

## Introduction

- 1.1 The 2001 federal election coincided with Australia's celebration of one hundred years of Federation and the establishment of a national Parliament. While the Australian colonies had a rich history of parliamentary democracy even before 1901, Federation brought with it a new framework of national governance.
- 1.2 Certain features of the Australian electoral system have remained constant throughout the last century. The secrecy of the ballot has endured, as have the six-year term for Senators<sup>1</sup> and the term of three years and 10 days (after the first meeting of a House of Representatives) within which writs must be issued for a general election of members of the House.<sup>2</sup>
- 1.3 Other features of the electoral system, however, have evolved, including compulsory attendance at a polling booth and the voting system. Today, the Australian electoral system comprises full preferential voting for the House of Representatives and proportional representation for each State and Territory in the Senate.
- 1.4 The conduct of Commonwealth elections is determined by the Constitution and by various Acts of Parliament, in particular the

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1 Section 42 of the *Commonwealth Electoral Act 1918* provides that Senators for the Australian Capital Territory and the Northern Territory are elected for a term commencing on the day of their election and expiring 'at the close of the day immediately before the polling day for the next general election'.

2 Sections 7, 28 and 32 of the Australian Constitution refer. To date only the 3<sup>rd</sup> Parliament, 1907-1910, has expired by effluxion of time. All other general elections have occurred following dissolution of the House of Representatives, or of both houses of Parliament, by the Governor-General.

*Commonwealth Electoral Act 1918*. The Australian Electoral Commission (AEC) administers the Act and conducts Commonwealth parliamentary elections and referendums.

- 1.5 Predecessors of this Committee have examined every federal election since 1983, facilitating public comment on the conduct of elections and generating recommendations for legislative change. This report examines the conduct of the 2001 federal election.

## **The 2001 federal election**

- 1.6 An election mobilises a great deal of democratic activity amongst voters, political candidates and volunteers alike. Over 12 million people voted at the 2001 federal election. The 150 seats of the House of Representatives were contested by 1039 candidates. Another 285 candidates contested 40 seats in the Senate.<sup>3</sup> Thousands of volunteers are involved in election activity on behalf of political parties or individual candidates, particularly on election day.
- 1.7 Political parties also spend a significant amount of money on elections. As indicated by Annual Returns provided to the AEC, total outgoing expenditure made by political parties in the 2001-2002 financial year totalled over \$131.5 million. While this includes non-election expenditure such as utilities, rent and staff wages, election costs such as advertising and direct mail-outs comprise a significant proportion of this sum.<sup>4</sup>
- 1.8 The administration of an election is the responsibility of the AEC. From announcement of the polling date to the return of the writs, the 2001 federal election took the AEC over three months of concerted organisation. The AEC calculated that its expenditure on the election was over \$67 million.<sup>5</sup> Among other things, this included advertising and the public awareness campaign, the production of ballot papers and the certified lists (being the certified copies of the electoral roll used by polling officials on election day to identify eligible voters),

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3 AEC, *Electoral Pocketbook*, Commonwealth of Australia, July 2002. p. 42. As a half-Senate election, only 40 of the 76 Senate seats were contested in 2001.

4 These figures were current as of February 2003. Since 1997/1998, parties have not been required to provide election returns with detailed election payments.

5 Submission (AEC, no. 147), p. 60.

and election management.<sup>6</sup> In addition, the AEC administered \$38.5 million of public funding provided to political parties and independent candidates.<sup>7</sup>

1.9 Table 1.1 details the election timetable.

**Table 1.1 The 2001 federal election timetable**

<b>Event</b>	<b>Date</b>
Election announcement and dissolution of House of Representatives	5 October 2001
Issue of writs	8 October 2001
Close of rolls	15 October 2001
Close of nominations	18 October 2001
Declaration of nominations	19 October 2001
Pre-polling commences	20 October 2001
<b>Polling day</b>	<b>10 November 2001</b>
Return of writs	
House of Representatives	6 December 2001
Senate	3-6 December 2001
First meeting of the 40th Parliament	12 February 2002

*Source* AEC, Electoral Pocketbook, Commonwealth of Australia, July 2002, p 28.

## Voter turnout

1.10 By international standards, voter turnout in Australian elections is remarkably high (at over 90 per cent). Table 1.2 compares recent Australian turnout rates with recent rates of turnout in the United States, the United Kingdom and New Zealand. These turnout figures are based on the proportion of enrolled voters casting a vote.

6 'Election management' consists of permanent staff overtime, polling place hire, permanent staff other entitlements, freight, postage, printing and binding and other small expenditures including furniture hire, security, storage, telephone and travel costs. Submission (AEC, no. 182), p. 14.

7 Submission (AEC, no. 147) pp. 44-46. Public funding is further examined in chapter six.

Table 1.2 Voter turnout in recent elections in Australia, the USA, the UK and New Zealand

Country (election)	Voter turnout	
	Latest Election (year)	Previous Election (year)
	%	%
Australia (House of Representatives)	94.85 (2001)	94.99 (1998)
New Zealand	75.4 (2002)	84.8 (1999)
United Kingdom (House of Commons)	59.4 (2001)	71.4 (1997)
United States of America (Presidential)	67.5 (2000)	65.9 (1996)

Source Australia: AEC, Electoral Pocketbook, *Commonwealth of Australia, 2002*. p. 40; New Zealand: Elections New Zealand <http://www.elections.org.nz/elections/news/020920.html>, accessed 3 April 2003; United Kingdom: UK Electoral Commission. Election 2001: Official Statistics, <http://www.electoralcommission.gov.uk/elections/2001report.cfm>, accessed 3 April 2003; United States of America: Federal Election Commission, Voter Registration and Turnout 2000, <http://www.fec.gov/pages/2000turnout/reg&to00.htm>, and <http://www.fec.gov/pubrec/summ.htm>, accessed 3 April 2003.

- 1.11 While voter turnout has traditionally been low in the United States of America,<sup>8</sup> the United Kingdom and New Zealand have both suffered a decline in turnout rates in the last few years.
- 1.12 It is important to note, however, that there is some difficulty in comparing turnout rates across these countries. While enrolment (or 'registration') is compulsory in New Zealand, the United Kingdom and Australia, this is not the case in the United States.
- 1.13 For this reason, voter turnout figures for United States elections are more often compiled by comparing the number of votes cast against the 'voting age population'.<sup>9</sup> This figure is derived from census statistics on the number of people over the age of 18.<sup>10</sup> On this calculation, in the 2000 United States' Presidential election, 51.3 per cent of the 'voting age population' actually voted.<sup>11</sup>

8 United States Congressional elections have even lower rates of turnout than Presidential elections. The 5 November 2002 House of Representatives elections saw 39 per cent of the 'voting age population' vote.

9 US Federal Election Commission: *Voter Registration and Turnout 2000*, at: <http://www.fec.gov/pages/2000turnout/reg&to00.htm>, accessed 3 April 2003.

10 The VAP also includes those who may be ineligible to vote in United States elections because they are not US citizens, for example.

11 Electionworld.org: Elections around the world, at: <http://www.electionworld.org/unitedstates.htm>, accessed 18 February, 2003.

- 1.14 Various factors may account for differing rates of voter turnout.<sup>12</sup> In its recent report on voter turnout, the International Institute for Democracy and Electoral Assistance (International IDEA) compared voter turnout (expressed as a percentage of votes cast by the voting age population) for elections held in countries with both compulsory and non-compulsory voting.<sup>13</sup> While those countries identified by International IDEA as having some element of compulsory voting had an average voter turnout rate of almost 70 per cent, non-compulsory voting countries averaged 63 per cent.<sup>14</sup>
- 1.15 International IDEA concluded that:
- a somewhat surprising result of this study is that the 24 nations which have some element of compulsion associated with voting have only a small lead in turnout over the 147 nations without any compulsory voting laws. One reason for this is that the turnout figures we use are based on the total voting age population, not just on the number of persons enrolled to vote – where the compulsory voting countries do have a marked advantage – so that the impact of compulsory voting may only be significant if registration rates are also high.
- 1.16 Compulsory *enrolment* (rather than *voting*) then may be an influential factor in voter turnout.
- 1.17 Another indicator to explain voter turnout levels used by International IDEA is the electoral system. Here the survey found that countries with plurality-majority systems (such as first-past-the-post used in the United Kingdom) and semi-proportional systems (such as ‘Mixed-Member-Proportional’ used in New Zealand) average 59 to 60 per cent turnout rates, while straight proportional representation

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12 Anecdotally, it is believed that the regular frequency of elections in the United States is a deterrent to voter turnout. Similarly, a perception that the outcome of an election is ‘inevitable’, or ‘a *fait accompli*’ tends to discourage high voter turnout. For example, in the United Kingdom, Tony Blair was widely predicted to win a second term in 2001.

13 International Institute for Democracy and Electoral Assistance. 2002. *Voter turnout since 1945: A global report*. See [http://www.idea.int/vt/survey/voter\\_turnout8.cfm](http://www.idea.int/vt/survey/voter_turnout8.cfm), accessed 3 April 2003.

14 International Institute for Democracy and Electoral Assistance, at: [http://www.idea.int/vt/survey/voter\\_turnout8.cfm](http://www.idea.int/vt/survey/voter_turnout8.cfm), accessed 3 April 2003. While several countries have compulsory voting, many do not strictly enforce it. For example, in Italy and Mexico, there are no formal sanctions against non-voting. Social sanctions, such as being unable to place a child in government-funded daycare, may be imposed however. [http://www.idea.int/vt/analysis/Compulsory\\_Voting.cfm](http://www.idea.int/vt/analysis/Compulsory_Voting.cfm), accessed 1 April 2003.

systems (such as that used for the Australian Senate) average turnout rates of 68 per cent. International IDEA suggests that higher rates of voter turnout may be linked to electoral systems which provide greater choice for voters.<sup>15</sup>

- 1.18 Both indicators (compulsory voting/enrolment and electoral system) may account for Australia's particularly high voter turnout rates. Table 1.3 details the percentage of voter turnout in recent federal elections.

**Table 1.3 Voter turnout at federal elections**

<b>Voter Turnout</b>	<b>1990</b>	<b>1993</b>	<b>1996</b>	<b>1998</b>	<b>2001</b>
	%	%	%	%	%
House of Representatives	95.32	95.75	95.77	94.99	94.85
Senate	95.81	96.22	96.20	95.34	95.20

*Source* Australian Electoral Commission. 2002. Electoral Pocketbook, Canberra, AEC, p 40.

## Completeness of the electoral roll

- 1.19 Given that high turnout may be related to compulsory enrolment, it is important to note that the Australian electoral roll is not 100 per cent complete – that is, not all eligible Australians are enrolled to vote. The AEC estimated that for the 2001 federal election, 96 per cent of the eligible Australian population were enrolled to vote.<sup>16</sup> This means that approximately 550,000 eligible Australians were not enrolled.
- 1.20 The AEC sets itself a target of 95 per cent 'completeness' of the electoral roll.<sup>17</sup> Measuring the completeness of the roll is difficult because the AEC does not have access to a list of all eligible Australians against which to compare the roll. However, both the Australian National Audit Office (ANAO) and the AEC have recently asserted that the roll is 95 per cent complete.<sup>18</sup>

15 International Institute for Democracy and Electoral Assistance, at: [http://www.idea.int/vt/survey/voter\\_turnout8.cfm](http://www.idea.int/vt/survey/voter_turnout8.cfm), accessed 3 April 2003.

16 Submission (AEC, no. 147), p. 20.

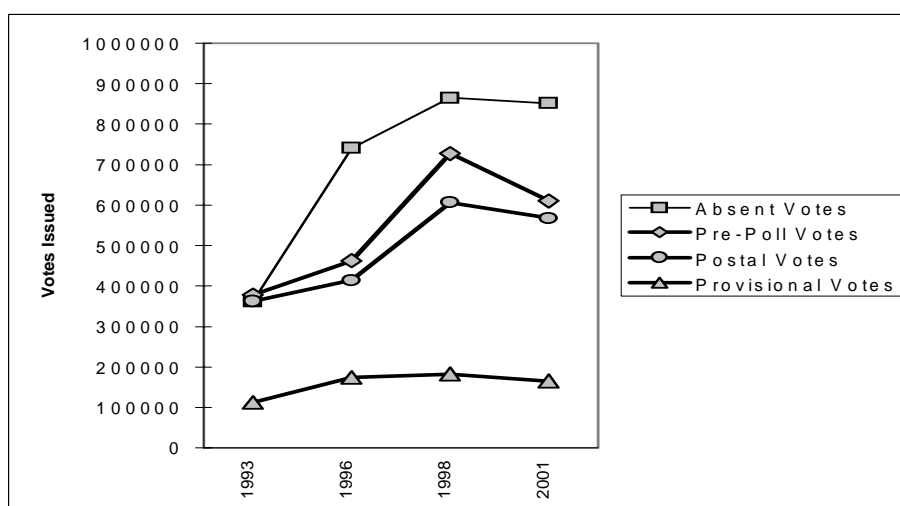
17 AEC, *Annual Report 2001-02*, Commonwealth of Australia, September 2002, p. 20.

18 The AEC uses Newspoll telephone surveys to determine enrolment levels. These surveys have reported enrolment levels around the 95 per cent target level, see AEC, *Annual Report 2001-02*, Commonwealth of Australia, p. 20, and ANAO, *Integrity of the Electoral Roll: Audit Report No. 42, 2001-02*, Commonwealth of Australia, 2002, pp. 79 and 84-85. In its audit of the electoral roll, the ANAO cross-matched Medicare data with electoral roll records. Despite this different methodology, the ANAO also found that the electoral roll

## Method of voting

- 1.21 The vast majority of votes in federal elections are cast in person in electors' enrolled Divisions on polling day. Known as 'ordinary votes', these accounted for 84 per cent of all votes cast at the 2001 federal election.
- 1.22 Nonetheless, a significant number of votes were cast through other methods including postal votes, pre-poll votes, provisional votes and absent votes. These are collectively known as 'declaration votes'. Briefly, postal and pre-poll votes are those cast before election day by post or at a pre-poll voting centre;<sup>19</sup> provisional votes are primarily cast in circumstances where the elector claims the right to vote but where his or her name cannot be found on the electoral roll; and absent votes are those cast by an elector outside their enrolled Division on election day.

Figure 1.1 Declaration Voting Trends 1993-2001



Source AEC submission no. 147, p. 32

was 95.1 per cent complete. In its report, however, the ANAO noted that the AEC's survey methodology excluded various groups including residents of the Northern Territory; residents with unlisted telephone numbers; residents without telephones; homeless persons; and persons with insufficient English language skills to participate in an interview. The ANAO concluded that 'as there is a high risk that certain of these groups are not well represented on the roll, their exclusion from the survey would tend to bias the survey result and to overstate the completeness of the roll' (See ANAO, *Audit Report No. 42, 2001-02*, p. 79). Electoral roll completeness is further examined in chapter two.

<sup>19</sup> It should be noted that pre-poll votes may be cast at a pre-poll centre on polling day where an elector is voting outside the State in which he or she is enrolled.

- 1.23 Figure 1.1 indicates the trends in declaration voting. Absent votes constitute the largest number, followed by pre-poll and postal votes. Provisional votes have traditionally accounted for a small proportion of all votes cast.<sup>20</sup>
- 1.24 Table 1.4 provides a breakdown of the numbers of ordinary and declaration votes admitted to the count.

**Table 1.4 Votes admitted to the count, 1996 to 2001**

	1996 federal election		1998 federal election		2001 federal election	
	Votes	%	Votes	%	Votes	%
<b>Ordinary Votes</b>	9 737 404	86.21	9 513 300	82.10	10,172,617	84.08
<b>Declaration Votes</b>						
Absent votes	657 539	5.82	776 859	6.70	780 961	6.46
Provisional votes*	105 091	0.93	116 158	1.00	107 396	0.89
Pre-poll votes	434 841	3.85	692 377	5.98	585 616	4.84
Postal Votes	359 604	3.18	488 671	4.22	451 900	3.74
Sub-Total	1 557 075	13.79	2 074 065	17.90	1 925 873	15.92
<b>Total Votes</b>	<b>11 294 479</b>	<b>100.00</b>	<b>11 587 365</b>	<b>100.00</b>	<b>12 098 490</b>	<b>100.00</b>

Source AEC submission, no. 147, p. 31.

Note \* These figures represent the number of provisional votes accepted to the Senate scrutiny out of the 165,177 actually cast. Of the total votes cast, 81,266 provisional votes were accepted to the House of Representatives scrutiny. Provisional votes have a high rejection rate because in many cases it is discovered that those casting the vote are not in fact eligible. The Committee comments further on provisional voting in chapter two, at paragraph 2.124.

## Composition of the 40<sup>th</sup> Parliament

- 1.25 The 2001 federal election resulted in the Coalition being returned to government for a third term, with an increased majority in the House of Representatives. The Coalition won a total of 82 seats, the Australian Labor Party won 65, and three seats were won by Independents.<sup>21</sup> Tables 1.5 and 1.6 outline the changes in the party make-up of the House of Representatives from 1998 to 2001.

<sup>20</sup> Declaration voting is further examined in chapter four.

<sup>21</sup> Since the election the Division of Cunningham has been won by the Australian Greens (at a by-election held on 19 October 2002), reducing the ALP's representation in the House of Representatives to 64.



Table 1.5 House of Representatives results, 1998 and 2001

Party	1998			2001		
	Seats won	First Preference Vote	Swing	Seats won	First Preference Vote	Swing
		%			%	
Liberal Party	64	33.9	-4.80	68	37.1	+3.19
National Party	16	5.3	-2.91	13	5.6	+0.32
Country Liberal Party	-	0.3	-0.03	1	0.3	0.00
Australian Labor Party	67	40.1	+1.34	65	37.8	-2.26
Australian Democrats	-	5.1	-1.63	-	5.4	+0.27
Greens	-	2.6	-0.30	-	5.0	+2.34
Pauline Hanson's One Nation	-	8.4	+8.43	-	4.3	-4.09
Other	1	1.9	-1.41	3	9.5	+0.24
<b>Total</b>	<b>148</b>			<b>150</b>		

Source Scott Bennett, Andrew Kopras and Gerard Newman. 2001. Commonwealth Election 2001, Department of the Parliamentary Library, p. 51; Gerard Newman. 1999. Federal Elections 1998, Department of the Parliamentary Library p. 14.

Table 1.6 House of Representatives results, two-party preferred\* vote 1998 and 2001

State/Territory	1998			2001		
	Per cent		Swing	Per cent		Swing
	ALP	LP/NP	%	ALP	LP/NP	%
New South Wales	51.5	48.5	4.4 to ALP	48.3	51.7	2.9 to LP/NP
Victoria	53.5	46.5	3.2 to ALP	52.1	47.9	1.4 to LP/NP
Queensland	46.9	53.1	4.2 to ALP	45.1	54.9	1.8 to LP/NP
South Australia	46.9	53.1	4.1 to ALP	45.9	54.1	1.0 to LP/NP
Western Australia	49.5	50.5	5.5 to ALP	48.4	51.6	1.1 to LP/NP
Tasmania	57.3	42.7	5.7 to ALP	57.7	42.3	0.4 to ALP
Northern Territory	50.6	49.4	0.9 to ALP	52.5	47.5	1.9 to ALP
Australian Capital Territory	62.4	37.6	7.0 to ALP	61.1	38.9	1.4 to LP/NP
<b>Total</b>	<b>51.0</b>	<b>49.0</b>	<b>4.7 to ALP</b>	<b>49.0</b>	<b>51.0</b>	<b>1.8 to LP/NP</b>

Source Scott Bennett, Andrew Kopras and Gerard Newman. 2001. Commonwealth Election 2001, Department of the Parliamentary Library, p. 97; Gerard Newman. 1999. Federal Elections 1998, Department of the Parliamentary Library p. 59.

Note \* The 'two-party preferred' vote refers to the proportion of the total House of Representatives vote directed to each of the two major political groupings (the Liberal / National Party Coalition and the ALP) after all preferences have been taken into account.

1.26 The composition of the Senate remained diverse with the Coalition holding 35 of the 76 Senate seats, the ALP holding 28 seats, the Australian Democrats holding seven seats,<sup>22</sup> and the remainder divided between the Australian Greens (two seats), Pauline Hanson's One Nation party (one seat) and two independent Senators. Tables 1.7 and 1.8 detail the results of the Senate election, with comparative data from 1998.

Table 1.7 2001 Senate results, seats won by State

Party	Seats won								Total	Change from 1998
	NSW	VIC	QLD	WA	SA	TAS	ACT	NT		
Liberal Party	2	3	2	3	3	3	1	-	17	+2
National Party	1	-	1	-	-	-	-	-	2	+1
Country Liberal Party	-	-	-	-	-	-	-	1	1	0
Australian Labor Party	2	2	2	2	2	2	1	1	14	-3
Australian Democrats	-	1	1	1	1	-	-	-	4	0
Greens	1	-	-	-	-	1	-	-	2	+2
<b>Total</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>40</b>	

Source Australian Electoral Commission. 2002. Electoral Pocketbook, Canberra, AEC, p 79.

Table 1.8 2001 Senate results, 1998 and 2001

Party	1998		2001	
	Per cent votes	Swing	Per cent votes	Swing
Liberal/National Party*	21.88	-2.61	23.88	+2.00
Liberal Party	13.64	-2.60	15.69	+2.05
National Party	1.86	-1.01	1.92	+0.06
Country Liberal Party	0.32	-0.05	0.35	+0.03
Sub-total	37.70	-6.27	41.83	+4.13
Australian Labor Party	37.30	+1.15	34.32	-2.98
Australian Democrats	8.46	-2.36	7.25	-1.21
Greens	2.72	-0.45	4.94	+2.22

Source Scott Bennett, Andrew Kopras and Gerard Newman. 2001. Commonwealth Election 2001, Department of the Parliamentary Library, p. 104. Scott Bennett, Andrew Kopras and Gerard Newman. 1999. Federal Elections 1998, Department of the Parliamentary Library at <http://www.apf.gov.au/library/pubs/rp/1998-99/99Rp09d.htm#table13> (accessed 13 May 2003).

Note \* This category refers to those States/Territories where the Liberal and National Parties ran a combined group voting ticket at the Senate election.

22 After the election, the Australian Democrats held eight seats in the Senate. Since that time, however, one of the Senators has left the party.

- 1.27 The 40<sup>th</sup> Parliament first met on 12 February 2002. The Parliament will expire on 11 February 2005, and an election for the House of Representatives must be held by 16 April 2005. A Senate half-election must be held by 30 June 2005.<sup>23</sup> Section 57 of the Constitution provides that both Houses of Parliament may be dissolved simultaneously if there is a legislative deadlock. The last date a double dissolution is allowed is six months prior to the date of expiry for the House of Representatives. This means that the last possible date for the dissolution of both Houses is 11 August 2004, with the subsequent election to be held no later than Saturday 16 October 2004.

## Scope and conduct of the inquiry

- 1.28 Since 1983 the Joint Standing Committee on Electoral Matters (or its predecessor, the Joint Select Committee on Electoral Reform) has investigated aspects of each federal election.
- 1.29 On 13 May 2002 the Special Minister of State, Senator the Hon Eric Abetz, wrote to the Committee asking it to inquire into and report on 'all aspects of the conduct of the 2001 federal election and matters related thereto'. The inquiry was advertised in all major newspapers on Saturday 25 May and Wednesday 29 May 2002 and members of the public were invited to make submissions.
- 1.30 The Committee also wrote to all Members and Senators and Senators-elect; State Premiers, Territory Chief Ministers, and the Administrators of External Territories; the Australian Electoral Commissioner, State and Territory Electoral Commissioners; registered political parties<sup>24</sup>; and heads of university government and politics departments.
- 1.31 The Committee received 203 submissions to this inquiry from a variety of individuals and organisations. The submissions are listed at Appendix A. The Committee held eight public hearings, in Canberra,

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23 In all probability, it would be conducted at least six weeks prior to this date, to allow counting to be finalised before the beginning of a new Senate term on 1 July 2005. R Lundie, *Timetable for the Next Commonwealth Election*, DPL Research Note 37, 2001-02 at: <http://www.aph.gov.au/library/pubs/rn/2001-02/02rn37.htm>, accessed 15 January 2003.

24 The Secretariat wrote to the National Secretariats/Divisions, and each of the State Head Offices, of the Australian Labor Party, the Liberal Party of Australia, the National Party of Australia, the Australian Democrats, the Greens and Pauline Hanson's One Nation Party. These parties fronted 838 of the total 1324 candidates (or 63 per cent) contesting seats in both the House of Representatives and the Senate.

Melbourne, Sydney and Adelaide from August through to December 2002. A list of the hearings and witnesses is at Appendix C.

- 1.32 The submissions and transcripts of evidence from the public hearings are available on the internet from:

<http://www.aph.gov.au/house/committee/em/elect01/index.htm>

## **Structure of the report**

- 1.33 The report's structure is primarily chronological in relation to the significant elements involved in the conduct of 2001 federal election. Chapter two discusses the electoral roll and enrolment issues; chapter three outlines the preparations undertaken by the AEC, political parties, candidates and others in the lead-up to election day; chapter four considers the various processes for voting under the existing electoral system; chapter five is concerned with the issues surrounding the operation of polling booths on election day, and the conduct of the count of votes (the 'scrutiny'); and chapter six covers various other issues relevant to the conduct of the 2001 federal election. The final chapter considers some wide ranging proposals for changes to the current electoral system, such as: non-compulsory voting; optional preferential voting; and electronic voting.