



COMMONWEALTH OF AUSTRALIA

**JOINT STANDING COMMITTEE ON
ELECTORAL MATTERS**

Reference: Conduct of the 1996 federal election

BRISBANE

Friday, 4 October 1996

OFFICIAL HANSARD REPORT

CANBERRA

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Members:

Mr Cobb (Chair)

Senator Conroy (Deputy Chair)

Senator Abetz
Senator Minchin
Senator Murray

Mr Laurie Ferguson
Mr Griffin
Mr McDougall
Mr Nairn

Matter referred for inquiry into and report on:

All aspects of the conduct of the 1996 federal election and matters related thereto.

WITNESSES

PATCHING, Mr Robert Edwin, 115 Brandon Road, Runcorn, Queensland 4113	240
SMITH, Mr Graham Francis, 8 Borambil Road, Shailer Park, Queensland 4128	256
ORR, Mr Graeme David, Acting Secretary, International Commission of Jurists (Queensland Branch), C/- Faculty of Justice Studies, QUT (Kelvin Grove Campus), Locked Bag 2, Red Hill, Queensland 4059	267
JOHNSON, Mr George Charles, 18 Vennor Drive, Ormeau, Queensland 4208 ..	278
HUGHES, Professor Colin Anfield, 23 Arrabri Avenue, Jindalee, Queensland 4074	290

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Conduct of the 1996 federal election

BRISBANE

Friday, 4 October 1996

Present

Senator Conroy (Acting Chair)

Mr Laurie Ferguson

Mr McDougall

Mr Nairn

The committee met at 9.08 a.m.

Senator Conroy took the chair.

PATCHING, Mr Robert Edwin, 115 Brandon Road, Runcorn, Queensland 4113

ACTING CHAIR—I declare open this hearing of the inquiry into the conduct of the 1996 federal election and matters related thereto and welcome the witnesses and others in attendance. We will be taking evidence today from Mr Robert Patching, Mr Graham Smith, the Queensland branch of the International Commission of Jurists, Mr George Johnson and Professor Colin Hughes. Before I call on Mr Patching to give evidence, is it the wish of the committee that the submissions from Mr Patching and Mr Smith be authorised for publication? There being no objection, it is so ordered. Mr Patching, in what capacity do you appear here today?

Mr Patching—As a private citizen.

ACTING CHAIR—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 House of Representatives. 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 received your submission and it is now publicly available. Are there any corrections or amendments?

Mr Patching—I have got two corrections, Senator. On page 3 of my first submission on 18 September, in the second paragraph it has got, ‘I made a submission to the JSC following the 1990 election.’ That should be 1993. Then on the same page, bottom paragraph, third line from the bottom, it says, ‘Copies of actual enrolment cards.’ It should be file cards. And I finished the first part of my submission with attachment D and then when I started the second part of my submission I went to attachment F, so I just want to draw your attention to the fact that there is no attachment E.

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

Mr Patching—Yes. I was just going to make an opening statement with a small summary of what my submission contains. I was interested in the statement that you just made about contempt of parliament, because that is the reason why I am here. In 1993 I did appear before the Joint Select Committee on Electoral Matters following that election, and a friend brought to my attention during the last election a letter by Mr Bill Gray, the Electoral Commissioner, in the *Sydney Morning Herald* on 7 March 1996. A copy of that letter appears at attachment A of my submission. I would just like to quote a small passage of that letter that refers to me. It says:

Regarding the claim of 200 enrolled non-citizens in Queensland: the divisional officer in Rankin who

made the claim was unable to produce supporting evidence to my predecessor.

That is incorrect. My submission sets out the evidence which supports my case. The first part of the evidence, attachment B, are minutes of the DROs' meeting on 3 June 1992 in the division of Petrie where the matter was discussed extensively. The second part of the evidence is a statutory declaration from Allan Floyd at attachment C. He is an employee of mine who assisted me in compiling a list of the people that I had mentioned, the 200-odd. That list was requested by Brian Cox, the previous Electoral Commissioner, and it was returned with a letter to Brian Cox through Ross Mackay, the Director of Operations in Queensland. Mr Floyd's statutory declaration states that he assisted me in the compiling of those statistics, those names and addresses. At attachment D I have a stat dec from a casual employee, Kay Mehrens, who worked for me during the time in which we had the problem with the citizenship enrolment, and she supports what we did, how we did it and why we did it. And at attachment F there is a copy of the letter to the Director of Operations, where I returned the lists on 22 October 1993.

I was looking at some of the records I had at home while I was preparing this submission. It came to my attention that a letter appeared in the *Australian* on 29 February 1996, again signed with the name Bill Gray, Electoral Commissioner, a copy of which appears at attachment G. In that letter he indicated that there were only 110 postal vote certificates out of 400,000 issued in the whole of Australia that actually came apart and the ballot papers fell out. The reason I draw your attention to this is because, firstly, it is wrong. Secondly, it appears that the letters that Mr Gray has been putting in national newspapers are incorrect and, therefore, supports my claim that the letter he wrote about me was incorrect. I can prove also that that is incorrect because, at attachment H, I have a statutory declaration from Peter Wilkinson, who works in the education section of the Electoral Commission, and he has told me—and he puts it in the statutory declaration—that during the election he saw come through head office in Brisbane a postpak about the size of an A3 sheet of paper containing ballot papers that came through the Underwood Mail Exchange.

At attachment I, there is an e-mail from the Director of Operations, Mr Ross MacKay, dated 31 May 1996. He states:

I know that a total of 253 PVCs were received completely empty by DROs because this is what you told me . . . just before election day.

Further on in that e-mail he states:

I know how many "loose" ballot papers were received in Head Office—and I know how many were received by the Division of Lilley (because I've got them).

It seems to indicate that the 110 mentioned in the letter on 29 February was inaccurate. In further conversations I had with Peter Wilkinson, he related to me a conversation he had with Mr Bruce Minnal, who was working as a casual in the registry section of the

Australian Electoral Commission. He indicated to Mr Wilkinson that he took a bag such as the one he described in his stat dec to Mr Ross Mackay on four separate occasions that he could remember. I have no reason to disbelieve this, because Mr Minnal, I believe, is a Justice of the Peace.

Also, in that letter Bill Gray indicates that the problem was solved because envelopes were later secured. I believe that the way in which he solved the problem actually made a bad situation worse. At attachment J, there is an e-mail from Peter Spelman that actually gives the directive on how the problem was solved, and that was that sticky tape had to be attached to the postal vote certificate envelopes. That creates three problems for a DRO. In my mind, as a DRO of 12 years experience and employed with the Commission for 18 years, if I saw a large number of postal vote certificates returning through the mail to my office, particularly if I had a close seat, I would ask myself three questions: was the sticky tape attached by my staff when they were issued, was it attached by the elector when he returned it, or has it been tampered with in transit and attached by a third person?

Schedule 3 of the Commonwealth Electoral Act—and this is just from memory—refers very much to whether a postal vote certificate should be moved from the preliminary scrutiny to the further scrutiny where it is opened and the ballot paper counted. This is very much up to whether or not the DRO is satisfied on certain points. One of those points would be that he would have to satisfy himself as to the authenticity of the vote inside that envelope.

At attachment K, there is an e-mail dated 19 February from the Director of Operations. Once again, he says:

I have also asked AP to send any loose ballot papers to us at the end of each shift.

As there were only 110 Australia-wide, that is less than one per division, because there are 148 divisions. I find it hard to believe that you would ask Australia Post to send them to you at the end of each shift, seeing that there are three shifts a day.

Part three of my submission is just dealing with the accuracy of the electoral roll. I am of the opinion that the electoral roll is probably now in the worst condition that it has ever been since I started with the commission back in 1978. And I believe that I can support this argument by looking at the AEC's own submission, where they indicate that there were 428,694 people enrolled in the week before the rolls closed. There were 11,655,190 people on the roll, so that represents 3.7 per cent of the community of Australia enrolling in the last week. If you take into consideration that the Electoral Act gives you a month to fill out an enrolment card if you live in the division and seven weeks if you are moving from outside the division, if that is a true indication of the number of people that moved in two months then you would have to think that we are going through a real estate boom in Australia, and I think that precisely the opposite is

occurring.

In my submission I did a little bit of research, just looking at figures. I believe the inaccuracy of the roll is due to the staffing policy of the Electoral Commission in that they have attacked the divisional office over a number of years. Starting in 1984, since we became a commission, it has been their mission to reduce the divisional office staff to a level where it can no longer exist, and thereby get rid of it. If you question them about it, what they will say is, 'We are not getting enough money from the government.' I think that if you are running an organisation where the two main functions of that organisation are to run credible elections and maintain an accurate electoral roll, you must put the majority of your budget into that area. Then you deal with other areas as the money permits; you don't do it the other way around.

If you have a look at the figures on page 4 of the second part of my submission, they are the number of declaration votes issued in relation to the total enrolment at each election in Queensland. You will notice that in 1984 the number of declaration votes issued is 10.73 per cent and it actually climbs to 14.03 per cent in 1996. The increase between 1984 and 1987 is 0.9 of a per cent; the increase between 1987 and 1990 is 0.63 of a per cent; the increase between 1990 and 1993 is 0.3 of a per cent. So you actually see that the increase is decreasing, if I can say that. But then between 1993 and 1996 the increase is 1.47 per cent. That coincides with the decision by the Electoral Commission in 1993, following the election, to reduce all divisional offices to this magic figure of 2.6 people. Now, as you know, you can't have 0.6 of a person and, to quote some of the members in administration, they say that the dead have to lie where they have fallen. In other words, if you have got three—as I have in my office—then you are lucky. If you have got two, then the third position is not filled. Then again, if you have got three and the office near you has only got two, then you expect to lose someone during that period of time.

We have now got to the stage where it is not uncommon for offices to be closed when people are not there. It is certainly not uncommon for people to be there alone for long periods of time. In the last three months I have been on my own for, I would say, five weeks out of three months. The point is, I am one person. How can you expect one person to maintain an electoral roll containing 77,000 people? It is impossible. I believe that management are not only aware of this, they are responsible for it.

If I may draw on some figures off the top of my head which don't appear in my submission, I believe that declaration votes—and that is why I present that argument—are a result of people who turn up to vote on polling day, but they are not on the roll in the division that they attend because they have moved and they have not updated their enrolment because the Electoral Commission has not pursued them. If you look at my division, the division of Rankin, where I have been the DRO since 1984, in 1984 the division of Rankin came into being and covered 8,000 square kilometres. In 1996 it covers 2,000 square kilometres, so it is a quarter of the size in area. If you look at the polling

booths, in 1984 I had 70 polling booths; today I have 32. If you have a look at the make-up of the division, in 1984 it was rural, a bit of urban and some acreage. Today, it is urban and acreage. In 1984 it would take me two to three hours to drive across the division. In 1996 it takes me 20 minutes. The most isolated polling booth in 1984 I think was 50 or 60 kilometres from its nearest polling booth. In 1996 the furthest point between two polling booth is 16 kilometres between the Park Ridge polling booth and the Jimboomba polling booth, the only reason for that being that there are no halls or schools in between. In 1984 I issued 5,500 declaration envelopes and there were 59,000 people on the roll. In 1996 there are 77,000 people on the roll, an increase of 18,000, and there were nearly 12,000 declaration votes this year, so it is more than double. I believe that that is the reason why the declaration votes just keep increasing, because the roll is not being pursued. In 1993 I told this committee that I have been a DRO for nine years. I never prosecuted anyone for failure to enrol. In 1996 I have been a DRO for 12 years and I still have not prosecuted anyone.

That is basically the end of my statement. I just want to read this last little bit of my submission, for obvious reasons.

I would like to inform the committee that in the past when I have appeared before the Parliamentary Committees I have always told the truth and this has not always reflected favourably upon the AEC. It is not uncommon for me to be the recipient of different treatment to other staff because of submissions and evidence I have given previously. If I am the recipient of any harassment, victimisation or intimidation such as I have experienced in the past I will be lodging a formal complaint with this committee.

That is my statement.

ACTING CHAIR—Thank you. Questions?

Mr LAURIE FERGUSON—A few points: one of the difficulties is always comparing like to like.

Mr Patching—I agree with that.

Mr LAURIE FERGUSON—I will go from your figure of 428,694 enrolment cards and I will talk about my recollection of the actual number of people who effectively changed their enrolment during the period of the election. That was 207,000 people nationally. If we had a look at the average of the previous 12 months, comparing the same accomplishment of actually changing enrolment, the average per month was 69,000 people for the year previous. In the four months after the peak period of the last election that figure falls to 35,000 per month. Why can't we assume that, rather than your comments about massive real estate booms et cetera and basically implying it is very suspicious, why couldn't we assume that if it drops by an average of 34,000 per month that it is interrelated with the interest in the election and a lot of slack people who cannot be bothered basically getting around to it do get around to it during the election campaign

period?

Mr Patching—You can definitely make that assumption. I am not saying that the enrolment is suspicious, I am saying—

Mr LAURIE FERGUSON—You did say that this would indicate a real estate boom that we have not got, so you are implying something.

Mr Patching—No, what I am implying is that we as an organisation, the AEC, have failed to do their job in the previous period up to the election. We do a lot of objections, but objections only take people off the roll. If you pursue enrolment, as you are putting that person onto the address that they are enrolled in you are taking them off the address that they actually belonged in. If you are just issuing objections, all you are doing is taking people off the roll and then they have to appear somewhere. I am not suggesting it is suspicious. What I am suggesting is—

Mr LAURIE FERGUSON—But you can see that an explanation.

Mr Patching—Yes, I can see.

Mr LAURIE FERGUSON—Post-election, you speak of eight ineligible voters you discovered voting. Is there any increase on that? That is the latest figure you found?

Mr Patching—Yes. I was not really looking; they just came across my desk. That would be average in most divisions, I would say.

Mr LAURIE FERGUSON—Can I just clarify how they were ineligible. You said you found eight. What were you doing, looking at hundreds of them?

Mr Patching—No, I was looking at non-voters' notices, pursuing people to ask them why they didn't vote.

Mr LAURIE FERGUSON—I thought these were people that did vote, you said.

Mr Patching—There were four that did vote.

Mr LAURIE FERGUSON—I thought you had a figure here that eight people voted who were not supposed to.

Mr Patching—No, there were eight that were on the roll. Four of those voted. How it came to my attention was it was on a report in a polling official handbook, and they actually said, 'We are not Australian citizens. We do not think we are entitled to vote.' They made the note that they were on the roll so we let them vote anyway.

Mr LAURIE FERGUSON—The comment is made by some of your employees that ‘they express their concern that a large number of the Vietnamese applicants were not eligible’. Do you know on what they based their concern?

Mr Patching—The numbers that we were getting. It is not uncommon that when we would talk to people at the counter, the Vietnamese mainly, you have trouble communicating with them—which is only natural. But when you actually get them at the counter to discuss things with them, you would find that a large majority of them were not naturalised. So when you are just dealing with them through the mail and the policy tells you they have ticked the box, they signed the declaration, it is acceptable, the hairs start to stand up on the back of your hand.

Mr LAURIE FERGUSON—This check: you have indicated it was 20 months rather than nine months—

Mr Patching—That is correct, yes.

Mr LAURIE FERGUSON—They were people re-enrolling or only new enrollees or what?

Mr Patching—New enrollees.

Mr LAURIE FERGUSON—And you checked every new enrollee who claimed not to be born in Australia.

Mr Patching—They were the ones that were born outside Australia that claimed to have Australian citizenship but failed to produce any date of citizenship or naturalisation, and we just did a further check on them.

Mr LAURIE FERGUSON—I concede there is a possible problem in this area, but I put to you that, rather than denying and complicating the process for those people, as you suggest as a solution, wouldn’t it be preferable that the AEC itself checks with Immigration? That is not quite what you recommended. And then the checking would go to those people who still have problems rather than basically denying a lot of people who could be all right.

Mr Patching—I would agree with you 100 per cent. That was the recommendation I made to the last JSC and it did not get up, so I thought I had to change it around.

Mr LAURIE FERGUSON—But do you take the point that just because a person when they walk into your office cannot remember the exact date they became a citizen and their citizenship number, it is a bit harsh to put the onus back on them rather than the immigration department?

Mr Patching—I agree with you. It is, especially if we can do it ourselves, as I have proved it is quite easy to do.

Mr LAURIE FERGUSON—Finally, declaration votes: why isn't there an interrelationship with that growth, not necessarily with some date when they change the number of employees, but why is there not a degree of correlation with the growth in Australia of pre-poll voting, both parties going out there and—

Mr Patching—That plays a percentage in it, I would say, and that is that it is easier to get a declaration vote than it ever was. But what is happening is—

Mr LAURIE FERGUSON—But you have had a look at the figures of the growth in that?

Mr Patching—No, I admit I have not done it.

Mr LAURIE FERGUSON—It is probably a very significant proportion of the declaration vote growth.

Mr Patching—It could be, but what I am getting at is that the big jump in the declaration percentage of enrolment in Queensland corresponds to the reduction of staff in the divisional office. That is the one thing that stands out.

Mr LAURIE FERGUSON—But over the last two elections at least there has been a very big growth in pre-poll voting.

Mr Patching—Definitely, yes.

Mr LAURIE FERGUSON—Postal.

Mr Patching—That is because it is easier to get them.

Mr LAURIE FERGUSON—So that could be a big part—

Mr Patching—That could play a part in it, yes.

Mr NAIRN—In your submission, Mr Patching, you comment that the list that you had of the people that were not eligible to be on the roll, that you subsequently found that that list has disappeared.

Mr Patching—The whole file has disappeared.

Mr NAIRN—It has not showed up since you made your submission.

Mr Patching—No. I have not made an intensive search for it. But I was off work for 7½ months and there were four different people doing my job, and in that period of time it has gone.

Mr NAIRN—The minutes that you provided as part of your submission at appendix B, of DROs', divisional staff, who do those minutes go to?

Mr Patching—They are circulated throughout the organisation. They are put on the computer and everyone gets to see them.

Mr NAIRN—Are they formally sent to the Queensland head office or to Canberra?

Mr Patching—Not formally, but they would have copies of them. The people at that particular meeting, I think from memory, Richard Kidd was the area manager at the time; Peter Kowaltzke is the manager of ADP; Ross Mackay was the Director of Operations; Peter Spelman, who is now an area manager, was in a similar position at the time; Keith Sands was an area manager; and the rest are DROs and divisional staff. It is put on the computer and it is there for everyone to read. Because it is on the computer, I suppose people in other states could access it. Whether it was sent formally to central office I doubt very much; that is not the intention of it. But the recommendation was that an internal audit be advised and see if they could do a survey. As far as I am concerned, I do not know whether that was done—

Mr NAIRN—I was going to say, that recommendation from those minutes, you do not know whether that was followed up at all?

Mr Patching—No, I do not know. You see, we have meetings of divisional returning officers on the north of the river and the south, and I actually belong in the south. I went along to that meeting primarily, I think, at the time because the DRO who put it on the agenda, Tim Scott, asked me to come along and talk about that particular subject. The idea of the meeting is that it is area managers and divisional returning officers from that particular area, and if anybody has an item of interest then they are invited along to discuss it or to put their case.

Mr NAIRN—The 215, how does that relate to the thing in your follow-up submission where you talk about two lists? This was the attachment F, sent to Ross Mackay, where you say:

I have provided two lists from information I still hold. List 1 of approximately 140 names are the ones that the Immigration Department has no record of their naturalisation.

List 2, which has approximately 53, how do they relate to the 215?

Mr Patching—Well, that is actually 193. I could not get the 215 because basically

the file was five years old. We were given this fax at 9 o'clock in the morning and it had to be done by 3, so it was a matter of doing as best we can. I thought that 193 might prove my point.

Mr NAIRN—Following Mr Gray's letter in the paper in March—

Mr Patching—Which particular letter is that?

Mr NAIRN—The one in the *Sydney Morning Herald*. Did you make any formal submissions to him to remind him that you had actually provided this information to his predecessor at all?

Mr Patching—No, I did not. I will tell you two reasons why. Previously when I had written to Mr Gray about other things he redirected me elsewhere. When I looked at it, he could have quite easily picked up the phone and asked me what was the case. He did not bother to do that, so there was no guarantee if I rang him that he would want to discuss it.

Mr NAIRN—Just a couple of other things. You said at the end of your statement that if you were subject to any harassment that you would make a formal complaint. Were you under any pressure not to appear before the committee at all?

Mr Patching—No. Since I came back to work after an extended period of sick leave—I was cleared by a doctor after three months, but the ADO for Queensland, Mr Longland, refused to allow me to come back and run the election, despite having two clearances from a specialist and the Commonwealth Medical Officer. I wrote to Bill Gray about it. I even said, 'Look, I won't run the election, I will sit there and answer phones. I have got 18 years experience, I believe I have got something to offer, if not to the commission, to the public.' But to come back to work I had to write to them after the election and remind them that I was still on sick leave and asked them if they could let me come back to work, basically. They had said to me I could go back to work in industrial elections, but my doctor refused to because it is an area of enormous stress, and the condition that the CMO said I return to work was in my own job. I was quite capable of doing my own job as long as I was not victimised.

In answer to your question, I have not had any contact much with them since. The area manager rang me up yesterday afternoon at half past four, stated that I was preparing to come before the committee and put to me that I had not yet contacted him and told him what sort of leave I would be taking, or that I would be absent from the office. I did not appreciate that.

Mr NAIRN—Finally, one of the other comments you make about the social security office informing New Zealanders to go and get enrolled because, even though they are not eligible for it, the Australian Electoral Commission never checks this anyway:

presumably that was told to you by DSS staff.

Mr Patching—That was told to me by these people. What actually happened was I actually got sick of people enrolling and then not voting and you send letters to them and they remain unanswered and all that. I sent a letter to these particular people saying, ‘You have ticked the document saying that you are an Australian citizen, you have signed a declaration,’ and I asked them if they would kindly come and explain it to me, because to sign a false declaration on an enrolment form is an offence. They came into the office and were quite all right about it. They discussed the matter with me and they said, ‘When we said, "We cannot provide you with any proof of residence," the staff said, "An enrolment acknowledgment will do that."' They said, ‘We’re not Australian citizens.’ These people told me that they were told by the Department of Social Security, ‘You are enrolled, tick the box, you don’t have to vote. You get the acknowledgment card and you can get—

Mr NAIRN—Unemployment benefits, presumably?

Mr Patching—Yes. That was relating to the office at Inala. I do not know whether it was true or not, but that is what they told me.

Mr NAIRN—So it is easier to get on the roll than to do anything else to prove residency, is the implication.

Mr Patching—I was thinking about this the other day. You could arrive in Australia at Eagle Farm airport. You can jump in a cab and go to the Hamilton post office, which is probably 20 minutes away, get an enrolment card, fill it out, tick the box for Australian citizen, sign it, send it in—and two days later you will probably be on the roll.

Mr McDOUGALL—You mentioned during your comments the number of declaration votes and the increase between 1993 and 1996 as compared with the other previous ballots. Considering that the boundaries of Rankin were considerably changed during the period of those two elections, what sort of impact do you think that boundary change had on the declaration votes?

Mr Patching—I am not sure that it would actually have an impact.

Mr McDOUGALL—Would you agree that it was a substantial change in the boundary?

Mr Patching—Yes, an enormous change. There are a lot of people who are still wondering why Rankin is not called Forde.

Mr McDOUGALL—So you do not believe that there is any reason in that change that could have affected that growth in the declaration vote?

Mr Patching—I would not think so. Actually, you would expect declaration votes to go down, now that I think of it, because my two major suburbs now are Inala and Woodridge. Both are areas of low socio-economic background and high unemployment, so you find that people who leave Inala or Woodridge often swap suburbs. If they do get a job and they go further up the chain, they go down to Browns Plains, which is in between, and the houses are a bit more expensive and the crime rate is not as high. By actually putting Woodridge into Inala, I would have thought that, the way that the movement of the population would be, the declaration votes should decrease.

Mr McDOUGALL—You have expressed some concerns about non-citizens getting on the roll. You passed the comment about the person coming off the plane and going to Hamilton and enrolling. My previous comments in this committee would confirm that I personally also have some great concerns about that. Can I ask you two questions. The first one is, what measures do you want to see put into place so that non-citizens cannot enrol?

Mr Patching—The one which Mr Ferguson suggested and the one I suggested in 1993 is the best, that the immigration department have the information. All we have done up until now is changed the system so that when immigrants enrol—new Australian citizens—they have a citizenship number and a different enrolment form. That is good. That helps the ones who are actually naturalised. The ones that I am saying are the problem are the ones who are not naturalised. They never get the new enrolment form, because they have not got a citizenship number.

The immigration department has met us halfway. All we have got to do is to finish it off. What I was actually doing was at the end of every week, I would send a fax to the immigration department, to a contact I had there—the DRO for Oxley was using the same person, so was the DRO for Lilley; they had no qualms about doing it. There might be four or five or half a dozen names, addresses, dates of birth, on a fax sheet. We would send that by arrangement after 3 o'clock on a Friday afternoon and it would be faxed back to my office before 5 o'clock that afternoon. I thought it was fairly simple. The logistics increase once you talk about other divisions, but in the government departments we have to cope with change, we keep being told.

Mr McDOUGALL—Let us extend that question a little bit further. We have been considering the question of proof of identity for all enrolments, not just the overseas enrolments. I would like to hear your comments in relation to that broader question.

Mr Patching—This is a question which David Connolly asked me the last time I appeared before the JSC. At the time I had not really thought about it. I probably took the view that the commission does; that it is not necessary. Since that time I have spent a bit of time thinking about it and probably one of the things where it hit me the most was when I had my niece staying with me for the school holidays. When we went up to my video library there were not enough cartoon videos there, so we had to go to the

Blockbuster down the road, because that is one she goes to. I had more trouble and spent more time attempting to hire a \$2 video of Mickey Mouse than a person does getting on the roll.

I had several forms of identification and amongst them I had my enrolment acknowledgment, because I had not long ago changed my address. The video shop did not want to know about it. I think enrolments have become too easy. People now ring up and ask, 'I've changed my address, can I change my address over the phone?' I believe we have got to introduce identification. It is not hard. With the computer, what we do is, people who are British subjects and are on the roll, 25,184 that enrol, so that we do not have to keep checking them out, we put a B on their enrolment—a category B. When you see category B, you know that that person is not naturalised but that he is eligible as a British subject, so his enrolment continues. Citizenship is similar now, that they give the number.

It is not going to be easy, but you have got to have some form of identification so that when people enrol for the first time or change their address the next time, they provide the identification, you put the category on the roll, so eventually, it might take eight or 10 years, 90 per cent of the community do produce identification. I fully support it.

Mr McDOUGALL—Do you have any comment on the way that the habitation reviews are done, and could they be improved?

Mr Patching—Yes, I think they could be improved. Since 1980, even though people do not think we have, we have changed substantially the way we do our habitation review. In the old days when it was on a manual system and you had to actually sort the cards which were in alphabetical order of streets into alphabetical order of streets in their walks, because that took so long the habitation review was probably run over six months or something. It was an ongoing thing. All of a sudden we became computerised and we had the books, so then we started trying to run them as quickly as possible. All that really did was, we went out, we hit the community, picked up 10,000 or 15,000 cards in each division, and we disappeared into the night and they forgot us. We never followed up any people. The message of the Electoral Commission is, 'Ignore us twice and we go away.'

What I think is the best way to do a habitation review is to use other computer databases. I think that the best one is probably electricity, or phone. Phone not so much, but electricity. You run the database and, where you see that there is a change in name, you send a person to actually visit the house and do it that way. I looked once at the habitation review, and when we do it door to door and do the whole division, on the survey I did, 67 per cent of the information we already held. I thought that was a massive waste of money. If you had a private firm going out and buying information in the marketplace and 67 per cent of it you already held, they would not be worth two bob on the stock market. I think we should check databases and then we send people to those

addresses where there is a change of name or where we have no-one enrolled. I would suggest that, instead of employing 40 people to do a one-off, we do it on a continuous basis and maybe employ half a dozen people, work it in at the same cost.

Mr McDOUGALL—What you are indicating to me is that there are some severe problems around. If the AEC was to go down the path of regionalising the current structure of offices, in relation to electoral offices, one per division, I would like to know your comments as to where you would see the problems that you have put before us would be in the future.

Mr Patching—Once you start talking regionalisation, within five or six years you will have lost all the local knowledge that a divisional staff have—not only the divisional returning officer but his staff—that do the enrolment. You will lose all that knowledge, so the credibility of your roll comes into question. Also, once you start regionalising, you are changing an organisation that has been successful up to a point in time. It is only since we have become an Australian Electoral Commission that we have had real problems with staffing and problems with the rolls. You had four people in a division and they maintained the roll. That is all they did, they maintained the roll. Now we have got one or two and they answer phones or do what they can. I do not see regionalisation as a solution, I see it as a problem.

There was a royal commission in 1977 into the public service, and they came up with a finding that, if you ask a public servant to save money, the first thing he will want to do is centralise everything. You then find that two to five years down the track from centralising, it is now costing you more than it actually cost you before you asked him to save the money. That royal commission recommended the devolution of authority from the central figure to servicing the public. We are there to serve the public and that is where we should be. If I have got a staff of three, it means that for three months of the year I have really got a staff of two. I can probably almost survive on that. If they change the computer systems to assist us in maintaining the roll, it will make my chances better, and if they change to continuous habitation reviews by checking against databases and sending people out, we are flying, we are on the way to rectifying all our problems.

Mr McDOUGALL—Just one final question: there have been some comments on a recommendation for pre-poll voters, voting in their home division, to be entitled to an ordinary rather than a declaration vote. What would your comments be about that?

Mr Patching—I would support that. It is a service to the public, it makes it easier for us, and those ballot papers will be counted a hell of a lot sooner and quicker, putting a few anxious members out of their misery.

Mr McDOUGALL—Just to follow up, if they were to do that, would you believe they should be marked off the roll at the time that they vote?

Mr Patching—Yes. Anyone that was not on that roll would then have to be issued with a provisional declaration vote and it would go through the normal process that a provisional would in a polling place. But I would also say that if you are going to do that, though, you would have to change your pre-poll centre to an actual polling place and then allow scrutineers to be appointed, because currently scrutineers cannot be appointed to a pre-poll centre.

ACTING CHAIR—You indicated earlier that you had not conducted an intensive search for the missing file.

Mr Patching—No.

ACTING CHAIR—Why not? I would have thought it was something of interest to yourself.

Mr Patching—Number one, because there is all the election equipment in the store room. Number two, I have been there for five weeks by myself and I have not had the time. I am inclined to think that it has probably been thrown out accidentally while they were cleaning up for the election and I was not there. That is what I would like to believe, anyway.

Mr NAIRN—You made a comment when I was finishing a question before that your doctor would not let you go back to work for industrial elections because they are far more stressful. I was just intrigued about that aspect.

Mr Patching—You spend more time in court when you work in an industrial election. I worked in industrial elections and did the investigation to the Federated Liquor Union. As a result of that, the returning officer, Mr John Curtis, he ended up at the Cooke inquiry in the witness box for two days. His house was broken into two or three times. His silent telephone numbers, he kept on getting harassment calls on them. He came home one day and found there was an attempt to set his house on fire. There was a brick put through the windscreen of his car. It was not a place I thought I would go for my health.

Mr NAIRN—Are you basing it on the history, experience of the differences?

Mr Patching—I was in there for seven months, yes. I do not know whether things have changed in there. If you read the papers, there are still problems with union elections. My expertise is definitely in federal elections and that is where I want to be.

ACTING CHAIR—Did Mr Mackay acknowledge receipt of the original letter?

Mr Patching—No. We were talking on the phone about it every now and then through that day. I sent it in, thought, ‘There it goes,’ and did not think anything more of it. I did not hear anything more. I would like to know what happened to it, though.

Mr LAURIE FERGUSON—In similar fashion to Mr Nairn being intrigued about the comparison of the industrial ballots to general elections, I am interested that you are on sick leave and you are basically offering to come back and run the general elections.

Mr Patching—I was on sick leave, I got a clearance, I went back to work for one day and then they decided that—

Mr LAURIE FERGUSON—How close to the federal election was that?

Mr Patching—It was 16 January, so it had not been announced. After it had been announced, I offered to come back as a casual. They did not even want me then.

Mr LAURIE FERGUSON—Just one other point: you have indicated the problems with citizenship and people possibly not being Australian citizens. Could I just be reminded of the process for new enrollees? If I put in a card for a change of address and I put down a particular previous address, is that checked?

Mr Patching—What happens when you fill out the enrolment card, if you move within the division—

Mr LAURIE FERGUSON—Let us say I move to a different electorate.

Mr Patching—We would then put your name into the computer with your date of birth. The computer does a search and most of the time it will just find you—bingo. Other times it will bring up a choice and it gives you the match.

Mr LAURIE FERGUSON—Essentially that is checked, right?

Mr Patching—Yes, the computer checks it.

Mr LAURIE FERGUSON—If we were to look at the issue of verification of identity, would you feel that it is essentially needed for new enrollees as opposed to re-enrolment?

Mr Patching—More so in new enrolments, I suppose, because they are not on the roll. At least you have a reason to believe that the other people who have been on the roll for a substantial amount of time were eligible to begin with or have become eligible within a period of time.

Mr LAURIE FERGUSON—Thank you.

ACTING CHAIR—Thank you very much.

[9.56 a.m.]

SMITH, Mr Graham Francis, 8 Borambil Road, Shailer Park, Queensland 4128

ACTING CHAIR—Welcome, Mr Smith. You have the same caution on your evidence that you heard earlier. In what capacity do you appear here today?

Mr Smith—As a private citizen.

ACTING CHAIR—We have received your submission. Are there any corrections or amendments?

Mr Smith—No, there are not.

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

Mr Smith—Yes, I would. Basically, my submission is one that is put in on a personal basis. It is my views on improvements that I think could be looked at as far as the conduct of elections in this country is concerned. I guess I am particularly interested in the Senate system, and the way that we have the two options on the one ballot paper. My mum and dad are 78 and 80, and I think they find it significantly more difficult each time they are required to vote to comprehend such a large ballot paper. When in most cases most people are going to put only a number 1 in one small square, I doubt whether, from their own point of view of comprehending the system, they really need a ballot paper which is almost a metre long. The other submissions that I put to the JSC are just other areas in which I felt I would like to see some improvements made.

ACTING CHAIR—Thank you. Questions?

Mr McDUGALL—Can I follow the same line that I was following with our previous witnesses in regard to pre-poll. What do you see as a requirement in the future with pre-polling? Should they be entitled to an ordinary vote and should they be marked off the roll? How do you believe we should be handling it?

Mr Smith—That is certainly an area which I think is in need of reform. I would like to see the system work in the same way as a person records a vote in a polling booth in that they would attend the pre-poll centre, the roll would be checked. If their name is on the roll, their name would be marked and they would be issued with a House of Reps and a Senate ballot paper. If their name was not on the roll then they would have the option of recording a provisional vote. So I would see that the procedures would be basically what would happen had they appeared at a polling booth on election day.

Mr McDUGALL—If that is the case, how long before an election day do you

believe pre-polling should start?

Mr Smith—Certainly the time constraints would be there. Two and a half weeks before polling day would be probably about it because, if you are going to introduce pre-poll ordinary voting, you have got to obviously prepare a certified list of voters and you would need sufficient time for that document to be prepared and printed.

Mr McDOUGALL—How real do you believe that the excuses are in most cases for pre-polling? In other words, how legitimate do you think the people who request pre-polls are? Do they do it for the reason that they are not going to be there on polling day or they do it for some other reason?

Mr Smith—I believe that the people who attend the pre-poll centres are there because they believe that they fit within the various qualifications that entitle them to that sort of vote. The number of qualifications has in fact been added to over the years, so that would tend to put out a larger umbrella to pick up more people than possibly would have been the case ten or fifteen years ago. There have been additional qualifications added to that particular section of the act.

But I think it is a sign of people finding out the fact that the service is available more so than trying to get out of going to a booth on the day. I think that it is a matter of getting the word out to the people and, as the people become more electorally aware in the community, I think that the trend will be that these sort of services will be more utilised because they are aware that they can access them. We do hear of stories where people are away from their electorates and they drive significant distances all the way back to their electorate because they are not even aware that they can have an absent vote on election day. So there is a fair degree of ignorance out there in the community as far as electoral matters are concerned and I do not have any information to suggest anything other than that.

Mr McDOUGALL—On the basis that you feel that there is a fair bit of ignorance out there, how do you feel that affects the enrolment? We come back to the point that we heard earlier about this large number of people that came on the roll just before an election. Does that ignorance extend that far, that they really do not understand that there is even a roll that exists?

Mr Smith—I think people do understand that there is a roll that exists. But, human nature being what it is, people tend to leave things to the last minute. You hear the situation time and time again where people have moved, they have been at their residence for six, twelve, eighteen months. They really have not worried about it because there has not been a need because there has not been an election. But as soon as there is an election announced everyone wants to get on that roll and make sure that they have their vote recorded, and that is why we get the influx of cards.

Mr McDOUGALL—On that basis, what do you believe is the right thing in relation to proof of identity to be on the roll? And, taking the point that you say you get this rush at the end, if there was a requirement of proof of identity, how would you handle that during this rush just before an election?

Mr Smith—Well, it depends on how big an umbrella you are looking at. If you are only looking at new enrolments, that would be a problem in itself, because to get the roll processed and closed is a very time consuming function that we go through. If we had to do some checking on that, depending on how extensive the checking was, that could extend the close of rolls period, I would think, by possibly a couple of days, which then has multiplier effects further down the chain in relation to getting rolls printed, if you are going to service them for pre-poll centres, getting them out to remote areas, that sort of thing. So, if we had to check it, my only reaction would be that, if we have not changed the time frame in which we conduct elections, that is putting a lot more pressure back on the Electoral Commission to be able to meet the needs that it has to get the information sent all over the world as far as ballot papers go, to get certified lists printed and sent to remote parts of Australia. So I would like to think that, if something like that did happen, there was some sort of recognition of that in the time frame to allow a little bit extra time for that checking to be undertaken.

Mr McDOUGALL—It has been put to us in other hearings that maybe we should be looking at closing the rolls at the issue of the writ and that an education process should be in place to encourage people to get on the roll well before when an election is announced.

Mr Smith—That would be a return to the old days, if I can put it that way. I was in the division of Kennedy the last time that occurred. The election was announced one day, the rolls closed at six o'clock the next day. The electorate of Kennedy covered something like at least a third of the state of Queensland; it went from Mount Isa to near Townsville down to, in those days, Mundubbera, around the back of Kingaroy. To get those people on the roll, they had to get a form to me before six o'clock. They only heard the election was announced Thursday night, which meant the first time they could post the form if they were not on the roll was the Friday morning. They did not have a hope of getting it to me by that particular time. So I would not see that as being the best way to go because to my way of thinking, we are there to try and service the electors and we should still maintain a gap between when the writ issues and when the rolls close. I think that was a very progressive step.

ACTING CHAIR—How many people would have missed out on a vote? How many people with application forms were either knocked back or came in in the next few days?

Mr Smith—It would have been in the vicinity of a few hundred that would have come in. That is a while ago now, but it certainly would have been a couple of hundred, I

guess, where the forms would have been received in that particular time. But the thing is now, as soon as the election is announced, an advertising campaign starts. The difficulty you have got, of course, is we do not know when the elections are. You might have a fistful of dollars to spend but, if you cannot target the best time to spend that money, you might spend it, the election is not called for six months and then all of a sudden the election is announced, you have not done your campaign and you are high and dry. So I certainly still do favour the way it is done at the moment, of the election being announced, the writ being issued and a time period in there, whether you maintain seven days or we are looking at some sort of a possible reduction. I think in the Queensland legislation there is an option of a minimum of so many days up to a maximum of seven days. That is a possibility but I would not like to see it, that the election was announced and the writ was issued and automatically the rolls closed. I think that is definitely the wrong way to approach it, because we are trying to give these people the opportunity to get on and it is just plainly because of human nature they have not got around to it. They have got the form, thrown it on the top of the fridge or in the top drawer and they have just forgotten about it.

Mr McDOUGALL—Can I just change the subject a bit, because in your response there I believe you have been fairly sympathetic to the voter and have given the voter the best possible option. I do not question it; I am just making the comment that you have. But you suggest in your submission that voters have the option of a Senate ballot paper showing group tickets only.

Mr Smith—Yes.

Mr McDOUGALL—Is that because there is a demand from the voter for the service, and how do you respond to the argument that I could put to you that such a ballot paper may discriminate against ungrouped Senate candidates, when you have said a minute ago that you want to give the voter the greatest option.

Mr Smith—Once again, you could do a publicity campaign in the lead-up to the election. I think that would be important. And when the voter attends at the table to get their name marked off, I would see the person issuing the ballot papers as asking the question of the voter: would you like to vote for a Senate group and receive that particular ballot paper, or would you prefer to vote for a candidate? The reason I am led that way is, as I said, because of the difficulty I know my parents have mentioned to me about why is the ballot paper so big.

Sure, I understand the system, and it is not terribly difficult for me, but we need to take account of the elderly people, people of NESB backgrounds. I think that in 1983 the parliament recognised for the first time that we even had parties—up to then we were not allowed to put parties on ballot papers—and I just think this is the obvious next step to once again make it easier for the voter. If the person took the small ballot paper with the group names on it over to the voting department and then they had a change of mind,

well, there is no problem, they can bring it back, it is treated as a spoilt ballot paper and then they could receive the existing ballot paper.

So I would just think that that is the logical progression where we are saying, and statistics have borne that out, that 95-96 per cent of people Australia-wide are opting to vote by putting a number 1 only in one square, which is in the group ticket area. What I am proposing is offering the people the choice.

Mr McDOUGALL—Can we just talk about this convenience thing. You recommended that the prohibition on canvassing at special hospitals commence on the Monday of the last week, and I am presuming there that you are referring to the fact that these hospitals would be a mobile booth in the last week.

Mr Smith—Yes.

Mr McDOUGALL—The ALP has recommended that the prohibition only apply while the polling is actually being conducted rather than that last week. What is your reasoning for making that comment about the last week?

Mr Smith—I guess it was purely to simplify it from the point of view of the Electoral Commission, when they have to give information out to potential candidates for parties. If you know that mobile polling will be conducted some time during that last week, as soon as the election is announced and beforehand, if it is in the legislation, everyone knows exactly where they stand. If you were to change it and make it only when you were going to be in these particular establishments, that then creates more work from the point of view of scheduling and also then getting that information back out to the parties and the candidates. So, from the point of view of just simplifying it, I felt that if you made it that last week, from the Monday onwards, that would be an easy rule of thumb which everyone could relate to without having to get into the nitty-gritty and the specifics. Sometimes the itineraries do change because of circumstances in certain hospitals or nursing homes, and then you have got to rearrange that and then you have got to obviously advise all the candidates accordingly. To me, it would just seem to be a simpler way of approaching that particular matter.

Mr McDOUGALL—It has been put to me that in the last election, where there were mobile polling booths, nursing homes that were going to be a mobile booth, on the day the election was called party workers went into these nursing homes to solicit postal votes. You are talking here about putting restrictions on nursing homes. How would you react to that situation? The point that was raised was that it confused the elderly people because they had been told at one stage that they were going to be a mobile booth and then they have had pressure put on them to fill out a postal vote application form. If you are going to start putting restrictions into this area, how do you put restrictions in that are going to be effective and helpful but at the same time not be restrictive to political parties in their activity?

Mr Smith—It is always a very contentious area. The one issue on which I agree with the current coverage is in relation to—I guess it comes down to the definition of canvassing. You really need to pinpoint exactly what people can and cannot do. I would certainly agree with the need to have, as a blanket cover, some sort of provision whereby there was no permission granted during the election period, from, say, the issue of the writ, for people to go and actually solicit postal votes, because, if you are going to provide a mobile service, the candidates can appoint scrutineers who can be present at that particular stage. Certainly I agree with your statement about people being confused and uncertain, because a lot of these people are elderly people or sick people and they would think that perhaps it is the right thing to do. ‘Someone is there and, oh gosh, the election has been announced. I’d better do the right thing.’ They would not necessarily know that in a few weeks time the Electoral Commission would have been sending a mobile team along anyway.

So, as far as restrictions go, I would like to see a restriction placed on the canvassing of postal votes in the election period, all the way through. I guess you then have got to weigh up what you can do and what you cannot do. To me, the how to vote material could possibly be distributed, but not allowing people to solicit postal votes.

Mr McDOUGALL—There was an ALP comment that there was significant early morning queuing experienced in booths, particularly in Brisbane. Was that your experience in your electorate?

Mr Smith—Yes, it was.

Mr McDOUGALL—And what sort of impacts do you believe that had on the day?

Mr Smith—I think the impact was that unfortunately, because people were wanting to vote early, we just had to cope with that demand. But, as it turned out later in the day, the queues had dropped significantly. I think it is just the nature of the beast: if everyone decides to vote early, you cannot possibly have any crystal ball to gaze into to see exactly what is going to happen on the day. Of course, if it is a wet day, people wait until the rain stops before they come out. As it turned out, in my electorate in March it was a bright sunny day and I think most people decided to get out and vote early.

Mr McDOUGALL—So the queues did not continue too long?

Mr Smith—No.

Mr McDOUGALL—Just one final question. I am intrigued that you recommended a four-year term for the House of Representatives. Some politicians might agree with you, in the interest of money saving and in the interest of bringing it into line with the state. How would that affect the Senate? What would you propose there?

Mr Smith—I must admit I have only touched on that, but I have not considered it right through. Obviously you have got two options. You could have a four-year term, which means simultaneous elections, or you could make the Senate an eight-year term. I probably, on a personal note, would tend to go with the former. But that is just a personal view—simultaneous elections, four-year terms.

Mr NAIRN—It is supported by members of the House of Representatives.

You would be aware that members of parliament, and candidates even, do a lot of direct mail within electorates and get a lot of return mail as a result of that, because they are usually working off the roll. Quite a number of those members and candidates usually bundle up that return mail and send them off to the AEC, to the DRO usually, to say that this has been return mail, as people left the address et cetera. What do you as a DRO do with that?

Mr Smith—We have a policy that we have to take that information and check the source to see whether it could have been—in my electorate we have got some rural addresses and if someone is just on the roll for Beenleigh-Beaudesert Road, Tamborine, obviously that is a fairly long road and it could be not that the elector does not live there but that the information that we have got them on the roll for is not as comprehensive as it should be. That certainly does happen in some cases, particularly in rural areas. In metropolitan and more built-up areas, when we look at the envelope, if the address does not appear to fit into one of these categories whereby the address is not as good or as comprehensive as it should be, what we then do is that we start our objection action. So for every person who does not fit into this category of having an address which is not as detailed as it possibly could be, we then commence a process of sending out an objection notice to give the elector the right to respond, to say if they are there, and if they do not respond we then proceed with the process and take it through to fruition where the name ultimately will be removed from the roll. So we do start a process of objection.

Mr NAIRN—What about those other ones, though? Usually the address that any member or candidate uses is the address under which they have enrolled.

Mr Smith—Yes.

Mr NAIRN—And that is what they have put down as their postal or contact address. Do they go on the priority list as far as habitation surveys are concerned?

Mr Smith—The information can be many years old. Because some people may have enrolled there 20 or 30 years ago, and at that stage that was the address and there were not too many houses on the street, it was not a problem. These days we spend a lot more time actually looking at where people live, and that has a significant impact on how we use our resources to check on exactly where people live. For example, in that road I was talking about, if someone enrolled even for lot 1—that is, at Beenleigh Road—there could be 15 lot 1s.

If you cannot pinpoint exactly where they are on a map there is a chance, particularly when you have three levels of government on the one roll—you have federal, state, council and then internal council boundaries, ward boundaries—if you do not get the person exactly right on the map you could end up putting them into the wrong section. That might not have an impact on a federal or state election but it could put them in the wrong ward for a council election. So the process of enrolling is far more intensive and far more detailed than ever it was, particularly now that we have the joint roll. We have three rolls that basically hang off the Commonwealth roll.

As far as researching those addresses go, it is a matter of you do the best you can with the resources you have. Certainly over time, if you have not got any particular priorities happening in your office, you would go through and you would review and try to update that information, but there is no concerted approach because basically it comes down to resources and it is fitted in as best you can.

Mr NAIRN—A question I probably ought to ask the AEC but you obviously have a bit of rural area in yours—is that right?

Mr Smith—Yes.

Mr NAIRN—So you are familiar with the problems of rural addresses. I know I have experienced problems with people where they have been taken off the roll because there has been a change in the way a lot of rural addresses are recorded. I am not sure whether it is at the local government, AEC or post office level where it is happening, but people with property names, where they used to be enrolled as ‘Backwood’ such and such—‘Backwood’ being the property name—they all seem to be given street numbers and names which out in a rural area means almost nothing, it is just a road. So it is such and such a road and the property name seems to be disappearing from a lot of the address.

I have a variety of examples. I have had some where people have been taken off the roll. They have been on the roll for yonks but then some mail has not been able to be delivered because the property is taken off. Have you had those experiences at all?

Mr Smith—There is certainly the potential for something like that happening. I guess it comes down to having an understanding of your area and your electorate. You know which areas could have those sorts of problems and you would do an extra inquiry before you actually did something to take someone’s name off the roll. If you just send it out to the street name, the postie may know the person and it will be delivered but, if it is someone new, there is a chance they are there but because they have not given a lot of detail we might not be able to track them down.

I guess it comes down to the fact that we have to try and pinpoint people exactly where they are. There is certainly a preference to have something a bit more substantial than a property name because, if a property is sold, people can come in and they can

change the name around. Then all of a sudden you have lost that—unless you can identify them with a particular spot on the earth with a lot number and a registered plan number.

I think the situation you are talking about is rural road numbering. There are some councils that are going through that process now. If they eventually get to the stage of finishing it and the councils advise all the ratepayers accordingly, I think it could be a good step in the right direction and overcome the confusion we have at the moment with significant numbers of lots appearing all along the one road. As it has been developed, there has been a new lot 1, 2, 3, 4 and 5 and, in the next section, the same thing. That certainly makes it difficult for us and for emergency services. So, if that was to be completed, I think it would be a step in the right direction. But certainly there are potential problems with it.

Mr NAIRN—Both Mr Patching and Mr Johnson in their submissions talk about understaffing and other management problems in the AEC. Have you got any comments in that regard? How do you find staff levels and management support from your area?

Mr Smith—The staffing levels have basically been eroding over time. At the last election I had to run the election with myself and an ASO2 because my ASO3, who was the second in charge, was taken to another office. So at the moment it is getting more and more difficult for the people in the divisions to be able to do the job because the resources are being wound back.

We are told it is because the management does not have the dollars to actually replace people and that sort of thing. I was in a situation of being co-located at Woodridge. The division of Fadden and the division of Forde were together there. Basically, we had a situation where someone was promoted to another department and it was deemed that that position would not be filled, so we were down to two people for probably something like 15 to 18 months.

Then there was a redistribution; the division of Forde moved from Woodridge down to Beenleigh. It just turned out that I was fortunate and, because of the rearrangement of staff, I ended up getting a person into that position, so I ended up going back to three. That situation maintained itself until around about January this year. Then the 2IC was taken to another division and I was back down to two, which I thought might have been a matter of necessity because that particular person then went to run an election as a DRO in an acting capacity, and he certainly had the potential to do that and he did a good job.

But what it does do, obviously, is place more stress on the people that are left behind. It is one thing to say that, 'Well, we'll give you some money and you can bring in someone on a casual basis,' but there is no way that a casual can ever fill the gap of a permanent, experienced officer who has been trained and who also knows the office routine. So it is becoming more and more difficult.

I personally would say that the 1996 election was probably the most stressful, I suppose, from my own personal point of view, and it was purely and simply because of the staffing resources. It was not a difficult election. The member won by over 11,000 votes, so there was not any doubt as to the result. It was just getting the job done with the resources that were available to you.

Mr NAIRN—You said you were co-located with another division.

Mr Smith—Yes.

Mr NAIRN—But you said you had two staff thrown in. That was in your division?

Mr Smith—That was in my division, and the other division was the same. It was the division of Fadden.

Mr NAIRN—But you worked out of the same office?

Mr Smith—Yes, within the same four walls, but two different offices running their own organisation, doing their own processing as separate entities.

Mr NAIRN—But in an urban environment where you have a couple of divisions very close together, wouldn't it be a more efficient use of staff to operate those two divisions out of one office without everything being separate within that office but actually working together as such? There must be administrative aspects that could be handled for the two divisions.

Mr Smith—Yes, sure. I guess there would have to be some benefits to be gained by that but, having been through an election in that situation, the two offices there are run as separate entities. There was not any management direction that, 'Okay, you will look after this particular aspect and someone else will look after something else.' Basically, it was purely and simply a way of perhaps saving some money in leasing in that you had a structure beside another parallel structure and you were left to run the two entities and the two elections within the four walls. But, as far as utilising resources or assisting, there was really none of that. I guess, if you were going to do that, you would really need to come up with a different way of doing it than just having two exact entities mirroring each other and doing their own thing.

Mr NAIRN—I was just thinking of the formula of 2.6 staff, which means that some get two and some get three. Two 2.6s is 5.2—five between the two. It is a way of maximising resources, particularly in urban areas.

Mr Smith—In that particular case, instead of 5.2, it was actually two in my office and two in the other office. So both offices were down to the bare two for a substantial

amount of time.

ACTING CHAIR—If there are no other questions, I would like to thank the witness and ask him to stay around for a minute in case *Hansard* wants to check any details.

[10.36 a.m.]

ORR, Mr Graeme David, Acting Secretary, International Commission of Jurists (Queensland Branch), C/- Faculty of Justice Studies, QUT (Kelvin Grove Campus), Locked Bag 2, Red Hill, Queensland 4059

ACTING 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 of Representatives. 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 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?

Mr Orr—No, there is not.

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

Mr Orr—Yes. First of all perhaps I should explain who the ICJ is. It is the International Commission of Jurists. It has sections all over the world and headquarters in Geneva. The Australian section is headquartered in Sydney, led by Justice John Dowd. The Queensland branch that I represent is the newest branch in Australia—newest of the five. We are also the largest now. Our chairman is Mr Justice Spender of the Federal Court.

We are essentially an organisation of, not quite jurists, but of judges, practising lawyers, legal academics, law students and other interested people whose purpose is to promote the interests of human rights around the world, including in Australia, and in particular human rights for the rule of law.

My position is Acting Secretary of the Queensland Branch as well as being convenor of the working group on civil and political rights in Australia. I also teach some electoral law and teach law at Griffith University in Brisbane. I am doing a doctorate in the electoral franchise and I am doing research in this area.

The branch made two submissions. The first one was on section 329A and Langer's case, as it has come to be known, and the second was on prisoner voting. I am not sure if the committee wants to take both in order or just one of them.

ACTING CHAIR—As you wish.

Mr Orr—Obviously the Langer matter or the issue of withholding preferences has raised an enormous amount of concern. It was of concern to the ICJ prior to the election. I think David Bitel issued a press release which was given some publicity saying that the ICJ, internationally and in Australia, had concerns with the jailing of Mr Langer and with the free speech issues concerned.

I have read and noted the AEC's voluminous submissions in this regard. I see they point out that the slightly neglected section 329(3) is also perhaps something that needs to be looked at. It follows from our submission that we would advocate the repeal of section 329(3) as well as 329A. Our position essentially is that basic human rights principles relating to elections and political speech generally are infringed by sections such as 329A as well as 329(3) which was introduced much earlier by Senator Macklin I believe.

I think Mr Langer has done a quixotic service to the Australian public by getting these sorts of issues into the public domain and for discussion. The ICJ's position seems to be essentially that submitted by the Liberal Party to your committee in that we believe that if people like Mr Langer or others want to advocate informal voting or advocate any other form of voting which is not unlawful and it seems reasonably clear from the jurisprudence in the area that to vote informal in a secret ballot is not unlawful.

The sort of votes he was advocating this time for one, two, three votes were clearly quite formal. Provided someone is not misleading citizens as to the nature of their voting, for instance, some were suggesting that writing 'Donald Duck' on the paper might be a valid vote, a writing vote. Provided there is no misleading, what Mr Langer and others were doing was not just increasing public understanding of the electoral provisions but they were exercising a basic political and civil right in terms of advocating and informing people about the variety of electoral choices they have.

It is also our submission that the Australian electoral system, although it has had a very proud past and heritage in terms of reforming, has tended to become a little bit ossified. It would be our submission that essentially there is an implicit obsessive concern in this country with what you might call stable two or three-party government. That is reflected in not just compulsory preferential voting but in section 270, which was the saving provisions, and sections like section 329A. You will note that section 329A only applies to the House of Representatives elections.

If the real concern was that we did not want people advocating non-conformist type voting in the Senate, parliament should have passed a provision that covered both Houses of parliament. It seems to us that these provisions are essentially designed to reinforce concerns of the major parties, in particular, but perhaps even the minor parties who in a sense benefit from being able to horse trade on their preferences.

The ICJ has no submission either way on the question of optional preferential voting; that is something for the discretion of parliament. It is not a human rights issue,

although we would submit, as did the AEC submission, that your committee might get a reference to look into the matter, given that a lot of eminent people support optional preferential voting.

We do have concerns though when an electoral system becomes so tired that it tries to repress not just actions of people like Mr Langer but an electoral system that does not explain to people that they do essentially have a right to vote informal. If they have made that deliberate decision that they cannot support any of the electoral parties, the sort of information and ignorance that people have of the electoral system should be overcome by people like Mr Langer being able to advocate informal voting. The stability of our system is not going to be challenged because of that. Cultural factors ensure that countries such as Australia, Britain, Canada and up till recently New Zealand have had very stable two and a half party government. Our system needs to try to balance the utilitarian interest between stable representative government and people's right to make honest, expressive choices in the ballot box.

Essentially, we support the Liberal Party's submission here, which is to delete section 329A and with it section 329(3) which will then allow people, without misleading the population, to give them more information and encourage them to express their democratic right in a way that is fully democratic.

We would also note that one of the newest democracies in the world—Russia—contains provisions whereby people can tick a box to say 'none of the above' if they reject Boris Yeltsin or Genady Zyuganov. In that sense our system has fallen behind some of the newer electoral systems.

Mr LAURIE FERGUSON—I do not think many people would agree with your contention that the Russian electoral system is superior to Australia's. You concede that the High Court has taken a fairly liberal turn with regards to freedom of expression, et cetera, over the last few years. Would you concede that that was a general analysis of its role?

Mr Orr—Not since the retirement of Justice Mason, as recognised in McGinty's case and perhaps Langer's case and Muldowney's case.

Mr LAURIE FERGUSON—You have a particular agenda on Langer's case; I will just put that to the side. Would you say it is the general analysis of its role by most people?

Mr Orr—In terms of implying rights into the constitution, yes.

Mr LAURIE FERGUSON—If this is such a draconian misreading of the intent of the International Convention on Civil and Political Rights, why do you think they could come to the conclusion they came to?

Mr Orr—They did not consider the international covenants. They were ceding, I guess, to parliament, a discretion to enact laws, and I will concede that in Langer's case they took a purposive approach to interpreting the laws. In doing so, they also took an incredibly formalist approach by saying that Mr Langer could give people information about their rights but could not advocate certain types of voting.

If you look at the High Court jurisprudence on electoral matters going back to cases like *Judd v. McKeon* and *Faderson v. Bridger*, similar cases on people who could not, in all conscience, vote for particular candidates and were forced to, the High Court has always taken, what I would say was not a liberal position on these matters. It seems to me odd that they do that because electoral law is one area where pure majoritarianism cannot work. There has to be some constraints to say that free and fair elections require certain basic minimum protections, such as protections for free speech, protections against gerrymanders, and that sort of thing.

Mr LAURIE FERGUSON—Could you just give me the extent of the supposed impact of the International Convention on Civil and Political Rights in regard to the whole censorship area? What are you trying to say this convention actually says to Australia?

Mr Orr—It says that there are basic free speech principles around political speech. We say that something like advocating forms of voting which are not unlawful—if parliament wants to make voting informal unlawful, then perhaps it should do so. If it wants to repeal section 270, then that is within parliament's discretion.

Mr LAURIE FERGUSON—There is no problem with the concurrent abolition of 270?

Mr Orr—Not under international law, no; not under human rights principles. We might feel that it is restricting people's choices but we would not submit that that is something—

Mr LAURIE FERGUSON—When you say restricting people's choices, surely any country can have determination in regards to what is informal. Are you saying that the logic of your point that there cannot be any declaration of informality—

Mr Orr—At the moment, voting informal is not unlawful.

Mr LAURIE FERGUSON—That is right.

Mr Orr—Some percentage of the population seem to be aware that one can just go in there and deposit a blank ballot or scribble something on it. We are not saying that international law says you cannot make that unlawful. Quite clearly it is a practical matter in a secret ballot. It is impossible to police.

Mr LAURIE FERGUSON—So the abolition of 270 has no relationship with this convention, has it?

Mr Orr—No.

Mr LAURIE FERGUSON—That is all.

Mr NAIRN—Based on some of the things that you have said in your submission, I would presume that your organisation would also support non-compulsory voting.

Mr Orr—No, not necessarily. That is not something that the international law accepts: compulsory taxation, and compulsory unionism, in some cases, can be quite okay. We have not considered the issue of compulsory voting.

Mr NAIRN—You feel strongly that people should be educated to the fact that they can vote informally or that that can be put on the ballot paper to make sure that they know. Surely that is taking the rights to the nth degree.

ACTING CHAIR—That is not what he actually said. What he said was that they support 1233; that is not an informal vote. They are saying that they have the right to say that that is a way of voting which is not informal.

Mr NAIRN—I got the impression that he was advocating another box on the ballot paper that says, ‘I don’t want to vote for any of these.’

Mr Orr—No, I was being a little bit flippant so as to illustrate the point. Going back to Mr Langer’s earlier ‘stir’, informal voting is not unlawful in a secret ballot system. If more people knew that they had the right to—they are compelled to enrol; they are compelled to go along and not just go through the ritual, but take part in the process: take a ballot paper, take it into the box and put it in the ballot box.

If people want to advocate that type of voting, then they are advocating people being involved in the system, but expressing some form of dissent with the system. It seems to be against notions of political free speech to legislate against people advocating and informing people of their rights to do that.

Mr NAIRN—But you don’t have a non-compulsory voting position or a pro-compulsory one?

Mr Orr—Having a compulsory voting system seems to us to support the idea that people should be encouraged to get involved in the political process from the time that they are 17 or 18 years of age, and that is obviously an important value that is supported by people in Australia and it has worked.

Mr NAIRN—The other matter which you are supporting strongly in your submission is that people who are in gaol for offences which carry a gaol term of one year or more—currently they are not allowed to vote, but you are advocating that they should be allowed to vote. Five years, is it? In some states, I think that it is 12 months. When people go to gaol, they have a number of their rights taken away from them. Why do you feel that voting is so sacrosanct?

Mr Orr—Because, under international law, it is clearly one of the most fundamental civil and political human rights. We feel that it shows that this kind of provision of disenfranchising prisoners can be dated back to Greek and Roman times; it was a kind of dishonour or infamy that came with losing certain citizenship rights. We have come a long way from that period. It is not just the view of a majority of commentators, it is a view of the systems in South Australia and the Northern Territory, the Australian Labor Party, that prisoners should have the vote. We feel that it is quite disproportionate to take away such a symbolic but fundamental human right, away from a relatively small class of citizens. At the same time as the electoral system provides for mobile prison polling. That says to people who are convicted for terms of less than five years, ‘You should have the vote, and you are compelled to vote,’ we think it goes against the whole notion of the system, which is to try and get every vote out possible, to say to a certain class of citizens, ‘You don’t matter, you don’t count.’

I can understand that there is some community sentiment that was, well, manipulated before the last election against this matter, and we agree that there are issues, such as the social contract and ideas of retribution, why some ordinary citizens might think that prisoners should be punished in this way. We wonder if it really is punishment, given that the essential nature of punishment is incarceration—deprivation of physical freedom. We let prisoners have visits. In certain cases they have visits from their spouses; in certain cases they can use bank accounts, and they can sue. It seems an odd thing to deprive them of this very symbolic right in a system which otherwise says to everyone, ‘You should vote, you should consider the issues.’ You have a captive audience of people who in a small way, for their rehabilitation, would be encouraged to get involved in civic thinking.

Mr NAIRN—You could look at it from the complete opposite direction and say that the right to vote is an incredibly strong right, and use it as a deterrent against criminal activity, that you play up and you lose the right to vote. Some people would argue that the five-year thing is wrong in that anybody who goes to gaol should lose that right. If you want to stand for parliament, if you have been convicted of an offence that carries a term of 12 months or more, you lose that right to stand for parliament.

Mr Orr—We would say that the second point is of a quite different matter. The idea of someone representing people in a position of control, power and importance, perhaps there should be certain minimum requirements as to their solvency or their lack of criminality. But when you are talking about perhaps 10,000 to 11,000 votes in a system of

10 or 11 million, you are not talking about a huge amount of people who are going to taint the system, but you are talking about citizens who have rights to use the legal system and who have a lot of other fundamental rights still accorded to them, apart from certain freedom and liberty rights, and I can't imagine that people who commit such antisocial acts that they go to prison for a long time are in a position to really—if deterrents work, they are not going to be deterred by the idea of losing the right to vote.

But the ICJ thinks that the importance of things like rehabilitation in the system as well as the importance of fundamental civil and political rights mean that we should not be arbitrarily denying rights to a certain class of prisoners. If you want to give the judge a discretion perhaps to take away voting rights, perhaps in the individual case that might sometimes be warranted if people seem to have acted so deliberately against the system. I am not sure. That right perhaps should be taken away with some deliberation but not as a blanket prohibition.

Mr McDOUGALL—Could I follow on with that point. I think you were referring there to the fact that there were not enough people in the gaol system to really make an impact anyway. Therefore, giving them the right is not really going to be a bit of a problem. Let us take that a bit further. You might have a seat that has two major gaols in it. We know that elections have been swung by 40 votes or less before and that it is theoretically possible. How would you respond there? You tended to pass it off on the basis that they would not make a difference anyway.

Mr Orr—I did that because a lot of the American thinking in this area is to say, and the courts have said, that somehow prisoners taint the electoral system and that it is a matter of purity of the electoral system. It seems to our group that the purity of the electoral system and the Australian system is to say that every vote matters and counts and that we want everyone to be involved in the system.

As to the problem of concentration of prisoner votes, there are two ways out. You can have prisoners enrolling in their address before they were imprisoned or you can say simply that prisoners, if they are citizens, have interests and why dilute their vote. They live together, they live together under certain circumstances and, if their interests are not being served by their local member or by their government, why should they not be able to vote like any other geographically situated group of people, so they can have their say and actually make a little bit of difference if they tend to vote one way on certain issues. We do not take a position either way on those issues; I am just raising that as a possibility.

Mr McDOUGALL—I would like to touch another couple of areas with you. We have taken evidence, not today, but in previous hearings over this inquiry in relation to possible regulation of truth in political advertising and, given your interest in free speech, does your organisation have a position on this?

Mr Orr—We have not discussed that Senator, no.

Mr McDOUGALL—Personally would you have a position?

Mr Orr—I started research in the area, but I have not developed a position yet.

Mr McDOUGALL—There has been another question that has been arising quite strongly throughout the whole of this hearing so far and that is the question of the proof of identity to be able to be enrolled. Have you a comment there?

Mr Orr—I discussed similar matters with the AEC in passing in Canberra and I have not seen evidence that there is a huge matter for concern such that we should introduce some sort of identity card or Australia card provision. It seems to me there is enough—

Mr McDOUGALL—There is enough information around about people through various sources that there would be sufficient existing evidence there to be able to get some proof of identity. You are so strong in relation to a person having legal rights, does not a person also have a responsibility to prove who they are?

Mr Orr—I think there is existing mechanism. It is a matter of administrative detail in, say, requiring the commission to get so many points of evidence off drivers licences or passports or whatever. That might well be quite a good administrative reform provided it does not unduly affect transient, homeless and other people who are probably the people we need most to reach out to in terms of making sure that they are on the roll and that they understand their rights.

In terms of a human rights issue or infringing on people's liberties, we would not see there being a problem if you were to introduce a kind of points system.

Mr McDOUGALL—How would you take the next step where you might also talk about proof of identify at the point of voting?

Mr Orr—That might be a more difficult issue given that people have only from, say, 8.00 a.m. until 6.00 p.m. to take their vote. If they are out of town and they do not have their driver's licence or whatever is required on them, you are effectively disenfranchising them. In the past the Electoral Commission seem to have said that they did not consider there was a widespread problem in terms of uncovering deliberate fraud such as double voting. I am not entirely sure there is a need to require stamping of fingers or identification on the day. But as you say, the integrity of the electoral roll is a vital matter.

Mr McDOUGALL—That latter comment you have made is implying immediately that the person on the roll is legitimately on the roll. If the person is legitimately on the

roll, double voting should be able to be picked up. But if the person is not legitimately on the roll in the first place, double voting is not going to pick that up. That can still be an illegal vote without double voting.

Mr Orr—Is the committee considering other methods whereby the Electoral Commission can crosscheck its data according to other databanks? I am not an expert on privacy issues but I guess that is the other way to do it.

Mr McDOUGALL—No, I am more interested in your comments from your own organisation in relation to the things that you are espousing.

Mr Orr—I guess we would have to see what proposals were being put out to see whether any of the privacy considerations might affect what we would see as law issues and basic civil and political rights.

Mr McDOUGALL—So you are saying that 329A should be abolished along with 329(3). Would you agree therefore that we should also rescind 270?

Mr Orr—That is not an issue that we have a position on.

Mr McDOUGALL—I have nothing more, Mr Chairman.

ACTING CHAIR—Okay, 1233 is a formal vote; 1223 is an informal vote. Why do you think there was a difference? What was the intent in making those two things different in terms of formality?

Mr Orr—I do not know. I do not know what was in the mind of the parliament that passed these provisions, other than that it seemed to be a kind of incrementalism where, for instance, in the past they were willing to allow people to just put in ‘1’ if there was a ‘1 to’ ballot box. The idea of not making a choice in your final preference perhaps seen as being acceptable, given that you have, up to that point, expressed an ultimate for preferences, if you like. The one two two vote is not a transferable vote. I guess, in a sense, it goes against the idea that we are giving formality to what might be called transferable votes, even though a one two three three vote is only transferable up to a point. A one two two vote ends up being potentially our ‘first pass the post’ vote. We are certainly not advocating the British system again.

Mr LAURIE FERGUSON—I have a few questions on prisoner rights and votes. I am not referring to places like Russia, Armenia or Georgia, but to established western European democracies. You have referred to the different practices in Australian states and territories. Do you know anything about overseas practice? What is in Europe?

Mr Orr—The latest information I have is from a 1968 article. It is not uncommon, although in Scandinavian countries the right to vote has been given to all prisoners. I do not have a list in front of me. I have a paper on the topic I could supply.

Mr LAURIE FERGUSON—The committee would be interested in receiving that if we could. Secondly, as a statistical matter, in the area of issues, sex and race discrimination, you refer to national prison census material and you use the expression ‘longer term sentences’ in regard to both males and Aboriginals. Is that longer term five years or could it be 10 years? Are you sure it is five years as a comparative statistic?

Mr Orr—I am saying it is for five years or over. On that point, can I raise something that has not been picked up? There has been quite a bit written in the past, and this very committee has considered prisoner voting before, but there are some prima facie arguments that these provisions could be indirectly discriminatory on race grounds; not on sex grounds, because the Sex Discrimination Act has got an exclusion from the statutory provisions.

Mr LAURIE FERGUSON—I do not think there is any doubt that what you are saying is correct about discrimination against Aboriginals. I am just asking, firstly, if the longer term is five years in that national prison census?

Mr Orr—Yes, from memory.

Mr LAURIE FERGUSON—Secondly, could you give us some background on the minimum offence that someone might be in for five years for? Obviously I think there would be more conjecture about murder et cetera, but could you give us the other end of the spectrum with regard to what people could be in for five years for?

Mr Orr—It depends: manslaughter, drug offences in Queensland—

Mr LAURIE FERGUSON—What kind of drug offences?

Mr Orr—Minimum.

Mr LAURIE FERGUSON—Hard drugs?

Mr Orr—No. With a certain level of possession of marijuana you are theoretically liable to those sentences. It also is the case that this provision does not just cover people who are sentenced to gaol. It technically covers people who have been sentenced to, as we understand it, suspended sentences and things like that: they have been technically convicted of an offence and sentenced to five years, even if their sentence is suspended or even if they are, at the other end, on probation or parole. This provision does not just cover prisons. It can cover people who would traditionally be called convicted persons.

Mr LAURIE FERGUSON—We actually had some material the other day from Victoria in regards to incarceration for drunkenness amongst Aboriginals. Is there anything in that kind of ballpark that could lead to five years or is that not a possibility?

Mr Orr—Not that I know of. I have not researched this area deeply enough to get into it. You cannot just get a list of provisions and say who gets five years for what, but—

Mr LAURIE FERGUSON—I think you are aware that, in a public debate, people are not going to be over keen to give mass murderers the right to vote. It is going to be more controversial than if, at the other end of the spectrum, there are people in there for stealing 100 bucks or something. Do you know what I mean?

Mr Orr—Certain people are in goal or are sentenced to suspended sentences for fraud offences and other offences.

Mr LAURIE FERGUSON—What kind of fraud offences? Do you know any examples you could give to us that might merit five years?

Mr Orr—I do not know enough about the sentencing policy of Australian prisons, but I can say that sentences for fraud and sentences against the Companies Act, for instance, contain provisions where you are theoretically liable to more than five years.

Mr LAURIE FERGUSON—I wonder if you could send the secretary of the committee that article referring to western Europe?

Mr Orr—Certainly. I also have an extra paper on the withholding preferences section which is forthcoming in the *Monash Law Review*.

ACTING CHAIR—I have one final question. Just to return to your perception that the formality was to do with incrementals: are you aware of any studies that have been done on when ballot papers go informal, as in whether they have gone informal at one or two, three or four, or if there is a greater degree of informality on the last number?

Mr Orr—No; I am only aware of the studies that the AEC has been putting on in the past few years about looking at informal votes and particularly in looking at exhausted votes. I do not know of any academic studies.

ACTING CHAIR—Thank you. No other questions? I thank the witness.

Mr Orr—Our branch would like to thank the committee for this opportunity.

[11.09 a.m.]

JOHNSON, Mr George Charles, 18 Vennor Drive, Ormeau, Queensland 4208

ACTING CHAIR—I now call on Mr Johnson to give evidence. Welcome. In what capacity do you appear here today?

Mr Johnson—As a private citizen.

ACTING CHAIR—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 of Representatives. 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 and it is now publicly available. Are there any corrections or amendments?

Mr Johnson—Yes, Senator. On page 4, the second last line, I talked about the frustration of using the system for one election. The system has actually been used for two elections. Also, on page 6, in the second last paragraph, I mentioned that in 1992 the divisions of Fadden and Forde were co-located. It was actually 1991.

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

Mr Johnson—Yes; thank you. I have found it difficult to prepare this opening statement as a summary of my submission. I now have problems organising my thoughts, articulating my ideas and prioritising points I want to make as well as difficulty in recalling the events of the past election. I have been advised by a specialist that these are all classic symptoms of a person who has suffered severe stress breakdown.

This breakdown occurred on Monday 26 February, less than one week before polling day. The cause of the breakdown was the stress caused by trying to conduct an election with insufficient resources and a complex computer system which hindered the achievement of that goal. I was advised to go on sick leave. With hindsight, this is what I should have done, but I opted to push on with the assistance of medication which enabled me to successfully complete the election. I am still suffering the after effects and am currently on sick leave. In total, I have been on sick leave for three months since the election.

In my submission, I have given three reasons for the increased stress levels in division offices: a lack of trained, experienced permanent staff; the ad hoc introduction of computer systems which have proved to be cumbersome and overwhelmingly complex to maintain and that require the running of parallel systems ‘just in case’; and a management

decision-making process which was at times inflexible despite clear evidence that systems were not working. I know from comments made by other staff in Queensland and interstate that I am not the only one who has suffered.

In recent years, divisional staff have been told it would be necessary to look closely at division office structures because of financial constraints and the need to live within our means. We have been assured that central office and head office have borne the brunt of the staff cuts, and divisional offices can no longer be exempted from the process.

On Wednesday this week I contacted central office personnel to establish how many staff work in central office. I was advised that a query of this nature had to be submitted in writing through my AEO. I contact Mr Bob Longland, the AEO for Queensland, to ask his assistance. He declined to provide any information he may have had but advised me to send him a telegram which he would forward to central office for attention. I did not pursue the matter any further because I thought perhaps this committee may have more success in obtaining this information than I have had and would consider it relevant to do so.

I wanted the information to be able to confirm the correctness or otherwise of several statements which had been circulated around divisional offices, specifically that during the past five years, in a time of supposed severe shortages which prevent staffing divisional offices, central office staff had increased by approximately 70. Another statement indicated that the central office staff level in 1987 was 87 staff but it had been 'downsized' to approximately 160 today. This does not include consultants.

If staff levels have increased in central office during this period, I can only assume that the commissioner and the AEOs have already decided that the current structure has to go and that is the reason for not filling vacant division office positions. Staff opinion surveys conducted in 1990 and 1993 identified low morale in divisional offices. One simple way to overcome this problem is to eliminate divisional offices. This may be seen as a cynical view but, in the absence of contrary evidence, I am forced to this conclusion.

At 9.14 a.m. on 19 September, divisional staff were requested to submit to head office suggestions for outsourcing divisional office functions. A reply was required by 3.00 p.m., less than six hours later. I understand there was not a great response to this request as the feeling was that management had already made the decisions and this was token consultation. The steering committee reviewing these suggestions and three advisory groups comprise senior executive service offices or senior officers grade B. There is no divisional office representative, so what chance is there that our situation will receive balanced consideration?

I would like to digress and ask the committee consider the following analogy: I believe the Electoral Commission is like the aviation industry. It comprises the administration, which is the equivalent of central office; senior head office staff are in the

control tower; while the remainder make up the ground crew. The divisional staff are the air crew. When you board your aircraft to return to Canberra tonight, the administration, control tower and ground crew will all assure you that everything is okay. How would you feel if, just before take-off, you discovered that the three crew needed to fly the plane had been reduced to two? Worse still, the co-pilot is actually the steward, who has been given some manuals to read before take-off or, even worse, the co-pilot is a temporary employee who has never been on an aircraft.

The pilot stares blankly at you because he is stressed to the gills because he is trying to do everything himself and has been doing excessive overtime. He is exhausted. He has grave reservations about the on-board computer system which has been acknowledged by administration as being in need of major upgrade. Is this a disaster waiting to happen? How confident would you be about arriving safely at your destination? Would you fly with this airline?

Consider the current situation in the AEC. Just as restricting the number of flights or reducing the number of airports would seriously inconvenience the users of airline services, so will the elimination of the current divisional office structure reduce the services to electors and other clients as well as undermining the main reasons for the existence of the AEC: to conduct or to maintain an accurate electoral roll, and conduct efficient and fair elections. I apologise for that early breakdown.

ACTING CHAIR—No worries.

Mr NAIRN—The Electoral Commissioner commented that the 1996 election was the most successful ever.

Mr Johnson—By his standards, not by mine.

Mr NAIRN—I was going to ask you just to comment on it.

Mr Johnson—Okay. In my submission, I pointed out that Commissioner Gray said it was the most successful ever conducted and we have set high standards which we will have to maintain. From his point of view it was very successful. I noticed in one of his submissions that he had admitted that one of you gentlemen challenged the accuracy of his statement and asked him by what standards he actually measured that. It was successful as far as getting the results out and getting members elected. But from the point of view of the effect on staff, it has had a horrendous toll. I think I mentioned in my submission that I do not believe management recognises the stress that is placed on divisional staff during an election.

Mr NAIRN—What is your gut feeling of the current state of the rolls given that you have had quite a number of years experience? How good has that roll become?

Mr Johnson—I will stick my neck out and say that I believe the Commission is burying its head in the sand by relying on people completing the declaration, and we accept it at face value. We do not have the resources to adequately follow up every enrolment card over which there is a query under the present circumstances. I do not believe centralising or outsourcing to another organisation would meet the level of accuracy that is required.

One of the things that came out in the staff opinion surveys that have been run in 1990 and 1993 was the pride that electoral staff have in doing their job. I believe that, divisional staff in particular, we do our damndest to get things right, to make sure it is accurate and give everybody the right to an equal vote and to get on the roll.

Mr NAIRN—Mr Patching's comments in relation to people who may not be Australian citizens and the informal methods that he adopted for some period, of checking those through, I understand that that was something that was discussed with a number of the divisions with the DROs?

Mr Johnson—I was one of the divisional returning officers who actually did make use of that facility for a short time.

Mr NAIRN—Do you have any comments on those processes and any recommendations you think we should be making?

Mr Johnson—I suggest that senior management should investigate the possibility of liaising with the department of immigration to have access to their databases. It is access to only the ones where there is a question mark that would need to be queried. We have a database of all people who were enrolled on 25 January 1984. If we started on that with the assumption that all those people on the roll at that stage were in fact legitimate, and then at a subsequent point in time carry it forward, eventually there will be a roll cleansing process that will take place.

I have experienced similar circumstances when I was working at McPherson. The motor vehicle registration section would send people over to obtain a notice from us saying that the person had lodged an enrolment card. The fact that they had lodged the enrolment card was accepted as proof of residence. I even had them send over a German citizen. I rang the guy up at the Motor Vehicle Registry and I said, 'The guy is not eligible' and he said, 'I know that.' But he said the fact that he went over there proves that he is fair dinkum, so he issued a licence. We were subsequently instructed to cease issuing those pieces of paper, which we did. But, as in Mr Patching's case, social security tells people, 'Duck down to the Electoral Commission and get on the roll.'

Mr NAIRN—Habitation surveys—would you like to make some comments of the processes that are used? As I understand it, in most habitation surveys people doing the rounds knock on doors and ask, 'Does so and so live here?' There is never any

request, if somebody says, 'Yes, I'm here, and my wife and two kids,' or checking of whether they really are the people, or anything like that. Have you got any particular comments you want to make about the methods that are adopted?

Mr Johnson—The process of going door to door may be effective in some areas, but it has its limitations, interestingly enough, bearing out Mr Patching's comments that he has prosecuted people for failing to vote but he has never prosecuted anybody for failing to enrol. Following a habitation review, the review officers collect a lot of information concerning residents not enrolling. We send them out a notice saying, 'Look we believe you are not on the roll. Here's an enrolment card. Please do the right thing.' The next letter is not so polite and the third one threatens them with court action. But I cannot recall the last time anybody was prosecuted for failing to enrol. If they ignore us long enough, we go away.

Mr NAIRN—Why is that? Is it a direction from management not to pursue it any further? Is it a decision of the DRO that we have got more urgent things to do and do not have the staff to instigate legal proceedings?

Mr Johnson—I do not know if there has ever been a direction issued. I do not know whether funds are ever made available in a review, for prosecutions. That is something that you might wish to take up with the commission.

Mr LAURIE FERGUSON—In your experience of the failure to enrol, how many have you come across, say, in a three-year period—a ballpark figure, you do not have to be precise.

Mr Johnson—I could not say. I am extremely fortunate because I have an excellent divisional clerk—in some ways she carries me—and she would be the one who would have that sort of information available. I do not get involved in that sort of thing. Plus the fact, as I mentioned in my initial statement, that I cannot remember things. It is not a way of dodging the issue.

Mr LAURIE FERGUSON—No problems. The surveys of staff morale, attitudes, et cetera, are they put in and attributed to DROs?

Mr Johnson—Yes.

Mr LAURIE FERGUSON—So everyone is quite aware of that kind of—?

Mr Johnson—Yes. The actual outcome comes out produced as a fancy book. All sorts of working parties are put together following the surveys, telling us what is going to be done and how it is going to be done. That is the booklet that I am referring to, that gives the results of the staff opinion survey.

Mr LAURIE FERGUSON—I wonder if we could request those from the AEC, over the last few elections?

Mr Johnson—There has only been the two done, 1990 and 1993. I do not know whether there is any intention to do another one but, as I said in my submission, I feel that if they did another survey now, they would find the staff morale, particularly in the division offices, has gone down even further.

Mr LAURIE FERGUSON—I am not putting this up to go against the idea of tightening up on enrolment, but just to give us an estimate. We have talked about the staff levels and obviously, from what you pointed out to us, people are under a lot of stress—Mr Patching is off on sick leave, et cetera. If we were to undertake a lot of the requirements in regards to policing the enrolment process a lot more, say in your office for instance, how many extra staff do you think we need to do the job properly?

Mr Johnson—It depends on how it is done. The suggestion of a continuous roll update, where you target people or areas, I think, would achieve a much better result than this blanket approach of sending people out in force to knock on doors once or twice and then that is it. The facilities that are available from databases, Australia Post, electricity—that sort of thing—is an untapped sort of thing. I believe if you retained a small force of people working continuously you have a better chance of keeping the roll up to date.

Mr LAURIE FERGUSON—What is a small force? Let's go for the minimum of the possibilities in what we do. How many people are we talking about?

Mr Johnson—I reckon if we only had one or two people per division we could do it.

Mr LAURIE FERGUSON—From your estimate?

Mr Johnson—Yes; that is my gut feeling, without looking at any figures.

Mr LAURIE FERGUSON—One final thing. On the one hand there has been reference to putting on some character who has never had any experience and is pretty useless around the office because they have not been involved. That is one part of the staffing problem. But from your comments and one of the other submissions what strikes me is that people are basically not replaced at all. Is there some problem where if someone is away for six months they do not encourage hiring somebody? What is going on?

Mr Johnson—We have been told for the last few years that there are just not the funds to replace staff.

Mr LAURIE FERGUSON—When they are sick or something?

Mr Johnson—Yes, that is right. In my case, this is my second month off and it is because of the desperate situation we are in that we have actually been given a temporary to come in for 20 hours a week. I am already down from three staff; I am away, so it is down to two staff. And I only have one permanent officer—she is carrying the load with the assistance of a temporary. I am very lucky that the temporary I have is somebody who has worked on and off in the Electoral Commission, understands the computer systems and is of some benefit to us. If she was not available the problems would compound if they had to bring in somebody off the street and train them in the computer systems to start with.

Mr LAURIE FERGUSON—If we were to find that the indications you give of staffing change at central office are fairly accurate, has the central office taken away any major responsibilities from the local offices in that period? Go back in your work to a decade ago and what you do now.

Mr Johnson—If anything, there was a strong push a couple of years ago for the divisional officer to get out and conduct electoral education. We were very strongly encouraged to do this. As I said in my submission, I was one of the leaders in this. It has been acknowledged by the fact that I have been sent into country areas to train other division staff in the techniques. I think I have only done two visits this year and I am no longer soliciting visits.

Mr LAURIE FERGUSON—That is an added responsibility. You cannot think of anywhere where they have retracted any of your responsibilities, where they have said, ‘We will do this in the future’?

Mr Johnson—No. The feeling is that computerisation has made our life easier.

Mr LAURIE FERGUSON—But you are saying it has not.

Mr Johnson—No way.

Mr McDOUGALL—Can I just take up that comment about computerisation because I would like you to comment a bit further on your claim that there is little compatibility within the various computer systems now in use by the AEC. Can I just comment further by saying that, in an organisation that is fairly defined in its activity, one would assume that any computer system was going to be interrelated and interactive. You are saying that the computer systems within the system cannot work together?

Mr Johnson—That is dead right.

Mr McDOUGALL—Is that in relation to the maintenance of the roll and the

conducting of an election?

Mr Johnson—We have a computer system which comprises various other—for want of a better description—subsystems. The information concerning enrolment is held on a database called RMANS, roll maintenance system. Unfortunately, this system cannot access some of the other systems that have been developed, such as the election night management system, the ELMS database, if it needed to; they are completely separate. It is not only the major things, like staff having to put this sort of information in twice; but also, you have to go into five different screens and three different systems if, for example, the street number changes or you have to change a polling place. If a polling place is not available and you have to put in a different polling place, it takes five screens, three systems.

And each system has its own quirks, as I quoted in the example. In one, it is F10 to clear the screen. In another, it is F3. Another it is F4. Another it is lower case q. If your caps lock is on, it will not let you out. To the people in central office or the people who devise these systems, with the best intentions, it means diddley-squat; it is not a problem. But people in the divisional offices who have to make these systems work, we are the ones who are suffering.

Mr McDOUGALL—There is a suggestion that the commission might be looking at creating regional offices rather than what has come about in some cases, a collocated office. With the system that you are explaining, and with which you feel there are some great problems, how would regional offices actively improve the system as compared with improving the staffing levels at each individual office?

Mr Johnson—I cannot see regionalisation having any benefits as far as the conduct of an election is concerned. A divisional returning officer is responsible for the conduct of that election. If you get people crossing over into another person's patch, where does the responsibility end for one person and start with the other? If there is a major problem, how do you overcome it? People have different ideas of how an election is to be run.

One of the suggestions, I understand, is that we appoint somebody to be a divisional returning officer for the election. Unless that person understands the election management system, which is so complex, they have no chance of coming in and doing it. As I said in my submission, divisional offices, properly staffed with the right resources, can run an election. But I do not believe that central office or head office can run an election without divisional offices.

Mr McDOUGALL—Can a regional office better run a roll maintenance system?

Mr Johnson—No. My reservation is that the elector is placed on the roll on the basis of their spot on the earth—we have to know where every elector physically lives so

that we can assign them to the correct census collector's district. People in a regional office, taking over the role of establishing where people actually live, are not necessarily aware of the little subtleties in the different divisions—where the major developments are taking place; who to contact in the council.

Just because every house in every street in Canberra has a street number, that does not mean to say that the situation is duplicated throughout the rest of Australia. We have a problem, particularly in country areas, where a person puts in an enrolment card and they just say, 'Dogwood Station via Injune'. So you have to write to the person to find out where Dogwood Station is. They could not give a damn about replying to the Electoral Commission. They have put in an enrolment card so why are they not enrolled? But we cannot put them on the roll until we can establish exactly where they are. This causes some horrendous problems in the close of rolls. In the end, we have to use a dump CD, for want of a better word, to put them into that area just to get them on the roll and we have to sort them out after the election.

Mr McDOUGALL—On the question of outsourcing of work that the AEC may discuss: has there been any indication of what type of roll the outsourcing of work would be and, if there has, what sort of security problems do you see in that area?

Mr Johnson—I have been on sick leave for the last two months. I am not up with any developments that have come forward other than, as I said, that from 19 September divisional officers were given six hours to reply to a request for information about what functions of a divisional office could be outsourced. I do not know what the commissioner has in mind but I am led to the conclusion that if it only warrants giving divisional staff six hours in which to form an intelligent reply, I can only assume that the commissioner has his mind made up.

Mr McDOUGALL—There has been some concern expressed throughout this inquiry in regard to the legitimacy of the roll—in other words, the validity of people on the roll—because of the lack of identity in relation to enrolment. Bearing in mind that if we were to go down the path of upgrading that system to increase the identity, that would obviously create a much larger workload. I would assume that your comment would be that you would need more staff, but how do you feel about the integrity of the roll in view of the lack of proof of identity?

Mr Johnson—I am sure there are always people who will want to rort the system, for want of a better word, for their own advantage. As far as quantifying the incidence of fraudulent enrolment, I cannot comment on that. There was mention made previously about mail being returned unclaimed from members. We have a detailed set of instructions. It is quite complex. It is horrendous, really, the amount of work that we have to put in to find out whether people are still there or not.

I do not dispute the need for following it up but I received some 1,400 letters from

David Jull one day and I had to check those out. The instructions require me to actually provide a list of every one of those people back to the member to tell him the outcome of that investigation. I am quite certain that you as members of parliament have got more important things to do than look at lists, even if it was just brought down to the totals of people in different categories, but we are required to provide a list of every person that you send to us for investigation. A lot of the cases come out as a result of this mail being sent to people's post office box addresses. Now they are settled; they have got rid of the post office box.

Mr McDOUGALL—Do you think things would be improved if we went back to subdivisional boundaries?

Mr Johnson—I had not given that a great deal of thought until I was reading one of these submissions about subdivisions. Subdivisions will create problems with absentee voting—people voting outside their subdivisions—and because we have a much more mobile population than we used to have. My initial reaction was that there is not a great deal of benefit to be gained from going back to subdivision rolls, although I believe that there is some investigation being carried out about precinct voting and there may be merits in that.

Mr NAIRN—One of the comments you made in answer to Mr Ferguson's questions was that there just is not the money to replace staff—

Mr Johnson—That is what we have been told.

Mr NAIRN—That problem, from a number of things that have been said—not only by yourself but also by previous witnesses—seems to have been there for some time. Can you give me some idea of when that sort of difficulty started?

Mr Johnson—It first affected me shortly after the 1993 elections when the ASO2 from my office transferred to another department. That is when it first impinged on me. It is one of the things that it is not until you are affected by it that you worry about it. Now that it has happened to me, it has certainly affected me.

Mr NAIRN—So those sorts of problems have probably been around for a number of years.?

Mr Johnson—Yes, most certainly.

Mr NAIRN—And you know of other officers who have had similar difficulties going back a number of years as well?

Mr Johnson—Yes. Actually, I received a letter of support from a senior member of the staff. It reminded me that back in the 1970s, out of 17 retirements, 16 people went out on invalidity. I believe, following some sort of commission of inquiry, that was when

the staffing level rose to four. Things changed dramatically. When I joined the Electoral Commission, it was pointed out to me that, per capita, the Electoral Commission had the highest number of retirements through invalidity and death on the job. I do not know whether that is true or not, but that was the folklore of the time.

I can see that we are going backwards to those old days. This letter of support that I received indicated that there are other divisional officers in other states suffering the same as me. It was even commented that three staff in a division is an absolute luxury, two is the norm, and there are divisions that are running with only one permanent officer. We have situations where divisions have been closed because there are no staff available. I am in a collocated office but there are still times when there is only one person there—one out of six.

I do not believe collocation is the solution to the problem either because that is denying the electors reasonable access to the electoral office. There are a lot of dangers with collocation. I know that when I did my first election with Graham Smith in a collocated office, he actually kept his storeroom locked—the only two people that opened that storeroom were himself or the divisional clerk—because he was so concerned about temporary staff going into the wrong storeroom, picking up some ballot papers or some envelopes, wandering off with them, and ending up with a major crisis. We are in a situation where we have two storerooms, side by side.

There are other problems with collocation. One of the major ones is at election time. When you put on, say, 15 or 20 casuals to count the votes, and you have two divisions collocated, the divisional offices are not going to hold 40 people, so you actually have to go out and look for alternative accommodation. I was very fortunate this last time in that there was space available down on the next floor, but it required me to carry every Senate ballot paper downstairs in the lift. There have been cases of divisional staff actually having had to take it down to the local church hall in the back of the car, backwards and forwards every night. It is of no consequence to head office and central office staff, but it is a big factor in the conduct of an election, the extra strain that these things require.

Mr LAURIE FERGUSON—The head office management, does that include many people who have previously been local returning officers?

Mr Johnson—I do not believe so. Are we talking about head office or central office?

Mr LAURIE FERGUSON—Queensland state office, I guess.

Mr Johnson—In the Queensland office, our director of operations, I believe, only did one election as a returning officer. Our area managers have been divisional returning officers but once they step up into the area management level, they become management

and their perspective changes. They can tell us, 'Oh, yes, we know what it is like', but it is a bit like a policeman trying to tell a rape victim, 'Yes, I know what it's like'; they don't.

Mr LAURIE FERGUSON—Is there a change or is it much the same in regard to there being a career structure within the central offices which does not involve bringing in people; is there a trend there?

Mr Johnson—I believe there are very few people in central office who have actually had divisional office experience. The tendency appears to be, from what I can gather, to recruit people from other departments, people with degrees, who have never been at the coalface of an election. When there is a by-election, a lot of people from central office end up there looking over how it is done and they think they know it all, but there is a bit of a difference between running a by-election and an actual election.

ACTING CHAIR—Thank you for your evidence.

[11.30 a.m.]

HUGHES, Professor Colin Anfield, 23 Arrabri Avenue, Jindalee, Queensland 4074

ACTING 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 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. In what capacity do you appear before the committee?

Prof. Hughes—In a private capacity.

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

Prof. Hughes—None. There is one infelicity of style, but I hope the committee will forgive that and we can pass on to the substance.

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

Prof. Hughes—Yes. I produced a submission that was very much directed to a single problem—what might be described as the Langer affair. Perhaps I could have put it rather better to say that the choice is of the usual three: to do nothing, to go forward, or to go back. To do nothing would be to continue to live with the opprobrium that resulted from the eventual prosecution or issuing of an application for an injunction against someone who breaches the law. Alternatively to go forward would be by changing the basis of the electoral system to optional preferential voting. Failing that would be to go back to the position in which it was not made an offence and those ballot papers were not saved. I think at the present time that the third option is the most viable of the three options, and I commend it to the committee.

There are other matters which I raised. I would be happy to deal with those if the committee wants to hear me on them. I must apologise: one of the consequences of my late arrival was that I did not have the opportunity of reading the latest volumes of submissions, nor indeed the transcript of the evidence up to this point of time. I in fact only discovered the letter saying that I could be on this morning.

ACTING CHAIR—Are there any questions?

Mr McDOUGALL—Professor Hughes, you have said that you reject the use of a voters card as a form of identity in regard to date of polling. There has been a discussion

throughout this hearing about trying to improve the purity of the roll in regard to the registration to be on the roll. What are your views on identification for enrolment?

Prof. Hughes—There are pros and cons. As you increase the difficulty, so you are likely to disadvantage individuals and groups which are already disadvantaged. The American experience is perhaps the best known. In the late 19th century, as the nature of the American population changed and the American electorate changed, so there arose an agitation for tightening up electoral systems including enrolment, voting identification, et cetera. Much of the debate that has been going on in Australia for the last few years resonates very strongly with those arguments, in part because they continue to be put forward in some quarters in the United States.

The logical consequence of this is that you make voting extremely difficult. You do not, for example, allow easy enrolment by mail. You require persons to attend a registration official at a particular place. Bear in mind that the American system is so decentralised that most of these processes are occurring at the local government level, so 3,000 or 4,000 authorities are enrolling. You say, ‘You can get on the roll by attending the clerk in the shire seat 50 miles away on the third Thursday in the month.’ If that is going to be the end of the line, I would far rather have a situation where obtaining cards was easy and putting them in was easy.

There certainly are some problems as regards age and citizenship. Each of those, however, in turn has its difficulties. If you require the production of birth certificates, then a high proportion of the population does not have a birth certificate, and some elements of the population will have great difficulty in securing a birth certificate, because they were born abroad in a place the records of which no longer exist or were not all that good to begin with. In respect of a significant proportion of the Australian population, I would be surprised at what proportion of Aborigines, for example, manage to get registered a birth in a way that is going to produce an adequate birth certificate when they set out to seek it. With the changing of names, the movement of populations and so forth, it could be extremely difficult.

As regards citizenship, this sets all of us a problem. However, as soon as you pull that end of the ball of the string, you run up against the discriminatory provision that exists because of the decisions that were taken in the early 1980s about giving one class of non-Australian-born an advantage over another class. If you are going to tighten up citizenship, you are going to open the Pandora’s box about what you are going to do with the citizens of Commonwealth countries, particularly from Britain and New Zealand but also those in a whole range of other categories. Even the odd Bahamian like myself would, then, if I were not already on the roll, have to become a citizen, et cetera.

At the end of the day, it is easier to leave the problem of enrolment procedures alone and conduct, if the committee, the government and public opinion require it, occasional—in the sense of using a relatively small population—but frequent—in the sense of doing it after every election—post-mortem checks. Prior to a couple of elections ago,

there was no post-mortem conduct of the scrutiny. That was introduced because of the clearly unsatisfactory nature of the figures that were being produced, and it tightened up the regime enormously. If there is a doubt, then go back.

I am perhaps a little out of touch with present commission practice, but the following up of the known deaths during the election period is useful. It is a very small number, so it is possible to go back and see which of those people purported to vote and which of them did, in fact, vote perfectly properly. Dead people do vote, because they succeed in voting before polling day; and those ballots are quite properly in the count.

When the problems are examined carefully, it is a time-consuming exercise and certainly cannot be done in the heat of the election campaign. But, once the dust has settled, there is ample time to go back. I have no doubt that those sorts of exercises both improve the game and satisfy rational bodies of opinion like your good selves. There will remain a paranoid view of the world which will not be satisfied by whatever evidence is brought forward, but at least you can rest easy in your bed in the knowledge that, if there are difficulties, they are so minute that the chances of them affecting an outcome are virtually non-existent.

Mr McDOUGALL—What would your reaction be to what we have been advised in other cities during this hearing is the case? Other Western countries have enrolment, and the rolls are called for prior to the election: in other words, you enrol for an election.

Prof. Hughes—The Canadians—who are, I suppose, the prize example of that, as I understand the present Canadian position—would say that that requires a deployment of a work force which they find it increasingly difficult to recruit, because you have to do a canvass at that point. The committee is, no doubt, familiar with this—excuse me if I tell you what you already know: the Canadians had a rather ingenious system in which the two most successful parties in each riding nominated the enrollers who went out in pairs to keep an eye on each other. This provided, if I might be so crude, a lot of low-level patronage. They found that, to make the patronage at all attractive now, they have to pay an amount that is quite exorbitant and they are not getting people who are prepared to come forward and do it. So the Canadians are looking very hard at the Australian experience.

I think one of the difficulties about getting a roll earlier in the piece—in the English system similarly, of course—is that you do it once a year and then hope that the poll comes reasonably close to that and that you can end up with a roll that is 15 months old. On the basis of our experience—I take exception to what the previous witness said—the Australian mobility has remained quite astonishingly uniform over the years, it is just that it is a smaller population base. The proportion who are on the roll was very much the same at the time of the Great War as it is now, but of course that means a lot more people. Then you have got a very bad roll. The only place where I think there is a real debate is whether closing the roll X days earlier makes it unlikely that it will be padded

by 'last-minute bogus enrolments which there is not time to check'. I think it would mean that, if there are the great conspiracies that are packing the rolls, as is alleged—I personally do not believe they exist because we would have had evidence of them—they would have to do their job X weeks or Y months earlier. If you are going to stuff a roll, you will stuff it when it is required. I think someone has been quoted as saying that it is only the incompetent who try to stuff the roll in the last few weeks. I think that is a valid proposition.

In terms of integrity, the one proposition that I think does warrant very serious attention is reverting to the old pre-World War I arrangement of having electors attached to a particular polling place or within large polling places—the A to H or I to Q section of that polling place—so that you break them up into little pockets which can then be scrutinised in an effective way. That is the way that most of the world works—that you do have precinct voting.

The change was made in Australia—I am relying on the public record; I have not looked in the archives—on the basis of the goldfields: that it was difficult to have too tightly located electors on a goldfield because on Tuesday morning there would be a strike 40 miles away and the entire population would go galloping across the countryside. When the polling day arose they would be out of their district and into the much more complicated arrangements. It was at that point that something like subdivision enrolment was introduced, which was perhaps an improvement, perhaps not. The difficulty then arose that you had to keep breaking up your subdivisions if the benefits of small pockets of electors was to be maintained. That did not occur, so by the early 1980s when they were abolished—by and large my recollection is that it was with the consent if not the support of most members of the parliament, who thought there was going to be a problem—you were looking at subdivisions that had 20,000 or 30,000 electors in them. I think there were a few that had up to 40,000 electors in them. That does not provide any safety whatsoever. All it does is draw an arbitrary line on the map and you do not interfere with it.

Precinct voting would help if there is personation. I do not believe there is a significant amount of personation but, if the committee were to believe that it is a worry, then I would say, 'Let's try that.' All that it will do is inconvenience the electors. The machinery exists, certainly, now that we have the computerised checking of the certified lists for identifying where people vote. So, it could be done tomorrow with a very small amount of money and inconvenience to something of the order of a million electors who do not vote at their nearest polling place each election.

Mr McDOUGALL—In your comment about proof of identity in regard to birth certificates, I think that you have raised a very interesting point. But it is also interesting that when people really want passports, they find the birth certificates. Until they have got something that they really want to look for it for, I often wonder how hard they really look.

You do raise an interesting point, I believe, in relation to our indigenous population. We have been advised that in some cases, they can actually have three names, and I then get concerned. I have a problem: how do you quantify which name is the correct name and how do you ask somebody to put, either one or three names on an electoral roll? How do you differentiate between groups of people?

Prof. Hughes—With respect, I think that the people who want passports are a somewhat skewed cross-section of the population. To want a passport, you have to have sufficient money and youth to be contemplating travelling overseas. It is the very poor and the very elderly who, I think, do not need passports who are the people who are most at risk at producing the problem of proof. You can always get around it. You can find an elderly relative who swears an affidavit.

I practised law in a jurisdiction in which records were very defective. A lot of time was spent drawing up affidavits to prove that somebody was the son of someone else, or a person had been born before a brother, in terms of inheritance, and all those sorts of things. It makes life extremely cumbersome. It disadvantages people who are already disadvantaged and, again, pointing to the American experience, this has political consequences. I think that the harshness of government policy in the United States is frequently to be explained by ‘the toad beneath the harrow’. Some people do not have a vote because the electoral system is so difficult for them to take advantage of.

Mr McDOUGALL—How do we then argue against the need to have a 100 points to open a bank account. This can cause some people a great many problems to get to those 100 points. I think the immediate answer is that there is much more proof of fraud in respect of financial matters and the associated crime than there is in respect to electoral matters.

Prof. Hughes—One of the points that I made to your committee’s predecessor—if I might repeat myself—in respect of funding and disclosure provisions was that we never caught anybody. The only time that abuses were uncovered was when the rogues fell out amongst themselves and denounced each other. It was the dissident spouse, the dissident party member, the dissident employee, who came in and said, ‘They are doing such and such.’ That was the first gleam of light that we ever had. This occurred quite frequently. If you read the reports of the AEC, you will see in the funding and disclosure section that this line, I think, is substantially shown. If people are denouncing each other for playing fast and loose on the funding and disclosure side, why are they not denouncing each other for stuffing the rolls, or for massive impersonation? And the answer is that they do not.

The cases that are uncovered are almost invariably comic opera instances or sad cases. I will give you an example of a case of death voting. The mother of a spinster lady of advanced years applied, quite properly, for a postal vote and then died the day before it was received. The daughter, as a final act of filial piety, filled it in, in the way that she knew her mother had voted for 60 years and sent it off. That was the case, but I do not

think the commission would have got many credits for prosecuting the daughter in those circumstances.

There are new Australian voters who misunderstand about somebody being away and things of that sort. Having got a postal vote for a reason which was no longer valid, there are quite often old Australian voters who believe that all they need to do is to turn up at the polls and cast a second vote and it will cancel the first one out by some mysterious process. There is a lot of that sort of innocent mistake going on in the system but it amounts, at the end of the day, to a vote or two in an individual electoral district amongst the 80,000. I think that the consequences of trying to prevent that happening are much worse than the disadvantages that result from what does occur.

Mr LAURIE FERGUSON—I wonder whether we are talking on the same plane with regard to citizenship. I think all the committee is possibly looking at is checking with the immigration department as to whether a person did indeed become an Australian citizen and I guess by cross-reference to the date of birth and the name. Is that in conflict with the reference you made in the 1980s?

Prof. Hughes—No, if the proposition is to approach the department, I have no objection to that. What I would object to is if an individual comes in to post their card and is told to turn up with their solicitor and a bundle of papers and satisfy the requirements.

Mr LAURIE FERGUSON—So, if it is just to check with the department and, if there is a discrepancy with regard to name or date et cetera, then further checking is required.

Prof. Hughes—At that point you may have to start unravelling it. I think that the experience of Senator Woods is the classic example of how difficult these matters are. If you will recall, Senator Woods was elected for the Nuclear Disarmament Party in New South Wales. He had done time for refusing to do his national service, which he not unreasonably supposed must be proof that he was a citizen. It was only after he had been elected and for the first time applied to get a passport to go overseas in his new capacity and the immigration department cleared its throat and said, 'There appears to be a problem here.' He had come in as a small child with his parents, supposed that they had done the right thing, and, as I say, he had been swept up by the draft system and put away and then he discovered that it was not like that at all.

Mr LAURIE FERGUSON—True enough but if, on the other hand, it can be instanced that 200 people of Vietnamese extraction in the seat of Rankin, for instance, thought they were Australian citizens and put themselves down and were not Australian citizens, then we have got a problem, have we not?

Prof. Hughes—Indeed, and certainly I could not agree more about that problem of

running this past the immigration department. On the other hand, it does resonate terribly with what was being said in the United States in the 1880s and 1890s as America was flooded with all sorts of east Europeans and south Europeans. That makes me nervous straightaway, I am sorry to say.

Mr LAURIE FERGUSON—I do not know why, because we do not let everyone in Peking vote in our elections and, equally, if someone cannot be bothered becoming an Australian citizen, should they have a vote? No.

Prof. Hughes—To repeat myself, we do have that problem: all the people who have not been, and continue to refuse to be, bothered are sitting there, and I think doing something does raise that as, at the very least, an ethical issue and quite possibly as a political issue. How one would find that, perhaps, half a million who are tucked away in the rolls—short of scrapping the whole thing, as, of course, the legislation allows, and going back and saying everyone in Australia—I do not know. It is now about 11 million; I would be pleasantly surprised if you get eight million on the first run at a new roll. They would scatter and it would take years to round them up again.

Mr LAURIE FERGUSON—The point, at least in my case, is taken about the United States basically restricting people and making it difficult for them to enrol. You referred to Canada and the United Kingdom in regards to the enrolment. It is always useful to look at the change in a system. Take voluntary voting: we can at least look at Holland going to voluntary voting, and we can look at the Austrian provinces going to compulsory from voluntary. In regards to a change in enrolments by further tightening up: is there any country that we can look at in Europe where they have made a change where we could actually see the effectiveness in regards to who is enrolled, and proportions?

Prof. Hughes—Not that I can think of, off hand, for this reason: in so many of the European countries, the enrolment process is linked or is a spin-off from some other process of citizen recording; it is basically part of the consequence of having an internal passport or a national registration system. You do not enrol to get on the roll; you say to the people who keep a list of all citizens, ‘Give us a list of electors.’

I should qualify that by saying that in the last couple of years there has been so much change in eastern Europe, east of the Iron Curtain, and there are enormous problems there in terms of drastic changes of electoral systems from one election to the next. It is possible, although I cannot think of an example, that there might be one there. But having said that, it would be so contaminated by the collapse of administration, the former Yugoslavia, movements of population, and things of that sort, that you probably would not get much that would be useful out of it.

One of the difficulties is that, as with the abolition of compulsory voting, the abolition of compulsory enrolment might take some little time to work through the system. As we know, telling people that the system has changed takes some time to sink in—the

problem of informal voting through the 1980s. It may well be that it would take some time for the word to get around that you do not have to enrol any more; parents would continue to harass their children to make sure they are on the roll, and so on.

Mr LAURIE FERGUSON—I am not sure of the stages of any change in Australia in regards to witnessing of enrolment cards and any other change in requirements. In 1911 it become compulsory to enrol. Is there any time line? The current liberal situation is that you basically fill out a card and anyone can witness it. Was there a change, such as 20 or 30 years ago, in regards to moving from JPs?

Prof. Hughes—You have me on that one, Mr Ferguson. My impression, but I would not go to the stake for it, is that it was a quite lengthy list at the first introduction of enrolment. That continued to be the case and then it was changed to any elector. But the list of potential witnesses was already very large, and so it was not a substantial handicap.

The only case that I know of recently was in Western Australia at the state level before they become the joint federal and state. There was a dust-up in the back blocks over Aboriginal voting. It was at the time of several minor scandals: the flagons of wine episode, and things of that sort. At that stage there was talk, and I think that possibly the state acted to toughen irrelevant procedures for the state—which they could—and confined it to a list of people who, in fact, would have been very scarce in the desert parts of—

Mr LAURIE FERGUSON—So we should be able to see some statistics possibly and challenge that?

Prof. Hughes—Yes. That is the only one I can think of in living memory. But it would certainly be possible for the commission to find out for you—says he, with no right to say that!

Mr LAURIE FERGUSON—I have a final question. Did I understand you to say that if we go to the five-yearly census, we are not going to see a significant change over the last 20 years, for instance, in the number of people who have changed residence in the last five years?

Prof. Hughes—There might be perturbations from one year to the next, but my impression is that you could go back through the post-war boom, through the war dislocation, through the Depression, and the run-up to the Depression in the 1920s, and you would find there was a proportion of population moving. How that averages out, of course, is always varied. What you would find, for example, is that areas of stability move down-market or up-market, and where they previously might have had a 10 per cent per year movement they suddenly become 20 or maybe even 30 per cent. But the areas of very high movement have always been the inner city areas, the mining areas, the tourist areas when they started developing as an identifiable character after the Second World

War.

Mr LAURIE FERGUSON—I would have thought that occupation change, the change of the work force, transportation, family formation and break-up—

Prof. Hughes—It may be one of those complex situations in which there are a number of factors which are moving in opposite directions and, at the end of the day, they have about cancelled each other out. That is what the seat of my pants tells me at this stage, I am afraid. I certainly have looked at it from time to time and have published a bit on it. Where you find there are variations is, for example, the ratio of total population to electors. That has gone through a cycle, but we seem now to have got back to pretty much where we were at the point at which statistics are readily available.

Mr LAURIE FERGUSON—Thank you.

Mr NAIRN—In relation to the signing of enrolment forms, my recollection is that the list was very similar to what you had for a passport, for instance. It was the type of list where somebody in private enterprise or in their own business was not applicable, but a public servant of five years was. I even recall that when I first enrolled it was that sort of thing.

Mr LAURIE FERGUSON—That has changed in the last 13 years, I think.

Mr NAIRN—That is my recollection, but I may be wrong—and that was just by the by. But, on this enrolment question, do you not see any conflict in a system that says, ‘You must vote, and if you don’t vote we’ll prosecute you,’ but at the same time basically does not do any checks at all as to whether you are eligible to vote? Personally, I see a strong conflict between those two sides of the system.

Prof. Hughes—I would certainly see that there is a conflict. I would not use the adjective ‘strong’. I think the philosophy behind compulsory voting and the whole series of elements of the Australian electoral system goes something like this: that there is a political theory or philosophy objective of majoritarian government; that you want a government that is going to act in the way that the majority want it. Now, how do you find that majority? In the first place you require everybody who is eligible to enrol. You require everyone who is on the roll to vote. You require everyone who votes to express an opinion that can ultimately be transformed into that choice between governments. All these elements lock together. If you pull one of them out by not having compulsory voting or by not having preferential voting or proportional representation as a form of preferential voting, then you cannot be certain that you have a majoritarian government—a government that reflects the will of the majority. That is the idea. All along the line we know there is slippage. We know that there are people who do not enrol; we know there are people who do not turn out to vote. There may be—for example, back to the Langer affair—some votes that slip through the system by exhaustion or something of that sort,

that do not ultimately say coalition or Labor Party. But that is the way the system has been structured by a series of decisions over a long period of time. I am quite content with it and think that it works well. We might as well stick with it, as it is something that most people understand and the overwhelming majority seem fairly happy with.

As regards compelling people to vote and then not seeing whether they are entitled to do so, in a sense, that is also a paradox. What would be the defence? You are unjustly prosecuting me because I was not entitled to be on the roll and I am here by fraud anyway, if I could put it that way. The people who ought not to be on the roll and are should have no complaint about being prosecuted. I think it is certainly desirable to preserve the integrity of the electoral system. That is the reason for saying we ought to be very careful that people do not vote more often than they should or people vote who are not entitled to vote at all. But I think there are other means of seeing that the abuses are minimal than by introducing a very tough enrolment system which is overkill, is counterproductive and has harmful social consequences.

Mr NAIRN—For instance, it was mentioned today by one of the witnesses or one of the members of the committee that, in effect, it is easier to enrol than it is to get a membership of the local video store.

Prof. Hughes—That I have not heard. That it is easier than getting your son into the right age group on the atoms and sub-atoms football teams, I have heard in the past. In a sense, that may be more material, because the video is a commercial transaction whereas getting a robust 14-year-old amongst the sub-atoms does have serious consequences, this is true. But, if there were serious abuses, I think there would be more solid evidence of it. I think this is one of those folk panics or myths.

There are undoubtedly political systems in which a great deal of abuse takes place. Look at Bosnia at the moment: if getting somebody on the roll in Bosnia says something about an issue that has been going for 500 years, then people are going to stuff the rolls furiously if enrolment numbers are very small. This is why the comparisons between union elections and parliamentary elections—particularly at the national level—are, I think, so defective. Most unions you can have an enormous impact on for a handful of votes. The handful of votes required to affect a pool of 80,000 means a conspiracy of an enormous size. If it were occurring, I think we would have seen some signs of it.

If you were going to stuff a roll, my advice would be to start with the Northern Territory, where you have an enrolment of 3,000; there, 50 or 60 bogus voters well deployed might well work. The late Frank Hardy used to speak eloquently on this subject and usually illustrated it from his fictional account of voting for the state parliament in Victoria about the time of the Great War, when there were 1,500, 2,000, 2,500 electors on the roll. At that point, you might be able to get away with something. But to affect 80,000, how many seats are going to be impacted by 50, 100, 200 or 300 of misvotes? If you can contaminate the polling process by saying you count a Labor vote as a coalition

vote or vice versa, then you are picking up two for the price of one because you are deducting and you are adding at the same time, but if you are getting in a bogus voter you are having to do it, as with a Yorkshire batsman, in singles, because you are only adding them one at a time. You would have to have every Mason, banker and Jew all working furiously to produce a conspiracy of that size. I do not believe it is happening.

Mr McDOUGALL—Can I just comment: I took six years to clean my roll out when I was first elected in 1988, and the majority of the people I cleaned off the roll were people who lived at addresses that did not exist and addresses where they had three or more families in it. I always questioned how did they get there, and I would not pass it off as flippantly as what I believe you do.

Prof. Hughes—No, with respect—

Mr McDOUGALL—If you have a long-term member who is going to contaminate a roll, they can do it over a period of time, because there is no balance and no check.

ACTING CHAIR—Which seat was that?

Mr McDOUGALL—That was a city council seat which had 20,000 voters on it, not a little seat.

Prof. Hughes—I certainly did not intend to be flippant, if the committee felt that I was being such. It was the *reductio ad absurdum* argument, that I do not think this works in practice. It may well be that there are seats that are so continuously on the knife edge that that is the case. There may be old-style political machines that continue to do this as a conditioned reflex because that is what their fathers did before them. It is not rational behaviour.

As regards what mechanism exists to prevent this happening, one would like to do a post mortem on what was happening with the canvassing, the roll checks that went on in that area over that period of time. Certainly if the addresses are non-existent, when the footsloggers are given the addresses they ought to report ‘This is a vacant lot,’ and why didn’t they?

ACTING CHAIR—What happened in 1988 during that period?

Mr McDOUGALL—I do that and I do that regularly, and I have ever since. Let me quote you one thing, for instance. We have had an election in March 1996. We have a by-election coming up in Lindsay in a couple of weeks’ time—same place, a couple of months apart. One would think that the roll of 2 March was pretty good, and now I believe there are 5,000 addresses where there are more than one family living. How true is that figure?

ACTING CHAIR—Different from in March?

Mr McDOUGALL—No, more than one family living there.

Prof. Hughes—More than one family recorded as living there, yes. The trouble with the roll at an election is the ons are on but the offs are not off, and this is why you have that dip. A figure of 5,000 does seem high.

Mr McDOUGALL—That is 5,000 entries. That could be doubled.

Prof. Hughes—There could be 2,500 who are perhaps defective.

Mr McDOUGALL—It could be 10,000; 5,000 addresses.

Prof. Hughes—Five thousand addresses at which there are—

Mr LAURIE FERGUSON—People with different surnames.

Mr McDOUGALL—That is right, yes.

ACTING CHAIR—We are not that good, seriously.

Mr LAURIE FERGUSON—So if it is a very Anglo-Saxon electorate and there is a large number, there could be different people using the same surname, husband and wife, or de facto relationships.

Prof. Hughes—The first figure I would look at would be the number of offs that were taken off Lindsay at the previous elections when there was nothing of interest about Lindsay. It may well be that there is such high mobility that a lot of people do move on and, of course, the fact that they have moved on is not found out until either they are pursued for non-voting or you have a subsequent canvass or something of that sort. So there is always that slippage.

If I could offer a counter example, which again says how bad the rolls are but makes one wonder about whether or not it is sinister: when the state Electoral Review Commission in Queensland was looking at the question of whether or not there should be a state roll continue in Queensland, I took a couple of little areas and got the state roll—as I was commissioner, I did this as a little private exercise—and the Commonwealth roll and went over them name by name. I do not know whether members of the committee are familiar with Queensland geography, but I used Allora, a little hamlet between Toowoomba and Warwick, a sleepy little eastern edge of the Darling Downs and solid rural conservative territory. No-one in their right mind would stack it for any reason, and I cannot think of anything on the local government side. Ten per cent of the names were not corresponding, 90 per cent were on both and 10 per cent were either on the state or on the

federal.

That, I think, is bad coding and I suspect—and that is why we have ended up with the state moving on to the Commonwealth roll—that the better coding took place in the Commonwealth office because there were full-time people sitting in Toowoomba who would know about addresses, but the state people sitting in Brisbane were not as expert. What the quality of address coding that went on in that area in the past would be an area that I would inquire into. It certainly is the case that people are spotted and are dealt with.

There was a state by-election in New South Wales when I was electoral commissioner where the electoral office staff, said as a new enrolment came across the desk, ‘Oh, that is the video store.’ The DRO rang the AEO, the AEO rang me and my advice was put somebody in a cab straight away to go out and check the address of the witness, which proved to be a council depot. At that point there was a smoking gun and, indeed, the offender was a minor party official who got the boot, either for being incompetent or for doing something that he should not have been doing, or a combination of both. People are spotted, but at that point what you need to do is to have vetting processes.

If you go over to a better address system, which again is hearsay on my part, I understand the Electoral Commission has very much as an objective spot-on-the-earth enrolment, this will make it more likely that addresses will be accurate, but you need people to sit there and look at the roll from time to time as members do, as party stalwarts do and certainly—hopefully—as Electoral Commission people do. From time to time I used to settle down with a random roll and read through it, partly to try to pick up discrepancies in the typing in of names. With names with hyphens, if the hyphen did not get in and your name was Aarbothnott-Gallimore, some members of the family would be at G and some of them would be at A and this would lead to confusion.

I think it is an administrative problem in the first instance and more power to members who can spend the time doing what ought to be, in the first instance, the responsibility of the Electoral Commission staff.

ACTING CHAIR—The Lindsay roll, was that the 1996 election roll you have gone through, or someone has gone through, as opposed to the potential by-election roll?

Mr McDOUGALL—No, it is the roll after update since the election.

Prof. Hughes—After the offs are off?

Mr LAURIE FERGUSON—It is not 5,000 new.

ACTING CHAIR—So that was the 12 per cent Labor seat and you think someone

has gone to the trouble of—

Mr McDOUGALL—No, I think the problem is that the roll has never been cleaned properly and, therefore, it is available for abuse.

ACTING CHAIR—In a 12 per cent seat.

Mr McDOUGALL—Very much available for abuse.

ACTING CHAIR—I wish we had the time. Any other questions of the Professor? Thank you very much, Professor. As indicated, you only got a final invitation early this morning, so we appreciate the trouble you have taken.

Prof. Hughes—It was fortunate you asked me to draw on my long-term memory, rather than my short-term memory.

Resolved:

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

Committee adjourned at 12.41 p.m.