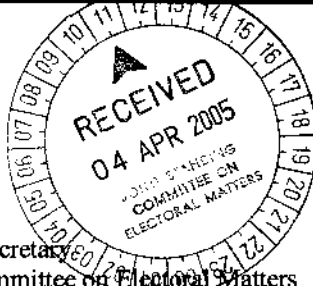


Hon. Arch Bevis MP

Federal Member for Brisbane
 Shadow Minister for Defence Planning, Procurement and Personnel;
 Assisting the Shadow Minister for Industrial Relations

Arb:sf

31st March 2005

Joint Standing Committee on Electoral Matters	
Submission No.	94
Date Received	4-3-05
Secretary	<i>[Signature]</i>

The Committee Secretary
 Joint Standing Committee on Electoral Matters
 Department of the House of Representatives
 Parliament House
 CANBERRA ACT 2600

Dear Committee Secretary,

Enclosed please find my submission to the Joint Standing Committee on Electoral Matters Inquiry into the 2004 federal election.

The submission briefly addresses three issues:

- Problems with postal voting
- Election day queues
- Redistribution process

Should the Committee wish, I would be happy to attend a hearing to discuss these matters in further detail.

Yours sincerely,

Arch Bevis

Postal Voting

The administration of postal voting in the 2004 election was without any doubt the worst since at least 1990.

I received many complaints from constituents about

- extreme delays between dispatch of their application and receipt of their ballot papers, and
- lack of privacy with constituents' full private details required to be shown on the external face of the return envelopes.

An inordinate number of complaints came from people who had lodged postal vote applications and rang to complain they had not received their ballot papers.....in most cases ten or more days had elapsed.

I am aware of a family of four who applied for a postal vote two weeks before they were to go overseas. They did not receive their ballot papers before departure and were denied their democratic right.

The problem was so severe that I understand the AEC altered the procedure for handling applications in the last 10-14 days – albeit too late.

As I understand the process used in the 2004 election, applications received in the Brisbane Divisional Office were entered onto the system after which a private company in either Sydney or Melbourne would issue the ballot papers to the constituents.

In the past, requests for postal votes were processed in the divisional office.

There needs to be a thorough investigation of the reasons for outsourcing this vital electoral activity. The appropriateness of this decision is doubtful.

Details of anticipated benefits against known unsatisfactory outcomes need to be explained by both the company involved and those who were responsible for the outsourcing decision.

It would also be appropriate to identify what performance standards were to be met by the AEC and the contractor in handling postal votes and to what extent they were a) appropriate and b) achieved.

Even when applications were finally processed, errors occurred. My office handled cases where two members of a household had completed the application using a single piece of paper that had two forms on it. We had a number of cases where one would receive ballot papers and the other didn't. They would then have to make another application.

In a couple of cases we had situations where the person made three applications before they actually received their ballot papers. My staff's

memory is that they only received their ballot papers in the last week when the ballot papers were being issued from the Brisbane AEC office.

The decision to process applications locally and issue ballot papers from the Brisbane AEC office was made too late for some. However, once ballot papers were coming out of the Brisbane AEC office, we did not receive further complaints.

Election Day Queues

Large queues existed in all polling booths in Brisbane for some hours in the morning. This is a concern raised at nearly every election. In spite of undertakings from the AEC to address this, it is repeated.

There are simply too few issuing points and staff in the mornings to cope with demand. Surely the AEC could arrange for increased issuing points from 8am to noon when the rush occurs.

I am not aware of whether statistics on voter turnout by time are maintained, but my observation and the views of experienced campaign workers confirm that this problem is regularly repeated.

Redistributions

At the very core of our representative Parliamentary system is a requirement that the electoral process is fair to all. In single member constituencies such as the House of Representatives, that also requires that divisional boundaries are created without political favour and are seen by all to be fair.

The Act seeks to reinforce public confidence in this process by requiring those who are charged with creating these boundaries to publicly disclose reasons for their proposals and decisions.

In fact, reasons are not given.

As a Queensland Member of the House of Representatives since 1990, I have participated in a number of redistributions. The 2003 redistribution displayed the lack of accountability, if not arrogance now exercised by those who determine divisional boundaries.

My objection to the proposed boundaries made reference to this issue. I submitted,

Reasons supplied by the Committee

Section 67 of the Act requires that the redistribution Committee 'shall state, in writing, its reasons for the proposed redistribution made by it under

subsection 66(1). In relation to the Division of Brisbane there are comments only at paragraphs 55, 57, 62, and 64 as follows:

55. The Committee acknowledged that the large growth occurring within the CBD of the City of Brisbane had made Brisbane grow to be the second largest division numerically in Queensland at the date of setting the quota. The Committee, in turn, recognised the need for the proposed Brisbane to return to the north of the Brisbane River and for the areas vacated on the south to be transferred to the proposed Griffith.

57. The proposed Griffith would move into those areas of Brisbane vacated south of the Brisbane River and thus contract from areas in the east.

62. The proposed Brisbane gained the portion of the City of Brisbane in Dickson and a southern portion of Petrie.

64. As a result of the above changes the proposed Petrie was defined by a loss to both the proposed Brisbane and the proposed Lilley,

Barely half of one page in commentary exists to explain the major changes proposed to the Brisbane division. With the exception of some reference to the total enrolment numbers in par 55, these paragraphs fail to set out any reasons. Rather they are a very brief commentary of decisions taken without reasons, explanation, or rationale.

Were any objection to the proposal to rely on the same methodology or shallow explanation, I suspect they would be given little weight. The augmented commission would no doubt dismiss objections that simply described an alternative allocation of suburbs or SLAs. Yet that is the basis on which the committee explains its reasons for new boundaries.

The requirement of the Act to supply reasons places an obligation on the Committee that is particularly important when dealing with those boundaries that have been subject to significant change. The committee is required by the Act to provide reasons. It is obligatory.

To say that

- 'The proposed Griffith would move into those areas of Brisbane vacated south of the Brisbane River and thus contract from areas in the east.' or,*

- *The proposed Brisbane gained the portion of the City of Brisbane in Dickson and a southern portion of Petrie, or*
- *As a result of the above changes the proposed Petrie was defined by a loss to both the proposed Brisbane and the proposed Lilley*

is at best a short description of decisions taken without any indication of the reasons for such decisions.

It is difficult to see how the requirements of section 67 of the Act have been met by the publication of the 2003 report.

Similar criticism could be made in relation to the absence of reasons for other proposals. **What may pass as a brief description of decisions taken falls far short of the requirement to set out reasons.**

This problem was acknowledged by the then Chairman of the Australian Electoral Commission, the Hon. Trevor Morley QC who made special mention of this during the oral hearing of objections. He said:

'I have, myself, particularly noted your criticism of the absence of reasons, and I think you can fairly assume that whatever the decision is that is made by this augmented Commission about theboundaries of Brisbane will be accompanied by reasons'

Notwithstanding these commitments, the final determination was made without any reasons being provided.

As I noted in a letter to the Hon. Trevor Morley QC's replacement, Hon. J.C.S. Burchett QC.,

In spite of my objections concerning Ferny Grove, the report fails to provide a single word that goes to the reasons for the augmented Commission's decisions. The only reference to this matter in the entire Report is at paragraph 34 which says:

'Objections were received that Ferny Hills and Ferny Grove should be retained in the one division in line with community of interests even though the former is in the Shire of Pine Rivers and the latter in the City of Brisbane. The Commission considered this objection and saw some merit in the argument but believed that on balance the Redistribution Committee's Proposal should be accepted in this area. Ferny Hills in Dickson and Ferny Grove in Brisbane.'

A bare three sentences are provided. The first of these sentences describes in brief one aspect of my objection. The second sentence states that whilst the augmented Commission saw merit in my argument 'on balance' my objection was rejected. The third is not, in fact, a sentence.

If the undertaking given by the Chairman is to mean anything, then surely the augmented Commission is obliged to explain what the factors were, i.e. the reasons that led to the conclusion that *'on balance the Redistribution Committee's proposal should be accepted in this area.'*

Not only has Section 67 of this Act been breached, but the clear undertaking given by the Chairman of the augmented Commission to me at the hearing has not been honoured. It is a matter of serious concern to me that not a single question or concern was raised by any member of the augmented Commission on the question of my objection in relation to Ferny Grove at the public hearing. Now I find not a single word of reasons are supplied.

The process followed in the redistribution of Queensland has not been transparent and indeed, in my view, has not complied with the Act. I note the then Chairman of the Electoral Commission, Trevor Morley QC also gave a commitment on the transcript that the decisions of the augmented Commission accompanied by reasons would be transparent. That has not been the case.

The task of providing reasons is not onerous. All of the significant submissions and objections provided by interested parties include reasons to support their view. The failure of the redistribution Committee and augmented Commission to do likewise is inexcusable. That is even more offensive when the failure to do so follows a specific undertaking from the Chairperson that reasons will be supplied.

It is essential that the process of defining electoral divisions be fair and be seen to be fair. That requires transparency in the process. No backroom deals. No suggestion of backroom deals.

I suspect that is why the Parliament legislated to require reasons for proposals and decisions to be made public. The practice to provide scant commentary about processes without reasons breaches their statutory obligations and undermines public confidence in the process and therefore the outcome.

The JSCEM should consider amendments to the Act requiring the Redistribution Committee and Augmented Commission to produce a certificate from Crown Law or other appropriate body certifying that their reports, proposals and decisions have complied with the Act.