

**SUBMISSION : 44<sup>th</sup> PARLIAMENT****Inquiry of the 2013 Elections****Mark Babidge : Submission**

I wish to submit my reasons and summaries that I deem to explain as to the quite extraordinary complications that are required as a voter to understand the voting position that is not complicated and too many questions can occur.

**Summary**

As a voter, both Senate vote and House of Representative vote, I do not have the time and capacity – likewise many if not all voters - fully understand that a vote taken is manipulated by preferences that are not fully available or understood when voting.

**Required****Senate**

As a voter, if I place only the number “1” in the box, then under any circumstances there would be NO VOTE or PREFERENCE AT ALL. If this Inquiry deems that six (State) or three (Territory) numbers or candidates are agreed, then my vote will be “First past the post” and no other vote can be allowed other than my only vote. NO PREFERENCE FOR ANY OTHER CANDIDATE(S) is able to occur

The ridiculous 2013 Senate Vote – in WA – was some 62 names. This was incomprehensible and it was too sophisticated to be meaningful.

**House of Representatives**

As a voter, if I place only the number “1” in the box, then under any circumstances there would be NO VOTE or PREFERENCE AT ALL. If this Inquiry deems that a number of three only candidates may exist.

If the AEC agrees, then my vote will be “First past the post” and no other vote can be allowed other than my only vote. NO PREFERENCE FOR ANY OTHER CANDIDATE is able to occur.

**Placement of a Vote**

When a voter lodges the voting papers, in the past AEC has provided pencil “tick”, cross” or “number” it should NO LONGER be with pencil and MUST BE BLACK or BLUE ink as lodged.

It is totally insecure for such lodgement to be in pencil. There is a high likelihood that “tampering” may occur and must no longer have pencil as lodged. I understand that in the past AEC did rule the voter’s name & address IN BIRO, so why is there NO capacity to “tamper” by AEC officers and why is it in pencil??

## **The Debacle of the Senate Vote in W.A. in 2013**

I have had numerous correspondence in this regard.

**Electoral Commissioner Perth      11<sup>th</sup> October 2013      copy PM : PUP**

*".....The press in today's West Australian has shown that ONLY the 1,333,000 ballots or 96% are the votes "above the line" that will be counted. This means that the 4% that were lodged "below the line", are not involved. This is absolutely ridiculous, since the reason for the count was a mere 14 votes that was initially the separation between the result. This means that with such a close call of 14 votes you have significantly written off the "below the line" votes of some 54,160 approximately which is just ridiculous. On your basis you have failed to undertake 'fear or favour' and as such;*

*You have failed to make my vote count*

*You have failed to be fair and equitable as to the voting process*

*Your current view is that you have failed to ensure the 54,160 votes that may well be a deciding point of the result of the winning candidate*

*You have failed in your duty..."*

**AEC State Manager      16<sup>th</sup> October 2013**

*Return letter : failed to address the problem*

**Senator Hon Eric Abetz      29<sup>th</sup> October 2013      copy PUP**

*"... You will see my letter to the AEC Perth unit and its reply with such a close call of 14 votes you have significantly written off the "below the line" votes of some 54,160 approximately which is just ridiculous. Now, after having "some hundred votes" is gross mismanagement.*

*It has also been advised that ACT public servants are some 61% Labor voters and some 16% Green voters in such people. I have absolutely have no faith in the pure honesty of such votes as "scrutineers". I have for many years ONLY marked by black biro, so no tampering by AEC or scrutineers juggling the numbers. I am aghast that it is – maybe- that the WA Senate vote will be notified on Monday 4<sup>th</sup> November, which is pathetic."*

**Senator Hon Michael Ronaldson 31<sup>st</sup> October 2013**

*"...I am significantly disappointed that the grossly inept decision and staffing capacity in the AEC has now at some 50 days since the election there is a third counting of the Senate votes for WA. Now it has been advised that 1375 votes are lost – bloody ridiculous!.."*

**Senator Nick Xenophon      3<sup>rd</sup> November 2013**

*".....Phil Diak AGAIN as per his press release "..... distribution of preferences combined the recounted votes as the below the line votes that weren't the subject of the recount....."*

*On this basis yet again the 54,160 below the line votes have NOT been recounted and full summary of the preferences. This is showing that with a slim vote that while 'above the line' has now been counted, you as the appropriate Minister has totally ignored 4% of the electorate. I am a voter who now does not have a recount of 'below the line' 54,160 and as such the AEC Commissioner has removed my requirement of such votes. The AEC Commissioner has not yet spoken in regard this debacle. As the Chief Executive of the AEC he has never given any comment and always given to WA Phil Diak and or Manager WA Peter Kramer. Obviously the Commissioner is quite spineless and should be removed. No serious matter of this magnitude should be directed by the Commissioner, not his 'spin doctors' totally inadequate. I seek your support to move ASAP a fresh count and not have it enter public service bureau 'bullshit' no change, no changes to preferences and have a vote within 2 weeks.."*

**Senator Hon Michael Ronaldson 26<sup>th</sup> November 2013**

Advice of the Kelty Inquiry

**Senator Hon Michael Ronaldson 6<sup>th</sup> December 2013 copy : PM**

*"...I am very pleased with the Mick Kelty review that totally vindicates my position in regard the inept and lax arrangements of AEC staff and the absolute "missing – in – action " of the Senior Commissioner. Killestyn must be removed forthwith and the Prime Minister should ensure that such a failure by this individual not only be replaced since the consequences of not only the \$13.0 million but the gross inconvenience of WA Voters.*

*Hopefully the demands of the Kelty enquiry and must be in place and have AEC staff be re-trained ASAP. Should Killestyn not be replaced this would be grossly irresponsible and with the inept and rag-tag government allowing (assuming without the then Opposition) to give his position another 5 years must not occur...."*

**Hon Tony Abbott MP Prime Minister 15<sup>th</sup> December 2013 copy Michael Ronaldson**

*"... Over the past three months I have had various correspondences with the Minister assisting the Prime Minister Senator Ronaldson and on each occasion I have also given you a copy. The voters of W.A. have been left abandoned and with last week's announcement that the High Court may not have 'resolved' that the 'new' vote may not be resolved before the new Senate stands on 1 July 2014. This is a total and absolute disgrace!*

*While I fully understand that the Prime Minister cannot require the conduct of the High Court, in this most profound stuff up of the AEC the voters of WA must be able to vote as early as possible (no later than Saturday 1<sup>st</sup> March 2014) since under the ridiculous and inept AEC WA voters are 'second class citizens'. The High Court can deal with the ACT marriage laws in 3 weeks, why not getting a week early and deal as the highest function and ruling immediately it sits. It may also return 1 week early to get this ridiculous position resolved..."*

**Robert French AC Chief Justice of Australia 5<sup>th</sup> February 2014**

*"... I have been closely watching the debacle of the disenfranchising of some 1,340,000 voters in Western Australia with a timing now of late September and yet with the inept AEC public servants not activating a new vote nothing has happened. The High Court – whatever disputed returns etc – there is still no final arrangements for the disenfranchised WA voters who are ALL Australian citizens. The court is asleep on the job. This current arrangement is a pathetic result and many people are very annoyed at such a bureaucratic process. Today's paper has a press release in regard an illiterate Hazara illegal immigrant of 65 years. It all appears that the High Court can "jump to attention" to the Illegal Immigrant gravy train on two hours' notice by Ian Rintoul. The amount of tax payer funding in millions seem to get this attention in regard on numerous occasions with the High Court and get priority. Australian Citizens come first, not on the back line.*

*If this is what illegals can achieve, the poor standing of 1,340,000 Australian Citizens is a joke and the High Court has been wasting time to ensure a swift result for all WA voters. This ridiculous position is quite pathetic and must now cease and stop pandering to our citizens, not illegals – this is a disgrace..'*

*MAB*

## 1. Senate

### 1.a Half Senate arrangements

The current position is that Senators have a role and the 'half senate' is not removed only 1 July of the deemed term.

This position is not a practicable management position, since the "government of the day" does not have a right to manage this process. The current Abbott Government – or any future government – should not be penalised in regard 9 months of a Senate that is undesirable to make a government work and manage properly.

It is not a comfortable position for any government that a Senate should 'play games' and be manipulative that may well be detrimental for the economy.

I would suggest that the most manageable position is that 60 days after the formation of the government the outgoing Senators be removed and the new batch of Senators fill that space.

The delays other than the 60 days have repercussions :

- (i) Senate committees should be re-formed
- (ii) Senate Enquiries can and well be detrimental to process
- (iii) Voters who have selected and agreed the Electoral process should be able to assume that undesirable positions were not voted for some time.

### 1.b Senators Management

The Senators are still required to be the States (6) per term on rotation BUT in the current system should a Senator be deceased, retire, retire due to illness or remove his / her position to be possible member of the House of Representatives etc.

Thus a "blow in" occurs AND the voters of the Electorate have no say in such an incoming Senator. This means that the voting public have no capacity AND as such a vote for an election of a Senator should be required ASAP. In regard the Senate as a 'house of review' a new Senator must be immediately activated via the AEC management.

The Senate is thus have the "voice of the voter" and NOT any party political 'right of entry'. It must be a voted for, otherwise it will demean the rights of the electorate. While this may upset such as per the current sytem, the voters cannot be disenfranchised and this is the ONLY action that can be taken. There should be "no musical chairs", just the requirements of the electorate.

The abominable position as at the current stance with people being a "blow in" and a political party appointee, cannot just abrogate the voter's rights to who and what party the Senator is to come from.

In 2013 the ridiculous position of a Senator who retired who was voted in for a second term has been allocated a position which now has been replaced AND due to the ridiculous position that the person is now a Senator AND has never been voted by the electorate and is due to a second term, (now 7 ½ years!) also without ever being voted for. This position is a nonsense!

WAB

The Senate arrangements must be totally reviewed and the 'hotch potch' arrangements that are in place are quite demeaning to the electorate and the voters shall not be played by political parties to manage the government of Australia

## 2. House of Representatives

### 2.a Elected Member of the Lower House

The voter must have the flexibility as to the nomination on the AEC Ballot Paper and the above position must be serious to ensure the Voter has the say of his / her vote.

*As a voter, if I place only the number "1" in the box, then under any circumstances there would be NO VOTE or PREFERENCE AT ALL. If this Inquiry deems that a number of three only candidates it may well be that this Inquiry should seriously be a new method of the failure of preferences that are "out of control" of the voter.*

*If the AEC agrees, then my vote will be "First past the post" and no other vote can be allowed other than my only vote. NO PREFERENCE FOR ANY OTHER CANDIDATE is able to occur.*

### 2.b Management of the Member

The manipulation of the ability of a Member to "change horses" during the time of the current government.

- (i) The Member has been voted into the position which has been absolutely delivered by the individual AND the political party or Independent.
- (ii) The Member on that basis should and must no longer should the individual if any variance occur.  
In the prior past 6 years there have been multiple changes and manoeuvring with the obvious examples of Thomson, Slipper, Windsor etc and this is a manipulated position of the individual (sometimes the political party). This shows that while the individual may have a 'safe seat', many in the electorate have been totally disenfranchised.  
In this case the Member should with such possible change, MUST be managed by the AEC to have a bi-election no later 45 days to see that the voters must agree or other individual is to be now the Member and sit with the AEC result
- (iii) The AEC must also have a bi-election should a Member be deceased and this bi-election no later than 45 days

Mark Babidge

MAB.