



COMMONWEALTH OF AUSTRALIA

**JOINT STANDING COMMITTEE ON
ELECTORAL MATTERS**

Reference: Conduct of the 1996 federal election

SYDNEY

Monday, 23 September 1996

OFFICIAL HANSARD REPORT

CANBERRA

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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Conduct of the 1996 federal election

SYDNEY

Monday, 23 September 1996

Present

Mr Cobb (Chair)

Senator Conroy

Mr Laurie Ferguson

Senator Minchin

Mr McDougall

The committee met at 9.15 a.m.

Mr Cobb took the chair.

CHAIR—I declare open this third public hearing of the inquiry into the conduct of the 1996 federal election and matters related thereto and welcome the witnesses and others in attendance. I remind you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the Senate and the House. The deliberate misleading of the committee may be regarded as a contempt of the parliament. The committee prefers that all evidence be given in public, but should you, at any stage, wish to give evidence in private, you may ask to do so and the committee will give consideration to your request.

Welcome, Dr McGrath. We have received your submissions which are now publicly available. Are there any corrections or amendments to those submissions?

Dr McGrath—No.

CHAIR—Would you like to make an opening statement before we proceed to questions?

Dr McGrath—Yes, I would. Before this committee, on 15 August last, Mr Maley, spokesman for the AEC, sought to discredit me as a witness and thereby to influence the judgment of the committee on my forthcoming evidence. He said there had been a misreading of the Commonwealth Electoral Act, implying I had misread it. In truth, Mr Maley misread my submission on division-wide voting. He quoted the phrase 'an unauthorised and illegal policy of the AEC' out of context.

The substantive arguments of the submission were: that subdivisions were de facto abolished in 1984 by the failure of the new AEC to publish subdivisional rolls as required by section 82(2), without any due parliamentary process and without any knowledge by the 1983 joint select committee; and that such abolition destroyed the electoral system chosen in 1902 as the best for honest redistribution and defence against fraud by the chief legal and electoral offices of the consenting states.

Mr Maley argued that this administrative disappearance of subdivisions was authorised and legal by virtue of two 1983 amendments to the act: section 79 and subsection 4(4). I argued that these were rendered ineffective by virtue of the fact that amendments of section 82(2) and (3) and sections 93 to 105 were not made, leading to unauthorised and illegal consequences.

Section 79 supplanted a clause which was mandatory on the Electoral Commissioner 'to divide each division into subdivisions,' with one that was facultative allowing him henceforth 'to divide a division into such subdivisions (if any) as specified.' The Australian Electoral Commission, created in 1984, construed this as a mandate for the disappearance of all existing subdivisions in one fell swoop.

Subsection 4(4), a new definition of divisions, appeared inconspicuously in the forefront of the act under 'Interpretations'. It provided that 'Where a division is not divided into subdivisions, a reference in this act to a subdivision shall, in relation to a division, be read as a reference to that division.' This purported solution, created by the fact that the act was riddled with references to subdivisions dependent on section 82, was manifestly a ridiculous farce.

If section 82(3) is read in terms of subsection 4(4) it becomes plain nonsense. The result is 'All the division rolls for a division shall together form the roll for the division.' Therefore, a divisional roll can have no existence, since it is only defined as the sum of subdivisional rolls and cannot be formed if there are no subdivisions; since there are no subdivisional rolls, an election cannot be held.

If areas of sections 93 to 105 are read in terms of subsection 4(4), Gilbert and Sullivan-esque problems arise. For example, section 94 on the overseas elector sets out, as any lawyer knows, the characteristics which such an elector must have before becoming entitled to vote. One essential condition to be an overseas elector is that he or she must be 'enrolled for a particular subdivision of a division.' He or she does not fit that description if enrolled for a 'division' or a 'division of a division.'

Section 101 defines certain offences under the act and the penalties to be imposed. All of these offences relate wholly and solely to subdivisional rolls. Therefore, since criminal charges demand absolute specificity, charges and indictments for criminal offences can only be based on said subdivisional rolls and can only be valid under section 82(2). The fact that there are now no subdivisional rolls makes a travesty of the whole section of penalties. In fact, it makes it ineffective.

Mr Maley argued that subsection 4(4) justified the administrative disappearance of subdivisions in that it 'removed any general legal obligation for divisions to be subdivided.' It had not, however, removed the moral obligation of observing due parliamentary process before doing so. Such due process was not observed. No proposal to do away with subdivisions was in the large package of reforms before the 1983 joint select committee, only to substitute ordinary for absentee voting by electors 'for the subdivision of their enrolment' within existing divisions.

Even this more minor change was vehemently opposed by coalition members of that committee, which was perhaps why they were not given copies of the draft act in which the facilitating subsection 4(4) had been subsequently inserted before it was rushed through parliament in December 1983. The absence of any consequential change before the committee relating to the many clauses referring to subdivisions would, in itself, have lulled any suspicions among those coalition members arising from section 79 which was presumed to refer solely to newer, or special future, divisions such as the Northern Territory, not to removing subdivisions by executive legerdemain.

The purported rendering of many substantive requirements as to subdivisions by the

device of section 79 coupled with subsection 4(4) was a backdoor approach to drastic change of our electoral system—backdoor because it sought to repeal substantive sections without an open and clear intention to repeal. The failure to do so means the commissioners are not in all respects complying with their own act. In any case, the interpretation relied upon by Mr Maley is flawed because the discretion to subdivide under section 79 is not a discretion to un-subdivide—that is, to do the opposite—so as to avoid the mandatory requirement of section 82 and thereby to distort the entire process of proper redistribution. Therefore, I contend the act is still founded on the principal subdivisions which should be regazetted to restore consistency with the whole act.

CHAIR—Thank you for that. We will now move to questions, and possibly start with questions on the subdivisions.

Senator MINCHIN—Thanks, Dr McGrath. I wonder if you could just confirm that it was the prerogative entirely of the Electoral Commissioner to designate subdivisions. Was it done entirely by the—

Dr McGrath—No, I have just pointed out in the last paragraph that he had no power to do so. He only was—

Senator MINCHIN—No, historically—

Dr McGrath—I beg your pardon.

Senator MINCHIN—Pre-1984, it was the commissioner or his predecessors who actually determined the size, shape, boundaries, and everything, of subdivisions. That was a prerogative entirely within the power of the commissioner or—

Dr McGrath—Under the prescription he had to divide them into subdivisions. But it was usually an augmented commission—wasn't it—with the statistician or whoever was responsible—

Senator MINCHIN—I am not sure. Pardon my ignorance, but I am not sure whether subdivisions were drawn up by the redistribution commissioners—

Dr McGrath—Always.

Senator MINCHIN—Or simply by the Electoral Commission itself.

Dr McGrath—I could not swear on a stack of bibles but, to my knowledge, it was an augmented situation involving other experts.

Senator MINCHIN—It was by what we now call a redistribution commission.

Dr McGrath—Yes.

Senator MINCHIN—Presuming that we were to go down your path and reinstitute subdivisions, you would be recommending—because the act seems silent on it at the moment—that that be a matter for the redistribution commission to determine, not for the commissioner himself?

Dr McGrath—Yes, absolutely.

Senator MINCHIN—What criteria do you think are important for the establishment of subdivisions? There does seem to be some debate about subdivisions being just precincts, just one polling place for a subdivision, of about 500 people. On the other hand, as the commissioner has been saying, subdivisions got to the point where they embraced 10,000 voters and really lost their point. They were so big as to be not really serving the purpose for which they were originally designed anyway.

Dr McGrath—I always prefer to quote experts, not myself, as far as possible. The two Electoral Commissioners, past and present, of New South Wales, which is a state which has a lot of purported fraud, in 1989 recommended precinct voting after exhaustively looking into the problem. In fact, the then Premier, Mr Greiner, was going to institute it. It was regarded as the best solution.

The Australian Electoral Commission itself, as quoted in my submission, said that they saw no reason why locality voting should not be introduced. They had the equipment and means to do it. It might need a bit more money in the first instance. They nominated locality voting as the preferred option.

Senator MINCHIN—You could have precinct voting for the purposes of minimising fraud if you wanted to, without going back to subdivisions, couldn't you? Or do you think the two are absolutely and utterly interrelated?

Dr McGrath—I think they are absolutely coincidental for other reasons, which have been cited for a hundred years, in order to make the system more accessible to the public. At the present time scrutiny of the electorates is almost impossible, as I found out when I was trying to do it. It is no longer an open, transparent system.

Senator MINCHIN—What would you think would be the ideal upper size for a subdivision as far as number of voters go?

Dr McGrath—I cannot answer. I can only quote the original founding fathers. They thought 2,000. After that they were getting a little bit too big, but that is not really my expertise. Mine is only to point out problems of the existing system.

Senator MINCHIN—There are a couple of difficulties with reducing the size of locality voting. One is that you increase the number of absentee voters, particularly in the modern era with modern transport. The other is that in a town of, say, 5,000 or 10,000,

dividing the town up could create some confusion. There may be some practical difficulties—that is all I am floating with you.

Dr McGrath—I say there are two answers to that. It did not trouble them in the past—Melbourne and Sydney were much bigger than that—and the absentee vote is only 0.7 less now than it was in 1983. I looked at those figures. I think that argument is a furphy. The New South Wales commissioners I have just referred to said that the reason that they recommended locality voting was that 90 per cent of people voted in the same place. The Australian Electoral Commissioner himself has said the same thing about the number of votes in the same place. The question is whether you distort the same system for 10 per cent.

Senator MINCHIN—Sure.

Dr McGrath—Another point that has just come to my mind is that it may be worth while designating special conditions for rural areas as I recommend in my postal voting submission. We have had this conflict between the two types of areas since the beginning of time.

Senator MINCHIN—The Electoral Commission always says that this argument about subdivisions is old hat because with optical scanning you can detect multiple voting instantly and therefore any purpose that used to be served by subdivisions in minimising the extent to which people voted more than once is now gone, thanks to the wonders of optical scanning. What is your response to that argument?

Dr McGrath—I think I answered that in one of my submissions. Again, they have defeated their own argument by the submission on voter identification on enrolments and voting. They nominated 10 means of defrauding voting systems but voter identification could only detect fraud in one of the 10. Therefore there are nine means of fraud that they cannot detect. That defeats their own argument. The second point is that multiple voting is always defined by the Australian Electoral Commission merely as multiple. They never distinguish dual and multiple. There is a huge difference because, in the case of a recent state election, Ian Dickson, the Electoral Commissioner, said one man voted 19 times. In fact, he had a public statement asking for a move towards locality voting because of the degree of fraud in the state election. I think it was quite considerable in at least half a dozen electorates and this was the Electoral Commissioner himself going to print on the point.

In the figures given from 1987 to 1990, multiple voting increased considerably to 15,000; there could be no answer found for 5,000 whatsoever. They merely have to say, 'We didn't do it.' So the means of proof are flawed because, if they say they did not do it, you cannot do anything about them. As I have said, the penal clauses are ineffective. This is recognised by the Australian Electoral Commission and it rarely pursues them. That may be a matter of budget and staff—I do not know—but that is the fact. To assess multiple voting it has the second criterion—which is also, I think, inapplicable in dealing with this argument—and that is that they are only dealing with multiple voting in one name. They are not dealing with multiple voting through a panel of fictitious names or any other means which are

nominated by the commission itself in its 10 means.

ACTING CHAIR—Would you like to put on record why you think that going to subdivisions and precinct voting would actually minimise the other areas of potential fraud?

Dr McGrath—Yes, because I think the electoral system is seen as a thing run by the Australian Electoral Commission. Having been brought up in Canberra, I think they have got a Canberra outlook and it took me a while to escape from it. The fact is that the electoral system is recognised in England and America as being a grassroots organisation—this is where we come to the problem of centralisation of the Electoral Commission—and it is recognised that electoral systems must run with the cooperation of the neighbourhood. In England, they have street walk rolls. I was there when they were doing the annual enumeration last year. I own a flat there, so I know what the system is—I am an eligible voter there. They put up notices everywhere, as they used to do here, that tell you to look at your courtroom, your library or at the roll. They can see that, if they live in street A, if 15 people suddenly appear in a block of flats in street A, they know perfectly well that they do not live there.

So I think what needs to be looked at is the restoration of honesty and transparency to the system. When I went to look for an electoral roll in the state library it was on microfiche and it was state wide; it was the only one they had. The ones in the local office that are printed are nearly a year out of date. When I looked in Goulburn Street, the one for Macquarie, which I wanted to look at, was missing. There are problems; it is inaccessible. In recent times, I believe it has been based on maps. Once you do away with subdivisions, you get to the redistribution problem. I can mention that in a minute. You cannot get the maps on which the boundaries are now based. So, even if a very eager beaver wants to find the tools to check the rolls it is almost impossible.

CHAIR—To go back to the 10 areas of possible fraud you mentioned earlier, would subdivisional or precinct voting eliminate, in your opinion, all of those or just some?

Dr McGrath—I have not checked it point by point because we did not have much time to prepare for this committee—I think you have come on very quickly. Could I refer to the redistribution issue again because that really is linked with this issue. Subdivisions were seen essentially to deal with redistributions because they were pieces of jigsaw puzzle that people like myself or the average elector could put together. They knew from the rolls because up to about 2,000 people saw them when they went to vote—you could only vote in one or two places until late 1984.

The problem is that redistribution now is based on principles that nobody knows. Before you knew it was based on moving one subdivision to another division, or splitting it, but now nobody knows the rules; it is not transparent any more. It is now based on research that is the prerogative of the Australian Electoral Commission. That research is not available. It is based on voter patterns and other criteria because they have, in their documents, dismissed the usual criteria of geography and community of interest. There is a whole long document on this. It is a moveable feast for which nobody has the standards.

If you are going to restore subdivisions—small ones—or even locality voting as exists in America and England, then it would be possible that a number of devices that are used now would make some things more obvious. I know people who are very well known who have transferred to the Blue Mountains for three elections and then transferred back in order to make their votes more effective because they live in the eastern suburbs. The subdivision roll is small enough to consult very easily, but have you tried the state wide ones?

Mr LAURIE FERGUSON—I did not quite follow the distinction you were making between what you call 'dual' and 'multiple' voting and how that means that the scanning fails.

Dr McGrath—Yes. We got away from the scanning, didn't we?

Mr LAURIE FERGUSON—Yes.

Dr McGrath—I might point out that submissions and documents were not available in Sydney at all in past elections and I had to go to Canberra each time to read them. Optical scanning only picks up multiple voting; it does not pick up the nine other means of fraud.

Mr LAURIE FERGUSON—I thought earlier that you made a distinction when asked by Senator Minchin about what we would see—

Dr McGrath—They would both be in the same name, so they would be picked up. In other words, they do pick them up—that is the 15,000 cited—but that is all it picks up. I am glad that you have raised the point because the Australian Electoral Commission constantly argues that that therefore disposes of the problem of fraud. But it does not—it only picks up voting in the same name. Dual voting is if you do it once: your name, and once again. Multiple voting is the 19 times that Ian Dickson mentioned, whereby he said that it was such a big problem he was drawing public attention to it.

Mr LAURIE FERGUSON—You are speaking of someone voting in 19 different names, are you?

Dr McGrath—No, the same name.

Mr LAURIE FERGUSON—So that would be picked up by scanning?

Dr McGrath—Yes.

Mr LAURIE FERGUSON—I understand that part of the theory behind subdivisions was that people basically were known locally and, therefore, there would be a factor against them impersonating and—

Dr McGrath—That is rightly brought forward but I do not think that has got much to do with it. I think that it is more to do with exhibiting the notices and telling people where

they can go and check the rolls and go through them at leisure. It is not going to be at booths picking up people coming in and out so much. But there is the issue, of course, of multiple booths—and this was cited to me about the Mackellar election by somebody who was there and who did see people coming into the same booth and voting under different names. They were different names, but there was not much that he could do about it because they were gone by the time he had reported it. But I think that if they went to 30 different booths—and I believe that one electorate has 104 booths—it could only be picked up by optical scanning if it were in the same name.

Mr LAURIE FERGUSON—The committee has had provided to it the multiple voting by division figures at the last election, and you might posit that the people that are really expert at this do not get caught and that it is all subterranean and these are just people that make mistakes. But I say to you that if there is any trend whatsoever one would find that perhaps most of the multiple voting occurred in very safe seats rather than marginal seats. You are pointing out to us a possibility—

Dr McGrath—No, what I did was point out that the Electoral Commission had given nine different means by which it was occurring which they themselves could not check. So I have to throw this back into the argument. Also, I have learnt information about microwaving of postal votes and all sorts of means used and declaration of votes. And there is also the fact of votes being taken away, thrown out during counting, which would not register by any means or any principle of checking.

Mr LAURIE FERGUSON—So ballot papers are being thrown out despite scrutineers being present.

Dr McGrath—If ballot papers were thrown out by anybody in the electoral process on polling day, if they were microwaved and thrown out by people in postal exchanges when they discovered they were Liberal votes, they would not be discovered by the way it is structured at the moment.

Mr LAURIE FERGUSON—I will just go back to the point I was making, that the figures that we have been provided by the AEC on those detected multiple votes—and I stress detected because there is a possibility there are many more others that are not found—they do not seem to put any trend of concentration in marginal seats. One of the highest was Blaxland, which is not exactly a very marginal seat. Fowler was a very high one. There does not seem to be any trend to the concentration of the detected ones at least—

Dr McGrath—Yes, but I think what you are doing is relying on the accuracy of the Australian Electoral Commission's own reports.

Mr LAURIE FERGUSON—That is correct.

Dr McGrath—They were defeated by conducting an audit of six electorates in 1988 when there was such a furore about the 1987 election. Their own audit proved that they could

not honestly advance that any check they did with the normal means other than audit was accurate. The average inaccuracy was 450 throughout six seats, which could have subverted the result of any election, because sometimes it is as low as 40, or even one once.

Mr LAURIE FERGUSON—So we cannot rely on these AEC figures given to us?

Dr McGrath—No, I do not think you can. This is one of the problems, that we are totally reliant on one centralised body which is auditing itself and its own operations. I have mentioned in my second submission that it was found in the old union days, with which I am familiar, that the more an organisation was centralised, the more difficult it was to audit any of its operations. Even in principle, if its audits are perfectly honest, I do not think it should audit its own operations.

Senator MINCHIN—Can I just point out to Laurie that those figures are actually not detected multiple voting but admitted multiple voting where the voters have admitted to it.

Dr McGrath—That is true.

Senator MINCHIN—And we know that most people do not actually admit to it.

Mr LAURIE FERGUSON—Have we been given detected ones?

Dr McGrath—Can I bring another factor in here? You are using the check on Gilmore, the check on Macquarie and so on. For my book, they are very flawed.

Senator MINCHIN—In 2.16 and 2.17 those are admissions, in other words, where people admit that they multiple voted. We know that in most cases they get challenged and they do not admit that they are multiple voters.

Mr LAURIE FERGUSON—I take your point. I would have thought we would have been provided with detected figures by the AEC. That is what I assumed it was.

Senator MINCHIN—We need those.

Dr McGrath—One of the problems is that return to sender mail is intercepted, so it has to do with the inability of anybody to interrogate the roll. The Australian Electoral Commission could go and do its survey of Gilmore and Macquarie and nobody in the Liberal Party or the National Party can check what they are doing, because they cannot interrogate the roll. The return to sender mail gets intercepted anyway; that is an old dodge. So you have factors corrupting the process anyway.

CHAIR—Just explain what you mean by the return to sender mail being intercepted.

Dr McGrath—One obvious means, if I were doing ballot rigging, would be to put a lot of fictitious names on the roll and then have the addresses at the houses of the people in the

party or whatever group that supports your side. Habitation reviews cannot pick them up, you are totally dependent on the person at the door. In any case, I have only seen two habitation reviews in 40 years; they are not regular. The problem is that you are reliant on them and when the mail goes out those people do not send it back. I was told by a postman that a lot of the addresses are post boxes or corporate boxes. They go around and take the things out, so the names are not available. There should be another means of interrogating the roll, like the limited vote tracing which New Zealand has.

Mr McDOUGALL—Could I move slightly sideways there. You are talking about identification of people in their habitat. You raised the question in regard to identity for enrolment. How would you see that improved to be able to possibly stop some of these problems?

Dr McGrath—The interesting thing is, now that I am in this field, everybody says to me that they want identification of voting—that is the Joe Blows in the street. They are sufficiently disturbed to demand that and that is a popular demand. It is so patently obvious to everybody that we should have identification.

Mr McDOUGALL—How would you see identification in enrolment working? You would have to validate the existing roll and then put in a system for going on from there.

Dr McGrath—The Canadians, as you know, do this just before every election. In between, they do not have a continuous roll. Mr Cundy, who made this very honest and courageous report in 1989, said that he thought we should have the same system. To be keeping up a continuous roll is extremely expensive, taxing and a high road to fraud, because nobody can check it all the time. There is no means of checking.

When the enumeration is on, they ask for the identification. They go to the house, et cetera, and it is a sort of habitation review combined with that. They use professionals. They do not use unemployed casuals to do it, they use retired professionals, honourable people, the sort of people who have worked on oath. They were the sort of people they used to use to authorise your electoral claim. They were people who, shall we say, had to answer to the state under oath for their office, so they could be expected to be more honest.

Mr McDOUGALL—If we take that step a bit further and you did have that identification for enrolment, do you feel there is a need for identification at the polling place?

Dr McGrath—I think there are problems with it. One thing on which I agree with the Australian Electoral Commission is that I think it should be one step at a time because you might have such a muddle the first time. Eventually, I think people would accept it because there is a popular demand actually for both, as you are probably aware. I have not gone so far as considering the second step. But identification is clearly terribly important.

But again, if you have small rolls or locality voting, you have a built-in identification anyway, because if you have only got 2,000 or fewer people at a terminal, if you are

computerised, or if you are at a desk, it is going to show up more if there are a lot of shonky names getting on that shorter roll. When you have got a big roll this thick, it is just physically more difficult. If you reduced the rolls, voter identification might be a thing that could be looked at.

CHAIR—Just to be clear on that, in a town of say 10,000 are you saying with your 2,000 or 3,000 that you would have three, four or five different officers checking the sections?

Dr McGrath—Yes. I have always been urban, and that worked perfectly well in the eastern suburbs. You might go to a wrong hall and they would say, 'No, you are not here, you are up there' and off you went. People did not worry about it. I do not think you can make predictions beforehand about the public because I call that elitism and it is an approach where you are trying to predict how the public are going to react.

Senator MINCHIN—Could we just deal with this question of cleansing the existing roll, because it is possible that we could recommend to the government some form of identification requirement for new and changing enrolments and bring that in. But what do you do about the millions that are already there?

Dr McGrath—The dead wood?

Senator MINCHIN—I notice in your submission you talk about some sort of national cleansing, but I just wonder how that would actually work in practice and how a government could actually—

Dr McGrath—Do you know why it came to that? My father was Director-General of Health in Canberra and they had a problem with diphtheria, a really catastrophic thing. On one day they immunised the whole of the Australian population, which is what they could still do if a good argument was put up for it. I honestly do not think you should have a plebiscite or referendum about a republic until the roll is totally cleansed because of the deadwood that is on it.

Senator MINCHIN—How would we administratively and mechanically do that? Do you mean everybody—

Dr McGrath—You do it on the day of election.

Senator MINCHIN—We have compulsory enrolment and presumably we keep that. So they are required to be enrolled. What are we actually going to do? Will we require everybody to re-enrol over the course of a six-month period or something? Do people go to the division office and—

Dr McGrath—No, it would have to be tighter than tight. They do in Canada, they accept that, and they do in England.

Senator MINCHIN—Can you tell us briefly what happens in Canada?

Dr McGrath—In Canada they are all enrolled in a matter of days. Rod Cundy could tell you. They do in England. In October you have to go on certain days—

Senator MINCHIN—Does everybody go to the local electoral office to enrol before every election?

Dr McGrath—Yes, or they come back and check you three times in England. There is also a thing known as a proxy vote. You can also lodge a proxy vote if you cannot get there. They do not have postal voting in these countries. You lodge a proxy vote for someone to vote for you. I could have done that. It works in other countries. The compulsory thing can be put in inverted commas because 10 per cent never observe it, which allows people to vote in their names.

Senator MINCHIN—The enrolment issue.

Dr McGrath—Yes. You would have the same 10 per cent not turn up. There would not be much difference, would there?

CHAIR—You say you have some concerns about the enrolment software in the tendering process in particular.

Dr McGrath—Yes, I have been very disturbed about that because, when I was writing the book, I wrote to America. Let me start one step back. They do not have national elections in America and they only have local elections in England, so the result is the national level observes the standards. Roy Saltman runs the standards thing for the US Congress, which is an advisory service available to local and state elections. He sent me back his books on it. I was alerted also to the article in the *New Yorker* of 28 November.

Roy Saltman sets down the standards which must be observed and none of them are observed at present by the Australian Electoral Commission. The senator will know that I went up to see him to know if anybody could tell me what the system was. He said, 'No, nobody could.' I find this outrageous. This is one centralised body that conducts the entire roll for the entire country and there is no audit system. Who guards the guardian?

The audit system standards are laid down by Saltman; they could be obtained from America. None of them are observed here. On the night of counting, I understand—I do not know whether it is still true—that the count goes through two terminals before it reaches the tally room—two terminals in Canberra, which are not isolated—and that is one of the conditions.

As far as the roll goes, I notice that they have recently—and earlier—been tendering out the actual keying in of the roll. I could not even find out who the roll was tendered to. I feel the joint standing committee should always have this information, or you should have an

internal audit body within the parliament to whom these things must be submitted. These people had the roll and it is the very thing they will not allow in America. Have you got total guarantee that the government of the day will not select a tenderer?

The original optical scanning scheme in principle is bad, and with the original optical scanning scheme, as you know from my book if you have had time to read it, half the copyright was given to this company that was registered in Switzerland. As it turned out it was passed on to them. The tendering process did not go anywhere near parliament or anybody else. Is this right for the body that needs more audit than any other body in government, the guardian of our democracy? Do you want me to say any more on that?

CHAIR—I think I have enough.

Senator MINCHIN—Could you put on record your views on how what you call 'limited voter tracing' would work in practice and how it would materially contribute to minimising fraud in voting?

Dr McGrath—The scheme originated with Henry Chapman who had been a Canadian judge and lawyer. Up to that time, although a secret ballot had been a demand of the Chartists and everybody, nobody could devise any laws. He devised the laws. This was that the electoral number would relate to the vote. Also, in England they have a—

Senator MINCHIN—So every elector has a number, pre-ordained, and it is on the roll?

Dr McGrath—Yes, that is right. And that would be on the vote.

Senator MINCHIN—So what happens—you come in, you get a ballot paper and the number is written on the ballot paper?

Dr McGrath—No, it was on the stub.

Senator MINCHIN—On the stub?

Dr McGrath—That is right. In England, they have a special punch locally—it changes with each locality or electorate. South Australia did not adopt that system at first. But all states except Tasmania eventually adopted that system. That is what I mentioned and I think Mr Maley was wrong about it. It was there in 1900. All states had it, so it is a traditional system in Australia. In 1870 it was adopted in England because it was said to be the best to prevent fraud and impersonation.

The point was that the onus of proof was on the electoral authorities themselves. At the moment, it is adversarial. The unfortunate candidate who loses has to spend \$100,000 to try and do all this research and then he cannot even interrogate the roll or the vote—not even the judge can. But in this system the electoral authorities oblige themselves to get the votes

out and look at them. The man who is the secretary of the Association of Electoral Registrars in England—600 registrars—explained to me how it had worked in the Hammersmith by-election. They were able to sort them all and work out the result without anybody paying a penny.

CHAIR—So each person who is on the electoral roll has one dedicated ballot paper for them, and one only.

Dr McGrath—Yes.

CHAIR—Which means you can only vote locally at one booth and one booth only. If you vote outside that area, it is absentee? Is that correct?

Dr McGrath—But also you can correlate the vote with the person.

CHAIR—Is the number on the butt also on the ballot paper?

Dr McGrath—Yes. You can put the two together.

CHAIR—Doesn't that open it up to someone being able to look up your number and look up how you voted?

Dr McGrath—No. There was a case about that later on; they tried to open it up and it was closed again. It has to be by order of a judge in a court and under the Clerk of Parliament. At the moment, with optical scanning introduced, as you know, God knows where the certified lists have gone. They do not go to the Clerk of Parliament any more. In England, they have to go to the Clerk of Parliament, they are kept in parliament and only released from there, by the order of a judge, for scrutiny.

CHAIR—So scrutineers would have, for example, no access to your number—

Dr McGrath—None at all.

CHAIR—So if 1154 comes up on the count, they would not have any idea who that number was?

Dr McGrath—No.

CHAIR—So you are saying there is a 100 per cent guarantee of someone else not knowing how you voted?

Dr McGrath—I do not know whether you can have a 100 per cent guarantee in an election involving 12 million people. The New Zealanders use it and three major democracies in Asia have it as the best system. The UK copied it as the best and still have it, and are very satisfied with it.

Senator MINCHIN—How does it stop fictitious names being on the roll? If the fictitious name has a number and someone votes in the name of that fictitious person, the vote is validly cast. It is not going to prevent that, is it? What is it actually going to prevent? How do you use that to challenge an election successfully?

Dr McGrath—I think you have got to keep in mind the precinct voting and the small rolls. It is a combination that existed. They only did not adopt in the Commonwealth in 1902 because they believed they were going to have precinct voting. The two are considered correlated.

Senator MINCHIN—So where is this in the hierarchy of things to do to fix the system?

Dr McGrath—Precinct voting and limited vote tracing would be the deterrents; making it more difficult is the immediate objective. New Zealand adopts it. But in order to protect the secrecy they gummed it over in Victoria.

Senator MINCHIN—Gummed what over?

Dr McGrath—So that you could not see the number. They turned the flap over and gummed it down so you could not see the number.

Senator MINCHIN—On the stub or on the paper?

Dr McGrath—On the paper. And New Zealand have now put a little black strip on the number so as it goes through the scrutiny, it actually is concealed. That answers that part, I think.

CHAIR—What scrutiny is that?

Dr McGrath—When it is being counted. Then you would have the black strip on it, in New Zealand.

CHAIR—But wouldn't that be laborious?

Senator MINCHIN—Where is that put on? Is that when you are issued the paper?

Dr McGrath—Yes. It is just like putting a sticky spot on. It is more laborious to do a full investigation of an electorate if you think it has been rorted.

CHAIR—I thought you meant that it is done when it is counted but you are saying it is done when it is issued.

Dr McGrath—When it is issued.

CHAIR—So the person who receives the ballot paper checks that that is their number—they presumably know their number—to make sure the wrong number has not been torn out. Then the person takes the ballot paper back, turns it over or whatever they do with it and then hands it back to you again?

Dr McGrath—You then get back to the issue of books, because ballot books, I think, were trialled by the AEC recently. Ballot books are essentially the third step. One of the problems we have not touched on is if you get big electorates and division wide voting, nobody has thought about the amount of paper flying around—you ask your DRO how much loose paper is flying around to be used for fraud. The physical implement, central in all union elections—the absolute means of defrauding elections—is extra ballot papers and envelopes. That is the easiest way.

The amount of paper is unbelievable. A DRO the other day threw out 3,000 extra declaration envelopes. A very concentrated study on fraud in elections in the Philippines said that half the amount of ballot papers is just not acceptable. That is the level we get of loose paper because you do not know how many are coming in the booths.

Senator MINCHIN—They have got to print ballot papers for everybody and have them all available at every booth because anybody can vote anywhere.

Mr LAURIE FERGUSON—I would like to clarify this number system. I am not quite certain whether you are telling us that the numbers are given pre-polling day or it is just—

Dr McGrath—No, they are on the electoral roll; there were always numbers on the electoral roll.

Mr LAURIE FERGUSON—What happens with absentee voters when they go to a particular place?

Dr McGrath—They do not have absentee or postal voting in Canada or America. In fact, they were horrified when they heard we did, and understood why we had electoral fraud.

Mr LAURIE FERGUSON—So there is no absentee or postal voting under the system?

Dr McGrath—No, they consider it is too open to fraud.

CHAIR—But in my electorate, for example, someone might live a couple of hundred kilometres out of Tibooburra and if it rained or if the car broke down, or something like that, these people would be denied their vote.

Dr McGrath—Yes, but I have said there should be special designated rural areas

because their problems are so entirely different. We have to divide Australia into two different types of electorate because you keep trying to solve one thing in urban areas in terms of rural electorates. It does not work.

CHAIR—The other thing you mention is inking identification of voters. Can you just elaborate on that please.

Dr McGrath—The French use it. I do not know whether there would be an uproar in Australia. France is a major democracy so there is no skin off our nose if we did anything like that. But I think that might be the one to add to answer your question about the fictitious names. If they were inked they could not come back under 10 fictitious names.

I think that ought to go with the universal numeration. The Indians use the system of limited vote tracing and so does Pakistan, but they also add the finger. In fact, they have a patent on the dye so you have to pay them royalties, I think, to use it.

Senator MINCHIN—Everybody who goes to a nightclub gets stamped.

Dr McGrath—Yes. There is an enormous public perception that the electoral system is not honest. I get it everywhere. It reflects on politicians of both parties, so I feel that it is something both should endorse because it would raise your reputations.

Senator MINCHIN—Can I just clarify your views on compulsory enrolment and compulsory voting. As I understand it, you are not opposed to compulsory enrolment but you do think there should be compulsory voting. Could you clarify your views on that and how that could relate to this question of voter fraud during an election.

Dr McGrath—I must say, studying the electoral act is not the most exciting thing that I have ever done, but in the course of it I discovered that we do not really have a compulsory voting system at all. It is like a mantra. I have heard it so often that I thought we had. Much to my astonishment, I discovered we did not. I rushed out to my husband and said, 'We do not have a compulsory voting system!' So the children are being told something that is not true.

They are being sold a hope that we do, but in fact what the act says is that we have a duty. That does not mean you have a legal obligation. So it is really a voluntary scheme. You are only required to turn up and have your name marked off or you will get a fine but, as I have now pointed out, the penalties are very dubious in terms of the act written as it is. In terms of subdivisions, penalties are ineffective. So once those two factors exist, you do not have a compulsory enrolment system. It depends on the penalties being effective.

Senator MINCHIN—Are you saying it is the difference between de jure and de facto—de jure we have it and de facto we do not?

Dr McGrath—The penalties can only exist being criminal offences. The fact that not to go and have your name marked off is a criminal offence means that it is a penal system of

voting, but I have just pointed out in my statement that those penal clauses of 93 to 101 are ineffective because you can only state the crimes in terms of section 82(2), so once that is removed you do not have a compulsory system.

CHAIR—You say on page 4 of submission No. 3, related to this point, that penalties should be removed for failing to vote. You say:

It is silent as to whether there is also any penalty for false information for a very good reason. There is none.

Dr McGrath—Yes. For false information and fictitious names. If you put a fictitious name on the roll, there is no penalty. They have thought about penalising real things but not unreal things that should not be done, so it has only gone halfway.

Senator MINCHIN—Section 245 talks about compulsory voting. Is it your submission that we should abolish that section, because it is not compulsory anyway?

Dr McGrath—I am not a politician but I think with reforming the act you should do one thing at a time. That would throw it into a whole theoretical tangle. In any case, it is fulfilled more in the breach than in the observance. It gets sidetracked into arguments about whether the future level of voting would be less and the Labor Party or the Liberal Party would lose out. What needs to be done with the electoral act is to tidy up the factual sides at this stage.

Senator MINCHIN—Do you mean you would support compulsory enrolment?

Dr McGrath—No. I really have been too busy just looking at facts to reach final conclusions. I think it is a little bit presumptuous for me to do that. I think it is a job for politicians or academics who like that sort of thing.

Mr McDUGALL—But if you are going to have compulsory voting, surely compulsory enrolment would be absolutely necessary as well and, if it was, how would you—

Dr McGrath—If you have not got compulsory voting, and we have now said we have not really, I suppose one factor in favour of compulsory enrolment would be that it is easier in the first instance if you were doing a total cleansing to get people in, because if large numbers stayed away it would have the tendency to make the final results questionable.

CHAIR—To have compulsory enrolment, ultimately you have got to have a penalty, and you say the \$20 penalty is very rarely imposed, anyhow, for someone who does not enrol.

Dr McGrath—That is right. In fact, I was told the computer cuts out after two 'please explains', the database. It is almost never. The administration of the Electoral Act is more in the breach than in the observance, at all stages. Also you must remember there is only two point something or other people in the district electoral offices now and it is all top-heavy in Canberra. They have got the money but it is not being spent at the grassroots level.

Mr LAURIE FERGUSON—Who advised you that they do not pursue these people? You said that you were told that the computer cuts out. Who says that?

Dr McGrath—I do not feel obliged to say who told me; my source of information.

Mr LAURIE FERGUSON—My experience is a significant number of people in my electorate coming to respond to these letters.

Dr McGrath—No, I said after the letters had gone, at a later stage. There is not the staff and they have not got the budget.

Mr LAURIE FERGUSON—So we won't find that they collected any money at all.

Dr McGrath—They do collect some.

Mr LAURIE FERGUSON—There would be no record of anyone being pursued?

Dr McGrath—They do. But staffing is a problem, isn't it? There is almost nobody in the electoral office who can chase out to the houses and all the rest of it.

CHAIR—Getting back to the secret ballot principle, you say the act is breached by the fact that provisional and absentee voters are not allowed to put their own votes into their own declaration envelopes. They fill the ballot paper in and they fold it over and in the presence of the polling booth official, the official puts the folded ballot paper into the signed declaration envelope and thereafter into the ballot box. What disturbs you about that?

Dr McGrath—Because we keep on calling our system a secret ballot system and it increasingly is not. The numbers of pre-poll votes have gone up and they are not issued under secret ballot conditions. It is going up all the time. It is true that you are not allowed to put the envelope in. My husband was horrified; he was told at Katoomba he could not put it in and I went and looked up the act and the act says you cannot.

CHAIR—So are you recommending that the actual person who makes the vote puts it in the envelope in the presence of the polling official, so that they can see that they are not putting something else in?

Dr McGrath—And they are not allowed to put it in the box themselves. The original principle of 1856 of a secret ballot was that you put it in the box yourself and in the envelope yourself. I was not allowed to put mine in, nor was my husband. Most people walk off and it is chucked into something—who knows what it is chucked into? That is a matter of principle. The whole problem of splitting of postal envelopes is relevant to this. I tested one of those absentee envelopes. Again on the secret ballot it is an actual physical means. It is pre-sealed and if you just press it down you can reopen it. I had to put my nail and go right across for it to be really secret and inviolable.

CHAIR—Just to be clear on that original point, you would be happy, would you, if you were allowed to put the ballot paper in the envelope and put it in the box yourself?

Dr McGrath—That is the only thing I would be happy with. But even then it is not a true secret ballot, because during the scrutiny process it goes through a whole chain of circumstances where—

CHAIR—Sure.

Senator MINCHIN—Can I raise the issue of postal voting. You do suggest that we suspend postal voting until further notice, which we will obviously have a look at, but I raise two things. Your suggestion is that in urban areas at least you should have proxy, not postal, voting. I would like you to expand on that. Secondly, is it your assertion that the problem lies with, basically, the mail itself rather than the procedures laid down for the processing of postal votes by the Electoral Commission, that that is not the problem area, it is the problem of what happens after that; that it is the transmission by postal means that is the problem?

Dr McGrath—I think that you would have to bring in the industrial elections. The Australian Electoral Commission comes into it only in so far as they do not pursue people in the industrial area to the degree that one would expect. But I think that is coming up later in the deliberations of the committee.

Senator MINCHIN—We are having a separate inquiry into it.

Dr McGrath—Yes. I will put a submission in to that. I think that in view of what is on the Senate record about the postal workers union, as it was then—Senator Gietzelt's statement about what has happened to ballot papers in the postal system in the Senate in 1981—and the transcripts of a case that followed that particular incident, and the current case, and the fact that postal ballots in industrial elections were indicted by Marshall Cook in a two-year inquiry—the publications came out in 1991—the postal system is so suspect, having been seeded with people who are prepared to commit ballot fraud, that until this public inquiry into Australia Post is held it would be madness to use it for anything like a referendum, plebiscite, or even an election.

I can quote an example that I have discovered. Nineteen thousand how-to-vote cards in the postal workers union were diverted and hidden under a pile of discount mail in Leightonfield exchange so that they could not be used in the current election of the CPU, I think it is called. They could not be used and were hidden so that the how-to-vote cards of the other party reached the candidates. And that was done within the postal system.

Mr LAURIE FERGUSON—Did that aspect come out in the court case?

Dr McGrath—The court case is finished.

Mr LAURIE FERGUSON—The aspect that you just mentioned at Leightonfield post office.

Dr McGrath—The Federal Police security was involved, I think. I cannot absolutely swear to that but security was involved in finding them. So it is not just a candidate who was involved in it.

Senator CONROY—Has that been publicised anywhere yet?

Dr McGrath—Probably not. But it probably will be.

Senator MINCHIN—I can imagine all sorts of nefarious things happening in union elections. But do you actually believe—

Senator CONROY—That's the Liberal Party for you!

Dr McGrath—You know what the 1940s were like.

Senator MINCHIN—But what are you asserting that can or does happen in relation to Commonwealth elections involving the postal system?

Dr McGrath—Do you want me to get on to the microwaving of envelopes?

Senator MINCHIN—What are you asserting can happen when they are mailed out from the commission? Are they intercepted then, or are they intercepted on the way back from the voter?

Dr McGrath—The ballot papers themselves? I understand that at Darlinghurst post office, the postal officials of the Transport Workers Union actually let the sitting officials take the votes out each night and bring them back in the morning as they arrived.

Senator CONROY—Do you have any evidence that you would like to put on the public record on that?

Dr McGrath—I think that it should be referred to an inquiry on the industrial elections.

CHAIR—On the microwaving of envelopes, you say that you have heard of that. Is that only in industrial elections, or have you heard of it—

Dr McGrath—I do not think it is.

CHAIR—Do you think that it could be possible in the parliamentary elections?

Dr McGrath—I do not think that I could exclude it.

CHAIR—How does it work?

Dr McGrath—Envelopes are misdirected to people as miscounted envelopes. I think you will remember that I had correspondence through the press with the Electoral Commissioner on splitting of envelopes up to 3,000 or 3,500 in certain electorates. Those glazed paper ones—have you seen them?

CHAIR—Yes.

Dr McGrath—They are glued down the side and on the top.

CHAIR—We have a submission.

Dr McGrath—These are misdirected to somebody who intercepts them, opens them, looks at them, discards certain votes, and returns others to the envelopes and then sends them back into the system.

CHAIR—You are talking about parliamentary elections?

Dr McGrath—Yes, I am.

Mr McDOUGALL—You are talking about the—

Dr McGrath—Microwaving is easier than steaming.

Mr McDOUGALL—You are talking about the 1996 election there?

Dr McGrath—I believe so.

Senator CONROY—So these people presumably have ballot papers that are blank—

Dr McGrath—No, they are not ballot papers in blank, they—

Senator CONROY—I though you were saying that if they did not like the way someone voted they took that ballot paper out and they returned something else—

Dr McGrath—No, they do not. They look to see who voted for whom, and put back the votes for one party and chuck the others out.

CHAIR—How do you know about this? Have you been told by someone?

Dr McGrath—Yes.

CHAIR—Do you know which electorates or which states?

Dr McGrath—No. But I do know about it in the last election because I said it in the newspaper, and two newspapers printed that it was happening across Australia.

Mr LAURIE FERGUSON—I think the description you used a few minutes ago was 'miscounted ballot papers'. Could you just explain what that is?

Dr McGrath—They are redirected. They are recognisable because the envelopes are recognisable. They just chuck them into a miscounted bag—it is quite simple.

Mr LAURIE FERGUSON—What do we mean by 'miscounted' bag?

Dr McGrath—That there is something wrong—misdirected, or something wrong with the postcode or whatever.

Mr LAURIE FERGUSON—I see.

Senator CONROY—These do not go through the machine or are not fed into the machine?

Dr McGrath—They are taken off the belt to wherever. Anybody can recognise them.

CHAIR—This is happening back in the Electoral Commission offices?

Dr McGrath—When I challenged the Electoral Commissioner about it in the paper, and I did it very publicly, he did not answer my challenge in his reply. He said that they would investigate it. This will come in the evidence of another witness. He said that there was no problem, as I said there was; that they had a problem only with 110 votes across Australia that were split, and they had fixed it up in the post office. But he did not say about them splitting in the DRO's offices as well.

CHAIR—Just to be clear on this, with these intercepted votes, microwaved open, et cetera, have you made a formal complaint to the AEC on this?

Dr McGrath—Mr Chairman, I think I am in enough trouble even writing these submissions without going any further.

CHAIR—It is a serious matter that you raise. I was just wondering if it had been properly reported and therefore at some stage, hopefully, properly investigated.

Dr McGrath—I think as a concerned citizen I have taken as many steps as I can. I do not think it is for me to go into that kind of arena.

CHAIR—I was just concerned that if you had made a formal complaint to someone, we would be keen to follow up to see that it was properly investigated. That was all.

Dr McGrath—As a matter of fact, I only learnt about it last week. As I say, I have a shock every other day. It is very recent.

Senator CONROY—You indicated that there was going to be further evidence on this issue from another witness. Is it this issue they will be talking about?

Dr McGrath—I understand that the whole issue of postal voting will come up with industrial elections.

Senator CONROY—So it is not this inquiry that will be hearing from a further witness?

Dr McGrath—No, it will actually be industrial—the current cases that are on at the moment, and so on.

Mr McDOUGALL—If you are saying that, in microwaving, a postal vote could be picked up and discarded, then through the system of issuing postal votes by the AEC they should therefore have a fair sort of a record of non-votes coming back in. Would you agree with that?

Dr McGrath—Yes.

Mr McDOUGALL—Therefore, if we were to ask for a figure from the AEC of how many postal votes were issued and returned, we should be able to get some sort of indication?

Dr McGrath—Yes, that would be very good. I had not thought of asking you to do that. It is important. Postal registers are important because in *Cleary v. Freeman*, where Justice Slattery ordered a by-election, the postal registers could not be found. They had been taken from the basement of Parliament House. So you could not have an inquiry; it is like burning the bags of disputed votes in Badgerys Creek.

Mr LAURIE FERGUSON—With this process in the postal system at the last election, I am just wondering how well organised it was. Was it targeted to particular marginal seats?

Dr McGrath—I do not think I want to get into that area of it, because I do not think that is my concern. I get into the position of being accused of conspiracy theories, and things like that, and I would rather not.

Mr LAURIE FERGUSON—So you are not going to—

Dr McGrath—I am not into conspiracy theories. But the minute you start talking about organisational fraud, you get redneck fundamentalists and all this kind of thing.

Mr LAURIE FERGUSON—So if we were to obtain these statistics and there did not seem to be a general concentration of them in a particular area that did not come back, wouldn't that question part of this theory?

Dr McGrath—Yes, it would. But I think it is a job for the AEC to study those things, not me.

Mr LAURIE FERGUSON—And for the committee.

Dr McGrath—Yes, and the committee.

Senator MINCHIN—You are alerting us to the possibility that these things can occur.

Dr McGrath—That is right.

Senator MINCHIN—It is not so much a question, as with all of this area of fraud, as to whether it is occurring but rather the extent to which it is able to occur without detection.

Dr McGrath—Not only that because I am also pointing out that because I am one of the few people who have been through the mill on union elections in my youth, people say to me, 'Oh, it could not be organised', which the Australian Electoral Commission has done on a number of occasions. I point out—and I have written a book on it—that the Communist Party of Australia did organise it through a few individuals in the central committee and by others supporting them on a massive scale. Organisation is possible and may be probable. It is idle to say that organised fraud has not happened on a large scale in Australia because it has.

Mr LAURIE FERGUSON—Just going back to subdivisions—you have corrected me that your concern was not that impersonation would be difficult because people would not be known at the local polling booth—could you go into the actual election day process of how subdivisions are going to decrease fraud?

Dr McGrath—I thought we had covered a lot of that. I think you have got—

Mr LAURIE FERGUSON—In the old subdivision system in my area, for example, there are a number of polling booths in each subdivision and there are probably the same number or more now. What is to stop someone going around to a number of polling booths, even in the subdivision, and voting in particular names?

Dr McGrath—In the same name?

Mr LAURIE FERGUSON—Yes.

Dr McGrath—The name would not be on the roll in the other booths, the roll would be specific to the booth.

Mr LAURIE FERGUSON—In other words, to give an example in my area, the Blaxcell Street polling booth is part of the Granville South subdivision under the old system, with a number of other polling places, and you are saying that in future people in this subdivision can only vote at one polling booth, which is a change from the past.

Dr McGrath—You mean if there are four booths in a subdivision. That is an argument for a small subdivision. The Australian Electoral Commission argued that as the subdivisions were big, 5,000 to 10,000 in 1983, therefore it did not matter, you would go bigger and have 70,000. At no time did they consider the argument that you should go smaller. Obviously, if you want to prevent fraud you have got to go to precincts.

Mr LAURIE FERGUSON—So at the end of the day you do prefer a very small polling booth area?

Dr McGrath—Of course, it is just commonsense.

Mr LAURIE FERGUSON—I think you referred to the previous practice of 2,000 to 3,000. Is that what you are advocating: polling booths for every 2,000 to 3,000 people?

Dr McGrath—I said also it would be better to consult Cundy and Dickson who have looked at this in detail. It might be an advantage to call them before you because they have got views on this.

Mr LAURIE FERGUSON—You are a person who is very interested in this aspect and who has made a number of submissions. I just want to give the committee a feeling for it. Are you talking about 2,000 to 3,000? Is that a good figure?

Dr McGrath—The smaller the better.

Mr LAURIE FERGUSON—What about 500?

Dr McGrath—That is a matter for experts in the field, but the smaller the better. The Electoral Commission argues the larger the better and so you have a roll of 70,000 names. That takes a long time to go through—

Mr LAURIE FERGUSON—I agree with you.

Dr McGrath—It would speed up the process if you had just a small roll, which is what they used to have.

CHAIR—Thank you very much, Dr McGrath, for appearing before us.

[11.34 am]

\DB\WLBVINEY, Mr Arthur Edward Allanby, Convenor, Scrutineers for Honest Elections, C/- 12 Wakehurst Parkway, French's Forest, New South Wales 2086

CHAIR—Thank you, Mr Viney, for appearing before us. I remind you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the Senate and the House. The deliberate misleading of the committee may be regarded as a contempt of the parliament. The committee prefers that all evidence be given in public, but should you, at any stage, wish to give evidence in private, you may ask to do so and the committee will give consideration to your request.

We have received your submission, which is now publicly available. Are there any corrections or amendments to your submission?

Mr Viney—There are no corrections or amendments.

CHAIR—Would you like to make an opening statement before we proceed to questions?

Mr Viney—Yes, Mr Chair. When I won preselection for the seat of Wakehurst in 1970, a lady, who was the secretary to the chairman of our board, gave me my first congratulations and a little piece of paper which had the following words—I am not a classical scholar, so I might not have the pronunciation right—from Demosthenes from 385-322 BC:

There is one safeguard known generally to the wise, which is an advantage and security to all, but especially to democracies against despots—suspicion.

I found that to be a very useful credo to have. I have reflected back and it was probably why I survived during the war—why most of us did. We were trained to be suspicious. It was part of safeguarding our lives.

Today, I look at public affairs and I still exercise that degree of suspicion or cautiousness or wariness. I have looked at the history of the Electoral Commission since it was established in 1984 and I have become most suspicious of what its initial objectives were. I do not know what its corporate policy was or what brief the parliament gave it, but the way I see it today is that it is a bit like having someone in charge of the blood bank who does not believe in screening for AIDS. They say, 'Franchise is not some sort of privilege which has to be earned or bestowed by government, but rather a right of all citizens.' I do not disagree with that. But it seems that the common problem today is that everyone wants to talk about rights and ignore responsibilities. And that is the weakness of the electoral system that we have today. It is all about rights without trying to get a message through to the electorate about what their responsibilities are.

This is a democracy. It requires safeguards. People fought and died for one simple thing: free and fair elections. I believe today that we have trivialised voting. We have almost

made it something that comes out of a packet of Crispies or Weet-Bix. Perhaps it is because, in Canberra, voting is a way of life, because that is what you are doing all day. Therefore, the right to vote for the election of parliament has not been given the significance or the safeguards that it should have. That is the point that I want to emphasise.

Frankly, I used to find that I was dismayed when I talked to some of my parliamentary party friends in Canberra. They would say, 'That is a matter for the shadow minister.' They did not seem to understand that we were talking about their very right to be down there. They did not seem to be interested in seeing that the voting system was full of integrity—our voting system is not and it is being made worse.

I note now that the Electoral Commission is recommending ordinary voting in the pre-poll situation. In response to a question by Senator Minchin, those names of people who have voted pre-poll will not be taken off the roll or marked off the roll that will be in use on polling day. That is a clear invitation for double voting: swamp the pre-poll; no identification required; we take everything on trust. There is no means of identification. They just say, 'That is fine; just give us your name'—it is all mickey mouse—'put it in the tin; that'll be right.' And if you would like to go down on election day and vote again, that is fine. It will not be picked up until the scanning is done at a subsequent time when those ordinary votes have been counted. I was surprised that the committee had not raised that question with the Electoral Commission when it gave evidence to you. It is an extraordinary situation. I had better stop there with my opening statement, Mr Chair.

CHAIR—Do you agree that there should be some sort of identification shown both at the time of the enrolment and at the time of voting, or just one or the other?

Mr Viney—Mr Chairman, I brought many copies of the paper I wrote some years ago in which I envisaged no-one could enrol. It happened automatically. When you were born, you were put onto a voters' register. When you became naturalised, the same thing applied. That was the register of people in this country entitled to vote and that register would then be available to those conducting the elections. I do not believe in the current system where the Electoral Commission maintains the rolls for both federal and state. I rather see that the Commonwealth could look at having the states act as their agent for the conduct of federal elections because a federal election is about representation from electorates within a state or a Senate.

Federal electorates do not cross state borders. Why do we need this complex and top-heavy organisation in Canberra? That was the scheme that I proposed and I still think it has validity. I know there is going to be a time lag. It will be eighteen years. But somewhere someone has got to start and look at a new system. But if you want to stay with the old one, identification on enrolment is a must and some identification for voting is a must.

CHAIR—What sort of identification?

Mr Viney—There are many ways. I had someone ring me on the phone on Saturday

and he said that we have got a study group going and we are looking at the issue of an electronic card which would be individual to the elector. Technology is moving so fast, Mr Chairman, that it is very difficult to keep up with it but there has to be some system of identification—one person one vote.

CHAIR—Would you like to table the papers?

Mr Viney—I have brought them so that that could be done.

CHAIR—Yes. Thank you for that. When a person registers to vote, you would presumably like to see some sort of points system, production of a drivers licence or passport or something of that nature? Is that what you are advocating?

Mr Viney—I think starting with the birth certificate might not be a bad idea.

CHAIR—Yes.

Mr Viney—Or a naturalisation citizenship certificate.

CHAIR—Yes—one or the other.

Mr Viney—That is a starting point. Yes, that is that.

CHAIR—Then, on voting day, is it necessary to also produce something? You have given us the option of a swipe card but if that, for example, was not implemented should a person then re-identify themselves when they go to vote?

Mr Viney—I believe so, particularly if you are going to stay with this current system of division-wide voting. I refuse to accept the Electoral Commission arguments that it is making for streamlining. I go back to precinct voting—a locality where you are known, the tribal system, the advantage of having the local cop who lived in the community. He knew everything that was going on and that was the safeguard. The more you centralise things, the more easy it is to drive a truck through the openings.

CHAIR—Sure. You also pick up the idea of limited vote tracing. I do not know if you were sitting in the audience when Dr McGrath was giving evidence on this. Can you just outline briefly what you understand that means.

Mr Viney—I became aware of it from reading Dr McGrath's second book, *The Fraudling of Votes*. It appealed to me very much. What we have got at the moment is that once it is in there, it is there, and there is nothing you can do about it. I have put it in there as an indication of support for the ideas that were put forward by Dr McGrath.

CHAIR—So, basically, you are indicating a very similar proposal to hers on that point?

Mr Viney—Very similar.

CHAIR—Do you have any limit on the precinct voting as to the number of voters so that it would work in a practical manner? The old subdivisional voting went up to 5,000 or 10,000 people.

Mr Viney—That is too big altogether. It probably should be 1,000, which is roughly the equivalent of five CCDs, I think.

CHAIR—Yes.

Mr Viney—But that obviously has to be tempered by practicalities with the physical boundaries that could exist. You would not rule any one out because it was 600 or you would not rule it out if it was 1,200. It is going to require a bit of wisdom in defining those precincts. But it will also make, I believe, for better redistribution situations.

CHAIR—You talk also of some concern about postal votes coming back in ordinary mail. You believe they should be returned by certified mail.

Mr Viney—I suggest that that should be investigated if you are going to continue with postal voting and, in fact, I suggest that the secretary could ask the parliamentary library here to find for you the extract from *Hansard* in regard to the election of the Hon. George Freudenstein when he first became a member of the NSW parliament. A postal officer had intercepted a great batch of postal votes and they did not come back. I have had postal fraud work done on my postbox. It is happening all the time.

What I am saying is, please try and build in the safeguards. I get a little fed up with the Electoral Commission piously saying, 'Give us these examples of where this fraud is.' The most successful fraud is not detected. That is why encryption is such a big business today with the banks, to try and build in protection against potential fraud. Why wait until it has happened?

CHAIR—I take your point on that. But, just to ask the obvious, how does certified mail overcome the interception problem?

Mr Viney—It is handled in a more circumspect manner. It is the one step below registered mail. There are more safeguards in the handling of it. You just do not put certified mail in a pillar-box. You take it to the post office and it is handled more circumspectly.

CHAIR—But the whole idea of postal voting is to do with having people in a remote area being able to vote. Many of those would not be able to get to a post office.

Mr Viney—I appreciate the point. But then can I go further and say that we are looking to the future, not the past. Technology is moving very fast. Computers are becoming

the norm, particularly in rural communities, so it may well be that you will have a process where, if you are isolated, you will be able to vote using them. The Commissioner is allowing enrolment by fax so, subject to the proper safeguards, you may have that come about. I do not know. I do not wish to disenfranchise anybody, but I do believe that every step along the way you have to have the safeguards to ensure that the elections are fair and free and honest.

CHAIR—Sure.

Mr McDOUGALL—If I could just take up that point of fair. You did raise the question that you felt that the roll should be closed on the day of the writs rather than seven days before, as is the case now. What is the reasoning behind that?

Mr Viney—I think it was in 1987 that the Electoral Commission boasted of handling 784,000 transactions. That was a great feat. Regrettably, they should have had some engineers there who would tell them that the best demand curve is a straight line. You should have a system where the roll is constantly being updated. With the situation at the moment, we say that you have got to live in a particular area for a month and then be put on the roll if you change your address. Why? Why cannot it be that you have within 30 days of changing your address to submit an enrolment?

Why do we not make it instinctive that the moment a person changes their address it is understood as part of their community responsibility that they notify the electoral authorities, 'I have changed my address and this is the new one'? What is magic about living in the place for 30 days? Most people when they build a new home are not planning to sell it in 30 days. So why not simplify the situation and say, 'You have up to 30 days to notify the change of address'?

I go back many years, Mr Chairman. I talked to my federal DRO and said, 'Hey, why don't we enlist the estate agents? They are the ones who know first about people who are going and people who are coming. Why don't we get them cooperating with the electoral system and having change of address cards there?' He thought that was a hell of a good idea and he talked to some estate agents in my area and they thought, yes, that is fine, because they had a sense of civic responsibility. But it got to Canberra and the thumbs went down. Now they talk about trialling having the change of address cards in newsagents. But there are a lot of people who never go to a newsagent except to buy a lotto ticket, and their minds are not on notifying that change of address.

CHAIR—And if someone does not notify change of address within 30 days, what happens then? They drop off the roll?

Mr Viney—Not a bad idea.

CHAIR—And then to get back on the roll, they would have to apply to re-enrol.

Mr Viney—Yes. This is where I talk about balancing rights with responsibilities. It is

the responsibility of the parliament to see that the citizens know their responsibilities as well as knowing what their rights are.

Mr McDOUGALL—Could I just follow that point a bit further? If you took it to that step that they dropped off the roll after 30 days, and you are suggesting here also that it closes on the day the writs are issued—

Mr Viney—I am sorry, I did not quite understand that question. You cannot drop off the roll after 30 days because no-one knows you have moved. That is the point I am raising: no-one knows you have moved, so you cannot drop off the roll.

Mr McDOUGALL—I was just a bit worried about that—

Mr Viney—No, I am sorry, I wanted to correct myself; I did not clearly understand the question.

Mr McDOUGALL—Because it might end up with a lot of disenfranchised people.

CHAIR—So what happens if you do not drop off the roll but you have moved and an election is called? Do you have to vote at the old place?

Mr Viney—Then you come back to the question of penalty. If you are still within your precinct, you will not get into trouble. But if you have moved out of your precinct, you are not voting within the spirit of the Electoral Act and therefore you are in offence of the Electoral Act. At the moment we say, 'Okay, you can have a section vote or a declaration vote', making it mickey mouse easy all the time. No question of suddenly saying, 'Hey, that is an important thing I will do: I vote for my country.'

Senator CONROY—I am a former councillor for the City of Footscray in Melbourne, Victoria. We have a very high migrant population and the calculation by the people who do the rolls—state, federal, municipal—is that we have a turnover per year of around 30 per cent by population, and that is just one residential change. We have many people in that community who transfer their addresses three or four times a year; they are transitory for a whole variety of circumstances. If you were successful in getting precinct voting reintroduced and then the sort of fines you are suggesting, an individual could possibly cop three or four fines during the course of a year for having moved around and not notified under the sort of scheme you are proposing. Could I get a general comment on that?

Mr Viney—I think it comes down to the question of education and responsibility. Why trivialise it? In the army, I had a number. If I wanted to get paid, I had to identify myself, and I took it seriously. But we do not encourage people to take the right to vote seriously. So it is an education campaign. And that is why you will find that in my submission I have indicated that there ought to be an awareness campaign, but it should not be run by the executive government, nor should it be run by the Electoral Commission. I see it as a responsibility of the parliament. I happen to be a great believer in the authority of the

parliament and I believe it should have more of a function in those kinds of things. The committees I have served on were bipartisan and the objective of the committee was for the common good. So I see there is a continuing program of educating people in their rights and responsibilities in regard to voting. You have seen photographs of people in some of those African countries where they have suddenly won the right to vote—people have queued for a day to exercise that privilege.

Senator CONROY—They ought to try voting in the Australian federal election occasionally.

Mr Viney—No, it has not been that bad. That is a matter of administration and if people cannot do the job properly, get rid of them and get someone else. It is as simple as that: total quality management; it is a buzz word.

CHAIR—You also say that the information that is stored when people enrol is not sufficient; for example, it may not show 10 or 20 or 40 people living in one block of flats.

Mr Viney—That is in relation to the newspaper report that I read about the AEC getting some new software. I raised some queries and I asked that the joint standing committee have a look at that. That system of lot identification is long overdue. They were established in 1984 and now in 1996 they are just getting around to marrying together. If that had been one of the early situations of the Electoral Commission then the situation in Victoria that Senator Minchin brought to the attention of the parliament, where someone was enrolling using dead children's names, and that would have come to 18, and the addresses of letterboxes in newsagents, would not have occurred. They saw 2/384 Lonsdale Street, or something, and someone assumed that that was unit 2. That happened to be post office box 2 at 384 Lonsdale Street. If your databank is really worthwhile, then all those things will show up.

Then I mentioned that the software should also flag how many people are at that address. I can give an example of a by-election that occurred in the state and when we did some postmorteming afterwards, we found about 40 people at the one address. They had all been stacked in. What I am looking for is safeguards, and that is why that software has to be able to identify the unit number where someone is in residence and not the letterbox that is reserved for corporate mail. That is not a hardship.

CHAIR—So you are advocating a more complete address, but would you have a trigger on the numbers in a house? Forty would be obvious, but would five or 10 or some number like that trigger an inspection?

Mr Viney—Yes, I think so. First of all, you identify the type of house it is from the database. If it is an ordinary suburban cottage, and you suddenly find 10 people enrolled at that address, if I were the DRO I think my antennae would start to twitch. It does not necessarily follow that I would do anything about it, because I might not be allowed to. I relate that back to the situation reported in the joint standing committee of 1993 when the DRO from Rankin gave evidence of his attempt to stop non-nationals enrolling. There were

200 he intercepted in a nine-month period. No-one had apparently given him a brief that if he saw something untoward occurring, call the police. It is no use telling the Electoral Commission because they say, 'We're not here to administer the law. We're not here to investigate when someone has illegal signs up outside. That is not our responsibility.' If the DRO suspects a criminal act, why is it not part of his job specification to call in the law enforcement agencies and put a complaint in front of them?

CHAIR—You also said at the beginning that you advocated a birth certificate or a naturalisation certificate, which presumably would inhibit this sort of practice?

Mr Viney—Yes.

Senator CONROY—Would it have to be the original?

Mr Viney—It is very hard to get the original. You have to go through a fair few hoops today to get a certified copy. If you make it hard and you make the penalty for deliberate breach of the Electoral Act a substantial one, people are not going to take the risk. But it is: Please, do not walk on the grass—penalty \$2.

Mr McDOUGALL—If we go back to your principle of it being a right and a privilege to vote, and if we are talking about a person moving address and not re-enrolling at the new address and this position of not being able to have a trigger for the Commission to be able to do something about that, then that person still could do an absentee vote from the old address even if they had been away from it for 12 months. They could still do that. Do you have a mechanism to be able to stop that?

Mr Viney—No, I have not. But give me time away from earning my daily bread and I would have a good look at it. But that comes down to declaration voting anyway, and it comes down to a question of civic responsibility. That is what it is about.

Senator MINCHIN—I raised this issue with Dr McGrath, that we could go down the track of introducing some form of identification for new enrollees and those changing their enrolments, but what do we do about the existing roll? Such a move would not touch 80 per cent of enrolments. So to the extent that the roll is dirty, we are not going to do much about that simply by starting now with a new system of ID. What do we do about the existing enrolments?

Mr Viney—Mr Chairman, I know that out in the community there is a growing concern about the weaknesses of the current electoral system. I would hope that the parliament will set up an open inquiry. That is not being offensive to the current joint standing committee, but the terms of reference you have got are not wide enough to be able to do the job. It may well be by public demand that there will be a roll cleanse or we start again with a fresh sheet of paper. Dr McGrath gave evidence of other countries where you enrol for each election. I have not thought about whether or not that is the system that we should apply here.

But I am concerned about the current roll system. It is held up and we invite people to come and see it—we even have AIDAB financing people from Pacific islands to come and see our wonderful system. Yet it is legislated that you cannot use inaccuracies of the rolls for a challenge in the Court of Disputed Returns. God, if you were running a business and had total quality control and you did that, the stock exchange would not wear it.

We legislate to enshrine the inaccuracies, and no-one wants to start with a clean sheet of paper. Let's amend what we are doing. Why not go back to square one and say, 'What is happening with the system? Is it right? Is it wrong?' We keep perpetuating the mistakes.

Senator MINCHIN—What do you think about the whole system of habitation reviews? It has been the practice for the Electoral Commission to aim to cover every household in Australia over a three-year period. They have put to us that that is an enormous waste of time and energy on their part and they should concentrate their activities on those areas with high turnovers. What is your feeling about habitation reviews and their continuation or otherwise?

Mr Viney—They are ineffective. And if they are ineffective, why waste the money? In the frontier days of America, they had a limited number of law enforcement officers but they had a fair bit of crime so they used to pay bounties to bounty hunters. I suggest that, if you get back to precinct voting and publish the roll—make the roll available and in street-walking order—and invite people to check it for accuracy as part of their civic duty, then you may well find that there is a self-discipline within the tribe that will give you more accurate rolls.

Senator MINCHIN—Yes, it does appear that the habitation reviews at the moment are all about getting people on the roll, not detecting fraudulent enrolment. Is that your sense?

Mr Viney—Habitation reviews cannot detect fraudulent enrolment. If a name has been put in for a particular house and someone knocks on the door and says, 'Does Joe Bloggs live here?' and someone says, 'Yes, Joe Bloggs lives here,' then that is it—finish, end of story.

Senator CONROY—How would you propose that be handled—go in and check?

Senator MINCHIN—No. That is the point—you cannot.

Mr Viney—As I said, if you have a roll of a limited size of a precinct—as a working term—and it is available, not hidden as it is now. In the old days you could go down to the post office if you wanted to see if you were on the roll. You could have a look. But the roll is hidden now. If you put the roll into the public domain and invite anyone who sees that and they say, 'Hey that is not right, that guy does not live there,' then you can let someone lodge an objection.

Senator CONROY—When you say it is hidden, are you saying it is not available for perusal at each divisional Electoral Commission?

Mr Viney—It may well be, but that is not what I am talking about. I am talking about general availability. You should be able to have the roll available to you at your convenience, and the post office used to do that. There are a lot more post offices than there are electoral offices and if you have what the Electoral Commission was proposing, they wanted to shut down the divisional offices. I think in Victoria they have started to amalgamate two or three and put them in the one location, making it more and more difficult for the public to have access.

CHAIR—It is an interesting point. I must admit in my own electorate I have had complaints from people in Broken Hill that they cannot readily view the roll, which is in Dubbo, 800 kilometres away by road.

Mr Viney—Evidence was given to you by Dr Bell, who said:

The published roll is to enable the public to satisfy themselves that people are entitled to be enrolled where they are.

And then he talks about using other names. But Dr Bell, who is from the Electoral Commission, in giving evidence says that the public are entitled to be able to use the roll—but they are not allowed to because it is hidden. Who took the rolls out of the post offices? Who made the decision to remove the public right and say, 'We have got a new wonderful system and it is called certified lists and we do this, this and this'?

CHAIR—We must actually ask the AEC what the cost saving was there and have another look at that point.

Mr Viney—May I suggest to you that that again requires a bit of perspective. Have a look at the Defence vote which runs into billions of dollars. Surely the money for the preservation of a proper electoral system warrants a good vote, because otherwise you just leave yourself in the situation where manipulation of the voting system will destroy democracy anyway. And that is the challenge. That is what you are in parliament for: to protect democracy.

Senator MINCHIN—Can I ask about your views on decentralisation of the administration of elections, because it was interesting to me in my visits to the US that basically there the federal electoral commission is a one-man office, almost. Elections are conducted by each state and, in principle, there is no reason why we should not go down that path.

You just raised the issue of divisional returning offices and the fact that they are being closed now. What is your model for going down that path? Is it that there is an electoral act that sets the standard but that we, in a sense, contract with states to conduct the elections according to those standards? But what about the maintenance of divisional returning offices and all that sort of thing? How would it work in practice?

Mr Viney—Federal DROs may not be necessary. What I said to you, Mr Chairman, is

that you are here as creatures of a commonwealth, a federal system, where your electorates are within a state, where the Senate is within a state. I raised the question in my submission regarding the software and said about amendments to the Electoral Act so that local government continually kept the land use factor updated, but the Commonwealth has no control over local government. Local government is a creature of state governments.

Therefore, it may well be that the emphasis comes back to state divisional returning officers doing a job on behalf of the Commonwealth. They have more muscle, because of state legislation, to see that local government provides that updated database.

I note the comments about immigration and taking five months to get the information back to the Electoral Commission. If the immigration ceremony is done by local government and the state government is the agent for the Commonwealth, they can demand that local government pass the information on within 24 hours that that person has been naturalised and therefore is entitled to be on the roll.

I go back to the 1970s when we had a change of government in Canberra and there was multiplication of the public service. I was interested in transport and we had 60 engineers in the Department of Main Roads in Sydney producing plans for new roads. In Canberra there were 60 engineers employed checking the work of the 60 engineers in Sydney. If you want to waste public money, that would be the way to go.

Perhaps in this new look that we have got, coming back to look at a federal system, you may well find it practical after a conference of the state and federal ministers or heads of government to resolve a new way of approaching the thing. What you are getting at the moment is a top-heavy administration in Canberra. People are missing from the coalface. But maybe the right system is to let the mining be done by the state.

Mr McDOUGALL—Could I just slightly change the subject and ask you what your comments would be in relation to the growth in pre-polling?

Mr Viney—That is another question that the parliament itself has got to look at. The way the Electoral Commission is approaching the subject, the approach is, 'It doesn't matter. Go in and tell a lie and claim a pre-poll.' If that is the way we want to go, then the parliament will have to say, 'Anyone can pre-poll. No conditions.'

So why not open the polling booths, and encourage everyone from the day that the writs have closed and nominations have been received, and let anyone go and vote. It might make a lot more honesty in politics because then you may well find that there is no use coming up with a grab-bag of goodies and everyone waiting to get to the media. It is all too late. You will be judged by your performance from the time you were sworn in until the poll is announced.

So perhaps that is where we ought to be heading. If we had a fixed period, and you knew that at a given date every three, four or five years—and I would hope it would be four—

an election was going to happen, and the ability to vote opened one month beforehand, you would know damn well that it is a waste of time coming out at the last minute with a 'Hey look, I've got another thing for Santa Claus's stocking!' The performance of the parties, the performance of the government would be continuously monitored, because that is what would win the election.

Senator MINCHIN—I guess your point is that we have to decide what sort of system we want. Do we want that system of continuous voting through a campaign period, or everybody voting on one day? It is one or the other. And at the moment we seem to be between two stools.

Mr Viney—That is right, and that is why I protest bitterly about an ordinary vote being cast in a pre-poll situation without it being reconciled. You will find in my submission that I said that for anyone going overseas, the Department of Immigration card should be modified so that automatically it was scanned and the information went to the Electoral Commission to indicate that that person had gone overseas. It would not disenfranchise them, it would just put a little note there which would mean that if that person has not come back through the system, they are overseas.

So if someone turns up at a polling booth and says, 'I'm Willy Smith,' the fellow could have one look at it and say, 'Get the sergeant from outside, would you please?' Even that has disappeared now. There was a time when there was a police officer on duty outside every polling booth. That, in itself, brought about some respect for the situation.

Mr LAURIE FERGUSON—On the issue of the roll closing on the same day as the writs, I just want to clarify that your concern is the huge numbers in the short period who enrol and therefore the ability of the AEC to check, is that right?

Mr Viney—That is right.

Mr LAURIE FERGUSON—There are no other additional problems? If, for instance, the committee went towards improved checking of people when they enrol, would you still see a requirement to stop people going on the roll?

Mr Viney—Yes.

Mr LAURIE FERGUSON—Why?

Mr Viney—Just to make everything easier because you want to get your rolls out and you have got a time period from the announcement of the election and the closing of the roll. That is affecting the ability of the Electoral Commission to produce the roll for that election, and that affects the ability of the candidates to go and canvass properly.

Senator MINCHIN—The point is that it would be physically impossible to conduct those sort of checks on that rush of enrolments in the—

Mr Viney—Absolutely. I was one who did a lot of lobbying on the state government to establish the committee of inquiry which Mr Greiner, then the Premier, set up under two electoral commissioners, one of whom had been appointed by the Askin government and one appointed by the Wran government. You would have thought it was Caesar sitting in judgment on Caesar. Read that report and you will find the most objective report on what the weaknesses of the system are and how it is wide open to rorting and manipulation. That flooding in was one easy way of doing it.

Senator CONROY—Perhaps you would concede that in the case of a municipality I used to represent, you would be potentially disenfranchising 30 per cent of the vote.

Mr Viney—No. They disenfranchise themselves. The law of the land is the law of the land and ignorance of the law is no excuse. It is about time we started to push that part of civic responsibility, too.

Senator CONROY—But the current law allows those 30 per cent to get on the roll. They are not ignorant of the law as it stands right now.

Mr Viney—Yes, it does. But you could also undertake a public awareness campaign and endeavour to sell the benefits so that people think that one of the most important things they can do is to bring their enrolment up to date. Do not trivialise it.

Senator MINCHIN—Your point is that people are required by law to enrol, if they are legally entitled to enrol, and to maintain accurate enrolment. That is their obligation under the law, so they should—

Mr Viney—Then I said to you that you make it difficult because you say that you have got to wait 30 days if you have moved to that address. Why?

Senator MINCHIN—Yes. It could be the same day.

Mr Viney—Say within 30 days, and then you make it much easier. It could be an automatic reflex action when people have signed up the lease to move into a new flat and there is the change of address card. Or you work for a bank, or you are in the army or one of the services, and you are being transferred. When your personal transfer papers come down, there is the card. Fix it up straightaway.

Mr LAURIE FERGUSON—The other point I was going to ask you, simply again, was about deletions. You have talked about bounty hunters, for instance, going around checking who is living there, and that kind of thing. Is that only in the context of the current system, or do you still want to have that if there were to be a move towards greater requirements in regard to registration proof? What concerns me is that we then get a situation where both political parties start running around challenging big numbers of people. We talk about the level of work that the AEC has got and now it has got to face a whole lot of people

putting in fraudulent challenges to other people. Would you still need that if, for instance, we went towards the initial requirement that people provide more proof of identification when they enrol?

Mr Viney—The better you make the system, the less need there is for checking. But if you are going to have it the way it is at the moment, then you are going to need a vast army of inspectors. I suggest again—and the chairman raised the question of the amount of money that is available—how do you judiciously use that money? And that is why I said to you that if you have got all your proper safeguards there, then if the roll is produced and it is in street-walking order and it is of small size, there is an incentive for people to look for inaccuracies.

During World War II, we had campaigns about loose lips sink ships, and do in anyone in suspicious circumstances, and everything else. That was fine because democracy was threatened. But there seems to be a failure to acknowledge that democracy is always under threat all over the world. I see in this morning's paper that there was 103 per cent turnout for the ballot in Sarajevo.

Mr LAURIE FERGUSON—I come from an experience where in internal party disputes one might have a situation where particular groups just mount an enormous number of challenges to destroy the system by that process, so there is not even proper time to review processes, et cetera. Your real fear is the current registration process, is it not? People basically are not checked enough when they go on the roll: is that the fundamental problem?

Mr Viney—That is part of the problem. The other point is the deliberate stacking and of transferring people in. I mentioned the by-election where there were 40 university students in the one house. It was a nice roll-stacking job. They were the things that Cundy and Dickson were referring to. If you are going to transfer in from the electorate, they can go back through the computer and see that you were enrolled in that subdivision according to your change of address card, so that bit has been done.

Senator MINCHIN—Can I just ask about that Cundy and Dickson report. As I understand it, very little actually occurred as a result of that report. Is that correct? If so, what is your analysis of what—

Mr Viney—I was not in the parliament when that happened or I would have been asking a lot of questions. One of the things that we in the Liberal Party organisation believed was going to happen was the introduction of precinct voting but the minister in charge representing the Premier was Tim Moore and precinct voting did not happen.

CHAIR—We are a little over time. Are there any further questions? Thank you for appearing before us, Mr Viney.

Resolved (on motion by Senator Conroy, seconded by Senator Neal):

That the paper that Mr Viney tabled on the reforming of the Australian electoral resources be accepted as an exhibit to the inquiry.

[11.30 a.m.]

CHAIR—Welcome and thank you for coming. I remind you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the Senate and the House. The deliberate misleading of the committee may be regarded as a contempt of the parliament. The committee prefers that all evidence be given in public but should you at any stage wish to give evidence in private, you may ask to do so and the committee will give consideration to your request. We have received your submission which is now publicly available. Are there any amendments or corrections?

Dr Freeman—No.

CHAIR—Would you like to make an opening statement before we proceed to questions?

Dr Freeman—I am appearing here today in a private capacity. I do not present myself as an expert on the intricacies or the legalities of electoral matters, but rather as a long-term observer and an end user of the prevailing system. It is recorded through our history to the present day that there is an ethos in some sections of the community to act immorally and illegally in a whole variety of elections. One of your witnesses today, Dr Amy McGrath, in her second book states:

Ballot rigging has always occurred endemically in Australian trade unions and still does in some.

One cannot be accused of just picking on trade unions because at this very moment the authorities have had to intervene in an alleged blatant ballot rigging in one of the main unions.

In my submission I set out what I believe is a pragmatic selection of reform to anomalies as I see them, some new and some obviously canvassed at other times. My concern is that with a very long list of previous inquiries by all governments so many glaring anomalies still exist. There has been a little finetuning to the systems, but it is my view that the climate now exists with this committee to recommend sweeping and desirable changes to determine a better, fairer system of how Australians vote in the 21st century.

Elections in recent times and, particularly, in the states and also in the Senate have thrown up some knife edge results in marginal seats and in government itself. This situation has also resulted in a number of instances—nowhere more evident than in the Senate today—where a person with no allegiance to any mainstream party and with minuscule voter support holds the balance of power over a government elected by a majority of voters.

I use this illustration to state the obvious. The legitimacy of every vote is vital to determine fairly who achieves government. Perhaps the most outstanding example of this was in Mundingburra in Queensland where 16 votes actually changed the government in that state. We accept this as the democratic process, but what I cannot accept is the reported attitude of

the Australian Electoral Commission's report to a previous committee such as this. The AEC dismissed any need for concern at the rising levels of multiple voting, relying on the unprovable assertion that there was no evidence of multiple voting on a scale sufficient to affect an election. My disagreement with that attitude is one of the primary reasons I made a submission in the hope that this committee will have a more proactive approach and attitude.

Dr McGrath quotes the AEC's own figures that there were at least 14,172 multiple votes in the 1993 election and, after analysis of polling official errors, there were still 6,000 unaccounted for. On page 179 of her book, Dr McGrath analysed a number of marginal seats where a figure as low as 21 votes would have changed the result. It is obvious from my brief remarks that the Australian Electoral Commission, either from within itself or by imposition on it by the government, needs a serious change of attitude in its very onerous task of trying to ensure the fairest possible vote.

I have submitted to you what I feel is a packaged deal. Some items have been canvassed over many years, but may I draw to your attention two pragmatic proposals: firstly, the abolition of how-to-vote material outside polling booths and, secondly, and more importantly, the weighting of preference votes. In my brief supporting notes I point out the anomaly whereby, under our present system, persons may end up giving their number one primary votes to the person they least want elected. This appears to be a prostitution of the original intention.

It would appear to be eminently logical and simple in the distribution of preferences that, if a voter's number one choice is eliminated from the ballot, the next preference be discounted by, say, 50 per cent of its value; the third preference to 25 per cent of a vote, and there be no further preferences distributed after that.

I thank the committee for the opportunity to discuss my submission and, looking at the composition of the committee, I feel confident that it will not fall prey to the German philosopher Goethe's proposition when he said:

Man does not want to hear truth or reason, he just wants confirmation of his prejudices.

CHAIR—Thank you for that statement. You want to eliminate the handing out of how-to-vote material outside polling booths. Why is that? Is it just the harassment of the intending voter, or is it waste of paper, or what?

Dr Freeman—It is a combination of things. Firstly, I believe that a how-to-vote card offered to the authority by every candidate should be on view inside every polling booth. I believe that that should be sufficient advice on how to vote.

I think that it would be hard for anybody to believe that a voter is going to change his mind on how to vote after arriving at the polling booth and being handed a fistful of paper. There is certainly no evidence on it, to my knowledge, and I think that it is extraordinarily wasteful of human endeavour and of paper resources and things of that nature. I do not believe that it is a necessary thing.

CHAIR—How would we determine how the how-to-vote information would be displayed in the polling booth? If you had a number of candidates, obviously the pecking order for who was directly in front would be very important. Are there some practical difficulties in that regard?

Dr Freeman—I do not really believe so, depending on the number of candidates in any one election, of course. When you look at the Senate, there has always been a pakapoo ticket. But I do not believe that is a practical consideration if they were all posted in the polling booth itself.

Senator MINCHIN—South Australia has actually provided that registered how-to-vote cards are put on display in the booths, but how-to-vote cards are still able to be handed out. I agree with you that it is not necessary but, really, should we go so far as to deny people the right to do so and, in fact, make it an offence to do so? Do you think that is overstepping the democratic mark? If parties do want to undertake these activities, why should they not, even if the stuff is in the booths anyway?

Dr Freeman—As I say here, at least posters and photographs should be available. People would like to see those. But I think a lot of people approach a polling booth with great trepidation that they are going to be harassed, and they are. I have worked on polling booths for many years. It is a matter of who can claim the people walking up the street first and they force papers on them virtually. You get some insults from people who brush them aside, and you know that they are going to walk in and vote informally by the time they get there. I think that it is a harassment of people and I do not think it does any good for the candidates, frankly.

CHAIR—What would you be allowed to do then outside a polling booth apart from display posters?

Dr Freeman—I think that there should be a clearly identifiable person from every candidate available for elective questioning by a voter. The most obvious voter with a question is somebody who is voting absentee and who would like to know the party's how-to-vote list in a remote area that is not available at the booth. That is not really the job of the electoral officer or the polling officials. But I think that that is something that would be very helpful to voters.

CHAIR—Would the candidates be able to move around, for example, and shake people's hands?

Dr Freeman—I would say so, yes.

CHAIR—For example, 'Hello. I am Joe Bloggs. Will you vote for me?'

Dr Freeman—Yes.

CHAIR—But not hand out a piece of paper?

Dr Freeman—No.

Senator MINCHIN—You mentioned your concern about people from parties with a very low vote being able to dictate to the government of the day. The members of those very small parties are always advocating the abolition of how-to-vote cards, and it is nakedly out of self-interest, frankly, because they do not have the people to be present at polling booths. They believe that their vote therefore suffers. So they always talk about the terrible waste of paper.

Do you not see that all this would do by banning the distribution of how-to-vote cards is simply giving an undue advantage to those tiny parties that have so few supporters that they cannot man or person—or whatever the word is—polling booths these days?

Dr Freeman—I have tried in my thoughts to rise above the vested interests of the different parties, large and small. I know one of the major parties feels very strongly against my suggestion here for that very reason. I do not think that it is a consideration.

My comments earlier about minor parties, et cetera, was more as to how each vote becomes so valuable. It was not to do with the pragmatic side of the election, but with the knife-edge situations that we have had in this and many other states. It is important to be absolutely sure—as clear as you can be—that the fairest vote has been obtained.

Mr McDOUGALL—You mentioned in your comments that one of the major reasons for not having how-to-vote cards there would be the waste, and the saving of cost. Would you not see that the major parties would immediately turn to the alternative and make sure that they mailed the how-to-vote cards on the last couple of days and, suddenly, the cost would probably double?

Dr Freeman—This, again, is an elective thing for the parties to do if they feel it is worthwhile. I just try and relate this to overseas experiences—not that we should follow them slavishly in any way. A huge number of overseas countries manage, firstly, without compulsory voting, for example, and secondly, with different systems of voting. I think these things can be overcome. I have read, as we all have, of the difficulties of getting the voters where voting is voluntary, and things of that nature. It seems to work very well because of the very high percentage—upwards of 80 per cent—in voluntary areas of voting which is not that much less than compulsory voting that we have here.

Senator CONROY—Which countries are they?

Dr Freeman—In Great Britain, particularly. It is a huge task, I know, for the different electoral parties to round up voters, as they say, to try and get them out.

Senator CONROY—What would be the average turn-up in the US in a non-presidential year vote?

Dr Freeman—I do not know.

Senator CONROY—Would it surprise you to learn that it could possibly be below 50 per cent?

Dr Freeman—No, I would not be surprised.

CHAIR—When people enrol to vote—we have heard from two witnesses this morning—you also advocate, as I understand in your submission, a tighter original enrolment criteria. Can you just tell us what you would like to see happen?

Dr Freeman—I just use the simple analogy there that you cannot go into a video store and hire a video without some identification. When you rent a suit and all sorts of other things, people have become used to presenting identification, particularly with bank accounts. I think that this is a far more important issue and yet we have no identification whatsoever. I think that it is just beyond belief that we do not have it, and that people take on trust, for example, that I am Derek Freeman when I go to either enrol or vote. I think that the time has come.

I am a very keen advocate, I must say, of a personal identification system for the elective use of the person who holds some form of identification. I want to be known as Derek Freeman when I want credit, or when I go to vote. I want to be simply able to produce something to say that I am who I say I am.

CHAIR—So you would accept one reasonable document, such as a birth certificate, a naturalisation certificate, or a drivers licence card, or something like that?

Dr Freeman—Yes, I would. I am surprised that the benchmark for identification is a driving licence and I think we all know the anomalies associated with many of those. It is becoming harder to get a drivers licence than it was before, but it is used generally. I think that this is an absolute basic essential minimum.

CHAIR—Can you see any practical difficulties, say, in a remote area where there is an Aboriginal community? You can imagine the electoral officer rocking in there to sign people on and requiring birth certificates. In practice, they may just not have them.

Dr Freeman—Maybe I have misunderstood you. I think you mentioned enrolment.

CHAIR—Yes.

Dr Freeman—I am concerned more on the enrolment side for the identification, having that established with enrolment. I think it is a different issue. I think the issue of identification in isolation is a very old one: in 1870 in Queensland the suggestion of the voter's

card was canvassed a great deal. I am a very strong supporter of that, rather than a stamp on the back of a hand, perhaps. What I am getting at is initial identification: once you get on that roll of identification, that is it for ever more.

CHAIR—Yes, that is what I was referring to. But even so, in an Aboriginal community the individuals may have difficulty producing a birth certificate for a whole host of reasons. Would they be disadvantaged in practice?

Dr Freeman—I feel that that could be overcome locally if there are such difficulties.

CHAIR—Sure.

Mr LAURIE FERGUSON—Could we clarify how that could be rectified?

Dr Freeman—I was listening to the debate earlier: do we just start for now with every new enrolment? I believe that we should go back in time. Three years from now in this state we are going to have, within about a four-month period, a federal election, a state election and a local government election. In this state, at least, it could be the time to put to people the importance of voting, and that you are not going to get a vote unless you re-enrol with some identification—and all new ones as well. We have to start somewhere with this and make it clear.

Mr LAURIE FERGUSON—On the question of this voter's voting card: one of the ideas being tossed around is that in tightening up on registration, perhaps we could have a list of people, similar to the passport situation, who were the only people who could verify, as opposed to now where your wife or husband can do it. If we had that system, what happens to this requirement about drivers licences or birth certificates or whatever? Are you saying that it will be sufficient for that evidence to go to the people whom we allow to verify the registration, or does the card plus the evidence have to go into the AEC for them to check it as well?

Dr Freeman—No. My theory is that once you enrol, that is it for life.

Mr LAURIE FERGUSON—That is what I am talking about: the actual moment of enrolment.

Dr Freeman—At the moment of enrolment you have to have some identification.

Mr LAURIE FERGUSON—To whom? To the person who is signing verification of you or to the AEC? Who has to have that document?

Dr Freeman—The AEC.

Mr LAURIE FERGUSON—So they would be forwarded by mail, possibly, to the AEC.

Dr Freeman—Or whatever is pragmatic. But my contention is that once you establish that, that is it. You do not need it again. Then from the AEC you need to go to the polling booth with some simple form which says that you are quite legitimate to vote.

Mr LAURIE FERGUSON—Let us just say, for the sake of argument, that on election day some people do not have possession of the voting card on the day; they are in Woop Woop and have not got it on them; they did not prepare for the election. Is there going to be a system whereby those people can put in a challenge vote and substantiate it later?

Dr Freeman—I would think so. I do not see why not because now the system is much cleaner.

CHAIR—Are you against compulsory voting, as well?

Dr Freeman—Yes.

CHAIR—On philosophic grounds?

Dr Freeman—Yes. I am aware of huge debates over that one, but again many other countries seem to exist very nicely without it, and they do not seem to fall apart.

Senator MINCHIN—As you know, I support your position strongly, but I noticed today Wilson Tuckey has a letter in the *Australian* in which he asserts that there is a danger that voluntary voting could actually lead to greater voter fraud because somehow people would become aware of voters who regularly do not vote and therefore people would be able to vote in those non-voters' names. Are you aware of that argument? Do you have any response to that argument? Do you think there is any justification to it?

Dr Freeman—Perhaps it follows some of the apocryphal stories about cemetery votes, and all these sorts of things, where people can find out whether other people are available to vote or are likely to be in the country on that day, et cetera. I think that that is a bit of a furphy, really.

Mr McDOUGALL—Dr McGrath suggested this morning that there could be some sort of numerical system to verify, on the voting paper, that the person was who they said they were and that would potentially cut that out. Would you agree with a numbering system?

Dr Freeman—Not on a voting paper, no. That tends to destroy the secrecy of the ballot; certainly on the voting paper. It is a different story identifying somebody coming in; you do not know how they are going to vote. But if you have any notation whatever on a ballot paper, that is not right.

Senator MINCHIN—This argument of yours about a weighted preferential system intrigues me. It is not used anywhere in the world, is it, to your knowledge?

Dr Freeman—Since I raised this with a few other people, there are some suggestions that it is used to some degree in local government in New South Wales, but I have not been able to verify that.

CHAIR—It is a very complicated system.

Dr Freeman—I cannot see why it should be complicated.

Mr LAURIE FERGUSON—I do not think that that is the case; that it is used in the New South Wales local government voting system.

CHAIR—They have a complicated distribution of preferences.

Senator MINCHIN—You are not advocating optional preferential or first-past-the-post, are you? You are going for this full preferential, but you discount extra preferences.

Dr Freeman—Yes. You can end up giving your major vote to somebody that you definitely do not want elected, and that is ridiculous. I do not think it is complicated at all when it comes to second preferences: just cut the number of votes in half for that person. It would seem just such a logical thing to me. I am a supporter of the preferential system but, as I mentioned, it should at least be uniform in Australia. New South Wales has mucked it up by allowing you to put a thumb print, cross or tick as No. 1, and that is a valid vote.

CHAIR—Just to clarify, I was not saying that your system is complicated, I was saying that the local government system is complicated.

Senator CONROY—I am trying to understand: do you object to a full value vote being transferred to another candidate that, potentially, you do not like?

Dr Freeman—Yes.

Senator CONROY—But it is okay for half a value or quarter of a value?

Dr Freeman—It puts it in more perspective.

Senator CONROY—What do you mean: it puts it in more perspective? If you do not want that candidate elected, presumably, you do not want them to get any value from your own vote.

Dr Freeman—No, you may wish to see them as perhaps alternative. I think it is wrong for your major No. 1 choice to be given to anyone else. It should definitely be discounted as you go down the line and then cut out.

Mr LAURIE FERGUSON—Do you believe in compulsory registration?

Dr Freeman—Yes, only from the point of view, very pragmatically, that if somebody wants to exercise his democratic right to vote and goes to vote, there has to be some record, somewhere. You cannot just come in without any enrolment and say, 'I am Derek Freeman, I would like to vote this time; you have no record of me but here is my vote.'

Mr LAURIE FERGUSON—Why are you not philosophically against that?

Dr Freeman—For very pragmatic reasons. I find no difficulty, myself, with that, but as I say, if it was voluntary voting at least you have a record when you go to vote of being on record as a person entitled to vote.

Mr LAURIE FERGUSON—I cannot see that the pragmatic reason would overrule the philosophical point of view that there should not be compulsion. If you are saying that it is totally wrong that people should be forced to vote, why should they be forced to enrol, really? What is the pragmatic reason for voting?

Dr Freeman—Because if at any time during their lives they want to exercise their right to vote, which I believe in, then, pragmatically, how else could you possibly record a vote if you were not on the register?

Mr LAURIE FERGUSON—Because they can voluntarily enrol at any point.

Dr Freeman—But they do not have to go and vote if they do not wish to.

Mr LAURIE FERGUSON—Why do you need to compel them to register because they can voluntarily enrol?

Dr Freeman—Because if at any stage in their lifetime they wish to vote, maybe just once in a lifetime on a particular issue, then there has got to be some register somewhere that shows they are entitled to vote. Otherwise they are—

Mr LAURIE FERGUSON—Are we are talking at cross purposes? I mean by compulsion to register that everyone in Australia has to register. Have we got the same meaning?

CHAIR—I think Mr Ferguson is saying that if someone wants to vote once in their life, they would then have the responsibility of having to register beforehand. They just could not rock up on the day, and therefore you would have voluntary registration with voluntary voting.

Dr Freeman—If the system is not changed at all, then that person is committed then for the rest of their life to front up and vote at every election.

Mr LAURIE FERGUSON—But you are saying that it is not compulsory to vote.

Dr Freeman—I am saying it is not. But I am just saying—in answer to your argument—that if the system is not changed, it is not a voluntary thing from then on; they are subject to sanctions if they do not vote—

Mr McDOUGALL—Going back to that question in relation to the uniform system in voting between the federal and the states: you are saying that to have a uniform system you believe that you still should have preferential. But are you saying full preferential—in other words, you must complete the whole card—or are you saying partial preferential?

Dr Freeman—I would personally prefer an optional preferential system, but at least we should have the same system. I refer again to these upcoming multiple elections in 1996. Within a matter of weeks, people are going to be voting under different systems in this state. That is very confusing and must inevitably lead to a higher informal vote.

Mr McDOUGALL—That question has been raised with me a lot when we have had an election in Queensland, which is optional preferential, and then a federal election 12 months later which is full preferential. I often thought that it would be confusing. I find that the percentage of informal votes is very low in both cases. So one assumes from that that the people do understand. And if they do understand to the level that our informal votes are very low, why the need to get uniformity?

Dr Freeman—I think that you were very fortunate if that level of informality did drop under those circumstances. When you look at—and it is very hard to generalise—the intelligence and information about the political system that a lot of people have, it has to, obviously, be kept to the simplest common denominator, I believe.

Senator CONROY—In Victoria, we actually had the horror scenario that you outlined New South Wales is going to face. We had three Saturdays in four, where we had federal, state and municipal elections in many areas—not every area—of Melbourne. Unfortunately, I lived in one of them. Despite people waking up and saying, 'It is Saturday morning; I must be voting today,' we still managed to have that situation where the informal vote was still kept very low in all three tiers, despite differing situations.

Dr Freeman—It comes back, also, to the fact that we are one nation, and the uniformity of these things should go across borders as much as possible. It just seems silly to complicate the matter unnecessarily. It would be much simpler, and I do not care what it is, whether it is full or optional. If it was optional preferential under my system of discounted votes, it would not matter at all. But we must come to a national consensus on what is a valid vote.

CHAIR—You are relatively keen on having computer voting looked at too. Can you outline the advantages of that?

Dr Freeman—I am certainly not an expert in this field. I have read quite a bit about it, and there is no doubt that the announcement of a result within a very reasonable time of the election would, I think, be of huge advantage. Some of them have stretched on for weeks and weeks and weeks, sorting it out.

I noticed last week that the New South Wales government has opted to give many millions of dollars to get every school in New South Wales, through their computers, onto the Internet, so the cost obviously is coming down. Initially, it was a horror figure to try and put voting onto a computer, Australia-wide. It seems a rather archaic system that we have at the moment, with manual voting and counting and rechecking endlessly. Distribution of preferences goes on and on and on. It would appear that in this age of technology it would be a much more logical approach to it.

CHAIR—The delay is essentially with the Senate vote, is it not? As I understand it, the AEC is looking at what you are proposing. With the lower house vote, the delay really comes about because of having to wait for postal votes coming in and, therefore, computer voting may not assist that. It may speed it up on the night, of course, but it would not speed it up otherwise.

Dr Freeman—I have been a scrutineer at times and seen the agonising situation of scrutineers trying to determine a valid vote, or trying to decipher a number of fairly indecipherable ones; they put them aside, recount them. Then, of course, there are the cases of disputed returns which drag on and on. But, overall, I think people would agree that, except in a very clear-cut election, there are great delays, which I think are unnecessary.

CHAIR—Do you see any difficulties, though, in practice, with people actually making a computer vote, pressing the correct key, let alone a full distribution of preferences? Is that not a complicated thing to do, particularly, say, for elderly people?

Dr Freeman—I have no expertise in the computer field at all, but the voting machines in the US, which have been in existence, I think, 30 or 40 years at least, have not seemed to be a problem, but they do come up with a very—

Senator CONROY—That is first-past-the-post, rather than, as you have advocated, a preferential system.

Dr Freeman—Yes, but I am sure that these systems could be worked out. It would appear that with the advance in technology, this is not a great difficulty.

CHAIR—You are fairly confident that that would not increase the chance for things going wrong, or for fraud, if it were properly done?

Dr Freeman—I have only read about some of the hazards that can occur and, again, in the very best systems, even as sophisticated as the US army and the Pentagon, there have been hackers who have accessed the system and created some problems. It is not my field, but

just in general terms, to have a pencil and piece of paper and manual counting for hours on end, and recounting, seems a very archaic system. I suggest that an investigation should be able to take all the things—costs, the security or privacy, the prevention of tampering, the possibility of errors—into account. It is something that we must face for the future.

Mr McDOUGALL—Somebody touched on the point that you could be, at the end of the night, irrespective of how long it took to count, waiting at a federal election on 10,000 votes to come in because of pre-poll postal and absentee votes. Have you any comments in relation to your views on pre-poll or postal votes?

Dr Freeman—I was listening to the debate earlier and I agree that pre-polling was introduced for a particular purpose, which I think has been abused. In other words, anybody can pre-poll if they wish and it is starting to open up the whole thing to voting from day one. I do not think that was its original purpose. I have no enormous argument with it. It may ease the load a little bit on voting officials during that period, because it is extremely hectic. Going back to the distribution of the voter's card, that is an enormous project. That is why I suggest some weeks; I cannot see that a cut-off point several weeks early or on issue of the writs would really disenfranchise people who, in the normal course of events, would have enrolled.

CHAIR—Was there any concluding statement you wished to make?

Dr Freeman—As I mentioned in my earlier remarks, this is a sort of package deal of some items that have certainly been canvassed over a period of time. Some raised a lot of emotion and sometimes illogical arguments in their approach. The number of previous inquiries of this nature have not produced a result that seems to have satisfied many people. I think that this committee has a golden opportunity to take a fresh look at a whole range of things and, perhaps as we go into the 21st century, to make a better fist of it than we have in the past. There will always be some anomalies; I think the whole idea is to try to reduce them to an irreducible minimum using logic, commonsense, and, as I mentioned, trying to throw out personal bias, et cetera, that must come into all these things. Any person who is associated with politics has obviously an in-built bias. The difficulty is to shrug it off sufficiently to come up with a conclusion that is really satisfactory for the whole of the community for the future.

CHAIR—Sure. Thank you for your submission and for appearing before us today.

Luncheon adjournment

[1.30 p.m.]

\DB\WLBMacCARTHY, Mr Bruce Edward, Member of Parliament, First Floor, 179 Burwood Road, Burwood, New South Wales

CHAIR—Welcome and thank you for coming. I remind you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the Senate and the House. The deliberate misleading of the committee may be regarded as a contempt of the parliament. The committee prefers that all evidence be given in public, but should you at any stage wish to give evidence in private, you may ask to do so and the committee will give consideration to your request.

We have received your submission which is now publicly available. Are there any corrections or amendments to your submission?

Mr MacCarthy—No.

CHAIR—Would you like to make a brief opening statement before we move to questions?

Mr MacCarthy—Thank you for the opportunity to appear, as it were, in a private capacity. I have little to add to the brief comments that I sent to Senator Woods and he passed on to this committee. I think the key point that I want to make on this issue is that even if we can improve the perception that the system currently has defects and areas of irregularity, we will do a lot for democracy. I think you and I know, as politicians, that perceptions become accepted truth. If people believe the system is shonky, they will not respect it and they may even attempt to rot the system themselves in order to restore what they see as balance. The more that we can do to improve the system, and particularly to improve the perception, the better we will be served. I am delighted to answer any questions that you may have.

CHAIR—Thank you for that. Like those who gave evidence this morning, you would like to see subdivisions reintroduced to restrict the opportunity for multiple voting. Do you see any practical difficulties arising out of that, such as an increase in absentee voting? With modern communications, people can get around a lot easier and a significant percentage are outside their subdivision on polling day.

Mr MacCarthy—I do not believe so. I think that the transport that allows people to move outside their electorate also means that if they are inside their electorate, certainly in the metropolitan areas, they can vote in their local subdivision. I am not talking about a subdivision of a couple of hundred voters, but something more realistic. But I do not see a problem with that.

Mr LAURIE FERGUSON—Just for interest, what would that be—what would be more realistic? What would be a ballpark figure?

Mr MacCarthy—A couple of thousand.

CHAIR—You also advocate some stronger proof of identity for enrolment. Would you like to elaborate there?

Mr MacCarthy—Just simply, it is very easy to enrol, and that problem is exacerbated at the end of the electoral cycle as we get close to election time if many people come on. I have alluded to that in another point. It is very, very easy to get on the electoral roll and, having got on there, very easy to stay on. You contrast that, for example, with the hoops that you have to jump through to create a bank account. I find it amazing that we have to go through a lot of effort to create a bank account, but you can just about get to be enrolled to vote—

CHAIR—Do you know of any examples where that has been used wrongly?

Mr MacCarthy—I do not know of any particular examples where I can say that somebody has fronted up to a false enrolment. But I have had anecdotal evidence of plenty of cases of false enrolment that have come about in some way. I am sure that that kind of stronger proof of identity would help to restrict that.

CHAIR—What about practical difficulties? Would there be any disadvantaged groups who would find that overly onerous and, therefore, tend to be disenfranchised as a result of having this extra requirement? Or is that something that we should live with?

Mr MacCarthy—I do not believe that there would be any particular groups that would be more disadvantaged than anybody else. Sure, it would mean that you would have to go to a little more trouble. But, by and large, enrolment is a once-off procedure and from there on you are transferring your enrolment. So it is not so hard to say, 'I am the person who was enrolled previously at address A. I have now moved to address B.' That is not a great problem. It is really only the question of how one comes to get on the roll in the first instance, and I do not see that as onerous.

CHAIR—So, just a once in a lifetime thing, something taking 10 or 15 minutes, is not an unreasonable request?

Mr MacCarthy—Not at all an unreasonable thing.

CHAIR—And what would you require? Just one document, such as a birth certificate or whatever, or were you thinking of something more substantial than that?

Mr MacCarthy—I am thinking of something along the lines, as I say, of the bank accounts. They have a 100-point check: a birth certificate is worth so many points, a passport is worth so many points, a drivers licence is worth so many points. They look for a variety of documentation which, in totality, is of sufficient value to prove that you are who you say you are.

Senator MINCHIN—Have you thought about the question of where the onus should lie? There are only three requirements: that you are an Australian citizen, that you are 18 years old and that you have lived at your current abode for a month. You could approach this on the basis that the onus should be on the Electoral Commission before enrolling someone to satisfy itself that those things are accurate by checking with the relevant authorities.

Mr MacCarthy—I have no problem with that as a concept. I am more concerned that proof is there, that it is more than an assertion that this person claims to be entitled to vote; that, whether I am required to prove it to the Electoral Office or the Electoral Office is required to prove it to its satisfaction, at the end of the day the Electoral Office will be satisfied that I am entitled to be on the roll.

Senator MINCHIN—Could you just tell us your background in this and your experience? You have mentioned, I think, three seats where presumably you had some involvement. But could you just give us a personal flavour of your involvement in this area and some experiences you have had of electoral fraud?

Mr MacCarthy—Okay. I am a very new member of parliament; I came in in a by-election four months ago. So, in that context, I am relatively inexperienced. But I have been a member of the Liberal Party for nearly 30 years and I have been taking an active role in every state and federal election campaign since 1967—by-elections, referenda, the lot. I work mainly in my own area, in the federal seat of Lowe and the state seat which is now Strathfield. But, as I say, I have worked in by-election campaigns in other areas from time to time. So I have worn out a lot of shoe leather in the cause.

Senator MINCHIN—You mentioned Macquarie, Lowe and Strathfield: what were your experiences in those electorates?

Mr MacCarthy—In Macquarie, my knowledge is all second-hand in that, at that time, I was on the state executive of the Liberal Party during the federal election where that case went to the disputed returns. I was aware from the discussion within the party that people were going out and looking for evidence and discussing whether the evidence was conclusive: what evidence we had and what we did not have and whether or not it was worth mounting the case. A lot of the information was coming to us. It was all second-hand to me. From all that I heard, I believe that there were several cases found, for example, where people were enrolled as living on vacant blocks of land, even non-existent addresses and the like.

Senator MINCHIN—You mentioned false enrolment in Lowe and Strathfield.

Mr MacCarthy—In Lowe in the 1990 election, the first one that Bob Woods was contesting as a sitting member, I recall that we had a large number of enrolments come on the roll at the last minute. There were thousands of voters names.

Senator MINCHIN—After the election had been called.

Mr MacCarthy—After the election had been called and we were concerned whether they were valid or not. Some of us actually took a sample of them and went around and actually knocked on the doors and asked, 'Does Mr Brown live here?' I found two, I believe, where people said, 'No; I have lived here for many years and Mr Brown does not live here.' Those cases were passed on. I am pretty sure there were two.

Senator CONROY—Did you say that a group of you were doing that?

Mr MacCarthy—We were just volunteers in the party. We got some names and we just went around to the addresses in the areas that we knew. In my case, it was around Concord where I live.

Senator CONROY—That was two out of how many doors did you knock on?

Mr MacCarthy—I knocked on 20 or 30 that I can think of. I would not swear to the exact number. It was not a lot, but that was the sample that I can personally attest to. I knocked on doors and the people who answered the doors said, 'We live here; we have lived here for a long time. That person whose name is on the roll does not live here.'

Mr LAURIE FERGUSON—Did the local Liberal Party in Lowe have discussions about the outcome of the effort and do you know whether your proportions were common?

Mr MacCarthy—At that time, I do not know whether that was typical or not. I know that the information was fed back, taken through and, I believe, referred to the electoral office.

CHAIR—What happened then?

Mr LAURIE FERGUSON—At the end of the day what happened was what I suspect unfortunately typically happens with these things and that is we won the election and, in the post election euphoria, it was not followed up as much as it should have been.

CHAIR—You say in Macquarie that there were addresses that did not exist or houses not on blocks, et cetera, and it was considered by the court and it was not seen to be true or whatever. Do you then say that your original story is not correct or the court had not considered it properly? Where does it fall down if you think it was still inaccurate?

Mr MacCarthy—I believe the situation was that our evidence collecting was not as rigorous as it should have been. As I say, I got the information second-hand. Enough of it came back for me to believe that where there was smoke there was fire. Certainly, one of the other factors, as I recall the application that went to the court, was that it was a private action and not one supported by the party and the people who made the decision at the end of the day obviously felt that the evidence was not compelling enough to warrant the expense of running the case.

Mr LAURIE FERGUSON—Obviously this form of fraudulent practice and cheating is only one of many possibilities, but have we received figures from the AEC in regards to return mail—you send a letter to a vacant block, and one would assume it might come back. Can we get some figures on that?

CHAIR—I think we are waiting on something like that, but we will check that and certainly get that.

Mr LAURIE FERGUSON—I am not saying it is the total picture, but it is one of the things.

CHAIR—Your suggestion then to overcome this type of thing, and you are particularly concerned about the late enrolments, is to close off the role when the election date is announced, and I could see how that would work. The other worry is, though, that there will be a lot of people who have not done anything about enrolling, given the nature of the Australian apathetic animal, so to speak. There would then be a lot of people, many would argue, who are unfairly disfranchised. Is that a consideration?

Mr MacCarthy—It is a consideration, but I believe that it would become the responsibility of the government via the Electoral Office to spread the word around. We put a lot of time in advertising during the election campaign in that last-minute period: make your mark, make sure you are enrolled and so on. But it is every citizen's responsibility to be enrolled. If I have a responsibility to be enrolled, I do not see that I should complain if I do not fulfil my obligation and the roll is closed.

CHAIR—You are talking about an ongoing education campaign, because snap elections can be called and, if they were thinking of doing it in the lead-up to an election, you could be caught out?

Mr MacCarthy—Again, the rules are quite clear as to when the onus falls upon you. It is quite clear there. Other things could be done to assist. One of the interesting things I observe now, going to naturalisation ceremonies, a very welcome sign, is that the newly naturalised people are encouraged to fill in a form and lodge it at that time. But I see no reason why it cannot be an automatic process, that if you are naturalised the department of immigration has all the details of who you are and where you live, and that could be an automatic process, for example. Maybe for the people most likely to fall foul of that, the people who are newly created as citizens, that could be an automatic process.

But my simple point is that the law requires me to enrol. If I obey the law and fulfil my responsibility, the only thing that is likely to happen to me is that if an election is called in that one-month period just after I have moved, before I am obliged to enrol at my new address, I may still be enrolled at my old address and may have to vote there. While that means I am now voting for where I used to live rather than from where I live, it probably means that I am better qualified to vote in that circumstance anyway, having been resident there for the longer period of time. That would be a very small number of people anyway and I certainly do not believe it

would violate the validity of the outcome of the election.

Senator CONROY—Can I put to you a question I put to one of the witnesses earlier today. I used to represent a municipality in Footscray, Melbourne, and the standard figure each year was 30 per cent turnover in our municipality of voters, and that did not deal with people who moved two, three or four times during the year, which is also something that is quite common. If you were to close the voting roll on the day, potentially you have got up to 30 per cent of the population disenfranchised, which is probably a bit larger than just a small number.

Mr MacCarthy—Not necessarily disenfranchised, perhaps just voting in the place where they used to be rather than the place where they are.

Senator CONROY—But that is still a large number that would not be voting in Gellibrand, if they have moved outside the electorate.

Mr MacCarthy—Let me talk about the municipalities that I know. I am now living in the municipality of Concord within the electorate of Lowe and I am enrolled there. If tomorrow I move into the municipality of Burwood within the electorate of Lowe and an election is called, then I am not enrolled in Burwood but I am still enrolled in Concord and I am eligible to vote. That is my understanding. Similarly, if I move to the municipality of Ashfield in the electorate of Grayndler, I am still on the electoral roll in Lowe and if the election is called I am obliged to vote in Lowe. So I am not disenfranchised but I vote in that electorate rather than this electorate.

Senator CONROY—With that size of turnover you are potentially reducing the number of eligible voters in, say, Gellibrand, which is what Footscray municipality is within. Possibly they may have moved to, let us say Melbourne Ports, which is just around the bay, which is a marginal seat. So you are going to have some impact on other seats.

Mr MacCarthy—Yes, I would accept that, but in those cases, where you are talking 30 per cent of an electorate of 70,000, so you are talking 20,000 people, I suspect the law of large numbers would apply there and, as many people move from Gellibrand to Melbourne Ports, there would be people moving from Melbourne Ports to Gellibrand.

Senator CONROY—I doubt that.

Mr MacCarthy—I do not know your local demography, but the point that I am making is that at the end of the day I do not think that would be an affront to democracy in that the will of the majority of people would be distorted.

Mr McDOUGALL—You talked about the enrolment and you recommend a proof of identity at the polling booth. How would you see that taking place? Bearing in mind that you talked about how you would see a proof to get on the roll, how would you see a proof at the polling booth?

Mr MacCarthy—I would think the actual enrolment card which you are given when you enrol, passport, drivers licence, electricity bill—something that would just add that little piece extra, rather than just walking up and saying, 'My name is Fred Smith.'

CHAIR—Given that you have lifted the integrity of the roll at the beginning, why do you need it again at the end process of voting?

Mr MacCarthy—I think again for the same reason, for perception, just the fact that it just adds that perception to all the voters that it is being taken seriously, that it is more than just walking up and claiming it. You have to at least demonstrate who you are. If we had both I do not think it is necessary to have them jump through too many hoops, but most adults have something that will give them—the drivers licence is the most simple one.

Senator MINCHIN—It stops people voting in someone else's name or voting in a fictitious name that they have somehow managed to enrol.

Mr MacCarthy—Yes.

Senator MINCHIN—Even with a very tight enrolment system, if you rock up earlier enough you can still vote in somebody else's name if there is no ID at the booth. It is always a bit of a laugh when you are the first one there and they ask you, 'Have you voted before in this election?', at 8 o'clock in the morning.

Mr LAURIE FERGUSON—You have advocated closing of the rolls at the time of the writ issue. Starting with new enrolments as opposed to transfers, the average over the six months leading up to the election was 30,000 a month nationally. Given the fact there was an election campaign and there was a lot of publicity about it coming up, what would you say would be an abnormally high or strange number of enrolments for the period?

Mr MacCarthy—I would not hazard a guess. Based upon those numbers, I would not know.

Mr LAURIE FERGUSON—I noticed the figures that the committee has been supplied with indicate that in the 12 months prior to the last election, the average per month Australia wide—bar South Australia, because there is a different set up—was 67,000 people transferring each month.

Mr MacCarthy—Across Australia?

Mr LAURIE FERGUSON—Yes. Their figures. Right?

Mr MacCarthy—Can you give me a figure as to how many that translates to per electorate?

Mr LAURIE FERGUSON—It was 400 or so in a month.

CHAIR—Four hundred to 500 a month per electorate on average?

Mr LAURIE FERGUSON—I am not arguing for a moment that with stretched resources there is not a possible problem. I am just trying to get to how serious it might be. In the 12 months before the last election, there was an average of 67,000 transfers a month, and there seems to be an abnormally high figure for that month of 207,000. So one would say that that indicates the problem. But it is worth noting that if we then leave that month because there is a flow over from election day, in the four months after that the average drops to approximately 30,000, as opposed to the previous 12 months' average of 67,000. It is basically election period and we should not, perhaps, get too carried away with the abnormal numbers in that period. You said that in Lowe it led you to undertake some work.

Mr MacCarthy—If we were only talking 5,000 or 10,000 a month and it went to 20,000 I would not be concerned, but when we are talking 67,000 and that doubles to 130,000 or 140,000—

Mr LAURIE FERGUSON—Actually, it was more than that. It went up to 200,000—

Mr MacCarthy—Or goes up to 200,000—

Mr LAURIE FERGUSON—I am putting the point at the same time—I will leave one month because there is a flow over from election day when people on election day were transferring on the booths—that the average of the four months after that was 30,000. That would indicate to me that a significant number of people in that period transferred genuinely because of election interest and publicity. There was a very big drop-off of the averages after the election.

Mr MacCarthy—That could be right. There would need to be further analysis of that.

Senator MINCHIN—That is the point, is it not? In most cases people know an election is coming up. If they have turned 18, or they have become citizens, or they have moved, they have an incentive to get enrolled before that election which they know to be imminent.

Mr LAURIE FERGUSON—I am not talking about the actual requirements of enrolment and toughening up on those. I am putting out this proposition that during the pre-election period, the writ period, we suddenly start denying people the right to enrol and to change. That is one of the propositions being put and I—

Senator MINCHIN—Yes. The day the election is called, the roll is closed.

Mr LAURIE FERGUSON—I am putting it that, based on the election figures in

table 2, if you look at those figures, a large number of people who might have, over the next four or five months, got around to doing it—if you look at the figures for the previous 12 months—because of the interest in the election did it at that time. To deny those people the right to enrol in that period is a bit unfair to them, I would think. That is why I am putting it.

CHAIR—You are saying that the numbers that come in at the last minute, contrary to popular belief, are not abnormally high, given the circumstances. That is your point, isn't it?

Mr LAURIE FERGUSON—They are higher—

Senator MINCHIN—You are saying that they should have the opportunity.

Mr LAURIE FERGUSON—In a four-month period, you drop from 67,000 to 30,000. Thirty-seven thousand per month is 148,000 people. That is a difference of 148,000 people over a four-month period. When you look at a figure of 207,000, we are getting a lot closer to it.

Senator MINCHIN—Yes. We do not want to debate it. The fact is that for most elections there is a three-month or four-month build-up and everybody knows that there is going to be an election. The point is that, if the law were that the rolls were going to close on the day that the election was called and everybody knew that, that would affect people's behaviour. If they wanted to get on the roll, they would.

Senator CONROY—Everybody out there in voter land does not follow it quite as closely as we do.

Senator MINCHIN—If they want to vote, they will.

Mr MacCarthy—Mr Chairman, I am right, am I not, that there is now a provision that people turning 18 can enrol in anticipation? It did not apply when I was a lad, and that annoyed the tripe out of me. It was a great source of displeasure to me that, in the 1969 election, although I was 21 at the time the election was held I was not 21 when the rolls closed and I was not able to put my name on the roll beforehand. But that has been corrected now. So that takes all of those people out of the equation. For example, my daughter, knowing that an election is coming up, can say, 'There may be an election next year. I'm going to turn 18 next year. Here's my enrolment form.' And that takes care of a lot of that.

Mr LAURIE FERGUSON—If she is motivated and interested, I agree with you. But I would posit a view that there are a lot of under-18s who do not enrol at 17½ years of age.

Mr McDOUGALL—Can we take that point a little bit further, because you recommend the reintroduction of subdivisational voting. Why do you recommend subdivisational voting?

Mr MacCarthy—Because it limits the opportunity for multiple voting. At the

moment, in my state electorate there are 18 booths. There are roughly double the number of booths, so I will say 36, in the electorate of Lowe. So if I wish to go and vote in Fred Smith's name, and if I get a fast car and can get around all the electorates and get through the queues in time, I can vote 36 times because Fred Smith's name is on the roll in 36 different booths. But if we have subdivisional voting there may only be two or three booths in a subdivision. So, in those circumstances, if I know that Fred Smith has been taken off to hospital the night before and will not be able to vote, I could only go around three booths and vote.

CHAIR—In your electorate of Lowe, applying your rough 2,000 per subdivision you would have 36 subdivisions in Lowe. Is that what it would work out to be if your recommendation was adopted?

Mr MacCarthy—It would, on those numbers.

CHAIR—Do you know roughly how many subdivisions there were before it was abolished in 1983? I think the subdivisions were much greater then, weren't they?

Mr MacCarthy—They may have been. I think there were probably 10 or 12. In saying a couple of thousand I am thinking in the low thousands rather than 10,000 or 15,000.

CHAIR—Anyhow—give or take—you would be recommending about 36 subdivisions, or whatever it worked out practically, for each federal electorate across Australia?

Mr MacCarthy—Yes.

Senator CONROY—What would be the potential time implication? On the day, you do not rock up in your own subdivision—you have gone shopping, you want to vote at the one near the shops and you wander in there. What sort of extra time would be involved in processing each of those individual applications? Presumably it is a different type of vote that is being cast.

Mr MacCarthy—Yes, it is. There would be two factors. One would be the extent to which you had created a problem, the queuing time. But in terms of filling the form in, I would imagine about five minutes, then there would be the actual time to fill the form in, have it witnessed and stick it in the envelope, as opposed to just taking the ballot paper, going and voting and putting it in the ballot box. About five minutes.

Senator CONROY—Extra time with staff? You have to witness things, presumably.

Mr MacCarthy—Yes. But the difference would be that, as a normal voter, I turn up to two staff members at the table, get my name crossed off, get the ballot paper and walk away, and then I just come back and put it in the box, whereas I would be there in the presence of two people for perhaps five minutes. Then, as I say, there is queuing time, depending on how long that would take. But there are queues now in polling booths anyway;

you may have to queue up for 20 minutes to get to vote.

CHAIR—Are you familiar with the New South Wales Cundy report which came out in 1989 which recommended subdivisational voting? If so, do you know why the New South Wales government did not take up that recommendation?

Mr MacCarthy—I am not familiar with the report, but one thing that I do know is that the New South Wales government has traditionally been reluctant to do anything that is not paralleled in Commonwealth legislation. Hence back in 1971 or 1972, when the Askin government moved to give the 18-year-olds the vote, they were not prepared to proclaim that legislation until the Commonwealth did likewise. When the Whitlam government passed legislation in 1973, the New South Wales legislation was proclaimed soon afterwards. That is the message that we have had when we have talked to then state ministers saying, 'Can you tighten this up or tighten that up in the electorate laws?' They have said that they want to keep parallel with the Commonwealth because that is the cheapest and most economically efficient way of running things, to do things the same way. If the states were to have subdivisions and the Commonwealth were not, obviously there would be administrative difficulties and confusion, I think, in the minds of the voters, which is one of the other factors. Certainly it would not be desirable for people to be told they have to do it another way for the state, any more than is necessary.

Mr McDUGALL—Would you care to comment in relation to roll cleansing between elections and what you feel the AEC should be doing in relation to that?

Mr MacCarthy—I think the roll cleansing at the moment is fairly, I will not say slapdash, but a fairly simple procedure. Knock on the door, do these people live there, thank you very much, and walk away. Again, I think it is a question of perception, that there would be some value in occasionally going into greater detail on a random basis, perhaps looking at places where there are abnormalities, using computer searches. At my house there are three people of the same surname on the roll; myself, my wife and my daughter, and in a few months time there will be another one when my second daughter comes on the roll. That would be fairly normal. If you get much beyond that, I believe you are starting to run into the realms of unlikely circumstances and a random check could be done on some of those, just sufficient to make people feel that there is a chance that if they rort the system they will be caught and they will be dealt with.

CHAIR—Thank you very much for your attendance. It was very valuable and we appreciate it.

[2.04 p.m.]

\DB\WLBBIELSKI, Ms Joan Margaret, Secretary, Women into Politics Inc., PO Box 1144, North Sydney, New South Wales 2060

McGARITY, Ms Barbara, President, Women into Politics Inc., PO Box 1144, North Sydney, New South Wales 2060

CHAIR—Welcome. I remind you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the Senate and the House. The deliberate misleading of the committee may be regarded as a contempt of parliament. The committee prefers that all evidence be given in public but, should you at any stage wish to give evidence in private, you may ask to do so and the committee will give consideration to your request. We have your submission before us. This is now a public document. Are there any corrections or amendments to it?

Ms Bielski—Which document have you got, because we have made two submissions?

CHAIR—We have both here. Would you like to make an opening statement before we proceed to questions?

Ms McGarity—We would like to think that everyone has an awareness of the rationale for equality of representation for women in parliaments, although we doubt it. Our organisation, Women into Politics, was formed in 1992 in New South Wales and our initial approach was to document and develop the rationale so that we could explain, in good terms to everyone, the reasons why women should be equally represented in parliaments. We have held consultations with women, and consultations with women who have been in parliament, and we carefully documented that in some publications. We communicated our findings to the political parties and we made a purple submission in June to the political parties.

Ms Bielski—That was attached to our original submission.

Ms McGarity—We felt that we had done a pretty good job of this documentation and rationale development and then a great wall of silence seemed to develop. So we decided that we had to change direction after a time and we began to look at avenues other than persuading politicians that it was a good idea that women should be equally represented in parliament. There was lots of lip-service and nice statements but basically nothing was happening. There was the big announcement by the ALP that they were going to develop affirmative action with the view to having 35 per cent of women in parliament by a certain date but, almost immediately after that, there was a series of illustrations to us that women were not going to be able to get there. There was an incident in Queensland first of all and then various others followed.

So we decided that we needed to change strategic direction. Last week, on 19 September, Women into Politics held a symposium in Canberra and the purpose of that

symposium was to help us to develop alternative strategies to the education and persuasion that we had hitherto tried. We had a number of prominent and distinguished persons speaking at this symposium last week. I have copies of the program if you would like to see it.

Ms Bielski—I did not include a copy of the program in that.

Ms McGarity—And we asked three women members of parliament to be our parliamentary hosts and held it at Parliament House, Canberra. The three were chosen very carefully to be representatives of the major parties because we are a non-party political organisation. I, myself, have never been a member of any political party although my family were and I guess I wondered why my mother did so much hard work getting people into parliament but never tried herself. I think I started wondering that at a very young age. So our speakers were Dame Beryl Beaurepaire; Ms Kim Rubenstein, a constitutional lawyer; the Hon. Elizabeth Evatt, who is well known; Dr Jocelyne Scutt, who is a barrister and who is also well known, especially in the women's movement; Ms Sue Walpole, who is the Sex Discrimination Commissioner of the Human Rights Commission; Ms Marie Andrews, who gave an Aboriginal women's perspective; Ms Angela Chan, who gave an ethnic communities perspective; and Associate Professor Marion Sawer, a political scientist from the University of Canberra who has done a lot of research into electoral systems.

We have for you the papers of most of those people, certainly the ones who discussed their analytical studies and research and gave legal analysis and opinion. We have handed over to the secretary a copy of all those papers, which I hope you will have a chance to have a look at because there is some really splendid stuff in there. I will ask Joan Bielski to continue now.

Ms Bielski—We are a coalition of women's organisations. The idea of the symposium was to have lawyers look at the legal position of women vis-a-vis the electoral system, the parliamentary system and the political parties, because we felt that our submissions had fallen on deaf ears. Even our submission to this committee last year sank into a black hole and was never heard of for over six months. We did not know whether it had survived to the next parliament. It appears that it has, but we did not know that because we had no communication.

I will just briefly summarise what the various papers said. The two papers that are not presented, the ethnic communities one and the Aboriginal one, both have not been printed yet.

Dame Beryl Beaurepaire as the keynote speaker referred to the issue of representation of women as being a recurring source of dissatisfaction and discontent for women ever since Federation. She quoted from documents going back to 1900, 1934, the formation of the Liberal Party, and she looked at the issues that women had talked about down the years.

Dr Jocelyne Scutt canvassed the issues leading up to Federation, women's agitation before the conventions, the fact that they were not represented at the conventions, they had no right to vote at the conventions nor to vote for Federation, and that the document that came out was a states' rights document, not a women's rights or anybody else's rights document. So

it does not appear to offer women very much in the way of redress for lack of representation in parliament.

Kim Rubenstein of Melbourne Law School looked at the recent relevant High Court pronouncements on representative and responsible government and opened some avenues for thought, but did not reach any useful avenues for action, I did not think at the time.

The Hon. Elizabeth Evatt, who is a member of the UN Human Rights Commission, has previously been a judge and commissioner on various inquiries going back to the Human Rights Commission in 1974-75 up to recently representing women on the UN CDAW Commission, the Commission on Discrimination against Women, and now on the Human Rights Committee. She looked at the various international covenants to which Australia is a party, and offered insights into the legal and moral responsibilities of government to accommodate political rights. She looked at the merits of an Equality Act as the Law Reform Commission put forward and she tossed up whether it was a Equality Act or a preamble to the Constitution or a Bill of Rights where it offered remedies and what possible legal remedies women could perhaps take up themselves in the way of case law to mount a case themselves about equal representation.

Perhaps I should say in passing that a lot of people say when they are elected to government that they represent men and women, and it has been our experience that this is not so. Jocelyne Scutt is very revealing on that in what she talks about and the subsequent history of women. Women have had to have lobby groups since the beginning of the century and have to waste their energy on lobbying for this, lobbying for that, lobbying for something else, when men's lobbyists are in the parliament.

There is a minority of women in the parliament, but they have to watch their backs, I think. If they raise women's issues too much, they might be seen as troublemakers. I think we should have said that in the beginning. So that is one of the reasons for our existence, because we have to be outside the parliament. Mind you, women in the political parties have joined us, but we have to be the face of the organisation. I have a cold, I beg your pardon. Elizabeth Evatt offered, I think, quite useful ideas that we will be following up, I suggest.

The other speaker was the Sex Discrimination Commissioner, Sue Walpole, who in her paper did not really raise the issues that we thought should have been raised, because she said the parties were deemed to be private organisations. But she made a few suggestions that perhaps this could be contested, and then in discussion afterwards it was raised with her that the political parties could hardly be reasonably seen to be private organisations on the grounds that they received I think it is \$1.50 for every vote they get and the preselection process is similar to the culling process that an employer goes through when he is looking for applicants for a job. When they are employed as politicians, their salaries are paid from the public purse. You even get free air time—no other private organisation gets free air time to air their views on the radio and television. None of us get our salaries paid in the same way as politicians, or our superannuation. So I hardly think they are private organisations, and we are looking at the issue as to whether that is reasonable to be exempted from the Sex Discrimination Act.

The last speaker was Associate Professor Marion Sawer, who is a political scientist. She looked at the various electoral systems in use around the world and came to the conclusion that proportional representation delivers greater representation for women in any country where it exists. First-past-the-post—and these are not her words, these are mine—delivers what I call a gender gerrymander, so we will not blame her for that. It does not sound like an academic, does it? We feel that women are not represented, their issues have to be lobbied for, we have to expend our energies on this sort of thing, whereas a more viable electoral system could present a better mix in the parliament, and that is what we were hoping to do.

We did also make another submission—not to you and it did not come up at the meeting the other day—to the previous government that, as so much money is spent on the political parties, a little more would not hurt and that they ought to appoint, either to the Electoral Commission or to the political parties, officers whose job it was to assist the political parties to revise their procedures and processes on affirmative action and non-discriminatory lines so that no-one will be asked questions like Dame Beryl Beaurepaire reported seeing in preselections that she witnessed. People were asked what they were going to do with their children. A National Party woman from Victoria was asked whether her husband would drive her around at night because she really could not go alone. These are the sorts of assumptions about women that come up. As they are exempt from the Sex Discrimination Act, political parties in preselection ballots can ask any questions, which no other employer in the country could get away with at the moment—no public employer or private employer.

We have been looking at whether we have any legal redress. I think Elizabeth Evatt's paper is very interesting in that regard and I would ask that the committee all be given copies of particularly that one and that you consider it. I thought for a long time that we were powerless, but I would suggest that if we went to court it would be a lovely scandal and I would love to go.

CHAIR—Thank you for that and thank you for those papers. We will certainly circulate them. These papers tabled by Women into Politics are accepted as exhibits to the inquiry.

Ms McGarity—I also have here a copy of a letter to the former Prime Minister from May 1995. We have never received a reply for it, but it takes up the question of equal opportunity officers for the parties. I will give you a copy of that, if you wish.

CHAIR—We will include that paper in the original tabling.

Ms McGarity—It is history, but the issue is the same.

CHAIR—I would just like to delve into the mechanics of how you would like to see this done, that we get at least a fifty-fifty split of women. There are presently 148 electorates. You are not suggesting we should have 296 members?

Ms McGarity—That would be a possibility.

CHAIR—The other alternative, I guess, is to double the size of the electorates and have one male and one female.

Ms McGarity—That is correct, yes. That would be the quickest way to make the change.

CHAIR—Sure. I presume each party would have a requirement, if they so wished, to put up one male and one female from each party, so you would still vote a preferential ticket for each—

Ms McGarity—For two people instead of for one, for one female ticket and one male ticket. It would be good for the electors, too, in that they would have a choice of whom they approached. Not everybody likes the local member, even if they are from the same party. You would still have a choice. There are some matters on which women in particular are loath to approach males because they have to give them a few lectures ahead of time, sort of thing, to get the issues across. That is one way.

Marion Sawyer's paper deals with various kinds of proportional representation. I know that some parties do not favour that because obviously parties are thinking of their own fortunes in the whole of this, but I think this issue of women's representation in parliaments should be above party politics. We have to find ways of getting women there.

Young women that we talk to are really appalled when we point out the history of this sort of thing. In fact, some of the older speakers who spoke historically at our symposium last week really impressed the younger women who were there. Young women expect these days to have a different lifestyle from their mothers or grandmothers and they are not very patient about it. We have been trained to be patient over the years in my generation, although I think our patience has sort of got to the end of its tether because we see our daughters and granddaughters coming along.

CHAIR—If that is your preferred position for the House of Representatives, what are you advocating for the Senate?

Ms McGarity—We have not got a preferred position. We want to take all this information we have given to you—it only happened last Thursday, this symposium—and we have got response sheets out with the participants. There was a distinguished array of women there representing many organisations and there are about 150 people in total. We are hoping to get responses back from them and analyse the papers and come up with our own preferred position and our strategic direction for the future.

But we are aware that the two-member electorate in the lower house would be the quickest way to implement equality for women. If that were done, I think the numbers of

women in the upper house are already greater and I think that there would be a follow-on effect because this was seen to be becoming a new part of the culture, and I suspect that we could leave the Senate the same. That would be the easiest and quickest way perhaps to do it. But we are looking at proportional representation also for the lower house, as you will see in Marion Sawyer's paper. So that is another way. It would be more difficult, it would be a far more thoroughgoing research effort to decide how to implement that, and I do not have any quick answers at the moment because there are different kinds of proportional representation, of course.

Ms Bielski—Can I draw your attention to our original submission? We said that as voluntary organisations we do not have the facility to commission research and that we ask that your committee commission that research. It was in your advertisement that you said that you were going to monitor, which we thought was a rather passive way of doing things, and we suggested that you commission research from people who understand electoral systems and get them to put before you submissions or ideas that could perhaps be referred back to women.

Ms McGarity—We are good at doing conferences and things, so our effort last week was what we did instead of doing other kinds of research.

Ms Bielski—We virtually picked the brains of other women last week and you will get the benefit of that, and they were distinguished, mainly lawyers—all lawyers except one.

CHAIR—Just extending that a bit further, have you also approached the current female members of the House to seek their input to your survey?

Ms Bielski—We sent them invitations to come but the bells rang, I understand. We had it in parliament, thinking they might get there, but they were all too busy. It was estimates committees all day and things like that. I would suggest that some of them would have views on this and we hoped that they would get there, and some of them came in to listen for a few minutes but could not spare the time.

Ms McGarity—Also many of them are new and probably have not had a chance to study these things themselves.

Ms Bielski—As I said earlier, women who are in the system have to watch their backs a little. We probably will consult them and send these papers around to them and ask for their reaction—it was Thursday, we have not had time further. We consulted women MPs two years ago before we put in our original submission.

Ms McGarity—Anything that we run we look for information from all parties. It is no front. We are definitely non-party political. We want to see women there, in all parties.

Senator MINCHIN—Can you remind me of the reaction among women when Jim Carlton floated this proposal of two-member electorates? I seem to recall that there was some

division of opinion among women in public life and women in significant female organisations.

Ms Bielski—I think everyone thought it was his swan song and did not find it—we found it interesting but I don't remember much about other women's reaction to it.

Ms McGarity—I think at the time we felt that it was impossible. But since then we have developed our ideas and we have spread our word pretty widely amongst major women's organisations in the country. We have also been speaking with parliamentarians and, as Ms Bielski says, we are aware that women parliamentarians go into a culture in the House that they have to fit in with, and anybody who has any political nous at all saves up what they have got to say to an appropriate moment. So I am not sure that they speak out too loudly in any case, even to us, although many of them will speak privately.

Senator MINCHIN—Tell me what evidence there is of women being very keen to get into parliament and not being able to, because this is the sort of issue. It is a bit chicken and egg, I suppose, but, having been a party director for years, it was more the case of seeking to get capable women to the barrier, to get them interested. I found that—

Ms McGarity—I think you have been kidding yourself a bit there.

Senator MINCHIN—I am just wondering what evidence you had.

Ms McGarity—I personally have never joined a party because I am not the type to butter the scones, and this was the image that existed. My mother, as I told you, did a lot of pushing from behind and there was no way I was ever going to do any of that. If anybody had ever approached me, possibly from either of the major parties, I am not sure but I might have been interested, and I think I am probably fairly typical of many people.

Ms Bielski—Could I put it to you that before the anti-discrimination legislation came in, before affirmative action came in, a lot of women did not voice their opinion, but they took advantage of everything that came their way, and when we talk to women they are very approving. We have not done a census but I have tried it out in all sorts of places. If I am in a shop and something comes over the news and some woman is speaking, I make a remark, and they are approving or something like that. Or I make a little comment, say, on a male politician who has said something which we think is a bit silly, and we have a laugh, and I make some remark then that we need more women in parliament and they all nod. So I don't believe there is any hostility to the idea.

Secondly, it is undemocratic that we are not represented there in any way near our numbers. It is unjust. We have to submit to laws under which we have very little to say. Last week it was amazing, we were meeting in parliament, at the time when someone was floating the idea that the abortion laws should be changed, and I understand that there is still an idea that the health ministers are going to look at making all the laws like South Australia's, which is the worst in the country. Before the French Revolution, they had an expression which said, 'Without us, about us, despite us.' You make laws about us and we have nothing much to say

about it.

I live in an area where I was represented by an Independent for a long time, and that gave me a lot of satisfaction, because I did not feel I was represented in the major parties. So I think it is undemocratic, it is unjust, but worst of all it is inefficient, in the sense that why would we have to have anti-discrimination legislation, an Office of the Status of Women, bureaus in various departments, if the mainstream politicians and the mainstream public servants understood their business properly. Mainstream usually means that women have add-on programs. Dame Beryl Beaurepaire said, 'Most of the programs for women are add-on.' How come the new federal Parliament House was built without child care? It has every facility: hairdresser, swimming pool, leisure centre, meditation centre, sporting facilities—every darn thing, but no child care. I suggest that a little bit of refurbishing of the meditation centre into a child-care centre would be appropriate.

Mr LAURIE FERGUSON—On the ramifications of the anti-discrimination legislation being able to interfere in the internal affairs of the parties, beyond the instance of asking questions that were discriminatory, what other outcomes would that have?

Ms McGarity—If we could get it into legislation that the outcomes of the preselections had been discriminatory—in other words, women were not adequately represented—then we could whiz off to court on that one.

Mr LAURIE FERGUSON—So you are saying that the anti-discrimination legislation would impose a requirement that there had to be half.

Ms Bielski—There is no argument with imposing anything on the political parties. They have imposed legislation on everybody else. Can I put it this way: article 4 of the CDAW convention allows temporary measures. I don't see any reason why the parties could not require half men and half women to be presented for preselection. As it is now, I witness in the press quite often women who want to run for preselection in the Labor Party and they appear to be leant on by head office not to run. I refer to the Werriwa seat, where the mayor of Campbelltown and the mayor of Liverpool wanted to run. The Mayor of Campbelltown was female and was leant on very loudly by senior men in the party not to run.

Mr LAURIE FERGUSON—That happens to males too on many occasions.

Ms McGarity—Well, if it happened equally we would be happy.

Ms Bielski—In a situation of affirmative action, it would be automatic that a person went to preselection.

Mr LAURIE FERGUSON—Let's not talk about what you or I want in life. Let's just talk about the legislation, let us get back to that. I am just asking you what would be the legal—

Ms Bielski—We don't have all the answers. We are hoping that people like anti-discrimination legislation will look at this.

Senator MINCHIN—Elizabeth Evatt outlined the consequences in her paper, did she?

Ms McGarity—Elizabeth Evatt said that her first preference would be for a constitutional guarantee of equality for women, and the easiest way to put that in would be in a preamble to the Constitution, and that might in fact guarantee equality for all Australians, including women, indigenous peoples and so on.

Senator MINCHIN—Does her paper talk about the consequences for the parties of the application of the relevant legislation, sex discrimination, affirmative action?

Ms McGarity—She is not talking about that issue. She also talked about an equality act, which she had presented in another report, *Halfway to Equal*, which I am sure you have heard of.

Ms Bielski—The Law Reform Commission report.

Ms McGarity—The Law Reform Commission report. She was the chair. Sue Walpole was the person who was looking at the Sex Discrimination Act.

Senator MINCHIN—All right—we will have a look at that.

Ms McGarity—She is the one who went away and said she would like to have another look at it in relation to the parties not being private organisations at all. It is our view that they could not be called private organisations.

Ms Bielski—Mr Ferguson, you are asking us to provide you with all the answers—

Mr LAURIE FERGUSON—No, I am not.

Ms Bielski—We are putting you the questions and posing you the problems. As legislators and parliamentarians and the owners of the political system, we are suggesting that you have a moral and legal duty to find a way out for us.

Mr LAURIE FERGUSON—With respect, you have spent an amount of time telling us how unreasonable it was that the political parties are not subject to this legislation, and you then instanced the fact that sexist questions were asked of candidates in regards to driving them around—

Ms Bielski—That was an example.

Mr LAURIE FERGUSON—I was wanting to know whether anyone has told you

about any other things that can be imposed in this way. That is all I am just trying to get at. I do not know the outcome myself.

Ms McGarity—We would prefer that the Sex Discrimination Act were unnecessary, so we would prefer to have a preamble to the constitution under which we could take action, or an equality act through which we could take it.

Ms Bielski—The Sex Discrimination Act can be amended by parliament for or against us, and also it can be made inoperative by squeezing it of funds, so it is not a perfect instrument as it is.

Ms McGarity—And it is complaints driven. We would much prefer to have the rights—

Mr LAURIE FERGUSON—I do not want to get off the point. I thought you might have knowledge of some other impacts that I was not aware of. That was all I was getting at.

Ms McGarity—Our greatest knowledge comes from Sue Walpole's paper.

Ms Bielski—Also our own thinking on the matter. We just feel that if everybody else in the country had to go through the painful process of finding out how to work within the act—and I think the preselection process is probably the key one, but I think it may well be that the Sex Discrimination Act or an equality officer could help them. There is no reason why the preselection committee should not get guidelines and training as to how to go about it. Written instructions would be one of the other things too.

Mr McDOUGALL—Let us look a little broader than Australia. Who else has approached this question and what have they come up with in other democracies around the world?

Ms McGarity—The Scandinavian countries have the best record in this regard. They have done it through party action, affirmative action within parties, and through proportional representation electoral systems.

Mr McDOUGALL—You are telling me that there are some other countries in the Western democratic world that actually have equal representation?

Ms McGarity—I would say not necessarily equal, but certainly around 40 per cent.

Ms Bielski—Iceland has more than 50 per cent but Norway has 39 per cent, Finland 39 per cent, Sweden 34 per cent and Denmark 33 per cent. The Human Rights Committee of the United Nations is looking at these issues at the moment, apparently. It says all these countries have an electoral system which includes proportionality in the form of party lists and quotas of some kind. New Zealand will soon be voting under a new system which includes an element of proportionality, combining party lists with single-member constituencies.

Ms McGarity—I am not suggesting that every woman would agree with me, but I still think that the quickest way for any government that wanted to make quick inroads in this area would be the two-member seat option. It could be legislated for and I think it would probably cause the least hassle. We do not really want to have males and females lined up against each other for this; we would prefer that if we have to comply with this, yes, there would be some guys standing in line hoping for seats who would be disappointed. They should never have had the right to expect them in the proportions they have anyway and that might be sad for them, but the women should be lined up equally behind the men.

Senator CONROY—I wanted to ask you about the formation of the women's party in Queensland. Did they actually run in the last federal election? They ran in the Senate, didn't they?

Ms Bielski—They ran without preparation, to my observation, and they got something like 1 per cent or 2 per cent of the vote. I never felt it was a viable idea.

Ms McGarity—They actually had no preparation. They did not have people hanging round the polling booths, they did not have the sorts of things one would expect—

Ms Bielski—I went to observe one of their meetings. They did not even ask for money. That is how amateurish they were.

Senator CONROY—Pauline Hanson ran without a lot of preparation too.

Ms Bielski—She was in a party when she ran originally.

Senator CONROY—She ended up being without a party.

Ms McGarity—I suspect she had been doing some work through the party before the election.

Senator CONROY—You said you welcomed all women being elected to parliament.

Ms McGarity—There are many women whom we do not want elected, like Pauline Hanson and one or two others in the other parties whom I will not name. But that is the same with men.

Ms Bielski—Until women get to be what is called critical mass, like the 39 per cent to 40 per cent, the women who are in parliament will be subject to extraordinary scrutiny. Bronwyn Bishop has had it and Carmen Lawrence has had it; they have all had it. If a woman slips, they get double the notoriety. That is another reason why the few women who are in parliament carry a big burden. Their appearance is commented on and their actions are writ large all over the newspapers. I do not think that is fair. Until such time as there is critical mass, those women who are in the parties are not going to take too many risks pushing the

women's agenda in the party or the parliament. The 39 per cent to 40 per cent seems to be the critical mass.

In the Norwegian parliaments and the other parliaments they seem to be able to be normal members of the legislature. These temporary measures that are allowed under article 4 of CDAW could have the target of 39 per cent. I notice that the word 'quota' is out of fashion. We do not want a 35 per cent quota for women; we want a 50 per cent quota for men.

Senator CONROY—I am just interested in ascertaining the views held by the women you do not want elected to parliament. What sorts of views are they?

Ms McGarity—We would be very happy if some woman who was far more moderate basically put up against Pauline Hanson. Women tend to be reasonably moderate; they tend to be interested in social welfare.

Ms Bielski—That wasn't the question.

Senator CONROY—The question was: what sorts of views do you believe these women should not hold? You said you would be happy if she had not been elected and another woman had been.

Ms McGarity—Well, she is a racist person apparently.

Ms Bielski—We are not canvassing our political views here today.

Senator CONROY—It is just that the comment was made about Pauline Hanson.

Ms McGarity—Basically, the sort of person that any reasonable person would think was too extreme.

Ms Bielski—I thought your question was: what do the majority of women who do not want to go to parliament think? I would suggest that they are just like the men who do not want to go to parliament.

Senator CONROY—No, I didn't ask that at all.

Mr McDOUGALL—If I could change the subject. You put into your submission some comments in relation to computerised voting. I would be interested in you expanding in relation to that and why you believe it would be beneficial. Also do you believe that there is a system that would be able to work—in other words, not be a problem—not only in the relation to the technical side of it but as to whether or not, for example, some of our elderly people in the community may find it a difficulty to be able to operate?

Ms McGarity—I am 60 next birthday. I am right up with things in electronic publishing; that is what I do for a living. I have some understanding of computers. I do not

understand all sorts of things that go on, but I work in an institution where there are many people around who do understand them and I seek their advice. I am sure the right people could develop user friendly programs.

If anybody has ever been down to the RTA, they would know that for years now the RTA has had a testing system. We used to have to do a written test. It has been computerised for many years. I have happened to have run foul of the speed cameras a few times in one particular spot where they used to move it along the road. At the same time many people got caught. I had to go along and get a probation licence and I had to do the test.

I noticed how well it was set up. It is multiple choice. You only have to press the button and so on. My view is that you would have a row of computers programmed essentially correctly. You could also give people a hard copy of the ballot paper for those who felt uncomfortable reading text on a computer. I still think paper is better to read on for some complex matters.

They could look at this and then press the buttons that were required. It would come up with 'start', and it would say, 'Please press the button called "start".' Then it would say, 'Now you are going to vote.' It would be user-friendly and take people through it in a programmed manner. I do not see any problem in getting that done. There is cost, obviously; but the way we do it now is really ancient history.

I went to the March election. I am a person who is interested in these things. I had studied the paper. People should have the right to vote for individuals. You should not be forced by the complexity of it to vote for a party—'These are the people the party has chosen; you will vote for them irrespective of whether you would rather have some other person from another party in there or an independent or whatever.' I know there are views among parties as to the way they like it; but I do not think it is democratic to have to vote by party, because that is all it means—you vote by party if you vote above the line.

Senator CONROY—You do not have to vote above the line.

Ms McGarity—For the Senate.

Mr LAURIE FERGUSON—You are not compelled to.

Ms McGarity—Right. So the alternative is unworkable; that is my point.

Senator CONROY—What is unworkable?

Ms McGarity—I will tell you what I did. I am an intelligent human being. I got a list from the newspaper. I went through it very carefully and I marked it according to my preferred way of voting. I think there were 96 or something, I cannot remember how many there were. Then I went along to the polling booth. You have a space yea sized, a blunt pencil and a string of paper that falls off here. No wonder people want to vote above the line.

I persevered and I realised that I had made a mistake; I had put the same number twice. So then I went back into these little squares and tried to change it with the blunt pencil. I did that a couple of times and in the end I gave up. I went to the end, but I knew it was wrong and that my vote was therefore invalid.

Senator CONROY—Before we introduced the 'above the line' system, you only had that system.

Ms McGarity—That is correct. There are so many people standing now. When I first started voting there weren't so many people to choose from.

Senator CONROY—I do not understand the point you are making.

Ms McGarity—I could have far more easily entered my preferred candidates into the computer by number than I was able to manage. I could not manage it. If I cannot manage it, there are not too many people who are going to persevere and manage it because, firstly, they will not have the motivation and, secondly, they will think it is simpler and if they are not all that politically orientated—

Mr LAURIE FERGUSON—Isn't it valid to say that a lot of elderly people might find it easier to write the No. 1 in a box for a political party than to have to fiddle around with a computer?

Ms McGarity—If you want to leave that in, leave it in. But if it were on a computer then you would be asked the question, 'Do you wish to vote for political parties one by one or do you wish to see the names of all the candidates and vote for them according to your individual wishes?' Then you would say yes or no. I am not saying that you have to abolish it. But the alternative is now unworkable, therefore it is virtually non-existent.

Mr McDOUGALL—Can I expand that a bit further? Can you tell us of a country that is operating a computer system which is not first-past-the-post?

Ms McGarity—Because I happen to have to earn my living doing other things, I have not had the opportunity to do that sort of research. I know Belgium uses an interesting system, and I would love to go over to Belgium with a couple of you guys and look at it.

Mr McDOUGALL—Is that a preferential system or a first-past-the-post?

Ms McGarity—I am not sure now.

Ms Bielski—I suggest that a lot of the work done by the Electoral Commission in the lead-up to the elections should be done on television and not in the print media. By having the electronic system on the screen, you could demonstrate to the people how to use it. You might say that is expensive. But I do not think it is beyond the realms of possibility that, if you

have legislated so much free air time for political parties, the Electoral Commission should have access, as a public service, to the electronic media for the purposes of election.

CHAIR—Just getting back to the other topic: I appreciate that you have only been going a relatively short time.

Ms McGarity—Four years.

CHAIR—Can you just give us some idea, roughly, of how many members you have?

Ms McGarity—We have organisational members, and they are listed.

Ms Bielski—If you look at the front, we are a coalition of organisations. We have never calculated how many members there are. We do have individual members who, just by way of supporting it, come from interstate and all sorts of places.

Ms McGarity—But they do not have a vote.

Ms Bielski—They do not have a vote; they just support us.

CHAIR—So membership is obviously building. The other thing I was interested in is a matter of philosophy: what you are advocating is a fifty-fifty split with male and female representation. Does the principle extend to other groupings in society? For example, if five per cent of the Australian population is German and two per cent is Aboriginal, should they also eventually have a proportional representation in the parliament?

Ms McGarity—Our concern is for women, and that is the reason we are here. We see the justice of some representation. The idea of tagged Senate seats has been suggested, particularly for very small groups like indigenous people who have the need and the right but who, on numbers, could not command a huge proportion. So there is the issue of some tagged seats.

Ms Bielski—I would put it to you that, if you belonged to any other kind of minority, half of that minority tends to be female and the other half, male. If you look at what the women's advisory councils have done, they have raised the issues of ethnic women and indigenous women from time to time. I see it as being inefficient not to be represented in parliament. Women sometimes do have different opinions, different perspectives. I am not saying that we are any more moral or better politicians; I am just saying that the full spectrum of Australian life experience should be represented in our institutions.

Mr McDougall—Quite a few people who have come before us have raised the issue of identification in relation to enrolment. Currently, as you would be aware, you fill out a paper, you put it in the post and you are on the roll.

Ms McGarity—That seems to me to be a very difficult thing, yes.

Mr McDOUGALL—Have you a position on that? Have you thought about that?

Ms McGarity—We believe, basically, in ethical behaviour, and we are aware that there are some people who do not behave ethically. I would see no problem—I do not think any woman would—with their identifying themselves in this regard.

Ms Bielski—Most people have on them something to identify themselves. If they knew they were coming, there is the gas bill, the Mastercard statement, the drivers licence or something like that. I do not think we want an Australia card, if that is what you are suggesting. We need something that identifies them on the day.

Ms McGarity—We have to identify ourselves to get a driver's licence.

Mr McDOUGALL—I was not talking about on the day. I was talking about to get on the roll in the first place.

Ms McGarity—I cannot get a drivers licence without identifying myself, so why should I get the right to vote without identifying myself? I agree with that.

Senator CONROY—I suppose we would see a change in the voting system if 50 per cent of seats were allocated to women. Would you have any views on the socioeconomic status of the women? Do you have any quotas on a socioeconomic status basis? Would you be happy that 50 per cent of the women who got in would possibly be lawyers and add all that diversity to the parliament that it does not now have?

Ms McGarity—We are looking for equality. I see that as a separate question.

Senator CONROY—I am talking about more than equality. I am talking about lawyers, not females.

Ms McGarity—It is a bit sad that we do not have a more diverse group in the parliament. We cannot deal with all the questions at once. Obviously, once we get 50 per cent of women there, people like us will be out there criticising the women that we want to see moved on and making suggestions about the sorts of women that we would see them replaced with. I see that as a very separate question to this. Women are not a minority. They are not a special interest group. They are half the population. They have not been there for historical reasons. The Democrats were formed at a time in this country when there was a good deal of agitation by women on these issues.

Senator CONROY—Don Chipp got in a huff.

Ms McGarity—When the party was formed, it attracted women. Women have been well represented in the parliament. We have no quarrel with their representation. The party has had three leaders who were women. The reason we are in this is largely historical.

CHAIR—Thank you for your attendance and thank you to everyone.

Resolved (on motion by Senator Conroy, seconded by Mr Laurie Ferguson):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 3.00 p.m.