

## Introduction

### Committee role

- 1.1 A joint committee of the parliament, now known as the Joint Standing Committee on Electoral Matters, has examined the conduct of every federal election and related matters for the past 25 years.
- 1.2 The Joint Standing Committee on Electoral Matters of the 42<sup>nd</sup> parliament is continuing this practice with its review of the 2007 election and related matters.
- 1.3 The committee's reference to undertake the election inquiry is drawn from a formal request by the Special Minister of State, Senator the Hon John Faulkner to 'inquire into and report on all aspects of the 2007 federal election and matters related thereto'.
- 1.4 This reference has been supplemented by two Senate resolutions requiring the committee to examine, as part of the 2007 election inquiry, specific issues relating to election funding and disclosure arrangements and the method used to vote for Senate elections as proposed by the *Commonwealth Electoral (Above the Line Voting) Amendment Bill 2008*.<sup>1</sup>

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1 Senate, *Journals of the Senate*, No 12, 14 May 2008, p 390; No 5, 12 March 2008, pp 210–211.

## Scope

- 1.5 This report is the committee's second report for the 2007 election inquiry. The first report, which concentrated on the electronic voting trials, was tabled in the parliament in March 2009.<sup>2</sup>
- 1.6 As noted above, part of the committee's terms of reference from the Senate require an examination of funding and disclosure issues. The committee has elected to defer reporting on these issues until a separate consultation process, in the form of a government green paper, is finalised.
- 1.7 The committee has produced a separate report on the Senate reference in relation to the system of voting for Senate elections proposed by the *Commonwealth Electoral (Above the Line Voting) Amendment Bill 2008*.
- 1.8 The bulk of this report is therefore devoted to the conduct of the election, including the administration of the electoral roll, nature of campaigning, voting and counting. Several more immediate issues relating to electoral roll maintenance and a number of longer term issues relating to the administration of the Australian Electoral Commission (AEC) and the design of regulatory arrangements are also canvassed.
- 1.9 The committee has sought to specifically address all of the 19 recommendations made by the AEC in its first submission (number 169), and any further areas for changes proposed by the AEC during the course of the inquiry.<sup>3</sup>
- 1.10 The committee has not addressed the detailed issues associated with the distribution of unauthorised election material in the division of Lindsay on the eve of the 2007 election in this report. Further investigation has been deferred until the court processes have been finalised. The committee does, however, note the inadequacy of the penalties handed down to those who were convicted of breaching the *Commonwealth Electoral Act 1918* (chapter 10).
- 1.11 Election inquiries conducted by former Joint Standing Committees on Electoral Matters have generally covered a range of issues that are related to broader debates about the nature of our democratic system. These include issues such as four year or fixed terms for the House of Representatives, the adoption of optional preferential voting systems for

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2 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto* (2009), Commonwealth of Australia.

3 Australian Electoral Commission, submission 169, pp 82–85.

House of Representatives elections, and the compulsory nature of enrolment and voting.<sup>4</sup>

- 1.12 In contrast to previous election inquiries, the committee did not receive a large number of submissions that related to these issues.<sup>5</sup> The committee notes that the government's green paper process is proposing to examine these broader issues in the proposed second part of the green paper to be released later in 2009.<sup>6</sup> As a result, the committee has not seen the need to address these particular issues in this report.

## Conduct

- 1.13 The inquiry was advertised nationally in *The Australian* newspaper on 2 April 2008 and members of the public were invited to make submissions.
- 1.14 The committee also wrote to all Members and Senators and Senators-elect; state premiers and chief ministers, the Australian Electoral Commission, state and territory electoral commissions, registered major political parties and selected academics.
- 1.15 The committee received submissions to the inquiry from 198 individuals and organisations (appendix A). The committee held a number of public hearings in the major capital cities (Sydney, Melbourne, Adelaide, Perth and Canberra), including several roundtables to discuss specific issues (appendix B).
- 1.16 The submissions and transcripts of evidence from the public hearings are available from the committee's website [www.aph.gov.au/em](http://www.aph.gov.au/em).

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4 See for example, Joint Standing Committee on Electoral Matters, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto* (2005), Commonwealth of Australia, pp 157-204; *The 1998 federal election: Report of the inquiry into the conduct of the 1998 federal election and matters related thereto* (2000), Commonwealth of Australia, pp 150-151.

5 See for example, Australian Democrats, submission 56, pp 4-7; NSW Greens, submission 64, p 4; Kilcullen J, submission 85, p 6; Public Interest Advocacy Centre, submission 103, p 25; Getup, submission 155, pp 15-16; Doyle M, submission 46, p 2; Festival of Light, submission 67, p 7; Willis D, submission 126, pp 2-5.

6 Australian Government, *Electoral Reform Green Paper: Donations, funding and expenditure* (2008), p 3.