat. Not many did.

Mr Bowe—Good. Thank you very much.

CHAIR—I thank you for your appearance before the committee. You are able, if you desire, to put in a supplementary submission and comment on the other submissions. The good thing about your submission is that you have certainly got us thinking, discussing, testing, which is what it is all about. That is really what this committee is about: to bring forward ideas, some of them outside the square, some we do not agree with, some we agree with, and to test them.

Mr SULLIVAN—Could I break in with just one question?

CHAIR—Just one.

Mr SULLIVAN—You talked in your submission about protections for comment on line.

Mr Bowe—Yes.

Mr SULLIVAN—Having been a person who was outrageously slammed on another website during the course of the campaign—somebody made an absolutely libellous and incorrect assertion and linked it back to me—I would suggest that we would probably need to acknowledge, firstly, that the online commentary, the online method, is going to play an increasing role in elections as we go forward, and we need to make sure that there are at least some controls on the content that is put in. It is the greatest tool for information and it is also the greatest tool for misinformation, and it can be completely anonymous.

Mr Bowe—I do not disagree. I just ask that we be mindful that the law can be a blunt instrument, and I simply ask that any amendment that is made for regulating online content

should be mindful of the chilling effect that can occur. But at the same time, I am not arguing for across-the-board abuses to be legalised.

Mr SULLIVAN—Sorry, Mr Chairman.

CHAIR—That is okay. Thank you again for your attendance. As I said, you can make a supplementary submission, or put forward some further evidence in relation to differences that might arise as the result of the current system versus your system and where one is better than the other. I made a comment to someone the other day who was critical and said that a different result could be achieved if there were votes different from the current system. I said, ‘Well, the same argument is true the other way around.’

Mr Bowe—Yes.

CHAIR—Who is right as to which different result is the right result?

Mr Bowe—No system is perfect, of course.

CHAIR—That is what is coming through. Thank you. I am going to take a short adjournment.

[12.11 pm]

SOLOSY, Mrs Carol Anne, Director, Training, Employment and Information Services, Association for the Blind of Western Australia

CHAIR—Welcome to today's hearing. Although the committee does not require you to give evidence on 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 from the association. If you have an additional submission, you can present that today, or you can make an opening statement to the committee.

Mrs Solosy—I do not have another submission to leave with you today, but I am happy to just restate briefly the contents of the submission that we made earlier. We were absolutely delighted that the trial took place of the electronic voting for our client group. We support that initiative. It was worth doing and we would hope to see facilities like this being provided during future elections.

CHAIR—Do you have any views on how the trial might be better expanded?

Mrs Solosy—In WA I think there were only three trial sites. We firmly believe that one of those sites should be at our offices, and that has occurred, because we have a centre which people who are blind or vision impaired get to easily because it is situated close to public transport. It is an accessible building, designed with all the accessibility features to allow people to move in and around it. If we were to look at additional sites, you would need to look for areas where there is a population of people who are blind or vision impaired, so it would be based on demographics, but you would also need to find sites that are easy to get to via public transport and easy to move around within. These are all important things because, whilst you can offer facilities for accessibly voting, you have to have those facilities in a location and in a building that is easy for people to get to.

CHAIR—With those principles in mind, how many extra sites do you think are required in Western Australia? What do you suggest?

Mrs Solosy—That is a good question and, not anticipating it, we had not given that any particular thought, but I would suggest we look at some of the larger regional centres as well as a couple more metropolitan sites

Senator BIRMINGHAM—How many people voted at the prepoll centre located at your offices?

Mrs Solosy—We do not have that information. I was hoping that we might have the outcome of the trial. We had sought some information.

Senator BIRMINGHAM—We may hear it from the back of the room shortly.

CHAIR—Where is that? South Perth?

Mrs Solosy—We are in Victoria Park.

CHAIR—It was anticipated that there would be between 40 and 70. We will get the numbers so that we have it on the record. At Swan, which is located at Victoria Park, we have been told the number that tried to use it was 81. The number who actually used it was 69. Brand, Mandurah: the number that tried to use it was five; number used was five. Forrest, in Bunbury: number tried to use, 11; number used, 10. So the state total was: 97 tried to use it and 84 actually used it. The national total was 881 tried to use, with the number used 850. In effect, Swan was the one that had 69 who used it successfully.

Mrs Solosy—In part, that is due to the efforts that our organisation made in promoting in our newsletter the fact that these facilities were going to be available to all of our client group. We encouraged people to come in and sit through some of the demonstration sessions beforehand so that they were familiar with the system and the equipment and they could try it. We also sourced a couple of staff members to assist the Electoral Commission to guide people into the building so that they felt supported and safe coming into the building. Those efforts obviously paid off, hence the number of people who came and voted.

It is important to bear in mind that this was the first ever offering of a facility of this kind and that we would need to build up some sort of an expectation and some groundswell of support for these sorts of facilities by continuing it rather than just having a one-off experience. Even with the forthcoming state election, some of our clients who are a bit confused have already come into the building and asked whether they will be able to come and vote in our building for this election, so that expectation is growing.

Senator BIRMINGHAM—Do you have any appreciation of why the 12 people failed to successfully cast the vote; what impediments there were for those who were willing but not able?

Mrs Solosy—No, I do not know, but I could suggest that for some of our older clients, using this sort of technology is foreign to them. Many of our older clients have never used a computer, so for them that might have been a bit too daunting. They may not have been able to use the assisted technology that was part and parcel of the whole initiative.

Senator BIRMINGHAM—Aside from, I assume, an initial explanation by an AEC officer or your staff, the process beyond that is totally unaided?

Mrs Solosy—That is right. Many of our clients have been used to going to the polling booth and going into a polling booth with somebody there to help them. They have not had to use a facility of this kind ever before. The take-up of the use of assisted technology is a slow process, particularly for people who have no vision. Even from our own experience in training people to use computers with assisted technology, it takes a great deal of time, so that one-off experience might have just been too much for them on the day.

CHAIR—You talked about age as being perhaps the reason that some were unable to use it. We heard some evidence yesterday in South Australia that suggested that many of the people who would use these machines were elderly.

Mrs Solosy—Yes.

CHAIR—What were the demographics of the people who used the Swan location? Are you able to say? Were they elderly, on average?

Mrs Solosy—I cannot say who turned up to vote during that time, but there would have been a high proportion of older people who came to the demonstrations, because that is naturally the demographic age spread of our clients. However, what we are looking at here is people who might expect to lose their vision later in life. Over time, they will be much more familiar with computers and with information technology. It is a growing awareness and growth of experience. At the moment, a lot of our client group who are clustered in that upper age bracket, as I said earlier, have not had any experience with computers, but over time that is going to change.

We have lots of clients who are of working age, who are in the workforce or who are students, who are well used to using computer technology and, even though we might expect that in the future people with a vision impairment will still be clustered in that upper age bracket, because that is just a natural consequence of ageing, these people will have been familiarised with computers earlier in life and will be much more familiar with that technology, so there will be much more of an eagerness and an ability to use facilities of this type. So, whilst it is true to say that currently a lot of people who are blind or vision impaired would not countenance using a computer, that is going to change. The demographics of that will change.

Senator BIRMINGHAM—Have you had discussions with the state electoral office about the implementation of a trial for the state election?

Mrs Solosy—We have not had any formal discussions with them, but we have quite a lot of interaction with the state Electoral Commission and they often consult with us. In the past, we have put closed-circuit televisions or video magnifiers at certain polling centres, and we have identified those really by looking at the demographics in different areas and who might benefit from that piece of equipment, and we have just recently had some discussions with the state Electoral Commission about putting some ballot papers into braille. They certainly are very conscious of how they might meet the needs of people who are blind or vision impaired, and the trial recently with the federal election has been a very satisfying and elegant solution to this issue, because it helps everybody. Anybody can use those facilities, whether they are blind or vision impaired or not.

CHAIR—Can I just ask about locations, if we were to roll it out in a more expansive way. I am interested in how it might operate if the facility were located within the divisions at the electoral office and whether that could prove successful—in other words, if you are looking at constancy when it comes to federal elections or whatever, providing the electoral office is suitable, whether you think that could work and that your organisation, amongst others, might in effect direct people to that facility.

Mrs Solosy—Yes, that is certainly workable. We would certainly then promote those venues to our clients. For those who want a little bit of assistance or support, in terms of some orientation and mobility training to get to that building, we could provide that in advance. We would have to check out the building itself and the accessibility of the building.

CHAIR—Sure, but that is something that the organisations could do in conjunction with the Electoral Commission.

Mrs Solosy—Yes, definitely.

CHAIR—One of the arguments was that they should be located in every electorate. Frankly, I think the cost would be prohibitive.

Mrs Solosy—Yes.

CHAIR—But if it were located in a number of commission offices that were accessible, where the organisation is working, I think there is an argument.

Mrs Solosy—I think that there is merit in that and that it would be something worth pursuing. Our organisation would do all it could to inform our clients and assist our clients to get to those buildings so that they could cast their votes, because there are those people who are very passionate about truly having a confidential vote.

CHAIR—That is why I am conscious of the Electoral Commission being the place that could engender that confidence. Let me go, for instance, to your organisation. It obviously was the most successful in garnisheeing the number of people to attend.

Mrs Solosy—Yes.

CHAIR—Do you think that they could be successfully relocated? When I say ‘relocated’ I mean redirected to an Electoral Commission office to register a similar vote at an election?

Mrs Solosy—Yes. Notwithstanding some of the provisions that I mentioned earlier—their proximity to public transport and how easy it is to get into the building and move around within the building—I cannot see any reason why it could not be possible.

Senator BIRMINGHAM—I suspect the better solution would be for a number of prepoll centres to be the host.

CHAIR—Yes, wherever.

Senator BIRMINGHAM—Chosen on the basis of accessibility and all of those factors.

Mrs Solosy—Yes.

CHAIR—Yes, sure, wherever, be it prepoll centre or commission office.

Mrs Solosy—Yes, definitely, and I think that would be better. The more places we can set up, the better able people will be to get to them.

Senator BIRMINGHAM—Can you explain how it works. We are getting a demonstration later on of online voting, but I am interested to hear your description.

Mrs Solosy—The individual would declare whether he or she has low vision or no vision. If the person has low vision, the computer has screen enlargement software so that whatever is displayed on the screen is enlarged significantly so that the person can see it. If the person has no vision, they would make use of the voice feedback software, so they would have headphones on and could listen, and virtually whatever is presented on the screen will be spoken aloud and they would hear that. The individual advises the official of the electorate in which they live and is then presented with a ballot paper onscreen. They can navigate through that ballot paper on the screen to be aware of the names and the political parties. I did attend one of these demonstrations a while ago, so forgive me if I do not have this information exact, but it is a question of hitting a particular key on the keyboard when you want to lodge your vote for one of those candidates and that marks it.

Senator BIRMINGHAM—For both options?

Mrs Solosy—Yes.

Senator BIRMINGHAM—For low vision and no vision?

Mrs Solosy—Yes.

Senator BIRMINGHAM—So the no vision still has to hit the key?

Mrs Solosy—Yes, that is right. But that is entirely possible. As I say, we have clients who have no vision who use computers without seeing the screen, using the voice feedback all the time, and they become very proficient at using the computer that way. For those people who are familiar with that sort of technology, that is not daunting.

Senator BIRMINGHAM—So the spoken word model would have the capacity, at least, to possibly assist people who may have literacy problems.

Mrs Solosy—Exactly. That is right. There are some other benefits to having that sort of a system.

Mr SULLIVAN—Mrs Solosy, thank you for coming in. You described the system earlier on in your discussion as ‘elegant’ and it sounds as though it is fairly elegant. Notwithstanding that, would the association have any enhancements that they could recommend to the AEC to make it a little more user-friendly, or is it about as good as it can get?

Mrs Solosy—I was very impressed when I sat through the demonstration. I could certainly confer with my colleagues to see if they have any suggestions, but I would struggle to identify anything significant that could be changed to make it more user-friendly, because I think it was presented in the simplest, most pared-down fashion to make it easy to navigate and use.

Mr SULLIVAN—You may or may not have covered the other question that I have. You indicated that there were a couple of people from the association who were brought in to assist.

Mrs Solosy—Yes.

Mr SULLIVAN—Did that go to assisting people who might have asked for help to vote for Labor or Liberal or whatever their party was?

Mrs Solosy—No, not at all. Sorry, I should have explained it a bit more. These people were there just to guide people through the building; to meet them at the door and get them safely in through the door.

Mr SULLIVAN—Essentially, every elector has the right to ask somebody to help them fill in the ballot paper.

Mrs Solosy—Yes.

Mr SULLIVAN—And it would seem to me that people using this system are entitled to that as well.

Mrs Solosy—Right.

Mr SULLIVAN—Normally we stand around looking very stupid with little pins on that say ‘scrutineer’! But that might be an enhancement.

Mrs Solosy—Yes.

Mr SULLIVAN—And I think it could be useful and perhaps assist with the voters that were not successful.

Mrs Solosy—Yes.

Mr SULLIVAN—I acknowledge that it is a small number. If that activity were placed at a prepoll booth, as Senator Birmingham might have suggested, then those scrutineers would be there anyway.

Mrs Solosy—I think that is an excellent suggestion.

CHAIR—Thanks for your evidence today. If you have any additional material that you want to place before us, be that after some discussions with the Electoral Commission or not, so that we can accurately have some information to make some recommendations, feel free to do so.

Mrs Solosy—Thank you very much.

CHAIR—You heard the tenor of the questions today.

Mrs Solosy—Yes. Thank you for this opportunity.

CHAIR—Our pleasure.

[12.36 pm]

O’SULLIVAN, Mr Denis Matthew, Chairman Western Australian Committee, Council for the National Interest, Western Australian Branch

CHAIR—I now welcome Mr Denis O’Sullivan from the Council for the National Interest Western Australia to today’s hearing. Although the committee does not require you to give evidence on 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 from you. If you want to present an additional submission, please feel free to do so, or you can make an opening statement to the committee.

Mr O’Sullivan—No, we are happy with what we have done.

CHAIR—Thank you. Do you want to make an opening statement or are you happy with what you have told us?

Mr O’Sullivan—Yes. I was asked to concentrate—and I am happy to do so—on the particular situation regarding identification at the polling booth. Our organisation has, for some time, been particularly concerned that there is no need to provide proof of identification, or in fact address, to the satisfaction of the polling supervisor at the booth on the day, and although historically the number of detected multiple voters is low, it does, I believe, nevertheless leave a loophole, and leaves some doubt about the purification of the act in terms of that particular reference.

I instance that by saying that you will be aware that the state election has recently been called in this state. I have a friend who had prepaid tickets to go overseas and he jokingly said, ‘Would you mind voting for me while I’m away?’ to which of course I replied, ‘No.’ It would be quite possible, given that I knew the man well, I knew the electorate that he was in, to go to a polling place in that electorate and record his vote falsely, without real question from the supervisor.

CHAIR—What concerns me is that, as you rightly say, there is not a large instance of multiple voting; there is a history of it, but it is not very large at all. What I am worried about is, under this system, whether you are using a sledgehammer to crack a walnut. What it would mean on election day is queuing that is much longer than what we currently experience.

Mr O’Sullivan—Yes.

CHAIR—And there would be the red tape involved, or the disqualification of a lot of other people who might not have their drivers licence or other method of identification.

Mr O’Sullivan—Yes, but I think that the principle of identification is now well held within the community, in that you cannot buy an airline ticket without providing proof of identity, but you can vote.

CHAIR—What I am saying to you is that what I would like to have demonstrated to me is a system that, on the face of it, is predominantly working. I want to see some substantial evidence before I change. The change merchants raise the straw man.

It is conceded that there are levels of multiple voting, but we have had evidence before us as a committee that people have forged drivers licences. If people really want to rot an election, they can get a drivers licence and they can go out and multiple vote on election day. They can use any method of voting, but the level of fraud is very minimal. I am wondering whether what you are suggesting will create a lot of disruption on the day. That is why I am putting it to you; I am testing the water.

Mr O’Sullivan—My understanding is that in the recent federal electorate of McEwen there were in fact detected eight multiple voters. The margin was very narrow.

CHAIR—In the end it was 27, yes.

Mr O’Sullivan—The eight multiple voters could have changed who the sitting member was.

Mr SULLIVAN—There were also 188 people whose votes were disallowed because they did not return to the Electoral Commission by the following Friday with proof of identity.

CHAIR—Whose signature could have been used to verify their identity by going to their enrolment card.

Mr SULLIVAN—Have you any views about a specific electoral enrolment card?

Mr O’Sullivan—No.

Mr SULLIVAN—That was my question on that issue. I think the chairman has covered multiple voting adequately. It has been very rare, and the ones in McEwen—which I have not looked at specifically—could probably in a lot of instances be explained by simple clerical errors, and there have been, I think, a minute number of people who have voted more than twice in any election in recent history. It does not really reek of systematic rotting.

Senator BIRMINGHAM—Have you considered how you would handle voters who turned up without identification? Where would you require it?

Mr O’Sullivan—We have not, because the presumption would be that, if it were mandatory to have it, your vote would not be allowed without it.

Senator BIRMINGHAM—We have had other options put to us such as having a series of questions asked, so that in a sense those who showed their ID, well and good, off they went and got their vote, and those who had come straight from playing Saturday morning sport and did not happen to have their ID on them might be asked what their date of birth was or what their mother’s maiden name was, or any of those standard sorts of questions that a bank or anybody will ask if I remember ring up to change account details.

Mr O'Sullivan—I am happy to concede that there are those peripheral questions that may well lead to identification of false representation, but in essence, if you have got the requirement to have an ID, presumably every voter will understand that.

Senator BIRMINGHAM—What about itinerant voters?

CHAIR—Nomads, nomadic voters; Indigenous people in remote areas.

Mr O'Sullivan—I guess they are already a problem.

CHAIR—I can recall in the Cape, in the Keating government period, there was a real problem with health. It was discovered that the problem was that they did not have a Medicare card.

Mr O'Sullivan—That is right.

CHAIR—They required a Medicare card but they did not have it; it was affecting their health. The principle is that, because we require proof of identity, they do not necessarily bring it, and what I am saying is that it creates a bit more chaos than is there at the moment.

Senator BIRMINGHAM—I will move off that to explore a couple of other areas of your submission briefly. The closing of the electoral rolls, you argue, should occur at the time an election is called. Why is that the position of the CNI?

Mr O'Sullivan—We think there is capacity for a political party to actively canvass, if there is a long period of time, people who are not already on the roll to get them on the roll, to their benefit.

CHAIR—Is that a bad thing? If they are legitimate people, real people, they are entitled to a vote.

Mr O'Sullivan—It is not a bad thing, provided it is encouraged in the spirit of unequivocal lack of bias.

Mr SULLIVAN—For example, an enrolment drive in a caravan park is a standard kind of activity in my electorate because of the mobility of people. You go into caravan parks to make sure that everybody is enrolled. You knock on their door. You do not know whether they are going to support me or they are going to support Senator Birmingham's party, but the idea is to get them on the roll, because I think we both believe that everybody is entitled to the right to vote and whether they vote for us is secondary to that. We would hope that they would. In terms of closing the roll, the government had the capacity to do that at this last election and, to what I believe is their credit, they did not, and a large number of people who were able to be added to the roll in that intervening period—I think it was the next Wednesday—were able to vote who would not otherwise have been able to vote under your system. I think we should be promoting a system where everybody has the opportunity to vote.

CHAIR—I think everyone is interested in a system that has got some integrity and is not abused by people. You have cited the situation in McEwen. The sad fact is that, if there were a number of multiple votes that were larger than the difference between the main candidates, it

would have resulted in a fresh election. That is the price that one pays. What worries me is that, if we become too zealous in the red tape that is required because of our fear of some aspects of the voting, we could disenfranchise not a thousand but tens and tens of thousands of legitimate people. Where does the public policy or public good lie in disenfranchising 100,000 people? Proof of identity was the classic in terms of those people who came on election day, were not on the rolls and filled out a form. If they did not come back with their licence, they were knocked off, yet they had a signature that could be compared to their enrolment signature, and that used to be the case from time immemorial. Why isn't a signature compared to your enrolment signature a reasonable proof of identity?

Mr O'Sullivan—Fair comment.

CHAIR—There is no right or wrong.

Mr O'Sullivan—It is the balance, you are saying.

CHAIR—The balance, yes.

Mr SULLIVAN—I agree with the thrust of what you are saying about public education, and I mentioned that earlier on, but should it be left only to the AEC to make sure that people understand how the system works, what their rights are, what they need to do, or is that something that could have a broader aspect? Citizenship education at schools, for example, covers it a little, but if you ask a 19-year-old what they learnt when they were 15 or 16, they have forgotten. I agree that there needs to be public education about our political processes; I wonder whether you think that is something that should be left entirely to the AEC.

Mr O'Sullivan—No. I think there should be a, albeit very brief, reference in perhaps year 12 at most high schools, because that is the final year of most people's academic pursuit before going on to university, of course, but before they attain voting age, and there should be some reference as part of the curricula of every school.

Mr SULLIVAN—Perhaps the AEC could be an honest broker in terms of the materials presented, or something like that. You talked about cleansing the roll on an annual basis. That does cause some difficulties where people at an election remain enrolled at an address that they do not currently live at and are voting in an electorate where they are not currently resident. We have heard some evidence about the prospect of there being automatic enrolment and enrolment updates by reference to material that is held on computers, other than the AEC, so if an electricity company finds that somebody has changed their address, the AEC computer will talk to it and automatically update their address. Do you have any thoughts about that sort of activity?

Mr O'Sullivan—No. I think that we would generally support the thrust of what you are saying. We acknowledge that cleansing of the roll is a difficult and expensive process to get perfectly correct because of the mobility of people.

Mr SULLIVAN—The person who lives there today, when you come through with the cleansing process, is not there tomorrow.

Mr O’Sullivan—That is right.

CHAIR—Mr O’Sullivan, we appreciate your attendance today. If you have got a supplementary submission that you want to make to the committee in the future from the organisation, please feel free to do so, if there is any evidence that you want to comment on. These inquiries are about giving members of the public an opportunity to participate. Occasionally, we have to test the suggestions that people put up, but we appreciate people like you taking the time to come along and make a contribution to our democratic process. It is a contribution that is valued by the committee, and I thank you on behalf of the parliament.

Resolved (on motion by **Senator Birmingham**):

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

Committee adjourned at 12.51 pm