

SUBMISSION TO  
THE INQUIRY INTO THE 2001 FEDERAL ELECTION  
BY  
THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Joint Standing Committee on Electoral Matters	
Submission No. ....	.....
Date Received .....	.....
Secretary .....	.....

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The time has come for the Joint Standing Committee to abandon its previous recommendation that “the rolls for an election close on the day the writ is issued, and for existing electors updating address details, the rolls for an election close at 6.00pm on the third day after the issue of the writ”, first endorsed by a majority of the Joint Standing Committee in June 1997 in its Report of the Inquiry into ... the 1996 Federal Election (p.14) and repeated in June 2000 in its Report of the Inquiry into ... the 1998 Federal Election (p.15). It should allow the present arrangements for a period of 7 days in which roll transactions may take place to continue.

## History

In the first place, the recommendation apparently rests on a misunderstanding of the previous position e.g. the 1996 Report says: “This statutory period was introduced following the 1983 election, when the rolls closed the day after the election was called.” (p.14) thereby making it one more escapee from the so-called Pandora’s box of 1983 amendments. The recommendation’s phrase “the election was called” should be noted.

In fact the statutory period set in 1983 did no more than regularise what had previously been unchallenged practice. Taking just the 7 Commonwealth general elections prior to the 1983 election, the first date set out below is when the election date was announced (with Hansard page reference) and the second is when the writs were issued and the rolls closed:

1966 12/10/1966 (p.1613); 31/10/1966

1969 Parliament adjourned in May; by early August speculation was that polling day would be 15/10; this was confirmed by the Prime Minister on 21/08/1969; 29/09/1969

1972 10/10/1972 (p.2295); 2/11/1972

1974 10/04/1974 (p.1359); 20/04/1974

1975 11/11/1975 (p.2929) when the statement was that the House would be dissolved as soon as requisite papers could be prepared; 17/11/1975 (SA & WA 21/11/1975)

1977 27/10/1977 (p.2477); 10/11/1977

1980 11/09/1980 (p.1224); 19/09/1980

As, for example the Australian Electoral Office’s Annual Report for 1980-81 made clear: “The election, announced by the Prime Minister in Parliament on 11 September, was conducted on the following timetable: the issue of writs (and close of polls) on 19 September 1980 ...” (p.7). Prior to 1983 there was always a period of some days, usually more than 7, between the announcement of polling day and the close of rolls at 6pm on the day the writs were issued.

When this did not happen in 1983, the Joint Select Committee on Electoral Reform wrote: “The Committee considers that the closing of the rolls almost immediately an election is announced as occurred in February 1983, is not in the best interests of parliamentary democracy. The Committee believes that a statutory minimum period should be provided before the rolls are closed after an election is announced. The Committee therefore recommends that section 45 be amended to provide that the Governor-general shall, by proclamation, announce the intention of dissolution and the dates proposed in connection with the election at least 7 days before the issue of the writs and therefore the closing of the rolls.” (p.110) The Joint Select Committee’s point about protecting parliamentary democracy remains just as valid today.

For some reason the then Government chose not to formalise the announcement of the election in a viceregal proclamation but to separate the issue of the writs and closing of the rolls instead. The effect was and is the same: to ensure a period of time to allow potential electors to get their enrolments into order.

#### Relevant evidence

Following the 1993 general election, the majority in the then Joint Standing Committee considered 2 inquiries by the Australian Electoral Commission, with 1990 election data of 23,000 new enrolments and with 1993 data of new enrolment gross numbers, and concluded that those wishing to introduce instant closure had “not substantiated their case”, whilst the change “would be highly regrettable” (pp.34-35). Subsequent inquiries, such as Shepherson and the Australian National Audit Office, have not uncovered anything that suggests particular abuses in the pre-close period, and certainly nothing that would warrant adjectives like “huge” and “enormous”, or numbers like “thousands” and “hundreds of thousands” that are bandied about on this subject. On the other hand, most recently in the 1998 election report, the minority in the Joint Standing Committee pointed to the likelihood that about 80,000 new enrollees would be barred from voting, and that more than 200,000 current electors would be left at non-current addresses by instant closure.

There is an inherent implausibility in the argument on which the case for instant closure rests as it alleges that there is a vast, totally concealed conspiracy able to produce very large numbers of false enrolment documents within 7 days that would be quite unable to do ~~the~~ so a couple weeks or a couple months earlier – if that is indeed what the conspirators seek to do.

Finally, a number of improvements in enrolment procedures now in place would require a more sophisticated and demanding operation by anyone proffering false enrolment documents.

#### Uniformity

It is highly desirable that Commonwealth and State electoral processes resemble each other as much as possible. If the States continue to allow a post-announcement period for enrolment activities, as I expect they will, Australian citizens will believe that this opportunity is available for them for Commonwealth elections too. In 1973 (13/03/1973, p.478), the previous Minister for the Interior, the late Ralph Hunt, explaining why the Coalition Government had resisted legislation for the enfranchisement of 18-20-year-olds in 1968, said: “The most elementary consideration in any franchise system is that it should be clear and fair and that the circumstances in which the right to vote is to be exercised should be uniform. Franchise uniformity is, I believe, a most essential objective to avoiding confusing State by State or between the Commonwealth and the States. I submit that if unilateral action had been taken by the Commonwealth considerable disruption among the joint roll States would have resulted.” It would be just as unfortunate if unilateral action by the Commonwealth were now effectively to disfranchise young electors, whether that be a deliberate attempt to partially reverse the 1973 legislation or in pursuit of a will-o’-the-wisp claiming to be “integrity”.