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Official Committee Hansard

JOINT COMMITTEE ON ELECTORAL MATTERS

**Reference: Conduct of the 1998 federal election and matters related
thereto**

TUESDAY, 11 MAY 1999

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JOINT COMMITTEE ON ELECTORAL MATTERS
Tuesday, 11 May 1999

Members: Murray and Synon, and Mr Danby, Mr Forrest, and Mr Somlyay
Members: Mr Nairn (*Chair*), and Laurie Ferguson (*Deputy Chair*), Senators Bartlett, Faulkner,
Senators and members in attendance: Senators Bartlett, Faulkner, Murray and Synon and Mr Danby, Mr Forrest, Mr Nairn and Mr Somlyay

Terms of reference for the inquiry:

To inquire into and report on all aspects of the conduct of the 1998 federal election and matters related thereto.

WITNESSES

MORRIS, Mr Allan Agapitos MP, Member for Newcastle	229
LLOYD, Mr James Eric MP, Member for Robertson	236

Committee met at 1.02 p.m.

CHAIR—I declare open this hearing of the Joint Standing Committee on Electoral Matters inquiry into the 1998 federal election and matters related thereto. With the public hearings now well under way, the committee is in the process of collecting from witnesses their concerns about specific aspects of the electoral process. Today we are hearing from two members of parliament—Mr Allan Morris, the member for Newcastle, and Mr Jim Lloyd, the member for Robertson. The issues that we expect to canvass today include the process for dealing with the death of a candidate and the security of the electoral roll. I anticipate that this hearing will provide some productive suggestions for dealing with these and other issues.

CHAIR—I welcome Mr Allan Morris, the member for Newcastle, to today's public hearing. Do you have any comment to make on the capacity in which you appear today?

Mr Allan Morris—I appear as a private citizen and also as the member for Newcastle.

CHAIR—I probably do not have to remind you that the evidence you give is considered part of the proceedings of parliament and, accordingly, the normal rules apply in relation to that evidence. The committee has received your submission No. 158 and it has been authorised for publication. Are there any corrections or amendments you would like to make to your submission?

Mr Allan Morris—No.

CHAIR—I now invite you to make a brief opening statement, and then I will invite members to proceed with questions.

Mr Allan Morris—In my correspondence I raised a couple of questions. I guess it is probably beholden of me to make some suggestions in more concrete terms. With subsequent thought, I think there are three or four ways that the parliament could move. One would be to retain the status quo and do nothing. An alternative would be to allow elections, once called, to proceed regardless of disposition of candidates on the grounds that if the person is able to nominate, then they are taken as at when they nominate as opposed to when an election is held—in other words, proceed even in the case where a candidate is deceased. Committee members may not know that that actually happened in Newcastle, that people voted for a candidate who was deceased, because it was impossible to get all of the small polling booths with absent votes. Constituents tell me they actually voted at remote areas for the House of Representatives as well as for the Senate because the polling returning officers could not be advised in time. While there is a sense of morbidity about that in the sense of suggesting it, the fact is it actually happened on the day.

A third alternative would be to give the Electoral Commissioner some discretion to choose between the two because, for example, if a person was to die immediately after nominations closed, then the procedures would be quite different. If they die very late in the piece when all the ballot papers are printed, things are all in train. For example, in the seat of Dickson in 1993 the electorate was well and truly advised that the election was postponed on the day, whereas in Newcastle, on the day itself, there was mass confusion at the booths because people had not read

the papers. In fact the headline was actually confusing because it said, 'Poll cancelled', so people thought they did not have to vote at all. There was mass confusion on the day.

I think that is a matter we have not discussed. Obviously other countries have different systems. I would like to suggest that my preferred view at the moment would be, even though it may sound morbid, to proceed with an election if it happens very late in the piece simply because, I am sure, most people who have nominated and candidates would probably think that was the most sensible. If it occurred to me, I think it would be more sensible to say, 'Go ahead and have the damned election.' If the person who wins is not still alive, then obviously you require a by-election, but you take it as at nomination time, not on election date.

If the committee was not to recommend that way, the other matter is the processes that are in train as of now. We had a period of some weeks of uncertainty as to who was to make a decision. Was it an incoming government? Was it the Governor-General? Was it the Electoral Commission? To be honest, I spoke to my electorate officer locally and he was uncertain. There were two or three dates set as probable dates. The electorate got more and more confused, people were going away, they were trying to make plans, they were trying to check up so they could make a postal vote. I would have thought that if you could retain the existing system and not cancel the election, there should be an automatic process to allow the new election to be called automatically rather than go through a whole process of uncertainty. So, once the writs are issued and in the hands of the commission, if that election for some reason or other is postponed or cancelled, its reinitiation is at the commission's discretion rather than having to wait. I think that would then minimise the disruption and would make it more straightforward and more streamlined.

Mr Chairman, I went through a difficult process personally for Kay Westbury's family, who I know. It was a terrible thing to happen—and for her party. I try to divorce my views from that. I think most of us would probably think that the processes are best served by being as streamlined as we can and as effective as we can. The fact is that it cost \$300,000 or \$400,000 extra, plus what the parties spent in public funding as well as the election cost. I would think I would be embarrassed in my grave if that happened to me. I think that would probably apply to most candidates.

CHAIR—Just for clarification, did you cease to be the member then on the date of the first election?

Mr Allan Morris—No. What happens is simply that the parliament was dissolved, and I was the continuing member until effectively when the election was finally held. So there was no change in my status at all.

CHAIR—But you were not able to sit in parliament?

Mr Allan Morris—Yes. The seat was still unfilled, effectively. I was the continuing member for Newcastle until the election was finally held. I suppose, in a sense, from my electorate's point of view, not to have Newcastle as a Federation seat sworn in at the first sitting of this parliament was unfortunate because it was a historic occasion. Each new parliament is historic in itself.

Mr FORREST—How long was that period?

Mr Allan Morris—Seven weeks. It was 23 November.

Mr FORREST—It is seven weeks after 3 October?

Mr Allan Morris—Yes.

Senator FAULKNER—Isn't there a practical problem here, Mr Morris? Let us say we adopt this suggestion, effectively have the election and proceed to a by-election if the dead candidate is elected. I would have thought that the problem is that the political process becomes completely perverted because you have a dead candidate in the field. The impact on the election reflecting the genuine democratic will of the electorate is an impossible hurdle over which to jump. In other words, if a dead person is elected, you have to try again. Everyone would understand that. Of course, the chances are a dead person would not be elected, because people would realise it might not be terribly useful or appropriate to vote for a dead candidate. You just cannot accurately reflect the will of the electorate in such a process in a more marginal seat than, say, Newcastle, which has had the good sense to return a Labor candidate since Federation. In a tight electorate, in a tight election, this could be the difference in terms of not only an individual seat but which political party forms government. That is the problem. It just will not work in practice.

Mr Allan Morris—I would suggest that all those things apply to the supplementary election that follows. If it is a tight election, then the whole thing changes. If you get a whole stack of new candidates, as occurred in Newcastle, all those criteria apply equally with a living or a dead candidate.

Senator FAULKNER—No, it is not a perversion, but you do not pollute the electoral process by having a candidate who has died in the field. I am not being—

Mr Allan Morris—I know. I am with you. On this point, though, what I was trying to say was that it was cancelled at 3 o'clock in the afternoon on the day before. The capacity to communicate that to the electorate equally and fairly was not there anyhow. If it had occurred in the first week of a nomination being called, you could well have managed it differently but, given the timing of it, that is why I am suggesting there may be two ways to look at it. At that last moment, people were committed. Most people had actually made up their minds about who they were going to vote for. They would know that, if they voted for the person who was deceased, that would in fact generate a by-election. The options are still equal in that sense. What they are voting for is a how-to-vote that will generate a by-election or not generate a by-election. Whether or not you perceive that, given that we fund political parties and we function the way we do, I think the fact that five per cent or seven per cent of people did not vote at the second election is a distortion of the electoral process. The fact is that people voted twice and people voted for a person who was deceased on the day. I had the same reservations as you did at the start but, on thinking it all through, I think all the same things apply at the supplementary.

Senator FAULKNER—Don't you think you are looking at this too much through the prism of Newcastle? I do not blame you for doing that, as a diligent and hardworking member there, but there is more certainty to the electoral politics in Newcastle than in many other seats of the Commonwealth. As I said, that has actually been proven over the past 98 years rather effectively.

What we would have to do, and what government and parliament would have to do surely, in terms of the Electoral Act, is ensure that the legislative response to this circumstance and the constitutional response—which is a massive problem with the second element of the

consideration in relation to initiating a by-election or a new election—are matters that one has to fall back on in general principle and in an imperfect situation. You are quite right to point out to us all the difficulties, disadvantages and problems with this.

I understand them. I understand a little about them also as a Senate candidate in the same election. Nevertheless, surely the parliament has to look at this from a broad perspective and fall back on general principles in difficult circumstances that no-one would wish on the individuals concerned—as you say, the political party concerned, the deceased candidate's family, the electors of Newcastle or, frankly, those who want, as we all do, to see an election result on the night of the election.

Mr Allan Morris—If the general election on 3 October had had a one-seat majority either way, what would have happened in Newcastle on 23 November? It would have been just as distorting, just as—

CHAIR—You would have got more press.

Mr Allan Morris—Just as distorting. I suppose, in a sense, it is probably more neutral in a situation of a deceased candidate than a situation of a very tight election result preceding it. I do not think there is a simple answer, to be honest. I am not giving you a simplistic response. My initial response was similar to yours, Senator. My considered response is that, if it occurs very late in the piece, when people have committed their voting for or against governments as much as for individuals, it is probably fairer to let it go ahead. You will probably get a fairer indication of electorate attitudes that way than you will in a tight contest with an extra election seven weeks later when there is a whole new campaign and a new set of things in place.

Mr SOMLYAY—Could someone tell me what happens in the event of the death of a Senate candidate in the same situation?

Senator SYNON—They are replaced by the parliament.

Mr SOMLYAY—They are not elected. They are dead before the election.

Senator SYNON—Isn't the next person on the ticket put in?

Mr SOMLYAY—I do not know.

Senator SYNON—I think so.

Senator MURRAY— I would like to put a proposition that Mr Morris has made through the chair. Before I do so, let me say that Kay Westbury was a particularly nice person. It was a great pity that this happened to her. But, frankly, the candidate has lost interest in the matter once they have become deceased, and it becomes a matter of concern to the parties or to the people who have supported independents. I think we are agreed that the real issue is how close to the election date this happens. I wondered why in your proposition of alternatives you did not put to us perhaps another alternative—that is, if the parties nominating the candidate or those who have supported the independent's nomination agree that the election could proceed as forecast.

I cannot speak for my party on this matter, because I have not discussed it with them, but the Australian Democrats knew they had no chance of winning that seat. If somebody had come to them and said, 'The law would allow the party to allow the election to continue,' my instinct is they probably would have said, 'Yes, go ahead,' because the community as a whole could not have been advised in that time and it would not have distorted the election.

If it had been a major party candidate, it would have been entirely different. I am simply saying to you that maybe if we accept that, within 24 to 36 hours before, there is very little you can do in communications terms unless there are real opportunities to communicate, it may be a safety valve to ask the parties or the independents concerned whether they would let it go through. Any party that saw itself as disadvantaged would simply say no, and you would have the by-election. I just put that to you as an idea.

Mr Allan Morris—Yes, that may be an alternative, Mr Chairman. It is not an easy question.

CHAIR—I was just thinking, as you were speaking then, that the other alternative is if the death occurs very early on in the piece—

Mr SOMLYAY—After nominations close.

CHAIR—after nominations close but still very early on in the piece, there may be some flexibility for a replacement candidate to be allowed to be put in in the event of that—as long as there was still some sort of minimum time period before the election.

Mr Allan Morris—Yes, and that can still work.

Senator MURRAY—I did not mean it facetiously when I said the candidates lost interest in it. They have. I think the interest resides with the party or with those who nominated the independent. I think if there is to be a choice, it should reside with that party or those independents. That is all.

Mr Allan Morris—As it does with the Senate.

Senator MURRAY—And then they may make the decision judiciously. But I will qualify that by saying it has to be within a very short time frame.

Senator FAULKNER—Would you agree, Mr Morris, that the underlying principle here—with all the problems, all the hooks and all the difficulties—is one of integrity of the electoral process? That is the way I would come at it and I think this is the way the committee would come at it.

Mr Allan Morris—Yes.

Senator FAULKNER—I would acknowledge that you have always held that principle dear. Unfortunately, it would seem to me that all the alternatives, which are very well motivated, do have an impact on the integrity of the electoral system. I wonder whether—as I say, with all of its inadequacies and imperfections—the way that we deal with this situation currently, both constitutionally and in accordance with the Electoral Act, is probably not the best of a whole range of imperfect worlds, given that we have this fundamental obligation that underpins our electoral processes of ensuring integrity.

Mr Allan Morris—Yes. But I just assure you that there will be people getting notices and being threatened with fines who actually voted and wondering whether they had to vote again. So whichever way we go the current system also breaches integrity because people did vote in the House of Representatives and the Senate. As far as they were concerned, they had actually voted. The reason a number of the people did not vote at the second election was that they had already voted once. They were turned off; they were no longer hearing things about elections.

Senator FAULKNER—Have you found that the AEC has been sensitive to that particular issue?

Mr Allan Morris—I guess it will be. But I had people coming to me afterwards and saying, 'Gosh, we didn't realise there was a second election. We weren't listening to the radio. We're sick of elections; we're sick of politicians; and we didn't discover until later.' I guess the AEC will be sensitive to it, but what I am saying is that that has breached the integrity because they have already voted once. They expressed an electoral view once in a proper way and voted by post or pre-poll—

Senator FAULKNER—You and I would have an argument about it. I think the integrity of the by-election is maintained.

Mr Allan Morris—It is a different population.

Senator FAULKNER—But we accept at least that the underpinning—

Mr Allan Morris—The integrity then becomes a question of saying you had an election called for 3 October which takes place in 147 electorates and then one is held seven weeks later in which one electorate takes part. To me that is a breach of the electoral process, because the people voting are not part of electing the national government. Newcastle was not involved in electing the national government. They were simply involved in electing a member for Newcastle. That is equally important, I must confess, but it is a breach of the process that we focus on, which is the election of a government of the day.

Mr FORREST—I have some sympathy with what Mr Morris has endured—seven weeks of uncertainty—but I could not accept the first of the propositions you have put about a deceased candidate being elected. It makes a mockery of what we are proud of in Australia: that we have an electoral system where people may be voting for an individual person because they are committed and have changed the party allegiance that they have had for years. Lots of interesting things happen in elections. We need to preserve that.

I note that you have made great comment about the uncertainty that was created, and the difficulty of who makes the decision because we had a caretaker government and no governor in council and so on. Another suggestion might be that we perhaps recommend a mandatory period, which could be seven or eight weeks. I was just thinking what would happen if one of the candidates died at 5 a.m. on the Saturday, because it would not be physically possible to cancel the ballot in time to communicate when the booths open at 8 a.m.

In whatever we recommend to change, we have to cover a whole range of options. One is if the candidate died very early after the nominations closed and another is if they died right up at the eleventh hour. In any circumstance like that where a mandatory period of seven or eight

weeks is set to allow sufficient time for the mechanics to be put in place, the outcome will always be unfortunate. There is your point about people wanting to participate in a national election, but at least the date would be fixed and they could make some arrangements about postal voting and all the rest. What do you think of that as a suggestion?

Mr Allan Morris—Firstly, the question about whether or not you have the election is a difficult one. I did not put it forward with any simplistic view in mind. Most of us would have to do a lot of soul searching about that. But the mechanics of a supplementary election really need to be addressed. Whatever else you might do, I am sure you could improve those, whether it is by giving power to the commissioner or by setting a mandatory period that it be held perhaps two weeks or a month later so that people can at least be aware of the mechanics in terms of their own planning, which is what we got caught by this time. There is a range of choices. One would be to set a mandatory period. Another would be to allow the commissioner the power. In some cases it could be a week later. In the case of Dickson, I think it was a fortnight later. But when people were voting in Dickson for the Senate they knew that they were going to vote in the House of Representatives a fortnight later.

CHAIR—That was in 1993.

Mr Allan Morris—Yes, because the death occurred very early in the process. Those are the kinds of choices that the committee has to grapple with. I am mindful of what Senator Faulkner was saying. That was my initial position. But I have shifted from that after consideration, because I think the election lost its integrity as a national election. Certainly you can improve what is there now. You may wish to avoid the more difficult issue of electing somebody who is already deceased, but the mechanics of it are in need of overhaul at least.

[1.27 p.m.]

CHAIR—I welcome Mr Jim Lloyd, the member for Robertson, to today's public hearing. I remind you that the evidence you give is considered to be part of the proceedings of parliament, and therefore the normal parliamentary rules apply. The committee has received your submission No. 141 and it has been authorised for publication. Are there any corrections or amendments you would like to make to the submission?

Mr Lloyd—No.

CHAIR—Do you wish to make an opening statement before I invite the members to ask questions?

Mr Lloyd—Thank you, Mr Chair. Obviously all members of the committee have my submission. Further to that submission in relation to deceased voters, that issue has been progressed a bit further. I have received a letter from the AEC stating that the people they identified that they thought were deceased and had voted in fact were now alive. That raises a few more questions than it answers, I believe. One of the difficulties we are now having is that, due to the Privacy Act, they will not allow us to know who those five voters are. So we cannot substantiate our claims that they are deceased. That does make it a bit difficult. I just wanted to raise that point in my opening statement. I am quite happy to answer questions.

CHAIR—You are saying originally there were 51 people that you believed were still on the roll and who were, in fact, deceased as at the date of the election.

Mr Lloyd—That is correct.

CHAIR—And you believe that five of those 51 people actually voted; is that correct?

Mr Lloyd—Yes. We were informed by the Australian Electoral Commission that five had voted.

CHAIR—Subsequently they have now said that those five were not dead, that they were actually alive.

Mr Lloyd—Yes.

CHAIR—But you do not know which of those five out of the 51 that they are referring to?

Mr Lloyd—That is right. I have a letter here which I can table, if you like, or just read out sections of it that are relevant.

CHAIR—What date is that?

Mr Lloyd—This is one which you would not have—from the AEC dated 12 April 1999. I will just read out relevant sections:

I refer again to the list of 51 electors supplied to the Australian Electoral Commission by Mr Lance Barrett from my office. The Electoral Commission takes all allegations of fraudulent enrolment seriously. On 12 November Mr Barrett was advised by the then acting divisional returning officer for Robertson that the commission's records indicated that of the 51 electors on the list provided by Mr Barrett, five had voted at the election. I am now writing to advise you that each of the five people in question is alive and has maintained eligibility for enrolment in the division of Robertson. There is therefore no evidence of fraudulent enrolment or voting activity by any person named by Mr Barrett.

Yours sincerely

Francis Howitt

Australian Electoral Officer for New South Wales.

Mr SOMLYAY—Who gave you that list of 51?

Mr Lloyd—That was from my office, working on records that we keep in our office through newspaper notifications of deaths, et cetera. We believe that our records are correct and that those 51 people are deceased. We still maintain and have evidence that, to the best of our knowledge, the five people that the Electoral Commission maintains are alive are deceased, but we do not know which five.

Mr SOMLYAY—Is it possible that there are people of the same name?

Mr Lloyd—It may be possible. That is the difficulty we have in not knowing who those five people are. I respect the problems of privacy but, from our point of view, we cannot check our records, we cannot establish whether we are incorrect or whether the Australian Electoral

Commission are incorrect in what they are saying. There is no way we can back up or check up what they are saying because we are not allowed to know, out of the 51 people, which of the 51 that we believe are deceased were the five that actually voted and now appear to be alive and well.

Mr SOMLYAY—But you can tell from the roll if there are people of the same name as the ones that you selected?

Mr Lloyd—Yes, you could.

Mr SOMLYAY—You have not checked that?

Mr Lloyd—To the best of my knowledge that has been checked. In all our efforts to ensure that we have a correct roll, I believe that there have only been two instances where our office has been incorrect, where there have been people of the same name who have subsequently been alive. We have been working fairly consistently for three years on trying to maintain the integrity of the rolls.

Senator FAULKNER—You do not think the Electoral Commission might have written to these five people and said, 'Mr Lloyd, the member for Robertson, has claimed that you are dead. What have you got to say for yourself?'

Mr Lloyd—I hope they may have written to them in a slightly more tactful way.

Senator FAULKNER—I thought you might have.

Mr Lloyd—Obviously that is how they have established that these people are alive.

Senator MURRAY—You have made an important point, if I may say so, about the process of verification. If somebody fraudulently voted and you wrote to that fraud, the fraud might reply fraudulently. You actually need some process whereby you can independently verify that person as the person concerned. Is that true?

CHAIR—We could possibly ask the AEC what their procedure is in that regard. As you say, if a parent had died, a child could vote on their behalf and then, when they received a letter, they could say they were alive.

Mr Lloyd—If that is their only form of checking, that is one way of possibly continuing to keep the name on the roll.

Mr SOMLYAY—You would not think the obituaries in the paper would be wrong.

Mr Lloyd—One would hope not.

Mr SOMLYAY—Not like birth notices in the *Sydney Morning Herald*.

Senator MURRAY—I do not think we want to put anything on the record about that.

CHAIR—Did you want to comment on the other two points that you raised?

Mr Lloyd—I would like to comment on provisional votes because that was also raised in my submission. I think that that is an important area where the committee may be able to assist in that there was a very large number of provisional votes allowed at the last federal election in my electorate, and I think that was probably because we had been consistently trying to keep the integrity of the roll. We had been taking a lot of mail back to the Electoral Commission and they had written to them. Obviously they had not got a response so their name had been removed from the roll. I understand that if their name had been removed from the roll in the six months prior to the election they were allowed to cast a provisional vote and that that vote was counted.

My concern with provisional voting is that these people have three opportunities to establish their bona fides on the roll. Once we write to them as a federal member and the letter comes back 'Not known at this address', we take it to the Australian Electoral Commission. The Australian Electoral Commission then writes to these people at that address saying that they would like to know if they are correctly enrolled. If they do not get a response from that letter they then write to them again notifying them that their name will be removed from the roll. There are three opportunities over a considerable period of time to establish that.

If their name is off the roll and they turn up, without having to provide any identification or any record of where they are actually living, they are allowed to cast a vote, and that vote counts. I think, at the very least, what should happen with provisional votes is that, if someone claims that they should be on the roll and that they are entitled to be correctly enrolled and wish to cast a provisional vote, they should at the time—or even subsequently, after they have cast their vote—be asked to provide some form of identification to show that they are actually living at that address where they claim to be living. At the moment they do not have to do that.

CHAIR—What increase in provisional voting was there in your electorate from the previous election?

Mr Lloyd—There were approximately 1,500 provisional votes cast at the last election. I do not have the exact figures with me of the previous election, but, from memory, it was several hundred. I am quite sure that there was about a 100 per cent increase in provisional votes. It is quite significant.

CHAIR—We raised this with the Electoral Commission when we had them before us, because my own electorate had a 160 per cent increase in the number of provisional votes counted between the two elections. They will be providing us with some information in relation to that. New South Wales seemed to be quite different from all of the other states. The provisional votes in most of the other states were not dissimilar to previous elections, but there was a huge increase in quite a number of the electorates in New South Wales.

Mr Lloyd—I think there was a lot of work done on the integrity of the rolls in many of the electorates. In many cases, where there were new members—there was a large changeover of members in 1996, particularly in New South Wales—obviously as new members we tend to write to the constituents more than some people who are established in their electorates. I know in my own case at least one letter went out to every single constituent in my electorate in my first 18 months as a member. I think that resulted in a large amount of people sitting on that roll for some time, and that has increased the number of provisional votes as well, I believe.

Having said that, and wanting some further identification with provisional votes, I think it is very important that people be entitled to vote and that it not be difficult for people to cast a vote.

But, as I said, looking at provisional votes, they have three opportunities to establish their bona fides before they actually turn up. I think that there should be some way of making them establish the fact that they live in the electorate.

CHAIR—Subsequent to the election, those people—those 1,500 provisional votes that were counted—are automatically put back on the roll, because they have, theoretically, been incorrectly taken off the roll. Have you noticed any particular pattern as far as return of letters is concerned? They would presumably show up as a new elector or a re-enrolled elector. Do you have any systems within your office to write to those sorts of people, and what was the return mail like as a result?

Mr Lloyd—We do have a system in place in our office to write to new electors in Robertson. It is difficult when you have a rapidly growing electorate, such as mine. We have recently put out a letter to some 1,500 new enrollees, and a considerable percentage of those have been returned: about 300 letters have been returned. At the moment, they are being returned to the Electoral Commission. We will find out what their status is at that time. It was quite significant considering they are supposed to be new enrollees who have just arrived in the electorate, so there is some concern there.

Mr SOMLYAY—How can you tell if they are not people moving from one address in the electorate to another, and if they are not people turning 18?

Mr Lloyd—We do have difficulty in knowing that; we need something that would assist us in telling that. I suspect that a lot of those new enrollees were people who were turning 18. Obviously, there has always got to be a percentage. I believe the return mail of this last mail-out was about 15 per cent. I think that is higher than it should be.

Senator MURRAY—I hesitate to ask this because I think it might make the process on polling day slower than it need be, but one option with computerised rolls, of course, is for the computer to mark the roll where there has been a query, and for that query to be followed up on polling day—face to face—by asking, 'Are you living at this address?' or 'Have you turned 18?' or whatever it is, and tick the appropriate box. Do you think there is an easy and quick way for individual verification to happen at the polling booth on that basis, or would that slow up the process of moving people through the system on polling day far too much?

Mr Lloyd—Under the present system that we have, I do not see that there is any quick and easy way to speed up the process other than having one of the officers at the polling booth designated, as they already do for absentee voting. Obviously if somebody is not on the roll, they move to that person to seek assistance to have the provisional vote cast. I think if you are looking at speeding up the system you really have to start looking at a different or an electronic form of voting which is addressing a whole different area of how we cast our votes.

Senator MURRAY—In businesses, accounts may be listed, and you will have, periodically, a comment against a particular account.

CHAIR—'Bad payer!'

Senator MURRAY—It is an easy thing to do. Do you think that is a feasible option for the AEC to look at in dealing with some of the issues that you have suggested?

Mr Lloyd—I am not sure how the idea would work of actually having a black mark or a question mark against a name on a roll, and saying that this name has been taken off the roll before and put back on, and with business saying 'bad payer'. Do you mark it down as 'dubious enrollee'? As far as I can see—

Senator MURRAY—You might mark it down as 'verify address' or 'verify age' or something of that sort.

Mr Lloyd—I see that the roll should be correct to the best of our knowledge and, really, if there is doubt about somebody being on that electoral roll that question should have already been asked and answered before they are actually put on the roll.

Senator MURRAY—Let us go back to your dead person problem. If somebody dies on Friday and the election is on Saturday, there is no way that that could be picked up. It might not even be picked up seven weeks before, because the process of it reaching the AEC is far slower than the process of you looking in the newspaper. If you raise these kinds of issues, is there a solution or a part solution which may assist, given the easiness with which computer systems can be introduced.

Mr Lloyd—I would see a solution for provisional votes as people having some form of identification. As far as being quicker to establish the credibility or accuracy of the roll is concerned, I think you then have to go to some form of computer or electronic voting to be able to get that information quickly onto the rolls. Again, you are starting to visit a whole different area. Obviously, there will be concerns from other areas in the community about computer voting or electronic voting but, ultimately, that is probably the only way that you are going to be able to get accurate information quickly.

Senator SYNON—In terms of your staff's perceived observation that the AEC is not updating the lists as quickly as you would like, after you get returned mail and then forward it on to the AEC, what is the estimate of how long it takes to be rectified?

Mr Lloyd—It has improved considerably since we first started trying to check the integrity of the rolls. Initially, there was some reluctance or failure to recognise that there was a problem when we started to take letters across to the AEC, but that has certainly been rectified and the staff have been excellent in helping us to help them. The turnaround is not too bad.

Senator SYNON—Would it now be within the three months that you—

Mr Lloyd—In most cases, it would.

Senator SYNON—So that situation has basically been attended to?

Mr Lloyd—Yes. I would like to put on the record that the AEC staff in Robertson have been excellent. They really have worked with us, as we have worked with them, to rectify some of the initial problems which occurred early in 1996.

I was asked earlier about how we verified the 51 people. I have received information from my office since that time saying that once we got the list of 51 people, our records were methodically gone through and verified with death notices in the paper and with any other information that we had. We believe that those 51 people, to the best of our knowledge and to

the best of our research, are deceased. As I said, we would like to establish that we are correct or find out why we are not correct to help us in the future. At the moment we are stymied on that.

Mr FORREST—The issue is not whether they are deceased or whether their names are on the roll—the opportunity has not been taken to take them off. The issue is if they are deceased and they voted. That is the thing we have got to protect—that there is integrity in that. In relation to having a system to keep the roll up to date, I work very well with my local officer too. We worked so hard before the last election. We thought we had it right, and out went all my letters and they still came back. The return rate was 10 or 15 per cent. That is just trying to keep up with a mobile population. But the real issue is to make sure that dead people do not vote. That is what we have to protect.

I want to make an observation. At the last New South Wales state election, I did some duty on booths, and people were walking up with a bar card system that gave them their identifier. What do you think of that—without revisiting the whole issue of the Australia card or anything like that? That is one way we could do it. In this modern day of smart cards, it would be very easy to do something like that.

Mr Lloyd—I did notice in the New South Wales state election that they were starting to head in that direction and, in fact, they did send out a voter card to every person. It was not clear in the instructions whether or not you were to take it to the polling booth. It was used—apparently quite usefully—if you were not voting within your own electorate. Most people did not take it along to the polling booth, from my observations, but I think it is a step in the right direction and a voter card with a bar code on it is something that should be looked at.

There has to be an alternative as well. I would hate to see the situation where because someone had not received a voter card—or they had left it at home, or they had gone to the beach, wanted to vote in their swimmers and did not have their wallet on them—their vote was denied. I think there should be an opportunity where they could cast their vote and then establish within a few days of that that their address is at that particular electorate.

CHAIR—From my recollection, New South Wales has been using a thing like that for some time. I remember quite some years ago they sent out a voter card. It is basically to inform people what electorate they are in, because a lot of people, particularly in city areas with changing boundaries, are often unclear as to which electorate they are in. It is more to establish that, but I noticed a number of people taking them as well. Mind you, I do not recall receiving one this last time. I did not have one personally. Have you got any last questions?

Mr SOMLYAY—Was there any anomaly with postal votes with any of these 51 people who applied for them?

Mr Lloyd—Not that I am aware of.

Mr SOMLYAY—Just one last thing. Do you think it would be useful, when we are notified by the Electoral Commission on a monthly basis or whatever of the changes in the roll, if they indicated to us whether the people are transferring from another electorate, whether they are new enrolments turning 18, whether they are new citizens or whether there are changes of address within the electorate? If that could possibly be done by the commission when they notify members of the change in the roll, would we all find that useful?

CHAIR—Yes. I agree with that.

Mr Lloyd—Yes. I certainly would find all of that information particularly useful. I think all members and senators would find that information particularly useful. One of the difficulties we have in trying to communicate with the electorate is not knowing their ages or whether they are transferred in. It is all very well to send a letter to an 18-year-old advising them that we can help them with their old age pension or their retirement benefits, but it really does not make a lot of sense to those people and I think, in many ways, it does not help establish the credibility of the parliamentary system. I think the AEC can help us do that, because that is an important part of the democracy in Australia. It is sometimes overlooked that there is often the perception out there that politicians do not know what is going on or do not care about their community. To send an 18-year-old who has just enrolled a letter which may indicate that we are talking to someone who is 50 or 60 or 70 years old does not help with our credibility in what we are trying to communicate. Yes, I support your comments, Mr Somlyay.

CHAIR—In the previous parliament, in the report we recommended that salutation, sex and age, I think—

Senator MURRAY—Did that go through in the last bill?

CHAIR—No. I think that might still be in a bill. Maybe it has gone through in this most recent one.

Senator MURRAY—I thought it had in the most recent one.

CHAIR—It may well have. I have not checked that. That was certainly one of the recommendations. I thought that there was a difference shown on new enrollees—whether they were new enrollees or whether they were transferred from another division.

Senator MURRAY—We are certainly advised.

CHAIR—I am certain we are given that information. That is provided, whether the person is actually a brand new enrollee or whether they have transferred, but I am not absolutely certain on that.

Senator MURRAY—That is true. I write to new voters, so I am advised of any new voters.

Mr Lloyd—I am not aware of the difference on the list that we have. My understanding was, if they transferred into my electorate from outside or they were new enrollees, it was all in the one list.

CHAIR—Actually, I think you are right. They are lumped together, but a transfer within your electorate, a change of address—you know those separately. You do not write to them as a new enrollee?

Mr Lloyd—No, that is my understanding.

CHAIR—That is true. So you would be writing to them as a new voter, but they have either turned 18 or just become eligible to vote in whatever other way, or they have transferred from another division and they are given the same category.

I think we had better close the hearing. Thank you very much for your attendance.

Resolved (on motion by **Mr Somlyay**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 1.55 p.m.