

Submission on the

Inquiry into the 2007 Federal Election

to the

Joint Standing Committee on Electoral Matters

Parliament House
Canberra ACT

From

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II)

TERMS OF REFERENCE.

1. That the following matters be referred to the joint Standing committee on electoral Matters for inquiry and report:

All aspects of the 2007 Federal election and matters related thereto, with particular reference to:

- a) the level of donations, income and expenditure received by political parties, associated entities and third parties at recent local, state and federal elections;
- b) the extent to which political fundraising and expenditure by third parties is conducted in concert with registered political parties;
- c) the take up, by whom and by what groups, of current provisions for tax deductibility for political donations as well as other groups with tax deductibility that involve themselves in the political process without disclosing that tax deductible funds are being used;
- d) the provisions of the Act that relate to disclosure and the activities of associated entities, and third parties not covered by the disclosure provisions;
- e) the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections;
- f) the availability and efficacy of “free time” provided to political parties in relation to federal elections in print and electronic media at local, state and national levels;
- g) the public funding of candidates whose eligibility is questionable before, during and after an election with the view to ensuring public confidence in the public funding system;
- h) the relationship between public funding and campaign expenditure; and
- i) the harmonization of state and federal laws that relate to political donations, gifts and expenditure.

2) That in conducting the review ----- and call for submissions.

III)

QUALIFYING COMMENTS.

I do not intend to cover every aspect of the reference or for that matter pretend that this submission is comprehensive or complete. In my treatment of matters I have mainly considered the House of Representatives. As such I have not specifically dealt with Senate items. I am also conscious that I do not know enough about some individual items and indeed all aspects of the inquiry to make a full contribution.

IV)

EXECUTIVE SUMMARY.

The submission opens with aspects of the conduct of the election dealing with Declaration Voting and makes the observation that increasing numbers of voters seem to be graduating to a “convenience voting “approach in discharging their democratic voting duties.

Suggestions are made that Prepoll Voting be treated as an Early Voting Facility. As well the Postal Voting system should be resourced so that the promotion and administration of Postal Voting is conducted by the Australian Electoral Commission (AEC).

The reduction in the Informal Vote for the House of Representatives between 2001/04 and 2007 was pleasing to see but the rate is still too high. Mention is made of some multi cultural areas that need extra resources for further effort by the AEC and Political Parties to educate voters in the electoral and voting procedures. A proposal is made for a more user-friendly House of Representatives ballot paper that should cut down the Informal rate.

Comment is also made on the cost of running election campaigns. Here the need for transparency and full disclosure of donations in a timely, comprehensive and effective manner is stressed. It is suggested that reporting be made on a quarterly basis electronically.

Some comments are made on the banning of donations but also the need for individuals to still be able to donate up to and including \$1500 in any financial year to a party of their choice. The donation/s up to this amount should remain tax deductible as an incentive for people to give.

For expenditure items and containing the cost of elections a suggestion is made to study the New Zealand and Canadian systems.

V)

A suggestion is also made that the Eligibility for Public Funding be broadened to include a “Effort Test” for those who receive less than 4% of the primary vote.

The submission closes by requesting research on the question “Is it time to consider increasing the number of House of Representative seats in the Parliament?”

VI)

RECOMMENDATIONS

Page 3. Voters should be able to vote early. As such the Prepoll Votes are recorded as Ordinary Votes. Normally One Divisional Early Voting Centre per electorate.

Page 5. The promotion and administration of Postal Voting is to be resourced and conducted by the Australian Electoral Commission alone.

Informal Voting.

Page 10. On a trial basis -

*** through public funding have political parties employ part-time political and youth political officers who speak the major Non-English language in high informal rate areas to conduct voting and general democratic educational programmes for the year prior to an election.**

*** alternatively, if the above is not acceptable have the AEC employ such positions to carry out this work.**

Devote more resources to reduce the Informal Vote.

Page 11. Consider using the “1 Above-the-Line” basis of voting by altering the design of the House of Representative Ballot Paper to divide it into two parts. “On the top” where only the Number 1 would be required to follow a parties registered ticket and “On the bottom” where a voter can express their own full preferences by completing all of the numbers required.

Donations.

Page 13. All donations from Companies and Unions to political parties/candidates should be accompanied by certification that their shareholders/members have been polled every three years or prior to an election to confirm that such action is allowed.

VII)

Page 15. No limitation should be placed upon how much an organization or individual can donate to a political party for campaign purposes within Australia.

However if banning of donations is to take place then an exemption is to be made for an individual person to be able to donate up to and including \$1500 in any one given financial year

Such donations up to and including \$1500 are to be tax deductible.

However

- 1) full disclosure in a timely, comprehensive and effective manner should be made on a rolling basis every quarter electronically so that the public and the general media can ascertain who is making donations to political parties on a quarterly basis. The system should be transparent where all of the donations can be tracked;**
- 2) rather than find out after an election such information should be available on a year round rolling basis;**
- 3) all items in the report are to be clearly identified in appropriate and easily understood categories;**
- 4) all third party donations are to clearly show who they are and from what interests they come;**
- 5) all donations from Companies and Unions should have the consent of shareholders and members;**
- 6) donations and gifts from overseas should be banned except for individuals who are eligible to vote in Australian elections;**

VIII)

7) full details of the proceeds of loans to candidates or political parties are to be fully disclosed; and

8) failure to disclose full details would lead to a loss of public funding amount for those who qualify or legal action as appropriate.

Expenditure.

Page 17. That the Committee study the New Zealand and Canadian systems, which has limits on expenditure, to see if it would be appropriate to introduce it in Australia

Public Funding.

Page 19. That the 4% of the primary vote eligibility criteria for public funding be supplemented by an “Effort” test for those candidates that receive less than 4%.

Parliamentary Representation.

Page 20. Research be carried out on the question of increasing the membership of the Australian Parliament.

1)

CONDUCT OF THE 2007 FEDERAL ELECTION.

A) Declaration Voting.

For sometime now there has been an increase in Declaration Voting in the areas of

1) Prepoll; and

2) Postal Voting.

In our society in which we live people seem to be looking for “Convenience Voting” that suits their lifestyle rather than having to adhere to the normal arrangements of voting on the “Saturday Election Day”

1) PREPOLL VOTING.

Prepoll voting for the following Federal Elections show the growth in this area.

House of Representatives.

Prepoll Votes counted.

Australia.

Year	1998	2001	2004	2007
	684255	-	718049	1062339
New South Wales.				
	264453	-	259022	364678

2)

Some Electorates. (Not comprehensive.)

Year	1998	2001	2004	2007
Banks NSW	5166	3058	3401	5694
Blaxland	3488	2434	2557	4732
Lowe	4471	5015	4004	5620
Reid	3123	2104	3334	5743
Bass Tasmania	2582	2573	3283	3634

Consideration should be given to the following –

1) Either enforce the arrangements that the Law provides for; or

2) Make the prepoll votes ordinary votes. Here voters would come in and vote **in their own Division** as though they were voting on Election Day. At the same time the rolls would be marked off as the voters have voted.

Whilst there could be a problem in having all of the rolls, with the items marked off, ready for Election Day perhaps there would be a cutoff point for marking of items so that the rolls would be ready for the Saturday. Preferably I would like to see them all marked off to include the Prepoll Voting on the Friday before Election Day. This would enhance security and work against multiple voting. Again I suppose the question would be one of staff resources to have this task completed. However I do not see that it would be an insurmountable problem.

3)

To enable it to work there would have to be only one “Early Voting” (Prepoll) Centre for most electorates. Special arrangements would have, if necessary, be made for large land sized electorates.

This arrangement would be for the convenience of the voters given their obligation, under the force of the law, to vote.

Overall there would be a saving in work done for the counting after Election Day.

RECOMMENDATION.

Voters be able to vote early. As such the Prepoll Votes be recorded as Ordinary Votes at one Divisional Early Voting Centre.

4)

2) POSTAL VOTING.

House of Representatives.

Postal Votes counted.

Australia.

Year	1998	2001	2004	2007
	502372	-	613277	706466

New South Wales.

	171835	-	189256	205906
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Some Electorates. (Not comprehensive.)

Year	1998	2001	2004	2007
Banks NSW	2736	2914	4066	4416
Blaxland	2866	2488	3204	3301
Lowe	3745	3046	4395	4864
Reid	2890	2328	3044	3463
Bass Tasmania	2556	2768	3382	3330

The above figures do not take into account the figure for the total issued.

5)

The promotion and administration of Postal Voting should lie entirely within the jurisdiction of the Australian Electoral Commission (AEC) who should be resourced to carry out this task.

Why?

1) For the integrity of the postal vote system there should only be one connection between the Voter and the AEC. Postal votes should be controlled within the confines of the arrangements with the AEC for secrecy purposes for the ballot.

2) At one time the Standing Order Postal Vote list for Postal voters for a Division was available to political parties and independents to enable them to communicate with these postal voters. However, I understand that since the passing of the Federal Privacy Legislation this material is not available. This intention of privacy reinforces the point in 1) above.

3) With the major parties being able to distribute their letter box communication in regards to Postal Voting they have an unfair advantage over all other political parties and independent candidates. As well the design of their literature, at times, has been such that it looks like it is an official government letter and people have been confused and think it comes from the Electoral Commission. There should be a level playing field for all political parties and independents in this area.

Unfortunately, there has been a perception, in some minds, that there can be interference in this process. I would stress that I do not believe this myself but I do acknowledge the advantage that the major political parties have in getting election material to the voter.

RECOMMENDATION

The promotion and administration of Postal Voting is to be resourced and conducted by the Australian Electoral Commission alone.

6)

B) INFORMAL VOTE.

It was pleasing to see the reduction in the House of Representatives Informal vote between the Federal Elections in 2001/04 and 2007 as listed below. However it remains still too high. As such it denies voters their right to vote in an effective way.

House of Representatives.

Australia.

Year	2001	2004	2007
	4.81%	5.18%	3.95%

New South Wales

Year	2001	2004	2007
	5.42%	6.12%	4.95%

Some Electorates (Not comprehensive.)

Year	2001	2004	2007
Banks NSW	6.82%	7.35%	6.36%
Blaxland	9.78%	10.70%	9.49%
Bradfield	3.76%	4.35%	3.99%
Lowe	5.80%	6.55%	4.95%
Reid	11.08%	11.71%	7.57%
Bass Tasmania	4.27%	3.90%	3.25%

7)

From my observations at elections I recognize that the more candidates you have on a ballot paper the higher the Informal vote. However there are other things at work. Such items as for example: –

- 1) the influence of Literacy and Numeracy levels in an area;
- 2) whether English is the language spoken in the home;
- 3) the general inability to understand the instructions depending upon the complexity of the voting system, E.g. the difference between Optional Preferential Voting at the State election and full Preferential Voting at the Federal level; and
- 4) cultural aspects.

By and large the informal ballot papers, from my scrutineering experience fall into : -

- 1) Blank ballot papers by people who do not want to vote but attend the polling booth to have their names marked of the roll or simply find the matter too hard to do;
- 2) Deliberate informal votes with messages to that effect on the ballot paper;
- 3) Marks on the ballot paper; and
- 4) Not listing the full numbers required on the ballot paper,

An example here would be the Number 1 only because of confusion with the State election requirements.

Because I live in Banks I would like to make some comments about **some polling booths** (not exhaustive) there.

8)

Informal rate as a %.

Election Year.	2004	2007	+/-
Bankstown (Banks)	11.69	10.59	-1.10
Bankstown Central (Banks)	12.67	10.12	- 2.55
Bankstown South	12.66	11.26	- 1.40
Bankstown West	10.86	11.06	+ 0.20
Condell Park	12.31	9.79	- 2.52
Punchbowl South	15.66	12.37	- 3.29
Revesby	10.02	9.82	- 0.20
Riverwood North	10.45	8.44	- 2.01

By way of background Banks inherited some of the old Blaxland polling booths in the Bankstown area. This area is heavily multi-cultural. As a result the AEC employed Arabic and Vietnamese polling booth officials who were of help to voters in instructing them in how to vote. As well promotion literature in these languages, newspaper articles etc during the election period were used. This was all positive and the AEC is to be congratulated for its initiative and work in seeking to meet the special needs of the voters in those areas.

Of course, the major parties, but particularly the ALP, produced literature in the language of the voters which was of help.

Notwithstanding all of the above the Informal rate is still too high given that the informal rate for Australia 3.95%, New South Wales 4.95% and the overall Banks figure of 6.36%.

Greater educational programmes need to be implemented before election time by people speaking the languages used in their homes in the voting and general election procedures.

9)

As part of public funding a proportion of it could be used by the parties in educational programmes to reach people –

1) in multicultural areas by employing people who speak the major “other” language where there is a high informal vote; and

2) to reach young people by the employment of Youth Political Education Officers,

about the voting and electoral system and the democratic system.

These people would be employed mainly in the lead up time to the Election on a part-time basis. They would have to be, politically speaking, completely impartial in their presentations.

To reach their targeted group flexible strategies would have to be used such as visiting factories, ethnic youth groups etc, ethnic churches and prayer halls, schools etc to conduct their programmes. Of course, all with the cooperation and consent of the bodies concerned.

Whilst I appreciate that Divisional Officers conduct School Programmes they cannot reach the adults. Again it could be said that literacy and numeracy problems are beyond the control of these types of programmes.

To make it easier for them I have a suggestion further on to make the voting system more friendly to use.

Why should the political parties do this type of work?

10)

To be seen to be putting something back into the democratic process. There is a lot of cynicism about politicians and politics out in the broader community and perhaps this might help in building up their position in the eyes of the community.

However, if the above is not acceptable, at least try it on a trial basis by funding and having the AEC employ such people for the year before an election.

As well the initiative programmes adopted at the 2007 election should be expanded. No doubt, evaluation was done by the AEC and they should have more to say about this aspect of their work.

RECOMMENDATION.

On a trial basis

*** through public funding have political parties employ part-time political and youth political officers who speak the major Non-English language in high informal rate areas to conduct voting and general democratic educational programmes for the year prior to an election.**

*** alternatively, if the above is not accepted, have the AEC employ such positions to carry out this work.**

Devote more resources to combat Informal voting.

11)

RE MAKING IT SIMPLER FOR VOTERS TO VOTE FOR THE HOUSE OF REPRESENTATIVES.

Consider adopting the “1 above the line” system as used in the Senate.

The ballot paper would be divided into two parts as per the Senate design.

Parties would have to register a ticket.

The voter would have the OPTION OF VOTING WITH JUST A 1 ABOVE THE LINE or EXPRESSING THEIR INDIVIDUAL FULL PREFERENCES BELOW THE LINE.

In New South Wales (and some other States, I understand, like Queensland) this would bring the use of the number “1” into line between the State and Federal provisions for voting for the Lower House. I appreciate that people would still have to be educated in the implications for the effect given the Optional Preferential and Full Preferential Systems.

RECOMMENDATION.

Consider using the “1 Above-the-Line” basis of voting by altering the design of the House of Representative Ballot Paper to divide it into two parts. “On the top” where only the Number 1 would be required to follow a parties registered ticket and “On the bottom” where a voter can express their own full preferences by completing all of the numbers required.

12)

C) OTHER ITEMS UNDER TERMS OF REFERENCE 1a TO 1i.

Whilst I cannot address all of the Terms of Reference items 1a to 1i, I would like to make some comments and recommendations.

1) THE SITUATION IN REGARDS TO THE COST OF RUNNING ELECTION CAMPAIGNS.

Opening comment.

Public funding for elections came about in the early 1980's with New South Wales leading the States and the Commonwealth in its introduction.

One of the main arguments in its favour was that it would allow ordinary people to become more actively involved in the democratic process. With the criteria for public funding being set at 4% of the first preference formal vote it effectively worked against individuals to stand as independents or minor political parties or interests to stand because of the cost they would have to incur personally or collectively if they did not obtain the 4%.

With declining membership the major parties had to seek other areas to raise funds for their campaigns. As such public funding became a major source of their funding requirements. With no limits on expenditure and donations and the constant need for parties to obtain an advantage over their opponents in political campaigns the costs of election campaigns has continually increased.

The major parties (and other parties for that matter) have received donations from various bodies that have brought unease in the public mind.

13)

.1) Donations from Companies and Unions.

For more accountability purposes to members/shareholders and openness in the political system all donations to political parties/candidates should be accompanied by certification that their shareholders/members have been polled every three years prior to an election to confirm that such donations are allowed.

Recommendation.

All donations from Companies and Unions to political parties/candidates should be accompanied by certification that their shareholders/members have been polled every three years or prior to an election to confirm that such action is allowed.

2) SOME ASPECTS ON DONATIONS.

Any political funding system must have popular support and have an outworking of greater democratic activity and participation by people. One way to participate is by making a donation to your political interest.

Donations are the lifeblood of political campaigns. The more you raise the more you can spend to gain an advantage over your political rivals! However some donations (refer to the New South Wales situation re developers in the Wollongong City Council) can bring unease to the public mind. To counteract this a comprehensive, full and timely disclosure regime should be in place.

In - principle there should be no ban on donations by organizations and people as, quite simply, it is their right to do so!

However -

14)

- 1) a case could be advanced for a restriction in the amount that an organization or an individual could donate in any one year based upon public perception aspects. (However this would have to be implemented on a Nation wide basis for uniformity sake.); and
- 2) it is reasonable that full disclosure should be required and made in a manner that is timely and effective for donation/s made.

As well a mechanism should be in place to discipline transgressions.

However –

- 1) full disclosure in a timely, comprehensive and effective manner should be made **on a rolling basis** every quarter electronically so that the public can ascertain who is making donations to political parties on a quarterly basis. The system should be transparent where all of the donations can be tracked;
- 2) rather than find out after an election such information should be available on a year round rolling basis;
- 3) all items in the report are to be clearly identified in appropriate and easily understood categories;
- 4) all third party donations are to clearly show who they are and from what interests they come;
- 5) all donations from Companies and Unions should have the consent of shareholders and members;

15)

6) donations and gifts from overseas should be banned except for individuals who are eligible to vote in Australian elections;

7) full details of the proceeds of loans to candidates or political parties are to be fully disclosed; and

8) failure to disclose full details would lead to a loss of public funding amount for those who qualify or legal action as appropriate.

HOWEVER IF YOU PROCEED ALONG THE LINES OF BANNING DONATIONS AS THE PREMIER OF NEW SOUTH WALES SEEMS TO INDICATE IN THE STATE AREA THEN I WOULD SUGGEST THAT AN INDIVIDUAL SHOULD STILL BE ABLE TO DONATE TO A POLITICAL PARTY SAY UP TO \$1500 IN ANY ONE GIVEN FINANCIAL YEAR.

As mentioned above this is a valuable way of supporting your political interests.

AS WELL as an incentive to give this amount, as at present, it should be tax deductible.

Recommendations.

No limitation should be placed upon how much an organization or individual can donate to a political party for campaign purposes within Australia.

However if banning of donations is to take place then an exemption is to be made for an individual person to be able to donate up to and including \$1500 in any one given financial year

Such donations up to and including \$1500 are to be tax deductible.

16)

However

- 1) full disclosure in a timely, comprehensive and effective manner should be made on a rolling basis every quarter electronically so that the public and the general media can ascertain who is making donations to political parties on a quarterly basis. The system should be transparent where all of the donations can be tracked;
- 2) rather than find out after an election such information should be available on a year round rolling basis;
- 3) all items in the report are to be clearly identified in appropriate and easily understood categories;
- 4) all third party donations are to clearly show who they are and from what interests they come;
- 5) all donations from Companies and Unions should have the consent of shareholders and members;
- 6) donations and gifts from overseas should be banned except for individuals who are eligible to vote in Australian elections;
- 7) full details of the proceeds of loans to candidates or political parties are to be fully disclosed; and
- 8) failure to disclose full details would lead to a loss of public funding amount for those who qualify or legal action as appropriate.

3) SOME ASPECTS ON EXPENDITURE.

A “level field” election contest requires some leveling of expenditure costs for all, in theory, to be able to compete fairly. Without a limit on campaign costs the process will lead to greater overall costs.

I understand that New Zealand and Canada have systems that limit the amount candidates and political parties can spend in an election campaign. Personally I do not know the details. However I suspect it would be tied into the income of political parties and candidates.

The position in New Zealand and Canada should be studied by the Committee in detail to see how it works. Perhaps the strengths can be incorporated into any new system in Australia and the weaknesses addressed, hopefully, to eliminate abuse of the system. As well the costs in savings in their elections could be ascertained to see how it would apply to Australia.

Recommendation.

That the Committee study the New Zealand and Canadian systems, which has limits on expenditure, to see if it would be appropriate to introduce it in Australia

18)

4) PUBLIC FUNDING and

ELIGIBILITY LEVEL FOR PUBLIC FUNDING.

Add to the criteria for eligibility for public funding by granting an “effort” test.

4% of the formal first preference vote was set, for various reasons, for eligibility for public funding. One was for the need to discourage “nuisance” candidates. There is still a need for this though it has worked against people and small parties who have mounted candidates over the years.

Whilst I have thought over the years that there needs to be a reduction in the threshold level I now think that if the 4% is retained it should be accompanied by a new “effort” test.

What I mean here is that a candidate, group or party perform certain activity in the election campaign and still do not reach the 4% they should still be eligible. What about the candidate who receives 3.99% and misses out by a few votes public funding. It does happen – witness at the last federal election the Christian Democratic Party (CDP) candidate for Reid, Dr. Alex Sharah, who received 3170 out of 79438 formal first preference votes. If he had received 8 more votes he would have been eligible for public funding at \$2-10 per vote. Similarly at the State level Jo Sammut, the CDP candidate for Lakemba at the last state election missed out by some 12 votes to receive public funding at the state level. No doubt other parties and candidates can recite such circumstances. Where is the justice in these situations?

Effort Test.

I would suggest that for those candidates that receive 4% or less they should still be eligible if they have put a demonstrated effort into their campaigns. The effort should be measured by such criteria as :-

19)

- 1) Did they man the physical Prepoll centre with staff and How – to – Votes;
- 2) Did they produce a leaflet and was it distributed in a reasonable area of their electorate;
- 3) Did they man most of the polling booths on Election Day; and
- 4) Did they have, at least, one advertisement in a local paper?

If a candidate has completed most of the above and still did not receive the 4% mark he/she should still be granted eligibility for Public Funding.

Such a change should enhance democratic participation as this was one of the reasons advanced for public funding in the first place.

Recommendation.

The 4% of primary vote eligibility criteria for public funding be supplemented by an “Effort” test for those candidates that receive less than 4%.

PARLIAMENTARY REPRESENTATION.

Given the high enrolment figures below in Australia and the fact that we have not had an increase in the number of seats in the Parliament since 1984 is it time to ask the following question.

Is it time to consider an increase in the number of Members of Parliament in the Federal Parliament?

New South Wales	Average	92464
Victoria	“	93684
Queensland	“	91044
Western Australia	“	88302
South Australia	“	98520
ACT	“	120101

(Tasmania “ 70497)

(Northern Territory “ 60029)

(Source Gazetted Enrolment as at 30 April 2008. AEC.)

Obviously the Senate representation would also have to be increased.

I do not have the technical skill or understanding of the system to be able to set out a proposition for such an increase in detail but submit the following “rough calculations” for your consideration. Perhaps you could launch research on the question.

21)

Actual Vote figures. Average vote per seat per election in Australia without taking into consideration the Constitutional position of five seats in Tasmania which mean they have lower enrolments

Redistribution.	Election.	Number of Seats.	Average Vote per seat.
1948	1949	121	38053
1983/84	1984	150	58547
----	2007	150	86205

(Source Wikipedia and AEC)

In rough terms a 20% increase in Members between 1948/84 for a 35% in the number of voters. Roughly there is a 32% increase in voters between 1984 and 2007 which on the 1948/84 growth precedent would justify an increase in the number of seats.

I stress that this is a rough calculation and might not even be a correct basis on which to proceed. I also appreciate that it does not look at the Senate position or the political implications involved.

However in response to the question I would suggest that research be undertaken on the question.

Lower enrolments per seat hopefully would give members an easier time in their representative duties for their constituents.

Recommendation.

Research be carried out on the question of increasing the membership of the Australian Parliament.

