

Read, Shane (REPS)

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Sent: Friday, 28 June 2002 3:07 PM
To: JSCEM.Reps@aph.gov.au
Subject: Submission on the Conduct of the 2001 Federal

The Chairman
JSC on Electoral Matters
Parliament House
Canberra ACT
(by email)

Joint Standing Committee on Electoral Matters	
Submission No.	67
Date Received	1/7/02
Secretary	Shane

Dear Mr Georgiou

I make this submission with no knowledge of the circumstances which led the Parliament to call for an Inquiry on the Conduct of the 2001 Federal Election. I also make it in light of the chairman's invitation in the media advertising of the Inquiry 'to suggest ways of improving Australia's electoral system', judging that 'matters related thereto' in the terms of reference of the JSC may be interpreted broadly. I will therefore address several big questions about Australia's electoral system as well as some matters more of a housekeeping nature.

1 Did the electorate get a truly representative Parliament?

As a preliminary comment I offer the observation that the Australian public is extraordinarily ignorant as to the role of Parliaments, elections for these, and the ways in which Parliaments are related to Governments. People in the [communication] media do not seem to be much more knowledgeable. Many of your colleagues appeared during the 2001 election to be equally ignorant (or, perhaps, to have vested interests in obfuscating these matters?).

Under the current constitutional arrangements we in Australia do not cast votes in order to elect a Government. Certainly, Governments are drawn from members of the Parliaments but Parliaments have little role in this, except that they can express their 'confidence' or otherwise in members of Governments who are selected by the ruling elites of the prevalent groups of members (parties). Parliaments are not even electoral colleges for Governments and members of Parliaments who support Governments are not necessarily members of those Governments.

What we do cast votes for is to elect individuals as representatives of the electorates of regional (eg House of Representatives, HR) or larger (eg state, in the Senate) constituencies. Just how representative are the resultant Parliaments is a moot question. When one considers that many members are often elected with the *primary* support of minorities of voters in their constituencies, that the parties that win Government typically get well under half of the primary votes cast and that most candidates who get elected are little more than salespeople for the products (ie 'platforms') devised by the elites who have captured party central offices.

When well under half of electors have 'bought' the product of a particular party, yet Governments claim 'mandates' and demand the blind adherence of their supporters, I suggest that it is no wonder that our Parliaments appear to be held in some contempt by electors, regardless of their ideological views. Our Parliaments are, borrowing the words of a former Prime Minister, 'unrepresentative swill'.

My suggestions on this matter are that

- the Australian Parliament embark on a program of education about the ways of our democracy, both of the electorate and of its members/potential members (in regard to the latter I have in mind the programs in NSW for the education of potential and elected local councillors)
- the Australian Parliament embark also on an Inquiry, similar to that held in New Zealand nearly a decade ago, into the merits and demerits of alternatives to present electoral systems as ways of ensuring that the views of electors in our pluralist society are truly represented in Parliaments

2 Does compulsory voting produce robust electoral outcomes?

Australia is the only 'democracy' that I know of that requires its citizens to express their 'views' at elections. I do not know why this is so but, perhaps, it is to get the citizenry actively involved in matters of state. On the evidence from countries where voting is not compulsory (eg UK and USA, though to a lesser extent New Zealand and European

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countries) Australia would be lucky if half of its citizens voted if they were not compelled to. It is not as though most Australians have any abiding interest in or understanding of social, economic or environmental issues which are the stuff of politics!

In these circumstances I venture to suggest that compulsory voting may serve to produce electoral outcomes that are not conducive to good governance. The typically large percentage of invalid votes and the reputedly even larger percentage of donkey votes under compulsory voting creates a situation in which electioneering becomes no more than a marketing exercise appealing to the lowest common denominator. This is not a recipe for either clearly articulated policies or intelligent debate about them and may have the effect of discouraging more interested voters from bothering about involvements with politics.

From my observations in other countries I am persuaded that many people who do not actually cast votes may nevertheless be making significant contributions to the political process. When they are staying away from the poll they may be expressing a view that none of the alternatives on offer are worth voting for. That seems to me to be a valid expression of their political judgment and a useful way of sending messages to politicians that they should lift their games and work on their policies. In Australia these views can only be expressed by spoiling ballot papers.

Compulsory voting has a further drawback. While Australia's systems of preferential voting do promote wider choices of policy platforms than First-past-the-Post systems (because we often have many candidates to choose from), most of these systems force voters to express preferences *for* all candidates and their policy platforms. Compulsory voting exacerbates a situation in which, with many electors unable to choose between candidates/platforms and others unwilling to indicate any level of support *for* some candidates/platforms, Australia's electoral system can and does lead to the election of candidates who do not have majority support from electors. The option of voting 'above the line' for flows of preferences as determined by a particular party's ruling elite does nothing to make preferential voting a true expression of voters' preferences.

In short, compulsory voting in our electoral system may exacerbate a situation in which voters are required to express preferences *for* what I term the 'least worst' candidates/platforms when many voters in reality have no preferences at all or have aversions for some or all candidates/platforms. This raises questions about the legitimacy of Governments. It discourages parties from putting resources into policy development or selection of candidates who can rise above the mudslinging that passes for intelligent debate in our Parliaments, the quality of which is more to be expected at NRMA meetings in NSW.

My suggestions in this regard are:

- compulsory voting should be scrapped
- electors should be offered optional preferential voting (as in NSW state elections) for both Federal Houses
- electors should be allowed to number fewer than all boxes in Senate elections (eg voters number only 12 boxes in NSW local elections, though I believe electors should have the right to express a preference *for* as few as one candidate)

3 Do our elections promote intelligent choices?

The reduction of Australian elections to little more than the marketing of slogans amount effectively to a 'dumbing - down' of the electorate. Admittedly the issues for electors are myriad and complex and the best that electors can do is decide their votes on the basis of limited knowledge and lots of perceptions. Nevertheless Australia's electoral system could be more helpful to voters making intelligent choices.

Firstly there needs to be active restriction of the amount of promotional material issued by some candidates/parties during campaigns. In particular, there needs to be some control of the output of junk mail (and increasingly junk e-mail) by candidates/parties during elections as it is becoming an environmental hazard as well as a threat to voters' intelligence. I realise that this is easier said than done, not least because electioneering takes place outside elections and because promotional material is put out by [sometimes very well funded] interest groups who support but are not overtly allied to candidates/parties. I offer the following suggestions:

- policing seriously the amounts spent by and on behalf of candidates/parties during elections (one way would be to partly or fully limit electoral advertising to what is paid for out of the public purse - as happens in other countries - although current funding formulae do inhibit the development of new and innovative ideas and parties) .
- active restriction of the junk mail (multiple mailouts) produced by members of Parliament out of their generous postage allowances: the current public funding of what is generally nothing more than electoral advertising may give unfair advantages to sitting members)

Secondly, and related to the first point there needs to be serious restriction of advertising material at and near polling booths. When voters come out of polling booths indicating that the waste there has swayed their votes, political parties should have cause for reflection. Despite the fiction that advertising stops the day before an election, much of the advertising we saw in the 2001 election was the posters, slogans and how-to-vote material at polling booths! This serves no purpose except to inflate the egos of candidates portrayed on the material and to confuse voters. The simple solution to both the physical waste and the confusion generated is to

- restrict all political advertising within a distance of say 100 metres from the entrance to a premise with a polling booth. No Posters and placards should be placed within that distance, how-to-vote material within the premises should be limited to a single leaflet/poster prepared by each party. How-to-vote cards should be banned within polling booths and replaced by posters prepared by the Australian Electoral Commission (AEC) which set out the candidature and their parties (as voters will see them on voting forms).

Thirdly, there needs to be better unbiased (ie AEC) information about candidates, parties and party-directed preferences posted at (and preferably outside the polling rooms of) polling places. During the 2001 election this information was tucked away out of easy sight inside several polling places I visited in Robertson and the material was not easily read. In one place the officer in charge was very reluctant indeed to let me see the party's preference directions. At that same place, a small polling place, there was no information outside the polling room about the candidature and parties within Robertson and I witnessed several times party workers advising voters on who was standing for what party! I suggest that

- the only information about candidates, parties and preferences allowable within polling places should be AEC material posted in places where the material can be readily read as people cast their votes.

Finally, things happen near polling places that bring the electoral process into question, if not contempt. The kinds of things I have in mind outside polling places within the Robertson electorate in 2001 included theft/removal of party advertising material, overt and covert intimidation of party workers (eg by threats and by jostling near entrances), intimidation of voters (eg by party workers physically obstructing entrances so as to get only their how-to-votes cards into voters' hands and also by obstructing footpaths forcing passersby/voters onto carriageways), reported payments to party workers, shouting of slogans and other electioneering. In addition to the 100 metres 'no-go' zone that I suggest above I suggest also

- the AEC produce a clear and rigorous code of conduct for party workers near polling places which should be signed by all workers

4 How public should electoral rolls be?

In this day when a growing number of people exhibit a degree of paranoia about privacy as to their personal details questions about the privacy of details in the electoral rolls and of other details supplied to the AEC need to be addressed. For the integrity of the rolls it is essential that the rolls be comprehensive of all electors and that the rolls should be open to inspection by every member of the public. Anything less than this invites the possibility of corruption of the rolls. However, in an age when people get coy about releasing even their addresses and telephone numbers there need to be restrictions on public access, particularly to prevent the possibility of information from rolls being transcribed or otherwise copied for commercial or more insidious purposes.

In regard to the copying of information en bloc from electoral rolls I submit that it is not appropriate for political parties to have private access to electoral rolls, in either electronic or hard copy form, because this is an invitation to send out nuisance mail. In more unscrupulous hands rolls made available to political parties could too easily be used for unintended commercial purposes.

I do see valid reasons for members of Parliament having access to rolls for electorate (as opposed to electioneering) reasons but members should get a single hard copy only for these purposes. While there are good reasons for information to be available eg to the Australian Bureau of Statistics, information provided to the AEC other than the names and addresses of electors should not be available to members of Parliament or anyone in the general public under any circumstance. Also, members should be allowed to use information from the rolls only for electorate purposes and, when they are sending bulk mail (such as 'newsletters') to constituents these should be sent to Householders via Australia.

In addition to the suggestions implied in my comments above I suggest that:

- Electoral rolls should be available for public inspection at all electoral offices and - but with controls on access (eg closed access) - in public libraries

- There should be no access for members of Parliament or of the general public to electronic information provided for or included in electoral rolls.

Yours sincerely

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