



16 May 2008

Mr Kai Swoboda  
Inquiry Secretary  
Joint Standing Committee on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

Dear Mr Swoboda

### **Inquiry into the 2007 Federal Election**

Thank you for your letter of 20 March 2008 advising of the Joint Standing Committee on Electoral Matters (the Committee's) inquiry into the 2007 Federal election.

This submission is made on behalf of The Nationals Federal Secretariat, The Nationals – Queensland, The Nationals – New South Wales, The Nationals – Victoria, The Nationals – South Australia, The Nationals – Western Australia, and The Young Nationals.

A number of the problems experienced in the 2004 Federal election and cited by The Nationals in its submission to the Committee's 2005 inquiry appear to have been resolved with the adoption of proof of identity requirements for enrolment and enhanced party registration rules. However, considerable opportunity remains for further improvement to the Australian electoral process as outlined in this submission.

#### **1.0 Enrolment, Roll Maintenance and Electoral Integrity**

The Nationals recognise the improvements that have been instigated to voter enrolment, registration and roll maintenance both through regulatory change and procedural improvements implemented by the Australian Electoral Commission (AEC). However, opportunity remains for continued improvement to further enhance the rigour of the electoral process.

## 1.1 Enrolment Notification

Electoral boundary redistributions caused considerable upheaval and voter confusion during the 2007 Federal election. The problem is exacerbated in states where rapid growth or population decline precipitates regular boundary redistribution. A case in point is the 2006 redistribution in Queensland and New South Wales which generated significant boundary changes and the addition and loss of a seat respectively. The possibility of a further redistribution in those states this electoral cycle with the same outcome will exacerbate the confusion at the next election.

### **RECOMMENDATION:**

The Nationals recommend that the AEC adopt a practice of notifying all voters by mail of their enrolment and the division in which they are enrolled once the writs are issued for an election. Such a system has been introduced by some state Electoral Commissions, encouraging voters to produce that formal notification when voting and thereby providing the added benefit of serving as proof of enrolment and reducing the need for provisional voting.

## 1.2 Education

There also remains opportunity for the AEC to undertake further education of both the electorate and local media regarding the basis for the initiation of a redistribution and the process involved. It is critical for public confidence in the electoral system that there is a sound understanding of the process and the independence of that process. This was not the case in some centres where the community felt severely dislocated as a result of the electoral boundary changes arising from the 2006 redistribution.

### **RECOMMENDATION:**

The Nationals recommend that the AEC further enhance its education and awareness campaign when initiating and conducting a redistribution including the basis for the initiation of a redistribution, the process involved and the role of the AEC.

## 1.3 Voter identification

The Nationals maintain an ongoing concern with the lack of a requirement to provide proof of identification when voting. This absence leaves the electoral process open to abuse by people voting multiple times at different booths or in another person's name/s. While provisions exist to detect multiple voting in the same name after the event, there remains no provision to remove those votes from the count and no protection to prevent a person voting in another person's name.

### **RECOMMENDATION:**

The Nationals recommend that the Committee consider the introduction of a requirement for voters to produce proof of identification when voting.

## 2.0 Voting processes

The Nationals support continued refinement of voting systems across all Australian jurisdictions to ensure consistency, improve voting turnout and reduce voting informality.

### 2.1 Differing Voting Systems

The difference in voting systems between State and Federal elections and the effect on voting formality was raised by The Nationals in its submission to the Committee's inquiry into the 2004 Federal election. The issue remains a problem in New South Wales and Queensland, which employ optional preferential voting at state level, and therefore the argument made by our Party at that time remains.

Scrutineers in these states at the 2007 Federal election again reported significant numbers of informal votes as a result of voters simply allocating a first preference vote for their preferred candidate without then passing preferences to other candidates. The problem is exacerbated by the growing number of voters who do not take a How To Vote card/s and are therefore otherwise insufficiently aware of the Federal requirement to number every square. Anecdotal evidence suggests the problem was amplified in New South Wales by the conduct of both a state and federal election in the same year and conflicting promotion of the varied voting options.

#### **RECOMMENDATION**

The Nationals recommend the Committee work with the State and Territory jurisdictions to get a common voting system nationwide. Compulsory preferential voting has been the traditional voting system in Australia since federation and is the system used in the majority of State jurisdictions. The Nationals recommend it should be implemented in every State and Territory to reduce voter confusion and informal voting.

### 2.2 Voting instructions

Further, reports from at least one electorate, Hinkler, raise concern regarding the instructions given by some AEC staff. Many were overheard simply saying "Fill in all the squares from one to six" rather than advising voters to mark a "1" beside their candidate of first choice and then to number the remaining squares in their preferred order of candidate. Ambiguous direction to voters such as that cited raises potential for voter confusion regarding the implications of preferential voting.

#### **RECOMMENDATION**

The Nationals recommend that the AEC ensure all officers are adequately trained and adhere to consistent and accurate directives when providing advice to voters.

## 2.3 Addressing Inconsistencies

A problem exists regarding electoral roll maintenance and the apparent inconsistency in addressing systems used by the AEC and Australia Post, particularly in rural areas. The result is that mail is simply not delivered, denying voters the opportunity to receive information from candidates, denying candidates the ability to communicate with voters and imposing considerable cost on the parties associated with returned mail.

The impact of the problem is pronounced by the growing popularity of postal voting, increasing from 4.96 percent of the total national vote at the 2004 federal election to 5.46 percent at the 2007 federal election. There is little doubt that the problems identified above denied many more voters the opportunity to exercise their right to a postal vote.

By way of example of the scale of the problem, The Nationals had over 6,000 letters returned in the seat of Kennedy alone because of:

- problems with the rural addressing system,
- insufficient address,
- no one by the enrolled name living at the enrolled address,
- no house at the enrolled address, and
- no such address existing.

### **RECOMMENDATION:**

The Nationals recommend that the Committee and the AEC examine and address the inconsistencies between addressing systems employed by Australia Post and the AEC.

## 2.4 Postal Voting and mail service deadlines

A further issue relates to the inconsistency between Australia Post mail collection services in some rural areas and the AEC's deadline for the acceptance of a Postal Vote; ie. postmarked by Australia Post on the Friday before polling day. In some areas, mail collected by Australia Post on that Friday is not actually processed and postmarked until the following week, rendering any such postal votes invalid. In tight contests this anomaly could certainly affect the final result.

For example, in the seat of Flynn, a total of 7,727 postal votes were returned with 370 (or 4.8%) rejected during the preliminary scrutiny process. Of these postal vote certificates, 146 (or 1.9% of the total number of postal votes returned) were rejected on the grounds of being received 'too late' ie. postmarked after polling day, 24 November 2007. The AEC has identified that the majority of these postal votes were sourced from small rural centres. Labor won the seat by a margin of just 253 votes.

The example is borne out by the case of a couple from Wandoan, which the AEC investigated at The Nationals request. AEC examination of both voters' postal vote certificates reveals that each certificate is signed and includes a date of Friday 23 November 2007. These voters confirmed that their votes were posted on Friday, yet the AEC investigation revealed both postal vote certificate envelopes depicted a Taroom Post Office stamp dated Monday 26 November

2007 ie. a postmark after polling day. The voters apparently received a letter from the AEC in the week commencing 18 February stating their votes were not counted in the Federal election because their postal votes didn't arrive until 2 weeks after election day.

Clearly, there is an inconsistency regarding the AEC's requirement for lodgement, receipt and acceptance of a valid postal vote with the capacity of mail services to achieve these requirements. There is a corresponding inconsistency with regard to voter expectations surrounding these requirements.

**RECOMMENDATION:**

The Nationals recommend that the Committee and the AEC examine and address the inconsistencies between Australia Post's rural mail collection services and deadline for receipt of valid postal votes by the AEC. The guiding objective should be to ensure maximum opportunity is provided to voters for the casting of a valid postal vote.

## **2.5 Postal Voting Application (PVA) format**

The Nationals campaign workers also reported receiving numbers of postal voting applications that were completed inaccurately, for example, applications unsigned or not witnessed. This indicates a lack of awareness by applicants that their application was required to be witnessed and signed and suggests the gazetted application form required by the AEC requires further refinement to improve its clarity and simplicity.

Postal constraints, particularly in rural areas serviced only by a once or twice weekly mail service, suggests that problems may emerge when incomplete applications are received in the closing days of the campaign, potentially providing insufficient time for the AEC and affected voter to take appropriate corrective action to ensure the voter can receive and cast a valid postal vote.

**RECOMMENDATION:**

The Nationals recommend that the Australian Electoral Commission's gazetted Postal Voting Application (PVA) format be further improved to a simpler, more user-friendly style providing greater awareness of the information required for acceptance of a PVA.

## **2.6 Mail services**

Australia Post's unaddressed mail service (UMS) provided ongoing problems in ensuring delivery to voters, particularly in rural areas with "mail service" addressing. In these situations, Australia Post's UMS service is entirely unreliable, the failings of which are exacerbated in areas where there is no other commercial unaddressed mail delivery alternative.

**RECOMMENDATION:**

The Nationals recommend that the Committee examine the effectiveness and efficiency of mail delivery and collection services in the context of election requirements.

## **2.7 Workplace Health and Safety issues**

Workplace Health and Safety (WHS) restrictions now prevent the recycling of How to Vote (HTV) cards on polling day. While voters are allowed to return their HTV card to booth workers, used HTV cards are no longer allowed to be retrieved from the polling booth for recycling. This imposes considerable waste and associated cost on candidates and parties.

### **RECOMMENDATION:**

The Nationals recommend that the Committee examine the impost of WHS regulation on polling booth operation and liaise with State jurisdictions to ensure that alternative arrangements are made to allow recycling of election materials such as HTV cards.

## **3.0 Media**

### **3.1 Media blackout**

Under Schedule 2 of the Broadcasting Services Act 1992, administered by the Australian Communications and Media Authority (ACMA), election advertising in the electronic media is subject to a 'blackout' from midnight on the Wednesday before polling day to the end of polling on the Saturday. This three-day blackout effectively provides a "cooling off" period in the lead up to polling day, during which political parties, candidates and others are no longer able to purchase time on television and radio to broadcast political advertising. However, no such blackout applies to internet advertising. This is inconsistent with the arrangements for other electronic advertising for little apparent reason other than a failure of electoral regulation to keep pace with media consumption trends that indicate internet advertising is providing growing competition to other electronic media as a source of news and entertainment.

### **RECOMMENDATION**

The Nationals recommend that the existing media 'blackout' provisions should be extended to internet advertising, providing a consistent approach to all electronic advertising throughout election campaigns and an across-the-board "cooling off" period prior to polling day.

## **4.0 Campaign Finance**

The Nationals have previously flagged its position on campaign finance issues in its submission to the Committee's Inquiry into Tax Laws Amendment (2008 Measures No. 1) Bill 2008, Tax Deductibility of Political Contributions and Gifts. That submission stands as The Nationals' position on the campaign finance issues set out in the Committee's current Inquiry into the 2007 Federal Election and should be considered in conjunction with this submission.

The Nationals reiterate its position that campaign finance issues across all jurisdictions should be examined in a comprehensive and coordinated manner and progressed on a genuinely

bipartisan basis for collective adoption across all jurisdictions. The Electoral Reform Green Paper process proposed for commencement in July provides an opportunity for this approach.

Until such time, The Nationals maintain its support for the current federal funding and disclosure and tax deductibility provisions.

Thank you for the opportunity to provide a submission to the Committee's inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read "Brad Henderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brad Henderson  
**Federal Director**