

From: [REDACTED]
To: [Committee, EM \(REPS\)](#)
Subject: Submission to inquiry into the 2022 federal election
Date: Saturday, 27 August 2022 11:59:19 AM

Good morning,

I would like to make the following submission to the inquiry please. Further, on release of this submission I would like to withhold my name, as I am a public servant who has been (mildly) victimised for previously submitting to an inquiry (something I know I am completely entitled to do without reprisal, but where I could not be bothered dealing with workplace bureaucracy).

You will presumably get a lot of feedback on truth in advertising and donation reform, so I will not comment on that aside from to say that I hope this inquiry considers the public interest over and ahead of the vested interests of any entrenched political class.

There are other issues I would like to raise for this inquiry:

1) Postal vote solicitation by political parties. Parties (including both major parties) mimicked AEC material in order to "register" postal voters. Presumably this was largely a data harvesting exercise, and combined with a complete lack of adequate privacy law for political parties, is extremely dangerous. Further, mimicking the AEC can have the effect of making the material look like official electoral guidance, which could potentially influence voting behaviour, particularly for people from diverse backgrounds, eg. those born in countries with authoritarian regimes. This mimicking was also a problem in 2019 with signs in Mandarin made to impersonate AEC signage. Nothing from any candidate should be even remotely allowed to mimic the AEC (this could be part of the legal principle) or mimic or interfere with AEC functions in future, and there should be severe meaningful penalties for doing so. This, combined with the privacy implications of the "postal vote registration" are perhaps difficult to quantify but highly corrosive to democracy, yet presumably not yet illegal.

2) It should be readily possible (and done) to have any ungrouped independent candidate above the line, without extra bureaucratic steps from that candidate. In the ACT in 2019, there were severe problems with how an ungrouped candidate (Anthony Pesec) was portrayed on the ballot paper (and according to media, misleading advice by electoral officials to voters as well!), which undoubtedly cost him votes. If one of the idiosyncrasies of our senate system is that it encourages above the line voting by most voters, this should not systematically disadvantage any particular candidate(s). I am glad that the David Pocock campaign appeared to learn from that past, and allow the ACT voters to more fully express their electoral intent. However, the system itself should facilitate automatic above the line boxes in this situation. In the ACT in 2022, there remained one candidate who did not have above the line voting, presumably at his disadvantage.

3) Replacement senate candidates should be drawn from the ballot results if at all possible, as opposed to being anointed at random by the party. Yes the group vote was for a party, but that is with a list of candidates specified by the given party at the election, not some random person who happened to lose a vote in the lower house, or some faceless person no one has ever heard of, or whatever. By deferring to a countback, this would actually genuinely respect the will of what people have voted for (similar to when a senator is disqualified). I know there are possibly some constitutional barriers to this proposal, but it could be examined, and implored by convention if nothing else. Chances are if party back

room dealing is less palatable, then there will be less back room dealing, more transparency, and more faith that electoral decisions are being implemented. This is an example of stopping jobs for mates (or closer mates). After all, how can one refer to an "elected official" if that official was not the next available person elected. I would be interested to know how many unelected senators have been anointed this way over time (or a list of who they are).

4) Senate vote formality and advice to voters. The reality is, a senate vote will count if a single box or more is/are numbered above the line, or 6 below it. Yet, the advice given to voters is that 6 must be above the line or 12 below. This is in fact highly misleading about how to cast a vote (which is ironically the wording used in some parts of relevant legislation), and may encourage voters to distribute preferences they do not wish to. It adds unnecessary complexity to an already (relatively) complex voting process. Voters should be provided the completely accurate information about how their vote will be counted, and that they can either choose preferences or their vote could be exhausted. Providing accurate, honest information as to how votes are counted is fundamental to democratic principles and process, and I would strongly encourage that this be remedied in future, despite the longstanding nature of the current misleading circumstance. It is indeed again ironic that the AEC website has a disinformation register, and that this is not on it. [The misleading nature of hidden so-called vote saving is less of an issue in the lower house, as having one unnumbered box implies a voter's intent (for the unnumbered box to be last).]

Thankyou for the committee's attention to these matters