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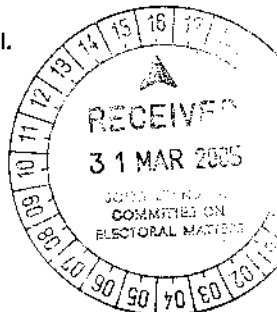
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31 March 2005

In regards to: inquiry into the conduct of the 2004 federal election

VIA FACSIMILE – page one of 25 pages in total.

Ms Bev Forbes
 The Secretary
 Joint Standing Committee on Electoral Matters
 Suite R2.105 Telelift 10.3
 Parliament House
 CANBERRA ACT 2600



Dear Ms Forbes,

Subject: Submission on the use of party databases

I am writing on behalf of Dr Wayne Errington of Charles Sturt University and myself. We would like to submit this covering letter along with two academic journal articles we have written on the use and abuse of party databases in political campaigning, as well as a set of reform ideas to improve their value to political functionality.

It is our view that party databases, in use at the 2004 federal election, are an invasive and partisan campaign tool as their operation is currently constituted. They function with political party exclusions to privacy laws, yet their use is not subject to freedom of information requirements. We believe there are a number of ethical issues concerning their use.

The enclosed articles with this submission have been published in the *Australian Journal of Political Science* and the *Australian Journal of Professional and Applied Ethics*. They should be read in that order. The first article focuses on design and use of databases, as well as issues of privacy. The second article outlines a series of reform proposals to make their operation more transparent.

It is our considered view that databases have the potential to be a positive feature of the political process, however, as they are currently constituted their design and functionality serve as negatives. Their role in the 2004 federal election was important in this respect.

We look forward to your response.

Regards,

Peter van Onselen
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 Enclosures (2)

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Electoral Databases: Big Brother or Democracy Unbound?

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Modern political campaigning is becoming increasingly professionalised to the extent that in Australia today the major parties use electoral databases to assist with their campaigns. The electoral databases of the Coalition (*Feedback*) and the Australian Labor Party (*Electrac*) store information on the constituents of each House of Representatives seat. The information gathered in the databases, such as the policy preferences and party identification of individual voters, are used by candidates for House seats to tailor correspondence to swinging voters, and to identify potential party supporters. Party organisations aggregate the information in the databases and use it to conduct polls and focus groups of swinging voters, and to tailor policy development and campaign strategies. Electoral databases have the potential to improve the level of communication between elected representatives and their constituents. There are, however, a number of ethical problems associated with their use. While the usefulness of the databases to the major political parties is undeniable, their use underlines the trend in modern campaigning towards targeting swinging voters at the expense of the majority of the electorate. Considerable public resources are devoted to the smooth operation of the databases. They would be much less effective were political parties not exempted from the Privacy Act. The use of personal information collected by members of parliament by political parties should be more closely regulated. Despite the wishes of the major political parties to keep

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their operation a secret, the advantages and disadvantages of the use of electoral databases should be more widely debated.

Introduction

An essential element of the ongoing professionalisation of political campaigning in Australia is the gathering and management of information by political parties through electoral databases. Electoral databases facilitate the recording of information about voters for the purposes of enhancing the electoral prospects of each major party. While there is no substitute for politicians with a sound knowledge of their electorate, the rapid growth in information technology in recent decades has allowed parties to comprehensively record and store an enormous range of information about voters, seats and policy preferences. Electoral databases have thus become an increasingly important source of information for Australia's two major political parties. While only recently developed, the major parties' respective databases have become integral to the operation of the offices of individual Members of Parliament (MPs), and to the ways in which the party organisations target their campaign communication to swinging voters in marginal seats. As well, the databases identify potential party supporters who can be approached for financial or other kinds of support to the candidate. This article outlines the design and operation of the party databases, with more emphasis being placed on the Coalition parties' system *Feedback*, with references to the Australian Labor Party (ALP) system *Electrac* made as necessary. The article reveals the substantial impact that electoral databases have on political campaigning, particularly in marginal seats.

The professionalisation of political communication and election campaigns is a global phenomenon. Panebianco (1988, 264) identified the rise of the 'electoral-professional' party, with its reduced ideological orientation and increased role for professional campaigners at the expense of the party membership. Indeed, the professionalisation of some American campaigns stretches to the hiring of consultants for web-site design and database management (Shea and Burton 2001, 208). Professionalisation also impinges upon the relationship between political parties and the state, with governing parties relying heavily on publicly funded communications units involved in 'packaging' policy (Franklin 1994, 7), such as Britain's Central Office of Information.

Professionalisation of politics in Australia incorporates both of these trends. While the development of political databases follows the logic of Panebianco's categorisation, a comparative lack of resources¹ precludes Australia's major parties from hiring large numbers of full-time political campaigners. Australian parties instead rely heavily on the resources provided by the parliament to members for the operation of their offices and the funding of their campaigns. Both Australian political parties have thus developed relatively decentralised databases incorporated into the offices of individual MPs.

Reliance on the provision of resources by the state to maintain the dominance of

¹ Whilst Australian major parties enjoy a substantial resource advantage over competing minor parties, their campaign resources are substantially lower than those of political parties in the United States (Conrado 2000).

the major parties is symptomatic of what Mair and Katz (1997) call the cartel party. A logical extension of the notion of the electoral-professional party, the cartel party 'brokers between [a plural] civil society and the state', but has a distinct set of interests from the electorate (Mair and Katz 1997, 101). Cartel parties are integrated into the state apparatus and collude with ostensibly competing parties to maintain their position *vis-à-vis* the electorate and to exclude new parties (Mair and Katz 1997, 107-8). This article discusses a number of features of electoral databases that are consistent with the notion of cartel parties, including the consequences for representative democracy of campaigns directed towards swinging voters and the use of public resources for partisan ends. The operation of databases also raises a number of serious questions related to privacy. The article concludes that the operation of electoral databases is an important example of professional political practice requiring greater attention from political scientists.

The drive to professionalise political practice in Australia was started by the Australian Labor Party. At the State level, Don Dunstan's 1967-68 re-election campaign for Premier of South Australia was the first to utilise advanced opinion polling and extensive television advertising. Federally, similar techniques were successfully used by the then Whitlam Opposition at the 1972 election (Mills 1986, 2). Australian parties incorporated techniques developed overseas, particularly in the United States, into their own campaigns.² For example, then NSW ALP Secretary Stephen Loosley visited Canada to inspect the direct mail system used by the New Democratic Party (Mills 1986, 196). Stephen Mills' pioneering work on the professionalisation of Australian campaigns traced the development of opinion polling, focus groups, targeted advertising and direct mail-outs.³ As illustrated below, all these forms of professional political practice have been enhanced by the power of information technology, in particular electoral databases.

While both major parties have managed to develop advanced voter tracking databases, minor parties such as the Australian Democrats and Australian Greens have not. While databases are especially useful to 'catch-all' parties seeking to understand and communicate with as wide a demographic as possible (Kirchheimer 1966), minor parties can also benefit from identifying ideologically sympathetic voters. However, minor parties lack both the resources and the critical mass of sitting MPs to operate databases like those of the major parties. Their efforts at database management are much less professional, usually simple spreadsheets with lists of contacts that are significantly less comprehensive than those the major parties are able to muster. Without a minimum level of human capital, significant funding, and the resources of large numbers of parliamentary offices, developing electoral databases is very difficult.

This article is based in part on the observation of electoral databases during the authors' employment in the offices of Members of Parliament,⁴ interviews with MPs from both parties and their staff, and secondary sources, including the training

² It is generally recognised that the United States has been some years ahead of other countries in the professionalisation of campaigning, but that cooperation between parties in different countries quickly closes the gap (see Butler and Ranney 1992, Lees-Marchment 2001).

³ For more recent studies on professional political practice (polling and staffing) in Australia, see Peisley and Ward (2001) and Gibson and Ward (2002).

⁴ Employment experience includes offices of both front and backbench members at both State and Federal levels. Such experience was derived across a number of Australian States. Our experience is therefore broad and varied in its sampling.

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and operation manuals of the *Feedback* database system. All documents were obtained from sources other than the offices in which the authors were directly employed. While the authors' experience of *Electrac* is limited to secondary descriptions, we are confident that the major parties use their databases in substantially similar ways.

Electoral Databases: Not-So-Secret Weapons

Members of the public contacting the office of their local Member of Parliament would expect their details and concerns to be taken down by office staff, and are rarely surprised to be told that their name and address is in a computer in the MP's office. How many such citizens would realise, though, that the details of their phone call to their MP then forms part of a sophisticated national database aimed primarily at partisan political advantage? Both of Australia's major political parties have such a database.

In interview, Senator Robert Ray was not willing to disclose the details of the ALP database. However, he did acknowledge its immense value to ALP campaigning, particularly in marginal seats:

Yes, we operate a database on constituents but I'm not going to disclose what it does or how it functions. I can say it is an enormously valuable campaign tool, as I am sure Liberal Party persons would suggest theirs is, too. (Ray 2001)⁵

The unwillingness of the major political parties to publicly discuss their electoral databases is understandable. Well over a decade after their introduction, it is time to shed some light on this crucial development in modern Australian politics.

The introduction of the databases of both major parties has coincided with a period in federal politics where a great deal of attention, by the parties and the media, has begun to be paid to a relatively small number of swinging voters, to complement the national campaign. The ALP's database, *Electrac*, was developed in the late 1980s, as part of Labor's ongoing efforts through its National Secretary, Bob Hogg, to ensure that the ALP was capable of maintaining electoral advantage through exploiting incumbency, something it had failed to do previously. Originally entitled *Polfile* (Ward 1991, 160), the ALP's database was a first in Australian politics. A database of voters was a logical element of more general moves to centralise ALP campaigning in the national secretariat. After commercial disagreements over ownership of the technology, the ALP switched to its current *Electrac* system after the 1993 election (Age 24 August 1996).

The development of the Liberal Party's *Feedback* database was part of a national review of the Coalition's 1990 election campaign. In that election, it was generally recognised that the ALP had out-campaigned the Coalition in key marginal seats, allowing Labor to win the election without a majority of the two-party preferred vote.⁶ A Liberal Party delegation led by Michael Wooldridge had studied campaign methods in Britain and the United States in 1988 (*Australian Financial Review* 24 March 1993). In the USA, the Republican Party led their opposition Democrats in

⁵ Campaign directors from both major parties have been similarly guarded about the details of their databases. See *Australian Financial Review* 1 February 1993.

⁶ Coalition: 50.1%, ALP 49.9% two-party preferred (AG&P Website 2002)

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the development of targeted campaigning.⁷ Technical difficulties, and the differences between the two political systems, prevented the wholesale importation of American campaign techniques (as well as the relevant software). This, along with the federal structure of the Liberal Party, saw it fall well behind the ALP in the development of direct mail techniques. It was becoming increasingly clear, however, that the practice of identifying and targeting individual voters was becoming significantly easier with the increasing power of information technology.

The design and operation of electoral databases is fairly simple. Access to commercially available information, Australian Electoral Commission (AEC) data, and the telephone directory provides the raw material of names and addresses of constituents. That is where the hard work begins. The purpose of the databases is to provide parties with information about the policy and voting preferences of individual voters, and to collate this information in ways useful to political campaigning. Their effectiveness, however, hinges upon the diligence with which individual offices enter data (a decentralised process with variable adherence on the part of MPs), and the way in which the information stored in the database is utilised by the party and individual candidates.

The Coalition's *Feedback* program is automatically updated monthly with information from the ABC roll. This information is electronically provided, thereby allowing easy integration into the database system.⁸ This process takes account of boundary redistributions, and it adds and removes constituents who enter and leave the electorate (allowing welcome letters to new constituents for example). The electoral roll data contains every elector's full name and address, telephone number (an optional entry on electoral enrolment forms, although generally filled in), sex, date of birth, occupation (an optional entry also generally filled in) and mobile phone number (an optional entry rarely entered).⁹ AEC information is cross-checked with electronic White Pages to ensure telephone numbers match addresses. For electors who have migrated to Australia, the electoral role identifies their date of naturalisation. This thereby allows the parties to target enrolled voters who are 'new Australians' in direct mail-outs for example. An important feature of the database is the transfer of constituent details with the ABC updates. This often allows Coalition members to have some briefing notes on new electors moving into their electorate. Such information is not only valuable in relation to individual record keeping, but it also helps the parties to track demographic changes.

Office staff can add to the basic electoral roll data in two ways. *Feedback* employs a kind of shorthand known as 'tagging'. Constituents are tagged based on information gathered through contact with the electorate office, local newspaper coverage (letters to the editor providing good information about issues of interest to particular voters), doorknocking and telephone canvassing. *Feedback* provides specific tags for voting information (to identify swinging voters, strong or weak

⁷ The American databases now allow automated telephone messages from candidates, with separate messages for party loyalists (encouraging them to vote) and swinging voters. Canadian political parties have adopted similar practice (Marland 2003, 22). With compulsory voting and therefore less emphasis on getting out the vote, Australians have not yet had this inconvenience inflicted upon them.

⁸ Independent and minor party MPs are also provided this information for their electorates; however, in its raw form, it is unwieldy and difficult to operate.

⁹ The electoral roll contains all persons enrolled to vote over the age of 18. The AEC continuously works to update the electoral roll and parties benefit from this in their monthly electronic updates. The electoral databases therefore carry ABC information on the entirety of the voting age population.

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party identification), issues of concern, any history of party donation, ethnic identity, and alternative contact details.

Feedback allows voters to be tagged according to their interest in over 300 issues. These tags may mark a general interest in health, or a particular interest in the cost of private health insurance. Tags can also be created to account for local issues (about problems with particular roads or proposed developments) or new issues as they arise (such as the debate over stem cells). *Feedback* has over 150 generic forms of tags. These tags are easily viewed by office staff as icons as soon as they open the constituent's file on the database, and thus provide an instant picture of the person with whom they are dealing. Hidden tags allow MPs to make notes about constituents that are not accessible by the central database. Seamless operation of the database adds both an aura of professionalism to the office, as well as a personal touch to dealings with constituents.

The second way of adding to a constituent's profile is to retain detailed information about any contact with the office. Contact with the office may come through a letter¹⁰ addressing a particular concern, or as 'off the record' as an anonymous telephone call to complain about a particular action of the government. In both cases the political staffer is likely to be capable of adding information on to the constituents' file. Staff are trained to log all written correspondence into *Feedback*.¹¹ In the case of anonymous callers unwilling to give their names, the use of caller ID telephone technology (although not universally available), allows staffers to identify the number the constituent is calling from, and if that number is a home line it can be cross checked with the *Feedback* system.

A summary of the new contacts is added to the database, so that the frequency and nature of contacts are tracked. These general tags build up a picture of individual voters and their suitability for party communication. It is these data that interest the party organisation, and can be used by individual MPs to tailor letters to small groups of voters. This method is both cheaper and more effective than an electorate-wide mail-out, as discussed below. If a letter needs to be composed to the constituent, or to another party on the constituent's behalf, this is done from within the database, so that the letter stays on the constituent's electronic file. However these attachments are unable to be downloaded by the central computer. Thus, the party organisation only receives a summary of the issue involved as contained in the tags or other notes.

Feedback also allows the compilation of a community database, which contains details on community groups, businesses and schools in the electorate. This database is linked to the main database by connecting the files on individual members to the organisation listed in the community database. This allows identification of voters based on issues of potential interest (eg Chamber of Commerce members), identification of potential donors, and a list of school or community groups within the electorate who can be sent government information packages about such events as ANZAC Day, or relevant government health and community programs. In particular, MPs can direct these organisations towards

¹⁰ Email correspondence is significantly less likely to generate a response from an MP, since much of it is generated through mass lists from outside the electorate.

¹¹ It is interesting to note that training courses on database operation are usually funded under the Parliamentary Entitlements Act and supporting Act's provisions for staff training. This represents a questionable usage of public resources for party political gain.

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grants programs aimed at community groups for purposes such as regional development, community and communications infrastructure. However, privacy laws prevent community and public organisations from handing out lists of members, making the compilation of the community database difficult. For this reason political electorate staff are expected to scour the local newspapers for constituent affiliations to community organisations.

A well-organised office—it is hard to estimate what proportion of MPs' offices fit this description, probably less than half¹²—incorporates the database into all stages of constituent contact. As soon as the telephone rings or a letter is received, the first response of the staffer is to find the constituent's details in the database. The basic information (name, address, date of birth, other members of the household) is generally supplied by the Australian Electoral Commission from the electoral roll.¹³ If that constituent has contacted the office in the past, or been canvassed by telephone (even if, when living in another electorate), the staffer can see some basic information about the constituent. This includes such things as political affiliation or leaning, their occupation, membership of community organisations, and the issues in which they have shown interest in the past. The design of the major parties' databases differs at this point but the goal is the same—to gather as much information as possible about voters in a form useable to both the individual member and the party organisation. A well-integrated electorate office information management system will also include data about weak or swinging booths in the electorate, and a breakdown of Census Collection Districts.¹⁴ The latter allows demographic information to be gathered from the census about particular areas within the electorate. As well, since the Census Collection Districts provide the basis for the geographic breakdown of all Commonwealth statistical data collection, such information as areas of high and low unemployment can be tracked.

Feedback is designed to be operated in individual member electorates (members and candidates must purchase their own copy of the software). The limiting factor is that *Feedback* allows for logged entries that do not throw back to the central system—thereby protecting members' interests by allowing them to freely enter information they may not want their name or their offices name linked to inside the party, such as unkind descriptions of troublesome constituents. With preselection contests often bitter affairs, there is an incentive for MPs mostly to tag their constituents in the section that does not feed back to the central system. This limits the level and quality of information gathered by the central office. Further, where sitting members are defeated at pre-selection, they and their staff often remove *Feedback* information from the system prior to the ensuing general election. This removal of information can either occur simply where information has been added in the sealed section not available to the central party or, with risk of central party

¹² Certainly, MPs in safe seats are less inclined to make full use of database technologies than are marginal seat MPs. This has been the authors' observations as well as being indicated in interviews.

¹³ This information is not completely reliable. MPs have been known to receive angry phone calls from constituents bemused to receive letters of congratulation on their 90th birthday when they are only in their fifties.

¹⁴ Census Collection Districts are the smallest geographic areas for which the Australian Bureau of Statistics compiles statistics. While their boundaries do not always coincide with electoral boundaries, they are a useful means of identifying statistical patterns within electorates.

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reprisal, by removing information prior to a central download and update, thereby wiping previous entries and replacing them with the newly vacated information.

An example of these latter approaches occurred following the pre-selection battle for the Liberal held seat of Wentworth prior to the 2001 Federal election. The sitting member Andrew Thompson was defeated at pre-selection by former Woolahra Mayor and State Party President Peter King. Thompson's office immediately began de-logging information from both the central and local sections of the *Feedback* information. King thereby not only had little to no *Feedback* information for the 2001 election, but his office had to begin the task of re-entering such information from scratch after the election (Confidential interview 2002).

The decentralised nature of the *Feedback* database is therefore a source of weakness for the Coalition. Whilst the design principle of the sealed section would likely have been to protect constituency privacy where appropriate, *Feedback* training manuals do not recommend such protection. Instead, it has become a method of recording information the electorate office would rather not share with the central party for strategic reasons. New members of parliament, more familiar with information technology and likely to have worked with their party's database in the past, are more inclined to use *Feedback*. Some do so without much enthusiasm, however, believing that office resources can be better utilised. In future, even with the majority of MPs' offices using their database systematically as described above, each party will have significant gaps in their database. For example, where a Senator provides a presence for a party in an Opposition marginal seat,¹⁵ the public is less likely to contact a Senator's office than their local MHR, limiting the comprehensiveness of the party's picture of that seat. The decentralised nature of the system also adds to the potential for technical problems. If an office's database is, through crash or theft, unavailable for any length of time, there is little the central office can do to assist in the compilation of data while the office is off-line (Blaemire 2001).

Further, members in their final term are unlikely to be motivated to make comprehensive entries in the database. Electoral Commission data can become out of date very quickly. Constant updating of the database is essential given that as many as 48.2% of electors in any one seat changed their address from 1996-2001 (ABS 2001). Thus, electorate-specific information is lost if a constituent leaves the electorate (even though the generic AEC information about each constituent will follow them to their new address). Thus, new members often begin their careers with little information on their electorate database even if their hand-over from the previous member is comprehensive. A new member in this situation has a strong incentive to have their office comprehensively oriented towards quickly building up their database. After each Federal election, the Feedback State Audit comprehensively reviews the efforts of each office in providing information through the database. Offices which are below the average in their identification of issues and voting preferences are strongly encouraged by the Government Members Secretariat (GMS)¹⁶ to improve their use of the system.

¹⁵ Major parties term such representation 'duty Senatorship'.

¹⁶ The GMS is a 'sub-unit of the Chief Whip's office designed to assist government backbenchers' (Office of the Special Minister of State 2003). The manner in which it assists government backbenchers includes training courses for *Feedback*, shell press releases, shell fliers, and form letters for electorate distribution. It functions similarly to the former Labor government's Media Unit.

Government and Opposition

While both parties' databases have the same goal—maximising the precision with which candidates and leaders can communicate with swinging voters—their databases are slightly different. In the case of the ALP, the database system is run as a collective; candidates need to access the system through a sitting Senator. The weakness of this system is that Senators rarely devote their time to unwinnable seats; the unwinnable seat candidate is therefore largely prohibited from enjoying the benefits of the system.

The overall structure through which the databases are organised differs between the parties and also depends on whether or not a party enjoys the resources of government. Databases undoubtedly afford advantages to incumbents, since elections tend to be determined by the extent of incumbent marginal seat transfer. While Opposition candidates may have access to their party's database, preselection generally takes place only a matter of months before an election. In any event, constituents are more likely to take their concerns about a specific problem (especially one that pertains to a government department) to an MP rather than an Opposition candidate. MPs are also in a better position to integrate their office staff with the database than are Opposition candidates who rely to an overwhelming degree on unpaid volunteers. Opposition MPs are also largely precluded from significant database entry. Shadow Ministers only receive one additional staffer on top of their electorate staff and therefore use their electorate staff to assist with portfolio issues. Backbench Opposition MPs are expected to devote staff to neighbouring marginal seats, again detracting from their capacity to devote time to the party database. Each of these examples illustrates the limits of human capital available to effectively utilise the party database from Opposition. It is particularly important in Opposition for the coordination between individual candidates and the central office to run smoothly, since candidates without the resources of an MP's office are heavily reliant on outside assistance to campaign effectively.

Both parties allow access to the databases to preselected candidates (including those in unwinnable seats) as well as sitting members. While ownership of *Electrac* is compulsory for Labor Caucus members,¹⁷ the decision on whether or not to purchase *Feedback* is left to Coalition Members and candidates. It is in the interests of the party, however, for the maximum number of candidates and members to operate the system. The Coalition therefore lowers the effective cost of *Feedback* for candidates to ensure that some information is compiled even in safe ALP seats by charging successful candidates for the software again after the election. There are a number of reasons for this: boundary changes may increase the importance of the information within a particular area; electors may move and the AEC information transfers a particular elector into a marginal or safe seat of the party; demographic changes may see the seat in question shift to marginal seat status; Senate votes are needed to assist in securing the number three Senate ticket position; it encourages the local party organisational wing to continue to use *Feedback* for either State or local government elections, again as a means of boosting the parties presence in a particular area. Nevertheless, the start-up cost as well as the ongoing cost to receive updates are significant (over \$1,000 for a copy

¹⁷ Though compulsory, the purchasing of *Electrac* is not a financial burden for ALP MPs, as the costs of the purchase are generally covered by electoral office entitlements.

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of the software¹⁸) and therefore an inhibiting factor in the decision to purchase either database for non-parliamentary representatives unassisted by state funding mechanisms.

Feedback became fully operational just in time for the 1996 campaign. The Coalition has therefore enjoyed the use of government resources in the compilation of its database, and in turning the database to political advantage. The government, by definition, has a numerical advantage in that it occupies more seats (and usually more marginal seats) than the opposition, providing additional staff (including Ministerial staff) and resources to enhance the database. The government can also make use of Ministerial staff to contribute towards maintenance of the database. This raises the potential danger of Ministerial information on constituents being downloaded into party databases for partisan gain.

Both *Feedback* and *Electrac* are open for use by both State and Federal MPs. Differences between State and Federal operation of databases are primarily driven by the party's incumbency at the time. As highlighted in the previous section, incumbent governments have far greater capacity to effectively operate the database system. In the present political environment the Coalition usage of *Feedback* is centrally organised by the GMS, while the ALP operates its database out of the various State party headquarters. Given that individual MPs operate the party database out of their electorate office, the incumbent MP (State or Federal) drives the gathering of information. Candidates in either sphere look to garner database information from party MPs whose electorates overlap with theirs. For example, a Federal candidate's electorate may overlap with that of a State MP of the same party. Failing such fortune, candidates are limited to information compiled by the previous candidate or MP (likely to be out of date), information compiled by a local Senator, or information retained on the files of electors that have moved into the area from a party held seat.

Feedback is a private company owned and operated by the Liberal Party, with an independent staff; however one that can only offer adequate assistance with the use of the GMS. The *Feedback* organisation provides training in database management and telephone support to Coalition staff. This support is currently mostly provided by the Government Members Secretariat. There is thus a good deal of public subsidy involved in the maintenance and effective operation of political party databases, particularly by the Federal Coalition. As well as giving the government an advantage over the Opposition, the level of resources required to make the databases effective helps to entrench the two-party system, despite a political environment favouring minor parties in ways outlined by Marsh (1995). As mentioned earlier, minor parties are unlikely to be able to facilitate electoral databases along the efficient lines run by the major parties. They lack the parliamentary representation, resources (State and party), human capital and interstate party collusion to do so. Perhaps most importantly, single-member electorates for the House remain a critical barrier. Minor parties have essentially proven to be parties of the Upper House, benefiting from the proportional representation ticket-based electoral system.

Members that have managed to be elected without *Feedback*, often in marginal seats, are sceptical of the value it adds. The new crop of party members, combined

¹⁸ As with staff training of *Feedback*, this cost can be borne by the electorate office allowance.

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with MPs in the lower and upper houses with central party experience as part of their pre-parliamentary backgrounds, are likely to be more supportive of the new systems.¹⁹ A permanent factor that political databases need to overcome is the inertia of members in safe seats. While they want to maintain a solid margin for the purposes of both preselection and to avoid the seat slipping toward the Opposition is always present, such members are generally more sceptical about *Feedback*. The role of the GMS in motivating such offices in their usage of *Feedback* is therefore important.

The Target: Identifying Swinging Voters

Databases are used both by individual members and party organisations in their campaigns. Just as electoral databases are integrated into the operation of each MP's office, at the State and national levels databases are becoming increasingly important to the modern rolling election campaign. While a number of strategies such as polling, focus groups and market testing of campaign messages are used by central offices to develop a political communication strategy (Johnson 2001, 89), databases are invaluable in the development and efficient use of such methods. For instance, databases assist in the identification of swinging voters used in focus groups and market testing.

The strategy was summarised in the 2002 *Feedback* review of the previous parliamentary term: 'informing voters of Federal Government initiatives in an area where you [the MP] have these identified they have an interest. These mail-outs may be small in number but will have a big impact in the long run' (*Feedback Audit Summary 2002*). Since its inception, *Feedback* has identified over 500,000 Federal voting preferences, of which over 203,000 were identified as swinging voters, and 75,500 as soft (weak or persuadable major party voters) or minor party voters. So, on average, each Coalition user (an MP or candidate) identified 2,204 swinging voters in their electorate (*Feedback Audit Summary 2002*).

Once these swinging voters are identified, they are further broken down according to the issues with which they have been tagged on the database. For example, an MP may have identified about 100 swinging voters who have indicated a strong interest in the aged-care portfolio. When the government (or Opposition) makes a policy announcement in that area, the GMS will send to each MP a generic letter outlining the advantages of the policy. The MP can then send the information only to those constituents identified as both swinging voters and interested in that particular issue, gaining the maximum possible value from the postal allowance and other resources expended. Further, constituents not interested in that particular issue are not irritated by superfluous mail from their local MP. This strategy forms part of the continuous campaigning in which the major political parties currently engage, serving as one aspect of incumbency advantage.²⁰ It is also symptomatic of the electoral-professional party model identified by Panebianco (1988).

The weakness of gathering information from contact initiated by the constituent is that, while this provides the party with issues, depth of concern, and organisa-

¹⁹ New MPs are increasingly likely to have experience in the party bureaucracy (van Onselen 2000).

²⁰ The use of such letters embarrassed former ALP Member for Eden-Monaro, Jim Snow, when their contents made the local media. He had sent quite different letters to supporters of the local timber industry and conservationists before the 1990 election (*Australian Financial Review* 2 March 1990).

tional affiliation, it is unusual for such contact to reveal voting preferences. For example, an ALP voter is unlikely to reveal their voting preference when seeking assistance from their local Coalition MP. Instead, voting preferences are more systematically gathered through telephone canvassing or door-knocking.²¹ It is for this reason that, while the parties have a significant number of voters identified by issue, this identification does not readily translate into party identification. MPs are able to use issue-based knowledge to design issue-based direct mail-outs. However, awareness of swinging voter status is significantly more valuable in targeting a mail-out because costs can be reduced.²² It should be noted that, where sitting members are concerned, the issue of cost is primarily one of the taxpayer-funded mail-outs. The costs incurred are a combination of printing, postage and the time-consuming tasks of mail-out preparation. The first two forms of costs are carried by taxpayer-funded allowances. MPs are conscious of keeping such costs within a reasonable frame to avoid unwanted attention at Senate Estimates hearings. It is the third cost of mail-out preparation that engages the office staff of an MP, thereby limiting the alternative functions that they could be performing. On all accounts, the MP has an interest using the database to keep costs to a minimum.

Information from the databases also allows telephone canvassing to be targeted towards filling in gaps in the database rather than wasting calls on voters who already identify with a political party. Party pollsters are also provided with *Feedback* information so as to gain better data through the conducting of their polls. A strong ALP tag will ensure that the constituent receives no contact from the Liberal member or candidate (and therefore probably reinforce such voters' negative perceptions of the party).²³ Strong Liberal voters, on the other hand, are targeted for requests for donations, party membership, and volunteer help. This aspect of the database is yet to be fully realised. After being elected as Federal Treasurer of the Liberal Party, Malcolm Turnbull publicly spoke of the party's need to engage Liberal voters for political donations. Turnbull suggested that this is becoming increasingly important in the face of the 'equalling out' of big business donations to the two major parties (*Sydney Morning Herald* 3 December 2001).

Similarly, once constituents with strong party identification are excluded, door-knocking the remainder of the electorate becomes a more realistic goal for the candidate. When an area is chosen for doorknocking, if possible on the basis of its high proportion of swinging voters, the database can provide, for each household, a number of issues for discussion, as well as pointers for fruitful small-talk such as club membership or occupation. The system can print out the list of households on one side of the road at a time, providing the member or candidate with a list of any contacts to the office the constituent has made, or any issue of concern they

²¹ Voter preferences can also be discovered through the postal-vote application system, whereby both major parties send out postal vote application forms. Major parties, with a reasonable degree of accuracy, can assume that electors choose to fill in the postal form of the party for which they intend to vote.

²² The *Feedback* manual for MPs also highlights the value of identifying swingers for re-election prospects. At the 1998 Federal election, MPs with less than 3,000 swinging voters identified in their electorate suffered a 5% swing against them, where MPs with over 3,000 swinging voters tagged only incurred a 1.9% swing against them (*Feedback MP Training Manual* 2000).

²³ A small number of other constituents will be tagged as 'no future contact' because they have proved to be unreasonable in their dealings with the office, or in personal dealing with the member or candidate.

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have been identified as having. In such situations, members typically doorknock with the assistance of office staff or volunteers. The helper is thereby able to record constituent particulars while the local member freely engages in discussion. The constituent is likely to be unaware that the content of their discussion will be logged into a party database which will follow them as long as they remain on the electoral roll.

Targeted Communication and the Nature of Political Representation

While electoral databases undoubtedly assist in the professionalisation of marginal seat campaigning, these comparatively unknown information systems raise a range of questions about marginal seat campaigning, and its advantages and disadvantages for the operation of democracy. There is a clear potential for database technology to assist parties and governments in manipulating the electorate, raising the prospect of representative democracy being inverted, increasing the power of the rulers over the ruled, and marking the true ascendance of a cartelised party system (Mair and Katz 1997, 115). Do databases contribute to the marginalisation of large numbers of voters on the basis that they can be identified as strongly supporting a political party? Does the targeting of campaigns towards swinging voters skew public policy towards the wants of a tiny minority of the electorate, making 'disenchanted spectators' (Johnson 2001, xvi) of the majority? These questions strike at the very heart of representative democracy.

Whether or not one approves of the use of the database to tailor political communication depends largely on one's view of what political leadership is all about in a democracy. A major party candidate for office has an enormous amount of information about voters: their position and strength of conviction on a range of issues, occupation, membership of political and community organisations. Leaving aside the ethical considerations of the use of the information in the databases (discussed below), the question of the way in which it should be used depends on whether representative democracy is better served through MPs who closely reflect the views of their electorate, or through politicians who seek to lead public opinion toward more effective and fairer policies. Applying these well-known 'delegate' and 'trustee' models of representation to Australia, Hugh Emy (1974, 482) commented that, despite many politicians from both major parties styling themselves as delegates, the most common type of representation in Australian politics is what he called the 'politico'. This is the term Emy used to describe the attempt to balance local representation with the need of the party to win office at the national level. Contemporary studies of representation in Australia have closely followed the typology established by Emy (see eg Sawyer and Zappala 2001, 5). Clearly, databases assist politicians in achieving this balance of local and national concerns. As described above, candidates for individual seats can highlight those aspects of party policy of most interest to voters in their seat.

Electoral databases lend themselves to either model of representation. On the one hand, political parties have a wealth of quantitative and qualitative information on public opinion with which to assist in the formulation of policies.²⁴ On the other hand, the system is designed to assist the major parties in skewing political

²⁴ The question of the role of opinion polls in policy development is highly contested. See Jacobs and Shapiro (2000), Mason et al (2002).

communication (if not the policy formulation process) toward the views of a smaller and smaller number of electors. A positive way of putting the latter point is that public resources are not wasted trying to persuade voters who have no intention of changing their vote. It might be said that the down-side of this type of communication is that election campaigns are increasingly being fought over the votes of a smaller and smaller number of electors. Indeed, the guidelines for the use of *Feedback* suggest a rule of thumb for the entry of information about a constituent: 'Always ask yourself while tagging information "Is this information going to be useful in a campaign?"' (Feedback Candidate Training Manual 2000). However, databases may assist to allay concerns about the representation of 'oppressed groups' (Phillips 2001, 30), since they are largely compiled from contact with self-selected constituents who invariably have some sort of problem with government services. Instead, the database marginalises voters wedded to the major parties.

As suggested by the names *Feedback* and *Electrac*, the purpose of political databases are to allow communication between politicians and the electorate, and to track voter interests. The fact that these databases have been invented to serve the interests of political parties should not blind us to the possibility that they may serve a wider public good, particularly in the efficient way they transmit information between MPs and thousands of constituents. The number of swinging and weakly identifying voters has been steadily increasing since the 1960s. In 1967, only 11% of voters failed to identify with one of the major political parties. That number had increased to 30% in 1990 (Chaples 1997, 358). Further, while the actual number of swinging voters (or those weakly identifying with parties) in each seat may be relatively small, finding out exactly who they are is not easy. Voters may be reluctant to tag themselves as strongly identifying with an opposition political party to that of the MP's office. This limits the number of constituents totally excluded from consideration by candidates through the database. While the number of swinging voters actively targeted by marginal seats campaigns is relatively small in order to save on mailing costs, these people serve as proxies for many other voters with similar concerns, who may have had no contact with their MP's office.

The targeting of political communication at the electorate level serves to complement the message of the central party machine, where the majority of resources (in media advertising) are spent. This point is underlined by another contemporary trend consistent with Panebianco's (1988, 254) electoral-professional model of parties, the emphasis on the party leader. Indeed, with media coverage of politics increasingly centred upon the activities of party leaders, the tightly targeted messages described above are becoming more important. As much time as the present Prime Minister spends talking to radio talkback callers, he can only speak personally to a limited number of voters. This impersonal trend in political campaigning thus finds its polar opposite in the targeted, personal political communication facilitated by political databases.

Databases also provide the aggregation of electorate-wide data so that the most important issues for the electorate can be readily identified. This system allows the early identification of burgeoning issues, such as voter concern about particular legislation or local issues. This information is of interest to the party organisation and parliamentary leadership as they make judgements about the popularity of policy and legislative proposals. Again, this efficient dissemination of information

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serves to improve the functioning of representative democracy. Targeting political communication towards specific groups (by sending letters on youth issues to young people, seniors' issues to seniors, etc.) simply makes that communication more relevant to the recipient. There is a danger, however, that it discourages a more rounded view of citizen's interests. From the point of view of an individual elector (where tagged), the databases ensure that their MP retains a list of issues in which the constituent is interested, as well as a record of correspondence. This allows MPs to attain a comprehensive and accurate picture of public opinion in their electorate, instead of relying on a gut feeling. Thus, despite their tendency to allow political parties to ignore a substantial section of the electorate (those with strong party alignment) in formulating their political communication, there are a number of positives for representative democracy to come from the development of political databases.

The Use and Abuse of Information

In addition to these wider questions about representative democracy, the use of political databases raises ethical and legal questions regarding the handling of information by political parties. Because political parties are private organisations, and because the major parties have no interest in public scrutiny of their databases, *Electrac* and *Feedback* have come under remarkably little scrutiny from parliament and the media. The very fact that private information, such as a health problem, becomes a small cog in a political campaign would no doubt upset many people were they made aware of it. Indeed, fear of media coverage of a Big Brother-style database ensures the subject is not publicly discussed by the parties. For example, instructions for *Feedback* include 'ensur[ing] that constituents cannot read the computer screen if *Feedback* is open' (*Feedback Candidate Training Manual 2000*). Each of the major parties in Australia uses a single database at State and Federal level. Compared to the United States, where the decentralised major political parties, as well as private campaigns for ballot initiatives, have ensured the development of a lively political database industry,²⁵ Australia's market is much smaller. Public consciousness of the databases is therefore likely to remain low.

When constituents contact an MP, are they dealing with an officer of the parliament, or a member of a political party? In order for their MP to assist in a problem with, for example, a child support case, a member of the public may hand over information they would prefer is kept private. In their role as a Member of Parliament representing a particular citizen, the politician (or their staff) contacts the bureaucracy (say, the Child Support Agency) or the relevant Minister's office²⁶ to discuss the constituent's problem. In order to provide the highest level of assistance, as much detail as possible is gathered about the problem. Just how much of this detail is recorded on the database, and how much of that information is downloaded to the central computer, will vary from office to office, and from case to case. Of course, party organisations are only interested in the raw data about voters, such as their level of interest in a range of issues. Nevertheless, the potential for abuse of this information is clear.

²⁵ A number of companies promote databases to assist in political campaigning in the United States. See, for example, Aristotle International (2004).

²⁶ Some government departments have staff assigned to dealing with such enquiries from MPs.

Commonwealth privacy legislation is designed to prevent the misuse of personal information by private organisations (Privacy Amendment (Private Sector) Act 2000). Such legislation mitigates against the collection of information without an individual's consent (amongst other limitations). Political parties, however, are exempt from such legislative requirements where their activities are 'in connection with an election, a referendum, or other participation in the political process' (Privacy Amendment (Private Sector) Act 2000). In effect, therefore, party databases can collect, log and use information in such a way, were the database not controlled by a political party, as to contravene the Privacy Amendment (Private Sector) Act 2000. Political party exemption from the aforementioned Act has been described in the legal community as 'a surprise' given it had 'never previously been raised during the extensive consultations over the legislation' (Dixon 2001). Paradoxically, because political parties are private organisations they are exempt from Freedom of Information Searches. So in effect parties can log information about voters without their consent, yet they cannot be made to disclose what information has in fact been logged. Closer attention should be paid to the apparent conflict of interest in political parties determining where and when they receive exemptions to privacy legislation.

One obvious reason why political parties rarely publicly discuss the databases is their effort to keep the operation of the system secret from their respective opposing parties (even though the two systems are quite similar). Both major parties would also be cognisant of the need to maintain secrecy to avoid the know-how of database operations falling into the hands of parties outside the two-party system. Further, increased knowledge of databases would likely lead to increasing scrutiny of their operations. Such scrutiny has the danger of altering or limiting their usage, thereby removing the current advantage the major parties have over minor parties and independents. This sort of 'collusion of secrecy' is an illustration of the cartel party theory identified by Mair and Katz (1997). Apart from the strictures of party secrecy, though, there appears to be little thought given by either party organisation to the ethical ramifications of the handling of personal information. Party databases are a powerful and invasive political tool. Public opinion surveys both within Australia and overseas consistently show that an overwhelming majority of citizens are concerned about invasion of privacy (Dixon 2001). Surveys also consistently indicate high levels of voter distrust towards politicians. The exemption of political parties from privacy legislation does not exempt them from public scrutiny of the way they handle private information.

Conclusion

Electoral databases are one important form of a growing professionalisation of political practice in Australia. The integration of databases into the offices of sitting MPs, and the inability of minor parties to develop a system anywhere near as sophisticated as those of the major parties, strongly points towards the cartelisation of the Australian party system. The operation of political databases is thus becoming increasingly central to the means by which Australians are represented by the major political parties. In essence, electoral databases allow the major parties to treat voters who strongly identify with either major party with contempt. There is some debate within political parties as to whether the general shift towards targeting marginal seats is corrosive of the sound consistent national communi-

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cation required to maintain a solid nationwide primary vote. However, the sheer effectiveness of the marginal seats strategies of both parties (particularly while in government) in recent decades ensures that tools such as electoral databases are an entrenched part of the management of political campaigns.

On balance, the positive elements of electoral databases, chiefly a systematised flow of information between voters and their representatives, have the potential to outweigh the negative elements. However, it is too easy for the party central offices to view private correspondence between an MP and a constituent. Attention therefore needs to be drawn to the problem of MPs gathering personal information about their constituents, which is in turn used for party political gain. There is no ethical training for staffers using the databases, and political party exclusion from recent privacy legislation amendments that would otherwise outlaw such systems is a concerning legislative development that requires greater attention.

Electoral databases would be much less effective were there not considerable public resources devoted to their smooth operation, both in MPs' offices and the backup provided by the Government Members Secretariat. Without AEC electronically provided electoral rolls and monthly updates, it is unlikely the major parties would be able to operate the databases efficiently enough to maintain their present level of effectiveness. These aspects of their operation alone justify greater public scrutiny of electoral databases. It is therefore essential that the operation of electoral databases is more extensively discussed, and that a set of principles be developed by the parliament to ensure that privacy is respected. At a minimum, the public is entitled to know about the collection and intrusion into their personal data by political parties. Once the public is aware of the operation of party databases, the wider ramifications of their use, and their consequences for the development of the two-party system, can be debated. Without such a debate, the malign aspects of electoral databases will overshadow their undoubted potential to improve the flow of information between electors and their representatives.

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EXHIBIT

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Political Party Databases: Proposals for Reform

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1. Introduction

A paper that appeared in an earlier volume of this journal (van Onselen 2003), examined the functioning of political databases. It analysed the lack of public accountability in their operation, as well as the implications their usage has on rights to privacy, concluding that a need for operational reform existed. As they are currently constituted, political databases operate as a 'repository' of information on constituents that parties can draw on in their campaigning. Not unsurprisingly the major political parties that operate these systems have been unwilling to canvass reforms, or even improved practices in their use. This however in no way reduces the need for reform.

As the system stands, political parties, classed as private organisations under Australian law, operate databases in a way that is only legal because political parties are exempted from privacy laws that outlaw similar systems amongst private organisations such as telemarketing companies. Such companies have been banned from operating consumer databases without the knowledge or consent of the individuals whose details are logged. The compilation of such information is deemed to be a violation of an individual's privacy. Political parties are exempted from such limitations where their activities are 'in connection with an election, a referendum, or other participation in the political process' (Privacy Amendment (Private Sector) Act 2000). Yet unlike requests for information held by the public service, citizens cannot obtain Freedom of Information searches on their files within electorate offices, including database records. As the legislators, it is the political parties themselves that make each of the above rulings. As such they stand as the judge, jury and accused with respect to this issue.

This situation is desperately in need of reform. Without reform the potential benefits of political databases as a tool for improving communication with

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constituents will be lost in a sea of negativity. This discussion paper outlines some practical measures for reform that need to be implemented expediently.

2. Background: Why Reform Databases?

A thorough review of the way political databases operate is essential. There is a difference between the mere collection of information for the purpose of correspondence, and database storage, which can, through technology, be transformed into a sophisticated method of communicating with voters. This distinction is particularly important when one considers the partisan nature of the present political databases and the ease with which information can be transferred between MPs' offices and central party offices. There are ethical issues concerning the manner in which information is logged, stored and shared.

Taxpayer funding of a voter tracking system which does not have transparency and quality controls is an ethical issue in itself. At present, the lack of controls on information is of concern. The whim of staffers or MPs can dictate what manner of information is stored against an individual's name. Guidelines are required to limit the type of information which can be stored, perhaps removing personal information from the process. The lack of accountability and ethics surrounding political databases is not conceptually difficult to remedy. The problem is the lack of political will on the part of the major parties to even discuss the problem. Accountability is needed even if it diminishes the effectiveness of the systems for partisan advantage. We therefore recommend the following reforms and considerations as a minimum requirement to ensure that the public interest is maintained by the use of these powerful systems.

3. Reforming Databases: What's Needed?

Disclosure

Public discussion of political databases (~~managed by political parties~~ rather than the government) has been restricted for a number of reasons. Getting politicians to discuss their party's database on the record is very difficult. They fear sensational media coverage of the spectre of Big Brother. They are also paranoid about revealing their campaign secrets to other parties. There have been a handful of examples of public comment by politicians and political operatives (for example MP for Parramatta Ross Cameron and former Federal Director of the Liberal Party Lynton Crosby). However the need to maintain secrecy for technological advantage coupled with the risky ethical implications of much database activities, which might stir up public calls for reform, results in a low level of public comment by those that operate the technology.

Electoral databases are a powerful and invasive political tool. As mentioned, political parties are exempted from privacy legislation designed to prevent the misuse of personal information. Information handling is subject to privacy considerations and Freedom of Information rules that databases currently are not. Commonwealth privacy legislation is designed to prevent the misuse of personal information by private organisations (Privacy Amendment (Private Sector) Act

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2000). All citizens must be free to take their concerns about government policy to their local MP confident in the knowledge that their private details will not be used for partisan advantage. The personal details of electors should not be available to the central offices of political parties. We should all have the right to know what our elected representatives have on file about us.

Freedom of Information requests should be able to be administered on party databases, at the least by the individual on whom information is carried. This would force MPs to account for their entries first, and secondly it would act as a check on inaccurate entries. Defamation laws should apply to such entries as opposed to privilege as exists in Parliament. This again would force MPs and their staff to be aware of the nature of what they compile. This issue again impinges upon the question of whether MPs are public or private entities.

One possibility is that the Australian Electoral Commission (AEC) enrolment forms could carry a 'yes' and 'no' box for electors to fill in allowing or excluding the local MP from viewing their AEC data.² Such a section would necessarily carry a short explanatory set of information as to the impact of a 'yes' or 'no' selection (or alternatively an opt-out clause). Alternatively there could be a simple box that could be marked to exclude the representing MP from obtaining the AEC information. Again the explanatory information would need to be provided. This reform may cripple the database system and if so would therefore be unlikely to be adopted.³ At the very least we would suggest an explanatory note is needed, making electors aware of the forwarding of their information to the local MP and the implications this has in voter tracking.

Parties should be required to disclose the usage of their database as an aspect of the electoral returns process. Just as party donations need to be publicly disclosed, so too should database management. Within this structure there should perhaps be a maximum level of issue correspondence one individual can receive as a result of database information. This restriction could take the form of limited polling they receive as a result of database information, limits to the amount of direct mail they get, or it could be determined according to preferences they make when enrolling. Such reform would avoid individual electors being overly pestered by political parties. Databases could also be organised so that correspondence differentials between electors cannot reach beyond a certain point. Such reform could be implemented to avoid exclusion or over inclusion in the political process as occurs now between safe and marginal seats, strong or marginal voters.

Information Security

Whoever enters the information on an individual constituent should have their staff details recorded against the entry. This would apply to new entries and amending of previous entries. This practice, widely used in the private sector, would enhance accountability. As the systems currently stand, there is no method to trace who amended information against an individual electors records.

MPs should not be able to forward voter information to third parties, including the central party and supporting candidates in a different tier of government

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without the consent of the elector. Elector information can include highly personal details such as unemployment particulars or family and community services matters. Such activity should be considered a violation of the Privacy Act and amendments, and the MP should be held to account for such actions.

The onset of databases has called into further question the practice of postal voting being administered through the political parties. This is an issue the AEC have had with the current process for some time.⁴ Given that it is possible for parties to enter voter preferences into databases, and that the recording of information is done subjectively, this practice should be fully put in the hands of the AEC. Not only would this lower costs because only one body would be releasing the postal vote forms, rather than both major parties in each seat as occurs at the present, it would also prevent misuse of the information as is currently possible with database entry.

For example, currently electors choosing to request a postal vote from one political party or the other can be tagged as leaning towards that party in their voting intentions. It is assumed by parties that otherwise they would have requested a postal vote from the other major party. This assumption is even more strongly considered to be the case where electors request a postal vote from a major party non-incumbent candidate rather than the opposing party's sitting local MP. Quite apart from the fact such practice goes against the principle of the secret ballot and independent operation of voting systems, it may also be that many electors are being inaccurately tagged as identifying with one or other of the major parties.

There also needs to be better and more uniform training for the database systems, particularly in the ethics of handling private information. Greater care needs to be taken on the entry of information. Inaccurate entries with open access to stored information can mount a series of claims against a person on the database which not only may it not be reasonable to openly relay for partisan advantage, but it may not be true either. Individuals must have a right to know what information about them is stored on the databases. As mentioned, making databases subject to Freedom of Information requests would facilitate this need.

There should be severe penalties for misuse of database software. Put simply, misuse of such software is tantamount to electoral fraud and privacy violations. MPs or staffers who partake in such violations should be heavily fined, have their employment terminated, or even be removed from parliament.

Removing Partisan Advantage

Public funding of database training and operation should only continue where the systems are publicly accountable. Publicly funded systems should not advantage only incumbent MPs and the governing party. One reform that would assist this would be for information to automatically transfer to a central database to which all politicians have access. This would ensure files are objective, and remove partisan reference. This would give voters more confidence that their concerns were being raised in the public, not the partisan, interest. Major party unwillingness to perform such a function would, at least force the parties to

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acknowledge the information they compile is for partisan not representative purposes as a primary consideration. At the least this would spark further debate as to their partisan usage.

These reforms to disclosure, information security and partisan advantage would bring regulation of political databases in line with widely accepted principles of data handling for the public sector.

Conclusion

With the major political parties having no interest in the reform of database systems, only a groundswell of public interest in the issue of handling of private information by political parties will encourage parliament to act. Political party exclusion from privacy laws applying to private organisations, combined with private organisation (including political parties) protection from Freedom of Information searches, is a situation lacking the sort of check and balance the wider Australian political system prides itself on. The fact voting is compulsory, combined with free exchange of voter data between political parties and the AEC, means that voter information is being put in the hands of political parties whether citizens like it or not.

In this paper we have proposed a method whereby voters would at the least be informed of this consequence when enrolling to vote, and at best be afforded the opportunity to choose whether such information be forwarded to the MPs that represent them. Given the furore over the Australia Card proposal in the 1980's, if informed of the paradox of public access to information obtained by private organisations without public scrutiny, it could be expected that citizens would be alarmed at the unfettered access to personal information political parties have. Political parties should be forced to account for their information holdings. There should be strict ethical training for staffers and MPs operating this software, and it should be formalised through independent authorities whom themselves can access the databases in question. Further, the access to information on voters should be limited to local offices, not the central party, and citizens should be allowed access to what information is being stored on them. There should also be greater accountability structures in place as to the entry of information.

This paper has proposed methods by which their operation could be made more accountable and reasonable, via reforms to disclosure, information security and partisan advantage.

Notes

- 1 For a thorough review of the operations of the database systems see van Onselen (2003) from this journal, or van Onselen & Erington (2004).
- 2 The South Australian Electoral Commission currently offer a similar elector option, however confidential interviews with major party MPs have indicated state MPs are passed on elector information by their federal colleagues through AEC recorded information, where no such opt out clause exists.
- 3 The South Australian option was instigated prior to the development of party databases.

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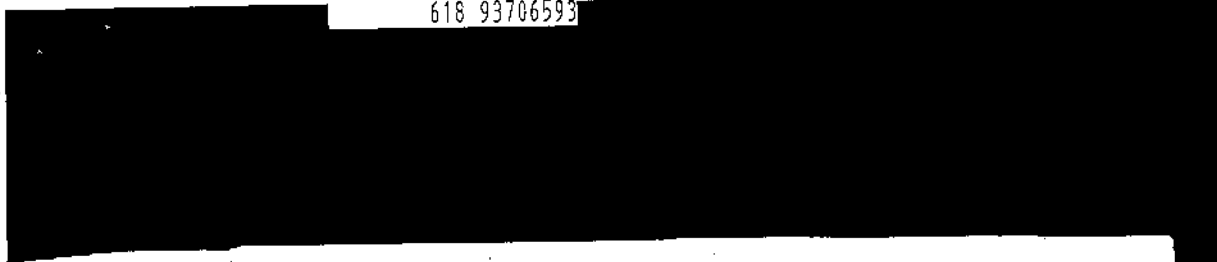
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Peter van Onselen and Wayne Errington

⁴ A senior member of the AEC expressed such concerns to us at a paper presentation (van Onselen & Errington 2003) at the Australasian Political Studies Conference 2003.

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