



Photo: AAP Image

# POLLS APART

Problems with postal voting at the last federal election are being investigated by a parliamentary inquiry, which is getting a range of suggestions on how to improve the conduct of our elections. Chris Uhlmann reports.

**T**here's a commonly-held belief that Australia is blessed by one of the best electoral systems in the world. But submissions to a parliamentary inquiry into the 2004 federal election suggest there is plenty of room for improvement.

Almost every one of the 154 submissions to the Joint Standing Committee on Electoral Matters highlights all manner of problems with how Australians vote at elections. It also seems as if each author alone holds the truth and all others are trying to corrupt it.

This committee has examined every federal election since 1983 and its brief is broad, "to inquire into the conduct of the 2004 election" and anything related to it. This prompted an enthusiastic response, with a bevy of submissions ranging from hand-written notes and short emails through to detailed and weighty academic tomes.

All find fault with the system and almost all suggest changes. The job of the committee is to pick a path through the complaints, hopes and special pleadings and emerge at the other end with some ideas for improvements.

Although the litany of grievance is long, and often eclectic, the bulk of submissions can be split into two broad themes: fixing glitches from the last federal election and proposing systemic changes. There is a third class of submission, drawn by the fact that from August the Coalition controls the Senate. Those

submissions launch into the debate triggered by some government MPs on issues such as closing the rolls earlier, tightening voter registration and lifting the thresholds above which political donations have to be declared.

The Australian Electoral Commission submission admits that the most glaring administrative flaw in Election 2004 was the highly-publicised delay in the production and distribution of postal votes.

The flow of submissions on this issue reflects the fact that this problem hit Queensland hardest, with the AEC acknowledging that it failed to produce 1,832 postal voting packages for voters in that state. But parties, politicians and punters from around the country all line up to put the boot into the commission and they don't spare the criticism.

Bruce Scott (Member for Maranoa, Qld) believes the centralisation of the distribution of ballot papers was the root cause of so many people not receiving papers, a belief echoed in a number of submissions. Laurie Ferguson (Member for Reid, NSW) says it was the outsourcing of the postal voting process that caused the "gross incompetence".

Undoubtedly the AEC is feeling more than a little bruised by the postal voting fiasco. Its submission includes two confidential attachments that are likely to provide detailed information to the committee about what went

wrong and why. The first is the report on postal voting the AEC commissioned from law firm Minter Ellison. The AEC does not want the full document released because “[it] contains commercial-in-confidence material and material that may damage the reputation of one or more private entities if made public”. The summary of that report is available on the AEC website ([www.aec.gov.au/\\_content/what/media\\_releases/2004/december/postal\\_vote\\_inquiry.pdf](http://www.aec.gov.au/_content/what/media_releases/2004/december/postal_vote_inquiry.pdf)).

The second confidential attachment is the contract for the provision of postal voting material, which the AEC again says contains commercial-in-confidence material.

According to the AEC’s submission, Minter Ellison made 27 recommendations on how to improve the system and the AEC supports 23 of them. Key among these is allowing voters to make electronic applications for postal votes.

The Defence Department has weighed in on behalf of its personnel deployed in operations around the globe saying the postal voting system was too convoluted and, when it came to transporting physical ballot papers through the war zone in Iraq, dangerous. Defence recommends its people be allowed to register as general postal voters prior to departure and that the commission investigate electronic voting.

Electronic voting was a popular theme with organisations representing the blind. They say the inability of the visually impaired to cast a secret ballot was a form of discrimination which could be fixed with the application of a little technology. Many cited overseas examples, save for one from the ACT which noted that that jurisdiction had pioneered electronic voting in Australia.

Spend time leafing through the submissions and you will find a smorgasbord of proposed changes to the federal electoral system, but the most consistent target for criticism is above-the-line voting in the Senate. This system was introduced in 1984 with the argument that it simplified ballots for those who wanted to vote for a party rather than number, in order, the burgeoning list of candidates.

In essence above-the-line voting is very simple. The ballot paper is divided by a horizontal line with party names above the line and candidates below. If you put a ‘1’ in a party box above the line you hand the distribution of preferences

to that party. If you don’t want to do that then you have to number every square below the line, sequentially. And this is where it becomes tricky; make a single mistake and your vote is informal. Numbering boxes in order may sound primary-school simple but on the last NSW Senate ballot paper people who choose this option signed up for a 78-box marathon. An added complication is that the voting systems for state and federal elections differ in a number of jurisdictions.

when deals done by party bosses—and not voters’ desires—are responsible for a party with less than two per cent support winning a Senate seat [Family First] ahead of another which got nearly nine per cent [The Greens]. This happened in the Victorian Senate count at the 2004 federal election, and it could happen again, anywhere.”

Not surprisingly this argument is repeated in the Greens’ submissions and echoed in submissions from that party’s supporters.



Submariners on board the submarine HMAS Farncomb handing over their votes at the 2004 federal election. Photo: Toby Zerna, Newspix

Defence recommends its people be allowed to register as general postal voters.

So it is hardly surprising that voting above the line is popular. According to the submission from the Democratic Audit of Australia, 90 per cent of voters use it. However the submission goes on to say voters who do so often “have no idea where their preferences flow”.

“Above the line ticket voting for the Senate is not living up to the justifications for its introduction in 1984,” the submission says. “It was meant to be an efficient and easy way for voters to register their votes, but increasingly today leads to distortion of those very preferences.

“It is one thing for a candidate who trails on primary votes to win after preferences. That’s how preferential systems often work. But it’s another

Beyond the perceived political problems there is a strong belief that above-the-line voting is contributing to the growing informal vote. A number of the more academically minded submissions crunch the numbers to show that confusion between state and federal voting systems, particularly in NSW and Queensland, is increasing the error rate on ballot papers.

Election analyst Antony Green, and others, suggest the committee recommend the federal system adopt optional preferential voting, as used for elections in Queensland, NSW and the ACT.

“All that is required for a formal vote is that an elector’s intent for a first preference be clear,” Mr Green says. “As well as a single ‘1’, ticks or crosses are recognised as a valid first preference. All preferences beyond the first are optional.”

The Liberal Party submission takes up the cudgel for changes the government would like to see: like raising the threshold above which political donations have to be disclosed and closing the rolls

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on the day the election writs are issued. The government has previously attempted to legislate these changes but has been knocked back in the Senate. That roadblock will be removed in July, when the makeup of the Senate changes. The opposition, among others, is pushing the committee to make a stand against the proposals.

The Liberal submission argues that lifting the disclosure threshold from \$1,500 to \$3,000, or even \$10,000, is reasonable because "it is not realistic in 2005 to think that donations below this level could raise any question of undue influence". Labor counters that raising the threshold to \$10,000 would mean that "65 per cent of the donations currently disclosed would become secret".

On closing the rolls earlier, the Liberal Party says, "we continue to be of the view that a flood of enrolments in the days after the writs are issued, at a time when they cannot be properly

checked, are to the detriment of the integrity of the roll". Labor says closing the rolls earlier would disenfranchise thousands of voters.

That is the tip of the iceberg of disagreement between the major parties, but there are some murmurs of agreement. The Chair of the Committee, Tony Smith (Member for Casey, Vic), has been an outspoken supporter of four-year terms and this idea is supported by Labor.

When asked if he should be writing about issues before his committee reports, Mr Smith says he didn't think he should be banned from speaking about "topics that are of interest to me".

"I want to encourage debate," Mr Smith says.

"For example, with compulsory voting, I don't think it's widely understood that we didn't always have it."

Alas, Mr Smith's call for voluntary voting is unlikely to draw much support from anyone on the other side

of the chamber. Still, he is encouraged by the lively debate on the system taking place through the committee.

"Australia has a good electoral system, one of the best in the world," he says. "That doesn't mean there aren't areas where we can improve. It would be a fatal mistake if we thought the electoral system was so good it didn't need improvement."

Beyond fielding a welter of submissions, the committee is holding hearings around the nation and showed how seriously it viewed the postal voting ruckus by travelling to where the trouble was worst.

"We wanted to hear first hand what went on, so our first hearings were in Longreach, Ingham and Dalby," Mr Smith says. "We will also go to the seat of Richmond in NSW."

Committee hearings will continue through August with Mr Smith expecting to wrap up the inquiry by the first anniversary of the last election. ■



## 104th birthday for our flag

**A** kangaroo leaping through the Southern Cross constellation, a six-tailed kangaroo representing the six Australian states, or native animals playing cricket with a winged ball. These were some of the designs entered in the 1901 competition to choose an Australian national flag.

While most designs contained the Union Jack and the Southern Cross, native flora and fauna were also popular

themes. The competition, the first ever to choose a national flag, attracted 32,823 entries (nearly 1 per cent of the population).

The judges finally settled on five designs that were virtually identical, and the prize money of £200 (equivalent to four years' wages for an average worker) was divided amongst the winners, including two teenagers.

Flag Day, on 3 September, will

mark 104 years since Prime Minister Edmund Barton announced the winners of the competition and the Australian national flag was first raised.

Today, the Australian national flag is the only one to fly over a whole continent, including Australia's seven external territories.

*Above: The Australian flag being raised at Parliament House at a special public flag raising ceremony. The next such ceremony will be on 30 September. Photo: AUSPIC*