



COMMONWEALTH OF AUSTRALIA

**JOINT STANDING COMMITTEE ON
ELECTORAL MATTERS**

Reference: Conduct of the 1996 federal election

CANBERRA

Friday, 25 October 1996

OFFICIAL HANSARD REPORT

CANBERRA

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Present

Mr Cobb (Chair)

Senator Conroy

Senator Minchin

Mr Laurie Ferguson

Mr McDougall

Mr Nairn

The committee met at 9.05 a.m.

Mr Cobb took the chair.

**McMULLAN, Honourable Robert Francis, Member for Canberra, Parliament House,
Canberra Australian Capital Territory**

CHAIR—Welcome, and thank you for coming. This is the sixth public hearing of the inquiry into the conduct of the 1996 federal election and matters related thereto. I remind you that the proceedings here today are legal proceedings of the parliament and warrant the same respect as proceedings in the Senate and the House. The deliberate misleading of the committee may be regarded as a contempt of the parliament. The committee prefers that all evidence be given in public but, should you at any stage wish to give evidence in private, you may ask to do so and the committee will give consideration to your request. We have your submission before us, which is now a public document. Are there any corrections or amendments you wish to make to that?

Mr McMullan—There are no corrections or amendments.

CHAIR—I now invite you to make an opening statement before we proceed to questions.

Mr McMullan—I would just like to expand on the points in the letter. It was really designed to introduce the issue. It is not a very complex question but I would like to put the various aspects of it before you briefly. I thank the committee for giving me this chance and I apologise that I have to leave early. But, if any of the members want to pursue some of the matters with me subsequently, I would be very pleased, on or off the record, as the committee chooses, to pursue it.

The recent indications in the media that representation of the ACT might fall from three to two, as a consequence of the relative rates of increase in population, has been seen by the people of the ACT, and in the wider region around here, as an anomaly. You would all know that in 1993, for the first time, we had three members. That involved a major redistribution. People are only just coming to realise that there are three seats. This increase lasted three years and it is likely, in the next election, that we will revert to two electorates. It is regarded here as disturbing and anomalous, and it is very difficult to explain.

What is more anomalous is that there is a very reasonable prospect—it is impossible to be sure—that the demographics are such that it will go back up to three in the election after because of the age distribution to the population. It is interesting to note that the Northern Territory is very close to that circumstance; it is at 1.46 quotas now. If you look at the demographics of the population for both territories, small changes in one industry or one region, can make a big proportionate change in population. The numbers we are talking about, just to get a sense of it, to move from 2.49 to 2.5, is 1,200 people. So it is possible, when you get that close to the wire, that you are talking about a statistical error. This is not to criticise the ABS, of which I am a great fan.

I am not saying that this is a fundamentally unfair result. I accept the quota that is applied is the national quota and I am not looking for a gerrymander or a malapportionment to

take special interest of the territories. We should not be going for some contrived result that undermines the fair representation principles but the stability in the smaller states and territories is a relevant factor. The constitution has always recognised it for Tasmania.

When you move from 51 seats to 50, or 37 to 36, we all know, from bitter personal experience, that it can have a big impact on an individual member. But it does not have any significant impact on the representation of the state or territory. To move from three to two, or two or three, or in the case of the Northern Territory, from one to two, and then back again, is a very major increase.

I do not think we should undertake some contrived artificial device to overcome this. But, if we look at the proper application of two established principles, and the proper application of section 24 of the constitution, and the principles in that to the ACT, then we could ensure longer term stability, without proposing legislated, guaranteed minimum number of seats, which is not what I am proposing. It is clearly an option to go down that Tasmanian route but that is not what I am suggesting. If the committee wanted to look at it that is something I would be happy to discuss.

The two points are these. One relates only to the ACT. The other would relate to both the territories. The ACT exclusive matter relates to Norfolk Island. On the last figures, there were 89 electors on Norfolk Island registered to vote in the electorate of Canberra. These people would normally be included in the ACT for the purpose of determining electoral entitlement. That is set out in the Electoral Act and 89 electors do not make any difference of course to the outcome.

However, all the other residents of Norfolk Island are entitled to enrol if they so choose, provided they meet the normal requirements of the Electoral Act. They are certainly entitled to be counted for the purpose of determination of electoral entitlement. A very small number of residents of Norfolk Island are entitled and choose to enrol in other electorates as a result of the connection with a particular other state or territory. That is in the Electoral Act, as you would all know. This is a small number which could be separately determined. Subject to the deduction of these people, I believe the appropriate assessment of the ACT population for Electoral Act purposes should include Norfolk Island.

This does not mean I want to undermine the separateness of Norfolk Islanders for current legislative purposes, nor their special status with regard to obligations to vote in Australian elections. It is not a relevant issue. I am happy to debate that some other time, but it is not relevant to this point. All I am saying is that they constitute part of the population of people who are eligible to enrol in the ACT. What section 24 of the constitution refers to is not people who choose to enrol or enrolment. It talks about population and the population of people from which the enrolment of the ACT is drawn includes Norfolk Island.

The population of people from which the Northern Territory enrolment occurs includes Cocos and Christmas. They are included in the population for the Northern Territory, as they should be. The population of the ACT includes the Jervis Bay territory in terms of

enrolment. They are included, but Norfolk Island is not. Now I know there are some sensitivities from the people in Norfolk Island, given that they are all potential constituents of mine. It is not that I am setting out to upset them all, but I do not wish this to traverse that. I think there is a very interesting debate about whether they should have the separate status or not.

All I am saying now is, if we apply the principle of measuring population not enrolment, the demographic factors—and in this case the cultural and historical factors—affecting enrolment as a proportion of population are not taken into account in the various states, nor should they because that is not what the constitution says. Section 24 of the constitution requires a measure of population.

What I am proposing is not that we introduce an anomaly, but that we get rid of an anomaly and that the Electoral Act should be changed to get rid of that anomaly. Then I think you would find that those extra 2,000 people would almost certainly mean there would still be three seats in the ACT after the next assessment. No-one can be absolutely sure, because it will sometime towards late January or sometime in February that we get the report from the statistician and that will determine that.

A more substantial and enduring mechanism to deal with the question of population and variation of enrolment in the smaller states and territories would be based on a comparison with Tasmania. As everybody here knows, as part of an initial constitutional settlement Tasmania received a guarantee of five seats in the House of Representatives. That is not a right that has ever been challenged. I am not challenging it, but what it means is that for 3.84 national quotas they get five seats. Now I do not object to that. We know why it happened. It is part of the federation settlement and I do not want to unpick it. But it has always given a guarantee of stability for Tasmania in its representation.

The two options that flow from that intellectually and logically in terms of the application of that principle is either a legislative guarantee for the territories—which is one option but a complex option and one which I am not looking at—or the application of the Tasmanian quota to the territories. That is, divide the population of Tasmania by five, make that a quota, apply that to the territories as a small state's quota and in practical effect that would mean that there would be three seats in the ACT and two in the Northern Territory. The ACT would be about 3.25 quotas and the Northern Territory would be 1.9. So you could look 20, 25 or 30 years into the future and you would not get a variation in the territories.

It would not be a legislative guarantee, but for all practical purposes it would mean on a fair assessment that it would be equivalent to the smallest state. We would have guaranteed no volatility and one extra seat for the Northern Territory. I think this would probably happen only one election early, because the demographics of the Northern Territory make it inevitable that we are going to get to two seats probably by the election after next. We would probably bring that extra seat forward one election.

I hope the committee members might consider that either or both of these options are

appropriate. If they do and if you want to avoid this anomaly for the next election, it will require some pretty prompt action because the act requires the statistician to report by, in effect, the end of January, but let us say February, and certain consequences start to flow in terms of redistributions immediately after that. The parliament can overrule that afterwards. If it did not legislate in February it is not a catastrophe. If it legislated in March to make a change then any process of redistribution will clearly be halted because the legislation will be changed, but it would be better done before.

Those are the comments I wanted to make. They do not introduce any new principles from those that were outlined in the letter but I hope they expand on them and make it clear that I am not looking for some special privilege, simply the proper application of the existing principles. Thank you, Mr Chairman.

CHAIR—Thank you for that. Of the population of Norfolk Island, what percentage of the adults are Australian citizens?

Mr McMullan—It probably is a measurable fact but I do not know it.

CHAIR—Enrolment is non-compulsory there.

Mr McMullan—That is right, it is non-compulsory and people have a choice of electorates as well. If you can establish a special linkage with some other state or territory, the Gold Coast or wherever, you can enrol there. There is a sort of residual right to enrol here and 89 people have taken advantage of that provision.

CHAIR—Have you been there?

Mr McMullan—No. I get quite a lot of letters from there but I never check to see whether the people who write to me are on the electoral roll, they are just people from Norfolk Island. I deal with constituency issues from there but I have not been there.

CHAIR—Given the fact that only 89 vote and that there are 120 registered on an island of 3,000, it is an incredibly low number.

Mr McMullan—There was a House of Representatives committee that looked into this in some detail, but there is significant resistance from a large number of people, the traditional Pitcairners, to being included. I understand the history of that. They do not want to vote in Australian elections, they consider they vote in their own elections when they elect the Norfolk Island Assembly. That is a legitimate debate for another day. The parliament has looked at it and decided to accept the situation, that is why they made these other arrangements. That is fine, but it does not affect the fact that they are part of the pool from which the enrolment is drawn, it is just that they choose not to swim.

Senator MINCHIN—I guess your point would be that the constitution and the Electoral Act refer to the population of Australia for determining quotas. There is not a

reference to Australian citizens, it is just people resident here. Therefore, it gives it some legitimacy.

Mr McMullan—I had another look at section 24 before I came here to make sure that my memory was correct. Senator Minchin has described it correctly; it is quite a simple categorical description. I think its application does require, for this purpose, a variation without in any way interfering, or as an unintended consequence, with the rights and entitlements of people in Norfolk who regard themselves as a sort of separate entity. It is a quasi status, they do have a separate customs or other arrangements so you have to take that sort of thing into account and I do not want to interfere with that.

CHAIR—You even need a passport to go there.

Mr NAIRN—When Tasmania was guaranteed five, what was their actual quota and what has been the variations over the years?

Mr McMullan—It would have been very close to five. I did work it out once a long time ago, but it has been in constant decline. The rate of population increase in Tasmania has been less than the rate of population increase in Australia in every era that I can recall since Federation and it has been in constant, slow decline. Of course, all the states had a guarantee of minimum entitlement, it has just never applied to any other state because their population has never been caught up by it.

Mr NAIRN—That could be the criticism that could be levelled, that if you make a similar formula for the ACT and the territory, although it would look fair now, would it stay that way? But I think I could then defeat my argument by saying that I think the way in which the Northern Territory and the ACT are developing would be quite different from what has occurred in Tasmania. That, I think, would not be the case, and you would probably end up getting closer to the quota over 20 or 30 years.

Mr McMullan—I do not think there is any prospect statistically that within a generation you would see an anomaly emerging out of this. At 3.25 quotas and 1.9 quotas, the population change relative to the rest of Australia would have to be enormous for a fourth ACT seat or a third Northern Territory seat to emerge. It is just inconceivable. You would have to almost double the population of the Northern Territory to have that happen.

Mr NAIRN—The aspect of Norfolk Island really is almost a stopgap measure for the potential problem at the next election. It does not really solve it from a long-term point of view because there are so few people. As you say, it only requires 1,200 people to fall one way or the other of the quota, so we really need to look at the principle irrespective of Norfolk Island. But the Norfolk Island situation could help the ACT through its dilemma at the next election.

Mr McMullan—Yes. I think one is a small anomaly, the other is a major issue of principle. You cannot even be sure that, if we corrected the Norfolk Island anomaly, there

would be three seats in the ACT. It is still going to be a marginal case—and I do not pretend otherwise—once you look at it.

Mr NAIRN—That is right.

Mr McMullan—I see you have a submission from Mr Coates. I looked at the issue, but he wrote me a letter and raised another aspect of it which led to me doing some more research. So if this is resolved he actually should get the credit as it was his initiative. He drew my attention to the anomaly and I think we should fix it. It may and probably will solve another problem, but it cannot be guaranteed to do so.

Mr LAURIE FERGUSON—What are the ballpark figures for the number of people per electorate as a result of the current change? How many will be in each electorate in Canberra?

Mr McMullan—The population of each electorate?

Mr LAURIE FERGUSON—No, how many voters?

Mr McMullan—About 100,000 each. When we had two electorates for the 1993 election they were about 100,000 electors each. Fraser and Canberra were clearly the two biggest electorates. The one figure that I do not have in mind is what the enrolment of the Northern Territory is. They were clearly bigger than even the booming Gold Coast seats, which always get out of alignment very quickly, though not as big as Fraser and Canberra the last time I looked in the lead-up to the 1993 election. I would not swear that on election day that was so. Now it would be essentially the same again.

Mr LAURIE FERGUSON—Finally, on the Chair's question before about the reality of non-citizens on Norfolk: you said you thought it might be measurable. Have you got any concept of whether it is 10 per cent Australian citizens or 100 per cent?

Mr McMullan—They are problems that I never looked at. I just knew it was measurable because I assumed the census checks it, but I do not know the answer to it.

Mr LAURIE FERGUSON—Right. Interrelated to that, in the ACT obviously non-citizens are counted as well. Do you know what the proportion of non-citizens is in the ACT?

Mr McMullan—No, I do not think there is any reason to suspect in the ACT it would be different from the national average. Non-citizens are counted in New South Wales and everywhere else as well.

Mr LAURIE FERGUSON—It might be something we should get figures on.

CHAIR—Yes, I think so. There are no further questions. Thank you very much for

your attendance. We will let you catch your plane.

Mr McMullan—Thank you very much.

[9.25 a.m.]

RIEBELING, Mr Fredrick, MP, Parliament House, Perth, Western Australia 6000

CHAIR—Welcome. Is there anything you wish to add about the capacity in which you appear?

Mr Riebeling—I am the member for Ashburton, a lower house seat in the Western Australia parliament, representing the southern half of the Pilbara region which is approximately 1000 miles north of Perth.

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. 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 your submission which is now a public document. Are there any corrections or amendments?

Mr Riebeling—No. The document is a joint document prepared by six members of parliament. I had a hand in the preparation and I have since read it to make sure it is all accurate. It is accurate.

CHAIR—Is there any opening statement that you would like to make before we proceed to questions?

Mr Riebeling—There is. Firstly, I would apologise for my colleague Tom Stephens not attending. He did intend to appear. However, due to a preselection battle which is going on in the west at the moment he was unable to attend, which is unfortunate. He is the Upper House member who is representing the mining and pastoral region of Western Australia which is the remote area electorate of Western Australia. The last election I was involved in was the federal election. There were numerous problems that arose in the remote areas, and that is what I wish to bring to the committee's attention.

In my region there was a large number of people who appeared at polling booths and their names had been removed from the rolls. There was a great amount of annoyance at people being removed. These removals appear to be very easily achieved by groups that wish to remove certain groups of people in the electorate who they think will not vote for them. There appears to be a simple system of addressing mail to those electors and if the mail is returned that forms a basis for the removal from the electoral roll.

This particular problem is predominantly in Aboriginal communities. However, we are also finding now that in mining communities, which predominantly are in my area, there is also quite a large number of people removed. The reasons for this are that in the Aboriginal community there is a large amount of movement within the Pilbara region, from one town to

another. Roebourne is one of my main Aboriginal areas. If you went to Roebourne today and met 10 people in one house, which is about the usual population of the houses, and made sure all those people were on the roll, then if you went there again in two weeks time there might still be 10 people but six of them would be different. The people remain in the region, but they do not remain necessarily in the one house.

A classic example of what I am talking about was prior to the last state election. I was somewhat concerned that the rolls did not reflect the true population in Roebourne. Three of us went to Roebourne and in three days we doubled the population on the roll in Roebourne. Those people had been on the roll and had been removed over a period of time. That is the sort of effort we made to make sure that as many people were on the roll as humanly possible.

The other problem we find is not confined to Aboriginal people. In mining towns, which most of the Pilbara towns are, the smaller towns of Tom Price, Paraburdoo, Pannawonica, Dampier and Wickham, which are in my area, are towns which are controlled primarily by single companies.

What happens within those town is that a person, if they get a promotion, move accommodation. It may well be that a person is enrolled for that town but may shift three times in four years. If the rolls are cleansed, so to speak, by simply writing a letter to a person and then claiming that as a reason why they should be removed, we will have a non-accurate perception of the actual roll itself.

In our submission, we mentioned that greater effort should be made to make sure that people that are being removed have actually left the area. I think a system could easily be set up prior to removal from the electoral roll so that certain checks are made through areas such as the post office, Aboriginal communities, me or the local member of parliament, and, in my area specifically, through major companies as well. The major companies would know where 80 per cent of the population in specific towns live and whether they are entitled to be on the roll for that particular town.

It is a major problem for the Electoral Commission, I understand, to have accurate rolls. However, with the flexibility that is required to make sure that as many people as possible actually vote, there is an obligation to try to make sure that in a democratic society we have the vast majority of people on the roll and capable of voting.

My understanding of the legislation is that it is possible to have someone enrolled as an itinerant person who can actually drift through the area. I think that it is in the interests, especially of the Aboriginal people within my electorate, that there be greater use of that provision, so that if the person is enrolled and living in Roebourne, it does not mean that when they move to Tom Price for three or four months that they are removed from the roll, because they do not change their address.

It is particularly important with the Aboriginal people that we allow some sort of flexibility. That is the way of life in the Pilbara for Aboriginal people. They do not stay in one

place as other people do. They move throughout the Pilbara region. They are quite often, in one year, in four different towns for various months. It is also true that letters addressed to Aboriginal people quite often are left and not answered, basically because the Aboriginal people are not interested in looking at the mail. To use those criteria to remove people, especially in the Aboriginal community, is wrong when a simple contact with the post office, for instance, would indicate whether a person should be on the roll or not.

We are advocating that, prior to removal from the roll, substantially more effort is made to make sure that the removal is justified. This, as I say, is not only directed at Aboriginal people but is also directed at the mining fraternity within my electorate.

There has been some suggestion, I understand, that we should change the system by which a person gains enrolment on the electoral roll to make it more difficult for people to actually be enrolled on the electoral roll. In Western Australia, we witnessed in the 1970s and very early 1980s a system by which a person had to have their enrolment card witnessed by a justice of the peace. This caused huge problems in remote areas. Primarily, you had to find a justice of the peace that was prepared to witness the form. In the Aboriginal communities, many Aboriginal people are reluctant to go to justices of the peace to do anything other than to visit them in the court situation. They are not a group of people that readily would go to a justice of the peace for assistance.

Before I entered parliament, when I was a justice of the peace, I spent many hours in community shopping centres and going to Aboriginal areas trying to provide a service so that people could actually get on the roll. We would do hundreds of people at a time in reference to them wanting to be on the roll and not being able to access justices of the peace. I hope that the committee does not head down that particular track. It is my view that any government should be encouraging more and more people to be on the roll and stay on the roll. The thought of cleansing and the thought of making it more difficult for people to enrol, to me, is undemocratic. People should expect to be able to be on the roll and remain on the roll for the area in which they in fact live.

There is a suggestion in our submission that enrolment should be linked to a driver's licence, like the motor voter system used in a number of states in the US, to gain as many people on the roll as possible. We also indicate that, perhaps, enrolment could be linked to tax file numbers or through the social security act. I think that would also assist in increasing the number of people on the roll.

Representing a remote area, we are very concerned about the cutbacks that have occurred in the area of the Aboriginal and Torres Strait Islander Electoral Education and Information Service. That was a bit of a mouthful, but that particular service has now been cut. That service actually provided a useful mechanism by which Aboriginal people, especially, gained knowledge about our electoral system. It assisted in making sure that as many Aboriginal people as possible were enrolled on our electoral rolls.

Two people are mentioned in our submission whom I would like to mention also. They

did a fantastic job, in our view. There was Ken Houghton and Barbara Miller, who were two of the operatives in that system which the vast majority of Aboriginal people actually appreciated. They worked very hard. To see that system done away with would be a backward step for the integrity of the electoral system upon which all elected members rely so vitally.

Another area I wish to mention—this is not in the submission, unfortunately—is another problem which is now facing remote mining communities in relation to voting on election day. We have seen a trend towards 12-hour shifts in the mining area. Those 12-hour shifts in the Pilbara region generally operate from 7 o'clock in the morning to 7 o'clock in the evening. Those hours do not allow a person to vote. We endeavoured to get around that problem by using postal vote applications and the like.

However, it is my understanding from the stats that I have seen that some hundred-odd voters that should have enrolled in one town of Tom Price did not in fact vote, primarily because I think it was too much of an effort for them to actually arrange for a postal vote. There were some problems with postal vote applications arriving, but that is another matter. I would suggest that there now seems to be a greater trend to 12-hour shifts with more flexible working hours—whether or not I agree with that system is another debate, I suppose. If the polling booths were open for 13 hours rather than as they now are, that would give people who work 12-hour shifts the opportunity of going to a polling booth and voting. I understand that it may be somewhat difficult for that to occur. Maybe it requires some other thought, but the committee should be made aware that that is a problem, and it is a growing problem as more and more companies go to 12-hour shifts in remote areas.

I am also advised that there is a chance that the regional offices of the Electoral Commission may be closing. I urge the committee to suggest that that would be, once again, a backward step in trying to make sure our electoral rolls are as good as possible. In the area I come from, we have a regional office of the Electoral Commission. That office services an area as big as New South Wales and Victoria combined and has in it three people. They work very efficiently under the system they now operate under and I hope that the Electoral Commission decides not to cut back on the number of those regional offices. The fellow that runs that, a fellow by the name of Danny Wallace, has been in the area for many years and has quite an in-depth knowledge of the area in which he operates. The thought of losing an officer of that type from our region would make it much more difficult for the Electoral Commission to actually operate an election. It is vital—now that we have lost the Aboriginal program that I mentioned earlier—that we keep some sort of contact with people in remote areas, and Mr Wallace has that sort of contact.

However, I would suggest that those particular offices should be more involved in making sure that enrolment drives are actually conducted to make sure that we have as many people on the roll as possible. It is very rare to see—I have not seen it, actually—an Electoral Commission having an enrolment drive in, say, a shopping centre or the like, which proves to be a successful way of getting enrolments. That is primarily what I wanted to say, Mr Chairman, as far as speaking to our submission.

CHAIR—Thank you for that opening statement. You mentioned earlier on that you, and I think someone else, went into Roebourne and found that the number of eligible people to vote was only 50 per cent of what it should be. That is quite a dramatic figure. Can you just give us some idea of the numbers that were involved?

Mr Riebeling—I think there are now about 900 people registered to vote in the town of Roebourne. Prior to the particular circumstances we were faced with, the enrolled population of Roebourne at the time was about 400. In three days, we took it to just under 800 voters.

CHAIR—If the regional office and ATSIEEIS education program are doing such a good job, how come they are only picking up 50 per cent just in one town?

Mr Riebeling—Well, there was a problem with the program just prior to the last state election which involved the education program not being involved in enrolments. This was a major problem that we found. In fact, one of the houses we doorknocked that I visited contained the local Aboriginal education person who was educating the Aboriginal people in that area. Of the 10 people who were actually living in the house, I think two were on the roll so eight were not. But at that stage the Commonwealth system was all about education and had nothing to do with enrolment. That system has changed, and changed for the better. That is why, at the moment, we have something like 900 people on the roll in Roebourne. That is not by mistake. I think the system has changed for the better in the last 2½ years of operation.

CHAIR—But, even so, in the two or three days—or whatever it was—that you went around town, you say you could double the enrolment and that they have had this anomaly corrected for 2½ years. I still fail to see how the result has been so inefficient.

Mr Riebeling—At the moment it is not. I would think the actual enrolment numbers in Roebourne right now are relatively accurate. That is a result of the continuing program of enrolment that the Aboriginal Education Unit actually put in place some 2½ years ago. That is why I am concerned that it has been removed.

CHAIR—During the last election, was there a problem in Roebourne with people turning up to vote who could not vote?

Mr Riebeling—There was. Roebourne was not as big a problem as such areas as Tom Price and Onslow which are also in my area. Roebourne was not in too bad a shape during the last election. It is really the more remote areas such as Tom Price and Paraburdoo and Onslow.

CHAIR—If the situation had been corrected in Roebourne—

Mr Riebeling—Yes.

CHAIR—And despite the correction there was still a problem at the last election. I

still fail to understand why that was so. You are saying mail was sent out by the Electoral Commission to check and—

Mr Riebeling—Not necessarily by the Electoral Commission.

CHAIR—Well, whom by?

Mr Riebeling—By one of the conservative parties, in my view, which sends out mail to electors. If that mail is returned, that forms the basis of a submission to remove people from the roll. There has been a cleansing process for years in the Pilbara.

CHAIR—Surely the Electoral Commission does not remove people from the roll purely on the grounds that some party has had mail returned to them. They would also check themselves, at least with the mailing?

Mr Riebeling—They may then mail an item to check that address and then remove the person from the roll.

CHAIR—Roebourne is not a big town; surely if the mail arrives at the Roebourne post office, even if they are living in another house, the post office would see that they got the mail. Presumably the Social Security cheques or other mail are getting to them; why isn't this mail getting to them?

Mr Riebeling—I do not know what system the Social Security people now use. I think there is a direct banking system in place.

CHAIR—Direct pay, yes.

Mr Riebeling—Aboriginal people do not necessarily check their mail once a week. They might check it once a month or whatever. If they are in Roebourne for two months and that is where the mail is sent, well, that is fine. It may well be that for three months they are in Onslow. It may be that they are in Tom Price or whatever.

What we are saying basically—in reference, say, to the mining communities—is that so many people, who had voted in the previous election and had quite often moved within the town, had been removed from the roll. So some better system should be put in place, prior to their removal, to make sure that they have, in fact, left the area. I know, from visiting some 8,000 houses in the last four months, that the number of people who are still on the roll but who are not enrolled for those particular houses is quite massive. In the Tom Price-Paraburdoo area, I would think the error rate in the roll is as high as 20 per cent. Those people are still in the town; they are just not enrolled at the correct address.

CHAIR—How many people would have to be employed to be doing this on a continuous basis?

Mr Riebeling—I do not think it is possible to keep the rolls as accurately as one would like, to know that everyone in a particular town is enrolled at the correct address. This is primarily because of the internal movements within the town of company people. It is a difficult scenario. If there is a linkage with the companies for some sort of advice as to change of address in Tom Price, Paraburdoo, Wickham and Dampier; if there were some sort of facility for companies to advise of change of address instead of relying on people to fill them out, that may be a way of keeping them accurate. But my problem really is not that. My problem is that they are removed from the electoral roll without any other investigation, it would appear.

CHAIR—So mailing is insufficient; the telephone, even though you suggested it, it would also be grossly insufficient. What you are saying is, you need a person on the ground on almost a monthly basis.

Senator CONROY—Just on that point, you suggest it not be removed unless there is a physical habitation review. How does that deal with the example you quoted of the 10 in a house, where you go one week and—

Mr Riebeling—It does not. Aboriginal people in remote areas should be treated in a similar way to the provisions made available for itinerant people; that if they are within an electoral boundary, then that is sufficient because they are so fluid about where they live. You could just about, on a strict compliance with the rules, remove every Aboriginal in the Pilbara, basically. So it is a basis of trying to get the most flexible system in place to achieve the maximum number of people on the rolls and not the reverse. The reverse seems to be, at times, what is the object? There appears to be some sort of desire to remove as many people as possible from our electoral rolls. I think it should be the other way around.

CHAIR—Do you know roughly what percentage of Aborigines vote in the area?

Mr Riebeling—The percentage of Aboriginal people in my electorate is about 10 per cent of the enrolled people and I would think the actual number that vote would be in the high 80 per cent, somewhere around there.

CHAIR—Are you able at any stage to give a list of actual names of people who claim they have been unfairly disenfranchised?

Mr Riebeling—I did not bring that with me, but I will see my colleagues and get as comprehensive a list as possible to the committee.

CHAIR—I was just thinking, without breaching privacy, it would be actually interesting to follow through a number of names to actually pin down the exact reasons.

Mr Riebeling—Yes.

Senator MINCHIN—What sort of numbers are we talking about? You said large

numbers, but I have not seen any statistics that would factually indicate the extent of this problem.

Mr Riebeling—During a campaign in my electorate, which is the world's smallest electorate, in the last election I had some 8,000 voters, which was the smallest electorate in the state. Some people are very unkind about the number of people in my electorate. I would have had 30-odd inquiries come back to me throughout that catchment area. So 30-odd people mentioned to Labor Party people on the booths about problems they have had because their names had been removed from the roll.

Senator MINCHIN—It does not sound like many at all.

Mr Riebeling—Thirty people mentioning it to us as a problem, in my electorate, I thought was quite a substantial return.

Mr NAIRN—That would be no different from an urban seat.

Mr Riebeling—It may not be any different from an urban seat. I would think that the number that were mentioned to me in comparison to the size of my seat is quite substantial. No doubt more people than that were refused. I am just saying that they are the people that brought it to my people's attention.

Tom Stephens, unfortunately, is not here, but he tells me that he was on the remote polling booths, the flying booths, and there were substantial problems in Aboriginal communities in reference to the problem that we have alluded to—people being removed. I can get you as much information from Tom in reference to that as I can.

Senator MINCHIN—The act does provide for itinerant enrolment already.

Mr Riebeling—Yes.

Senator MINCHIN—There is a provision for provisional voting if you assert that you are entitled to vote. In other words, the design of the act goes a long way towards addressing this problem.

Mr Riebeling—I think you are right, and, in fact, I think the itinerant sections of the act should be used far more readily. I think that would solve, in reference to the Aboriginal people, a number of the problems. But for some reason they do not appear to be registered using those provisions.

Senator MINCHIN—They have to actually apply to be enrolled, and there is a problem there.

Mr Riebeling—Yes.

Senator MINCHIN—But they have that opportunity to do so if they are itinerant. From our perspective, frankly the electoral system is pretty wide open as it is in terms of false claims for enrolment and false addresses. We have to have a system that covers the whole country. I do not think we can have a special electoral system just for—

Mr Riebeling—When you say it is wide open for abuse, how many—

Senator MINCHIN—In other words, there is no proof required when you enrol that you actually do live at the address you say you are enrolled for, and the only way that that is ever caught is if there is 'return to sender' mail—in other words, if a letter goes to you and it comes back 'return to sender', meaning the person at the address returns the letter saying, 'No, this person doesn't live here.' So it is all after the event. A number of us think that, in fact, you probably should have to give evidence that you actually do live at your address when you enrol.

Mr Riebeling—So who would that be targeted at? What group of the community, in your view, would that have the greatest impact on?

Senator MINCHIN—I am not looking at who it might impact on; I am looking at having an electoral roll that is actually honest and has integrity so that the accurately enrolled person's vote is not diluted by the extent to which there is fraudulent enrolment, because that dilutes the work of everybody's vote.

Mr Riebeling—If there is a degree—

Senator CONROY—It is not that there is any evidence to support it; it is just that there is a bit of a theory around.

Senator MINCHIN—It is not a theory—it is a fact that it is wide open.

Senator CONROY—But you have not proved that it has happened.

Senator MINCHIN—You want to make it wider, that is all.

Mr Riebeling—I do want to make it wider because, in my view, a democratic society is based on the ability of all citizens within it to actually have their say. You can make it as restrictive as, say, having to go to a justice of the peace to prove that you are who you say you are prior to enrolment. We will not have as many people on the roll as is possible. That is possibly where you and I differ in relation to it.

Senator CONROY—Senator Minchin is aiming for that.

Senator MINCHIN—Do not put words in my mouth. We have not talked about the justice of the peace issue; I am talking about accurate enrolment. The foundation of the system is that you do live in the electorate and there is some evidence that you live there, otherwise

the whole thing is open to rorting. Certainly, there is a problem in your area. But I just put to you that, in relation to the itinerant provision—I do not mind the extent to which Aboriginals are encouraged to enrol as itinerants; I think that is fine, they can vote provisionally—you have hinted at some problem with provisional voting, but I am not quite sure what you are really saying. What is wrong with the provisional voting mechanism?

Mr Riebeling—The provisional voting mechanism is notoriously unsuccessful in allowing people to actually have their vote. For the vast majority of those people who vote under that provision, their claim is rejected.

Senator MINCHIN—At federal elections?

Mr Riebeling—Yes.

Mr NAIRN—They do not comply.

Mr Riebeling—That is right.

Mr NAIRN—You put it as if there is something grossly wrong. Most of those people are actually rejected not because somebody wants to reject them but because they do not comply.

Mr Riebeling—But most people fill out those claims because they genuinely think they should be on the electoral roll. The vast majority of those people are rejected because they are not on the electoral roll. For some reason they are not on the electoral roll. Many of those people consider that they were entitled to vote at the previous election. Most of them, as you are probably aware, will say, 'I voted at the last election but I am not on the roll, so I will fill one out.' They just highlight the problem rather than to the contrary. I think that reinforces what we are saying.

Mr NAIRN—You spoke a fair bit about getting people on the roll, having the maximum number of people on the roll, keeping them there and not removing them when they should not be removed. Are you aware of the problem that also exists in a number of Aboriginal communities where some Aboriginal people are on the roll several times because they use different names? In going around and getting people on the roll, what sorts of precautions do you take to overcome that situation? I have certainly seen Aboriginal people sign an enrolment form several times, but as different people. They think, 'I've got to get on the roll; I've got to sign a form.'

Mr Riebeling—I am not aware of that problem. I have not witnessed an Aboriginal who wants more than one vote. I do not think that the Aboriginal communities that I service through my electorate are exceptional. They are just ordinary Aboriginal people. They do not wish to defraud the system.

Mr NAIRN—I did not say that. I said that when people are often given various forms

to sign, they are confused as to what they might be. In various circumstances in the area that you cover you would be aware that Aboriginal people often have different names that get used at different times. It is a problem of identifying that.

Mr Riebeling—I have not come across that as a problem. The vast majority of Aboriginal people know what their name is and enrol in that name. The informal rate of voting in towns such as Roebourne is not more than any other; in fact, I think it is probably less. The Aboriginal people are keen to vote and know what the system is now. This has been a big change over the last few years, in my view. I do not think there is anyone enrolled more than once in my electorate, but if it is anywhere, well less than one per cent of Aboriginal people are enrolled more than once. I do not know of any.

Mr NAIRN—You are also wary about possibly strengthening the requirement for filling out an enrolment form. We have had numerous submissions from people arguing the reverse, saying that voting for a government is quite a privilege and we should ensure that people who are on the roll to vote are fully qualified. We have had some problems in relation to non-Australian citizens, which gives rise to looking at a stricter system of proof to get on the roll. But you are arguing that, if anything, it should be loosened up.

Mr Riebeling—Absolutely. I have witnessed what it is like under a system where you put obstacles in the way of people getting on the electoral roll. Because it is difficult for a person to find a justice of the peace does not mean to say that they are not less keen to vote or that they are less worthy to vote. If you put obstacles in the way of people, those obstacles, no matter what you put in their way, will mean that a certain number of people will not be on the electoral roll. I think there is an obligation on members of the community to actually have their say in elections, as it is compulsory. It should not be treated as something you have to do. I think it is an obligation and a right which Australian citizens should value much more than they do.

Mr NAIRN—Surely a corollary of that is that if you make it even easier to be on the roll, people could put up a pretty strong case to say that at the end of the day the overall integrity of the roll—particularly if you include some of the provisions about not taking people off the roll when they do not respond to mail—come an election could be rather suspect.

Mr Riebeling—In what way?

Mr NAIRN—If you make it extremely easy to be on the roll, would you support a stronger requirement of identification when it comes to casting the vote—that you are the person who is on that roll?

Mr Riebeling—No, I would not.

Mr NAIRN—Then you are going to make it easier to vote as well.

Mr Riebeling—Once again, all these obstacles you put in the way of people will mean

that people will either not go because they are intimidated by scrutiny as having a go at them as to trying to prove their actual identity, which occurred in a number of elections in the Kimberley region of Western Australia in the early 1970s through to the early 1980s. You see a system develop where a particular party may think that a particular group will not vote for it, so they target that group. That has happened in elections in the Kimberley area and in the Pilbara area. If a person is entitled to vote, they should be entitled to vote as freely as possible without the sort of trials and tribulations that may be put in their way. They should not have to go through the hoops to take their passport or whatever along to prove that they are entitled to vote. I think that is obscene.

Mr NAIRN—Do you think it is fine to make it easier to be on the roll than it is to open a bank account? Do you think that is fair enough?

Mr Riebeling—Yes. It is pretty true democracy. Why not?

Mr NAIRN—Renting a video from Video 2000 is a lot harder than it is to get on the roll. Do you think that is okay?

Mr Riebeling—A lot of those people that I am talking about do not have videos. A lot of those people do not have passports. A lot of those people do not have driver's licences. A lot of those people are not in a permanent residence. How are those people going to comply with the rules you are considering?

Mr NAIRN—They have bank accounts.

Mr Riebeling—So you will accept a bank account. So everyone who wants to vote has to trundle along—

Mr NAIRN—No. You are telling me that they have no identification at all. I am saying that they have a bank account, so there are various forms of identification that are possible.

Mr Riebeling—If the changes end up being such that the people have to go along armed with identification sufficient to prove that they are actually Joe Bloggs or whoever, in my view you are opening up a scenario which will mean that polling day will be a battlefield. The scrutineers from both sides will be insisting upon proof from every direction. Why would we do that? Surely we want to find out how the Australian people want to vote. That is the primary aim of an election, not to see how many people you can knock off.

Mr NAIRN—You made a statement that you would like to see the Social Security Act amended to give details of the electoral enrolment. Can you just expand on that a little more.

Mr Riebeling—Basically, it is similar to the motor voter system, where there would perhaps be a requirement on people to actually enrol as well as enrolling under the social

security system. I mean, you could make it a combined form.

Mr NAIRN—Could you just explain how it would work in practice with a person moving from house to house and from town to town.

Mr Riebeling—With reference to my limited knowledge of how people operate, when people are on social security payments—as that is a bread-and-butter issue for those people—they are more likely to advise of shifts of address in that system than they are in the electoral system or the motor vehicle system. It is just a way of making sure that people who are able to vote are on the roll.

CHAIR—But if they had a bank account with an address in Roebourne and they had moved to another town which may be in another electorate, they may still be getting their payments there. So I do not see how that is a 100 per cent check.

Mr Riebeling—It is not 100 per cent; it is an alternative system. Most social security recipients these days are, and previously have been, required to fill out various forms. If those forms are not received, payments are cut off. So most social security recipients, as an economic imperative, advise Social Security of their changes—far more than any other agency, I would think.

CHAIR—And more so than voting.

Mr Riebeling—Absolutely more so than voting. The last thing that people change is their enrolment. That is the last thing in the minds of people who move from one house to another as to what they should do. Whether that is correct or that it should not be the case, that is the case. They rarely comply with the road traffic rules in Western Australia by advising the police of a change of address there.

CHAIR—Just to follow through on how that works: if a fellow is listed as a voter associated with a social security number and there is a payment being made into a bank account in, say, Roebourne, and the person has actually moved into another electorate but the payments are still being made there, I am not quite sure how that is followed up. If return mail from the Electoral Commission says that they are not living at that address, how do they make use of the social security number to keep that person on the roll wherever that person may be?

Mr Riebeling—I would think if they move to, say, Carnarvon, which is in another electorate, the Social Security advice of the change would be sufficient to shift them. Those sorts of changes will keep the person on the roll but shift them to the correct address.

CHAIR—That is assuming that they make the change of bank account.

Mr Riebeling—No, that is assuming that they have made a permanent change, a shift, and advised Social Security of those changes.

Mr NAIRN—Through the CDEP scheme the actual payment does not go directly to the person though, does it; it goes through the community organisation.

Mr Riebeling—That is right. It does.

Mr NAIRN—So Social Security deal directly with the community body rather than the individual.

Mr Riebeling—Under CDEP, as I understand its functioning through Social Security, the number of people, the individuals, are still registered as to who is involved in the CDEP program, and the payments go to the CDEP corporation that runs it. But if Joe Bloggs or whoever shifts to another area, then the CDEP payments do not continue to go through, say, to the Roebourne workers. They would be extracted, and the change of the person's residential status would mean that the money would be directed perhaps to the Carnarvon CDEP program or whatever other program. So there is a check on who is involved in the system and where they are resident.

Mr LAURIE FERGUSON—On the way through, with regard to the 12-hour shift problem, you referred very briefly to problems in delivery of ballot papers at Tom Price. Would you like to say a bit more about that?

Mr Riebeling—Basically, Tom Price is the first one that I have experienced any real problems with. There was a mix-up with getting postal votes to those people. They only arrived in town on the Friday prior to the election—the ones we had arranged.

Mr LAURIE FERGUSON—These are the forms themselves.

Mr Riebeling—Yes, the forms themselves. It was a clerical error, I think, more than anything. I think the system for postal votes is set up to give people the ability to vote on time. It just concerns me that, with the ever increasing emphasis on 12-hour shifts, we will see more and more people being unable to get to polling booths.

The work site I am talking about is Marandoo, which is about 100 kilometres from the residual town of Tom Price. The company is reluctant to say, 'Drive in to Tom Price to vote' because of it being an hour each way—and that is quite understandable. But they start at seven, finish at seven, and they have no ability to vote.

Mr NAIRN—They do not rely on mobile booths?

Mr Riebeling—No.

CHAIR—Is there any reason for that?

Mr Riebeling—A mobile booth would be the answer, in my view. But primarily there are two reasons: they change shifts on the Friday night, which complicates matters, and it is

very difficult to identify who they are likely to be and get them their postal votes. If there were a mobile booth, it would be able to go around the site and get people to vote. Most mobile booths, of course, are used prior to the election day. Hospitals, prisons and the like are done on the Wednesday, Thursday or Friday prior to the election. I do not know how many mobile booths are used on election day itself. They are primarily used prior to the election.

Mr NAIRN—Was there a pre-poll facility run in the town?

Mr Riebeling—I think there was a pre-poll facility in Tom Price.

Mr NAIRN—If you are going to be on a 12-hour shift on Saturday, wouldn't you pre-poll?

Mr Riebeling—That is what you should do. In the perfect world, that is what would happen.

Mr NAIRN—Nurses do in cities, and people who are on shifts.

Mr Riebeling—This, unfortunately, was the first time there had been an experience of the 12-hour shifts and elections. Quite understandably, a lot of people thought they would be able to vote just as normal.

Mr LAURIE FERGUSON—Is the election office in Tom Price?

Mr Riebeling—No, it is in Karratha.

Mr LAURIE FERGUSON—But you still think there was pre-polling in Tom Price?

Mr Riebeling—I think there was, but I am not sure of that. I should have checked that, but I am not sure whether there was or was not.

Mr LAURIE FERGUSON—Obviously, you are concerned about the possibility of a Georgia, Alabama style situation where people basically are hindered from voting. But let us go through a few things about JPs. Do you know how many JPs there are in your electorate?

Mr Riebeling—In the major town of Karratha, there are 11. At the moment there are 8,500 to 9,000 people.

Mr LAURIE FERGUSON—That is the main town. Do you have any figures for the whole electorate?

Mr Riebeling—The number of JPs per head of population is quite low in the Pilbara region. Pannawonica, which has 400 people, I think has three justices. Tom Price is a town of about 4,000, but I am not sure how many JPs operate in Tom Price, for instance.

Mr LAURIE FERGUSON—If, for instance, there were a change which went to a far wider group of people than JPs who were able to witness—ministers of religion, school teachers, et cetera, passport style—would you still be as worried?

Mr Riebeling—Absolutely. Just because I have knocked on people's doors, I get them coming into my office for me to witness passports—because they just cannot find anyone who fits those categories. It is perhaps simple in a metropolitan area to find a teacher or doctor who knows you. That is not the case in an area where there is a high turnover of people. Those people, for instance, who comply with the rules for a passport may live in Perth, and it is very difficult for people to get proof required for a passport.

CHAIR—Just to be clear, you would prefer no witness at all. Is that right?

Mr Riebeling—No—18-year-old.

CHAIR—Current practice; anyone who is an adult.

Mr Riebeling—Yes, current practice.

Mr LAURIE FERGUSON—JPs again: you mentioned that there had been a situation in Western Australia where it was JPs. When was the change made?

Mr Riebeling—From memory, it was about 1984, somewhere around there.

Mr LAURIE FERGUSON—Do you know whether the Western Australian parliamentary library has done any work in regard to enrolment levels, pre and post?

Mr Riebeling—No, I do not. I would think in remote areas the figures would be quite substantially different. Whether designed to or not, it was a system that primarily adversely impacted on Aboriginal people in remote areas.

Mr LAURIE FERGUSON—Is the situation in Western Australia affected at all where you have federal subdivisions? Do you have subdivisions in the Western Australian state seats where you have to vote within a specified area?

Mr Riebeling—No.

Mr LAURIE FERGUSON—Finally, I think there has been a concern by some members of the committee—and I guess you have got the tone of this today—that the Electoral Office is too slow in chucking people off the roll in urban areas, et cetera. Could you just go through this process? You are saying that the political party has an organised campaign of sending out registered letters?

Mr Riebeling—Yes. There has been an organised campaign in the Pilbara area for many years where a political party will send out correspondence—not necessarily registered,

just correspondence to an elector. They will use that as the basis for claiming the removal of a person from the roll. What then happens as far as the electoral roll is concerned I am not sure. Perhaps the Electoral Commission may send another letter to the same address and if that comes back they are taken off the roll. That is used very successfully to remove people from the roll and these people are entitled to be on the roll. I spend many hours and many weeks trying to correct that to make sure our rolls are in order.

Mr LAURIE FERGUSON—In the last six years how often has this organised letter writing campaign occurred?

Mr Riebeling—It is continuous.

Mr LAURIE FERGUSON—Every year?

Mr Riebeling—Yes, at least once a year.

Mr LAURIE FERGUSON—Is that statewide?

Mr Riebeling—I do not know about the rest of the state.

CHAIR—When you say you get these people back on the roll, is it simply a matter of you carrying around with you enrolment forms—

Mr Riebeling—Yes.

CHAIR—which you, as a JP, can then witness to legitimately put them back on the roll?

Mr Riebeling—That is right—for a person over 18.

CHAIR—And when that is done, that is accepted by the Electoral Commission?

Mr Riebeling—Absolutely, yes. I would think that in my area I would witness more enrolment cards than any other person.

CHAIR—Are there any other questions?

Senator MINCHIN—If a letter is returned to the sender it is prima facie evidence that the voter no longer resides at the address for which they are enrolled and therefore it is prima facie a basis for objection action. What you are saying is that someone should physically visit that address—

Mr Riebeling—No, I am not.

Senator MINCHIN—What do we do in that situation where there is prima facie

evidence they no longer reside at that address? What do you think should then happen?

Mr Riebeling—When we use the argument of prima facie, what I think we should be doing is getting proof beyond a reasonable doubt that the person is not entitled to a vote. There are ways of checking that. There are ways through the social security system, through company records and through Aboriginal organisations—who would have by far the best information with reference to Aboriginals—to check whether Joe Bloggs has actually left the area or not. If he has left, well that is fine. I do not want to keep people on a roll who are not entitled to vote within my area.

The ones I am concerned about are people who are entitled to vote, want to vote and cannot vote because they have been cleansed, they have been taken off. If we then put an obstacle back in place to say that it is going to be much more difficult for them to get back on the system, our rolls will lose integrity—absolutely.

Senator MINCHIN—We have to have a system for the whole country. Or are you suggesting there should be a different regime in isolated areas?

Mr Riebeling—No, I am just saying that in my area these are the problems which I have outlined to you today and these are the possible solutions. Remote Australia is a large hunk of land, and I would think the problems in remote Australia would be very similar to what I have outlined.

CHAIR—As there are no other questions, thank you very much for your attendance. You have given us a lot to think about and I am sure the Electoral Commission will be reading the transcript with interest.

Mr Riebeling—Thank you.

Short adjournment

[10.32 a.m.]

BELL, Dr Robin Alexander Ian, Deputy Electoral Commissioner, Australian Electoral Commission, West Block, Parkes, Australian Capital Territory

DACEY, Mr Paul, Assistant Commissioner, Development and Research, Australian Electoral Commission, West Block, Parkes, Australian Capital Territory

GRAY, Mr Wilfred, Electoral Commissioner, Australian Electoral Commission, West Block, Queen Victoria Terrace, Parkes, Australian Capital Territory

KERSLAKE, Mr David, Assistant Commissioner, Australian Electoral Commission, West Block, Queen Victoria Terrace, Parkes, Australian Capital Territory

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WILLSON, Mr Trevor, Assistant Commissioner, Information and Education, Australian Electoral Commission, West Block, Parkes, Australian Capital Territory

CHAIR—Welcome. Before we begin, we have received the following submissions from the AEC, four of them coming in on 23 October on the Ross Free petition on the Court of Disputed Returns, the Snowdon petition, the allegations of electoral fraud and the enrolment and voter identification, and two others on 24 October on matters raised at the 23 September public hearing, and on Mr Robert Patching's submission to the inquiry. Is it the wish of the committee that the submissions be authorised for publication? There being no objection, it is so ordered. Mr Gray, those submissions are now public documents and can be made available to anyone.

Mr Gray—Thank you, Mr Chairman.

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

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

Mr Gray—No, Mr Chairman, but if I might, I could perhaps just make a very brief statement in opening.

CHAIR—Please go ahead.

Mr Gray—The AEC has provided the committee with a substantial volume of material to assist in its deliberations on the conduct of the 1996 federal election. Apart from oral evidence provided at the hearings of 15 August, the AEC has provided the committee with 13 written submissions, and I attach a list of those submissions to this statement.

These written submissions have covered the major aspects of federal electoral practice of concern to this committee, including an extensive examination of the possibilities for enrolment and voter identification; an historical review of the circumstances that gave rise to the Langer court cases during the course of the 1996 federal election; the review of the offences provisions of the Electoral Act, including the possibility of introducing truth in political advertising; and some background information on compulsory voting. The AEC has also made a number of recommendations for technical amendments to the Commonwealth Electoral Act which would improve operational aspects of the conduct of federal elections.

Mr Chairman, the AEC places a very high value on the work of this committee, as it contributes to the integrity of the federal electoral process by making that process fully open and accountable to the public, who are, after all, the owners of the democratic process. The AEC is pleased to be able to contribute to the deliberations of the committee and stands ready to provide any further assistance or information that is required.

CHAIR—Thank you for that. Before we go into questions, you have brought along with you some envelopes, and I wonder if you or whoever might just like to speak to these envelopes and demonstrate what needs to be done when people make such votes.

Mr Dacey—The first one with the flap is the postal vote certificate envelope, which a person applying for a postal vote completes the details and inserts their ballot papers inside the envelope and seals the envelope. The flap at the front is the privacy flap that we have developed, which is sealed down so that the details of the elector are not then able to be read when it goes through the postal system. So that is the postal vote certificate envelope, where people applying for postal votes mail that through to our divisional returning officers, with the ballot papers inside.

CHAIR—How long has it been in that form?

Mr Dacey—With the privacy flap, since 1993; prior to that, there was no privacy flap on it, it was just a straight envelope, but the details of the elector were able to be seen, of

course, as it went through the mail unless the elector chose to put it in a separate envelope.

I might say that in our first submission we had to ask the committee to consider legal advice we had to the effect that, to go to double enveloping, we would need to change the Electoral Act. We have asked the committee to consider that, rather than the privacy flap which leads to some difficulty through the mailing system. So double enveloping is an option to that flap.

CHAIR—Difficulties in sorting?

Mr Dacey—We had difficulties for the last election, as the committee is aware, with the Australia Post sorting machines and the privacy flap. Also, when putting a large Senate ballot paper into this envelope, we may have to look at the size of the envelope as well. It is very bulky.

CHAIR—So the AEC's position is they would prefer double enveloping?

Mr Dacey—We would like to look at double enveloping as an option. The second one is the multipurpose declaration envelope which is for people having a provisional or an absent vote in the polling place. This is the one that is issued in the polling place on polling day. If a person's name is not on the roll or a person has an absent vote, this is the envelope that is completed in the polling place. The counterfoil is removed and that becomes our record. The ballot papers are inserted in this envelope, and that is the envelope that goes to preliminary scrutiny for absent and provisional votes. So there are two types: the postal, which is quite different, for pre-polling day; and this one, which is used on polling day.

CHAIR—So the person fills in this form inside—

Mr Dacey—No, it is actually NCR paper, so the person fills out the declaration on the front and it comes through on to this, and this is our record of the person. The ballot papers, of course, are inserted into this envelope; the envelope is sealed and put into the ballot box.

CHAIR—How does the AEC feel about this system?

Mr Dacey—We are quite comfortable with this. This is the one used on polling day in the polling places. There is really no problem with this one.

CHAIR—Has anybody got any questions or queries? If not I just require a motion that the declaration envelopes be accepted as an exhibit to the inquiry.

Senator CONROY—I so move.

Mr NAIRN—I second the motion.

CHAIR—There being no objection, it is so ordered. I will move on to questions generally.

Senator MINCHIN—I want to raise the general issue of enforcement of the Electoral Act. We have had a number of submissions from MPs and others about the difficulty they have in having what they believe to be offences investigated and acted upon, particularly election day. We recognise your concern to ensure that you are not seen to be acting in a partisan way, because you do get many frivolous complaints as well. I just wonder whether you could put on the record again in simple form the mechanisms that currently prevail for enforcement of the act, and whether, conceptually or philosophically, you think that the parliament ought to be contemplating some alternative mechanism which does ensure that the commission itself is free of any allegations of being used or being seen to be acting in a partisan way while still ensuring that the act is properly enforced. There is no point in having provision for electoral offences if they are not both enforced and seen to be enforced.

Mr Gray—This is clearly a difficult area which is always testing our officials during the course of the conduct of an election. The legislation sets out, in some considerable detail, what is and is not allowed in respect of the conduct of an election. The processes are, to a large extent, those that you can make some objective determination about as you proceed through the process, but there are clearly going to be occasions when judgments have to be made, or about which judgments cannot be made until additional information is available to those who are trying to make a judgment.

I suspect that the concerns that most people have expressed—if you look at the submissions that have come before this committee—are of timing, in large measure. It is that there is no immediacy to the complaint, or no remedy that is immediately available to those who lodge a complaint. You are right: some are frivolous, and those have to be sifted out. But, again, that is usually by way of some judgment being exercised within the framework of the legislation.

As to the way in which we move and process these complaints, you would be aware that it is not left entirely to the AEC. We seek advice from the Commonwealth law authorities in relation to many of those complaints. They, in turn—whilst being, I think, sensitive to the urgency of the processing of such complaints—nevertheless, are bound to give full and complete consideration to those complaints before any action is taken, or indeed advice is given to us as to what action should be taken.

I do not see, frankly, how one can refine that process very much more than it is, and still maintain the objectivity and the apparent neutrality—in fact, the very real neutrality—of the AEC in the conduct of an election. One has to, I think, rely on other assessments being made by those who are qualified to make such assessment. We rely upon that and I am not sure that by seeking to impose some sort of time constraint upon those processes—beyond those that already apply—that we can refine them very much more than they are. I think that is where the major complaint is, not so much whether it was a yes or a no in respect of whether the complaint is valid. It is more the timing of the way in which we move to try to assess that

and to come to a view about it.

The reality is that we are still investigating some complaints. We still do not have a view from the law authorities as to whether there is sufficient evidence to move in respect of a particular complaint, or indeed in which way to move in respect of complaint. But if we are to ensure that we provide objectivity and that we are ensuring that due process occurs when people are alleged to have breached legislation, we have to give the relevant authorities the appropriate time to undertake those investigations. How you would move to legislate some time frame within which they had to deal with those particular matters, is fraught with difficulty.

Senator MINCHIN—What are the administrative arrangements, in the five weeks of the election campaign, between you and presumably the Federal Police? Are there officers especially assigned within the law enforcement area for this purpose, or is it just treated generally like any other complaint? Also, on this issue of election day itself, what, if any, views do you have about the question of handling complaints on election day? It is legitimate for people to say that it is too late after the election day; we really need to look at whether breaches can be dealt with instantly on election day.

Dr Bell—Perhaps I can add to what the commissioner said. There is a couple of different things. Just before we address the police, in broad terms, the DPP and Attorney-General's Department have been most cooperative and very prompt. It is very rare that we do not have a good response within a day or two, depending on the complexity of something, and assuming we have the facts for them to advise on. And that is where we come to difficulties.

I think we and the police found things a little more difficult this time than maybe some occasions in the past. They have had restructuring and changes to their resources and, as a consequence of some other difficulties, they have now set up fraud control liaison committees. We have an arrangement with the Federal Police now, and we are using that vehicle—and we are about to meet with them again—to look at some of these problems as to how you actually get things done.

The previous time we were before this committee—I suppose, five or six weeks ago—there was discussion there about priority being given to police matters and some of the investigations. We want to talk about things like, during the election period, getting some hot lines, getting particular officers available in particular areas so that we can get quickly through to them. Some of their officers, in what you might call the more routine areas, do not understand that a small fine may nevertheless relate to a matter of high political or democratic sensitivity. I think it is now accepted at high levels in the Australian Federal Police that that sort of issue is important and that they must ensure that it is recognised on appropriate occasions.

So I think we are making some headway there, I would hope that for the next election we would have some sort of arrangement with the police whereby there was a hotline and we

had some dedicated officers in particular states that we could go to. But, as the commissioner says, there will always be some cases where the facts are complex, the evidence is hard to get. It may look bad on the surface, but it is very hard to prove anything. As you would know, a criminal prosecution needs a high level of good evidence.

The other ray of light on that, I suppose, is the courts in the last decade or so have become increasingly willing to grant injunctions even where there is a criminal penalty. In this election, and in the previous election, there were a couple of instances where we had to get civil court injunctions to at least preserve a situation, even though the prosecution process might take six months.

Senator MINCHIN—Are you saying that until now there has not been a situation where they have dedicated people for you to contact? Presumably it would be best if we had people in the system who actually understood the Electoral Act.

Dr Bell—We have had contacts. There have been appropriate state level contacts in all capital cities, for example, and presumably elsewhere, that we could go to. Given the changes that have occurred in the police, the effect of which we have seen during this last year, if we were ahead of an election, for example, it would probably help to go and see those contacts, make clear to them and talk with them about the sorts of things that may well come up and discuss with them how they could best be approached.

It would be a cooperative exercise. I do not quite know how it would all pan out, but it is partly an educative thing, partly establishing good personal contacts and working relationships ahead of the event. This is something that has become necessary partly due to changes within the AFP—their resources, their structure, things like that.

Senator MINCHIN—What about election day itself? It does seem to me that it is getting hotter at key polling booths at least, that there is far more aggression and antagonism and the potential for real physical conflict occurring in some cases. Have you discussed this with the AFP? Do you have any thoughts on how that should best be handled, are we in a situation where the AEC should hire security guards for key booths where there has been some history of difficulty?

Dr Bell—There was one particular matter in one state where there were some suggestions that there could be violence and difficulties from a particular push, if I can put it that way. The police were very quick to investigate and involve other appropriate authorities with them. They looked closely at that and certain measures were taken.

Senator MINCHIN—This is in the lead-up to polling day?

Dr Bell—I think it was related to polling day. I do not want to go into too much detail.

Mr Gray—I think there was just a particular potential that people were concerned

about. We had discussions with the AFP. In the event, there was no incident or any concern, but in the past there have been no dedicated officers of the AFP that I am aware of. I have just checked with Mr Dacey in charge of operations and it has not been the case that they have had dedicated officers, people on stand-by, et cetera. Whether or not they would be able to do so is something we would have to discuss and negotiate.

In respect of the operations of the polling booths, your perception may be different from the one we have in that there is increased antagonism, increased instances of violence and so on. I am not sure that our assessment or analysis would in fact support such a proposition that that is the case. In all of the post-operational conferences that I attended—and I attended all but one around Australia—that was not an issue which caused people concern in terms of the management of polling places and so on. It had not been the subject of great complaint or documented complaint either to the OICs or from the OICs of polling booths back to the divisional returning officers.

Whether or not that is because people just did not complain about it, but it nevertheless happened, is something I cannot make a judgment about. I am willing to accept that there will be those, including yourself, who will assess that in fact that activity is on the rise. If it is, I think one has to then make some assessment of it to try to ensure there are processes which are perhaps more readily available than has been the case in the past. I would not want to try to discern off the top of my head just what those processes would be, but I think we are certainly in a situation where we have now established close contact with the AFP, we have established liaison groups and from those some suggestions and ideas might arise that could accommodate some of your concerns.

Senator MINCHIN—Certainly we have had several members who have suggested that. I think that, because of the nature of politics and the fact more and more voters are leaving it to election day to decide, there is more emphasis on communication on the day. You are now finding people going to polling booths at 4.00 a.m. to grab the best spot.

Mr NAIRN—The night before.

Senator MINCHIN—Yes, the night before. I do sense that this is potentially going to get worse, and I really do think we need to think about how that will be handled. You cannot put the polling booth official in the position of having to be a policeman.

Mr Gray—No, you certainly cannot do that. Therefore, you have to rely either on the AFP or, alternatively, on the jurisdictions of those police outside and beyond the polling place where often that activity occurs. Therefore, it is not just a question about contact with the AFP. It may well be our relationship with all of the police or other security type arrangements that fall within different jurisdictions around Australia.

Senator MINCHIN—I just think it is something we will have to increasingly watch.

Mr Gray—Yes.

Mr LAURIE FERGUSON—I agree with Nick in a way. The intensity of this election was the worst since 1966. That is a view I had out in western Sydney, in my electorate and the one next door. I do not so readily agree with everyone else here that, given a problem, we just dismiss it by saying the electoral office's company procedure was partisan. I think what happened this time with regard to unauthorised material is the thin end of the wedge. Quite frankly, if this is just ignored by the AEC and we say, 'The Federal Police can solve it all and we can't do anything on the day, bad luck,' it will just up the ante very graphically.

My attitude to what happened in my electorate last time is that next time we will have to do the same thing on a bigger scale. I really do think we are at the beginning of a bit of problem here with regard to unauthorised material on election day. It is not solved by just saying people cannot take private property. It is the Federal Police's responsibility. The officers must remain objective. I just think there is a bigger problem than people think.

Mr Gray—I guess then it is a question of a solution. There will continue to be a framework of law within which people have to operate. If that is a perception you have, if that is a concern this committee has, it is clear that you have not only the ability to raise the issue but also the ability to question what is the appropriate and proper solution. I do not know that that has emerged from anything that has come before the committee, and I do not say it with any disrespect.

I merely say that, if you want people to operate in a particular way, they have to be fully aware of the legal framework within which they operate so that people can assess and judge that they are being objective, that they are being neutral and that they are doing precisely what is required by the parliament. I am quite happy to work with people to try to find an appropriate solution which will enable not only you but also our officers and the polling staff to recognise what is and what is not within their purview.

Senator MINCHIN—There is a lot of material in what we have just received which I think we will all want to read and examine. We may well need to talk to the AEC again based on what we have just received.

CHAIR—I am sure that is the case.

Mr Gray—We tried to get as much of that material back as possible. Transcripts were not available to us until rather late. I apologise for any inconvenience that we have put the committee to but, by the same token, I hope it will be recognised those submissions seek to provide a very comprehensive canvassing of what I understand to be your interests.

Mr NAIRN—I just thought I would raise a couple of things while it was fresh in our minds from the person who was here prior to the AEC, which was a lower house member of the Western Australian state parliament. This relates to people being struck off the roll and a problem that they find, or perceive to be, prevalent in remote areas—in particular, the north-west of Western Australia.

Mr Riebeling said that what seems to be occurring is that a political party will write letters to constituents on the roll and if that letter is returned they then make an application to the AEC to have that person struck off the roll. He was referring specifically to people who are fairly itinerant. They might be living in one part of Mt Tom Price and then move to other addresses on a fairly regular basis. He said that it seems the AEC writes a letter and if they do not get a response they strike them off the roll.

I know that that is not the case. For the public record, could I ask you to actually just go through the process that occurs as far as the AEC is concerned. What happens when we, as members of parliament, send you details of returned mail that we have received from constituents in the normal manner?

Mr Longland—There is a national policy on the handling of that sort of mail. It came about as a result of concerns from, I think particularly, senators who were fairly active in mailing out and getting returned mail. That policy is that, where a member or senator, a state member or, in some cases, a local councillor, returns mail to us through agreed channels, we check to see that that enrolment is still valid, that they used proper addresses and that the combination of names is right—sometimes it is sent to 'the Smith family'. We look to see that that roll information is correct.

If it is, we then write to those individuals and seek a response from them. If we get no response or sufficient information on returned unclaimed mail from that mail out then we proceed to the objections process which requires two more letters to those individuals. We rely quite heavily on the mail system tracking those people down. We agree that in remote areas that is often not the case. Although, in places like Mt Tom Price, it tends to be a little more routine than in remote communities, such as Aboriginal communities or in the Torres Strait. We look at that evidence objectively and take a decision as to whether we proceed to remove them from the roll.

Mr NAIRN—In effect, could I say that there would be a minimum of three attempts at correspondence from the AEC before somebody could be struck off?

Mr Longland—That is correct.

Mr NAIRN—The example that he gave of the extent to which this is happening was his electorate of about 8,000 people. After the most recent election, his party had complaints from 30 people saying that they were not on the roll, when they believed that they should have been. They could have been struck off incorrectly. To me that did not seem a very high figure. Does the AEC have any experience or data on that? I guess it comes with people voting under a section where they are found not to be eligible. Is there any data to indicate that that is an unusual number?

Mr Longland—I believe that we could provide provisional voting statistics, but whether that reflects exactly the same numbers of people that we have actually written to to

take off would be a moot point. There are other reasons for provisional voting. By and large, under the Commonwealth legislation, people who do claim a vote under those circumstances have their entitlement investigated and, in many cases, they are admitted to the count.

CHAIR—He did say that he went into Roebourne over a matter of three days and put double the number of people on the roll. I thought that was a fairly dramatic number. He was talking about something of the order of 400 to 800 people. You may not wish to comment on that now, but I would be appreciative if you could look at the transcript when you get an opportunity and respond to that.

Dr Bell—It is notorious that some people tell fibs when they come to vote and find they are not on the roll. They say, 'I'm still there. It must have been a mistake.' We know that because when we send them confirmation that they have been reinstated the letter comes back to us 'address unknown'.

CHAIR—Are there any impediments to Aboriginal people being registered as itinerant voters?

Mr Longland—Not under the legislation.

CHAIR—They could do that freely if they so wished because if they like to move from place to place there is no reason why they could not register under the provision; is that right?

Mr Longland—If they met the strict requirements for itinerant voting. It is a fairly narrow description of what is required. Ultimately, if you are an itinerant voter and registered as such and you do not vote at the next election, then you are struck off. It probably does not satisfy the nature of the movement of Aboriginal and islander people.

Mr McDOUGALL—I will pass a comment on the question from Mr Nairn and Mr Longland's response. I would like to confirm the detail that the AEC goes through to investigate return mail. I have in front of me a letter from the divisional returning officer in my electorate who has been investigating some 933 return mails. That process started on 26 August and this is a letter he wrote to me on 23 October, which is an update of the process. It is fully categorised and detailed in relation to how it happens. It is exactly as Mr Longland said and I think that they handle the process properly.

Mr Gray—There is no question that remote communities and some towns such as Roebourne and so on have been the subject of concern—and I think justified concern from time to time—as to whether or not they are able to maintain the integrity of the roll in relation to those communities. Mobility is a very significant factor. It is not always easy to maintain the roll in relation to those areas.

It is the case that queries have been raised with the AEC, certainly even in the short time that I have been with the AEC but well before then, and we have from time to time

sought to inquire into and audit the complaints and the numbers that have been given to us by various people who feel that improvement is required. I recall that there was a very detailed examination of some numbers that Mr Tom Stephens wrote to us about last year.

I suggest that we will go back through our records to try to find what sorts of responses we have made in relation to some of those queries and concerns. I would be happy to furnish the committee with those. This may assist in an understanding of not only the processes with respect to return mail but also the processes which we engage in with respect to objections.

CHAIR—This gentleman also had a concern that, at the time of enrolment, the requirement to have a JP witness was somewhat onerous. He felt it should just be an adult over 18.

Mr Dacey—We do not have a requirement for a JP witness.

Mr McDOUGALL—Can I refer to page 36 of your submission where it refers to the question of queuing at the last election. If I were to take what is written in this submission of yours to say that they are the areas of complaint that you received queuing complaints on, it would infer that in Brisbane there was only one seat that actually had a queuing problem. I assume therefore that it is in response to the fact of where you got a complaint, and where you might not have got a complaint you did not respond.

Mr Longland—I have not looked at that section of it because I do not have access to that just at the moment. I would say that in a general sense there were no queuing problems at all in Queensland in the last election. There were a number of areas where queues formed and those queues moved reasonably quickly. On the day I visited quite a number of polling places in the south-east Queensland area I saw those queues. They were a phenomenon that took place up to about 10 o'clock because it was a beautiful day and there were a lot of people out who obviously had some business to do. That translated into an afternoon that was quite dull. Those queues are monitored of course. We do sample checks in the polling places. We give the last person in the queue a slip and they present that to the issuing officer on arrival at the table. I am not aware of queues that extended past about 15 minutes at the most and for a very short period of time.

Mr McDOUGALL—I personally can say that there were a lot of queues that went a lot longer than that, and that is my own observation. I do believe that we have a problem in relation to queuing, and I think we should do a bit broader investigation into it to find out what the problem really was. I can tell you that there was one booth with one queue that was still there at half past five in the afternoon and had been there all day, so they did not finish as some people might have indicated. Rather than just look at one seat, I think the AEC should look at the problem more broadly if we are going to deliver the service to the voter.

Mr Longland—Mr McDougall, which polling place was that—just as a matter of interest? It may assist with the—

Mr McDOUGALL—Certainly. It was the Belmont State School.

Mr Dacey—Mr McDougall, we do have that information as well. We collect information on queues from all polling places. As Mr Longland pointed out, we take a sample and we give certain electors a slip of paper with the time on it so that when they get to the issuing point they know how much time has elapsed. We have that information nationally. Our indications nationally show that it was not a big problem. There may have been, of course, as you say, isolated incidents, but it certainly was not a major problem for us with queues.

Mr McDOUGALL—I might be a bit slow asking some of these questions because there is quite a bit of cross-reference here in relation to some of the submissions. In relation to postal votes, in table 16 of your submission 84 there was an objection from the AEC in previous evidence that they were not happy with the parties putting postal vote forms into election material and printing. We were discussing the issue as to whether or not the political parties should have the right to offer a postal vote application form. If I go to table 16 I note that there were actually 79 complaints received by the commission where campaign material was added to postal vote applications. In that particular case two states did not have any complaints.

One state only had one. That happened to be New South Wales, which I think has got a fair number of voters. Western Australia had four. It seems that the complaints of any number came out of Victoria, South Australia and Tasmania. I have a difficulty here trying to get to the number because you keep lumping prepolls and postals in as one number. I have made the request before that we separate the prepaids and the postals so that we know what we are actually talking about in numbers.

If we are to consider that on the basis of table 2 in your submission dated 24 October, which we received this morning, which talks about hearings of 23 September, you had a total of 383,264 postal vote applications issued but you only got 79 complaints. Can I ask you what the basis of your complaint is in regard to why political parties should not add the service of putting a postal vote application form?

Mr Gray—The last time this was raised, I pointed to an incident which occurred during the course of the Canberra by-election in early 1995. That was just one complaint. It required significant investigation as a consequence of public outcry and headlines which queried the neutrality and the integrity of the AEC because one person had found campaign material in the letterbox along with an AEC envelope. That resulted in an AFP inquiry. It resulted in the opening of nearly 1,000 envelopes. A significant amount of time was taken to demonstrate that on that one occasion with that one complaint that the integrity of the AEC processes had not been jeopardised. When we spoke of that, I know that members of the committee said, 'Can you quantify the number of times this has occurred?' That table merely seeks to identify the number of times it occurred.

I really do not know that it matters whether it happened once, 79 times or 179 times. I

think we demonstrated, by reference to what happened in the Canberra by-election, that it takes only one event like that and immediately the public perception is, or at least there are those who seek to generate the public perception, that the AEC's integrity has been infringed or jeopardised.

We merely say to you that we believe, in relation to electoral material and forms, there should be a clear separation of the formal documentation associated with the electoral process and that of campaign material. That is what we have sought to identify to this committee. It is not an argument that is new to this committee. Your predecessors heard the same arguments. We accept that you have a view, and we will do what we can to ensure that, whatever process is endorsed and available under the legislation, all is complied with. We have a responsibility and a very real obligation to ensure that those processes in no way jeopardise the public's perception of the neutrality and the integrity of the AEC in the conduct of an election.

Mr McDOUGALL—I appreciate your comments in relation to the integrity of the AEC, but if you had one complaint—and one newspaper made it a headline—

Mr Gray—It was reported across the nation.

Mr McDOUGALL—Okay, but it was reported as a headline in the media, that is what you are saying. So that action was taken because of that. Now, 79 complained and the media did not put it up as a headline because we do not know the circumstances of the 79 complaints.

Mr Gray—That is right.

Mr McDOUGALL—But after 79 complaints, there was not a media headline and, therefore, there was not an investigation. I understand your comment in relation to integrity and your comment about where there is an AFP investigation, but we could also ask why this same thing did not happen with 79 complaints.

Mr Gray—It was you who asked what lies behind our concern. I have sought to demonstrate that concern by reference to a particular incident. I have sought to identify to you that I think it is necessary to ensure that there is a separation between the formal documentation and that of campaign material when it is in fact received by the voter. I think all of our efforts and all of our argument in front of the JSC have been directed at trying to achieve that.

Senator MINCHIN—On that issue, as a result of the Victorian case what do you understand to be the current state of the law, particularly in relation to a party printing the postal vote application form into a party brochure so that it is not freestanding but actually part of a brochure. Is that allowed?

Mr Gray—That would be a breach, as we understand it and as a result of the Victorian law, of copyright which does vest in the Commonwealth. That was established by

that particular law. So the copyright does apply. The additional action did not take place because of the circumstances of that particular case, but the court did confirm that copyright vests in respect of that particular document. That amounts, as we understand it, to having to replicate exactly the postal vote application form. But it does not mean that you could not include it in a same envelope as long as it is not attached to—

Senator MINCHIN—If it is freestanding?

Mr Gray—If it is freestanding and it is an exact replica.

Senator MINCHIN—Then the parties are able to do it?

Mr Gray—Yes.

Dr Bell—I might just mention one other incident during the 1993 election. You will recollect some litigation before the election in New South Wales where one party circulated postal vote applications which had been modified and included in party political material. The other party objected. In the event, the court found that they were valid applications. But it did make some side comment about being concerned about possible public confusion between the role of the AEC and the role of parties.

Senator MINCHIN—My personal view is that parties should not incorporate an application form into another form or fiddle with it in any way, but if they send it out as an exact duplicate, a copy, then I think that is probably allowable. Your understanding of the current position of the law is that they can do that?

Mr Gray—Yes.

Senator MINCHIN—What would be required to prevent that? If we were to be persuaded that they should not even do that, how do you prevent that? Would you make it an offence under the Electoral Act to mail out—

Mr Gray—I believe you would have to legislate and I think you would have to provide some penalty in the event that that was breached. Yes, you would require legislative change.

Dr Bell—The current position is that the Commonwealth owns copyright and it can grant permission to reproduce on any conditions, more or less, that it likes. It is a question of what those conditions are. At the moment the AEC, as administrator of that copyright, has followed closely earlier recommendations to and supported by this committee to try to maintain a neutral position. Certainly, an amendment in the Electoral Act, I would have thought, could override the Copyright Act in the specific instance. But that is a matter for this committee, I guess, and then the government and parliament.

Mr McDOUGALL—I would like to go back to your reply of 24 October which

refers to the meeting of 23 September. I only read this one because I was looking at those figures on postal votes. But on your table 2 it is interesting that your postal vote is issued and then received. I see that you have from 3.4 per cent up to 20 per cent variation between states on what is received, but the ACT actually showed more received than issued. Could you explain how that takes place?

Mr Dacey—Mr McDougall, we discovered that ourselves yesterday, we are further investigating and will probably revise the ACT figure.

CHAIR—They may be reversed.

Mr McDOUGALL—In the previous meeting with you I queried the growth in absentee, postal vote and pre-poll votes, and I thank you for all the information that you sent.

In table 15 and table 19 of submission 84 you have covered those points. My original question had been asked in relation to the question of subdivisional voting: was there a benefit in going back to subdivisional voting or not? In table 19 I see that the growth in absentee voting from 83 to 96 has been in some states minimal. Overall it has actually declined. But in table 15 there has been a major increase in the pre-poll and postal voting. To be able to understand whether pre-poll is taking over from absentee I really need to know what is the difference between pre-poll and postal figures. Could I ask that the AEC split that table 15 into pre-poll and postal so that we really can know the difference?

Mr Gray—Yes, we will do that.

Mr Dacey—Mr McDougall, it was interesting that in 1983 pre-poll or oral postal votes, as they were subsequently called, did not exist. So the 1983 figure is in fact postal voting; 1984 to 1996 are pre-poll and postal combined. But we can split them up for you. Pre-polling did not come in until the 1983 amendments, so they first operated for the 1984 election.

CHAIR—For the benefit of the AEC, when we are referring to tables in submissions in future refer to the submission by date rather than by number. I wasn't at the Brisbane hearings, but I notice that you have since given us a response to the evidence from the DRO for Rankin, Mr Patching. I only received it this morning and have not had time to read it. I would like to get your comment on a couple of things now. He says that a non-citizen can enrol by 'merely ticking a box that indicates they are an Australian citizen and leaving the box for citizenship number blank'. Is that correct?

Mr Longland—It certainly is. Anybody can enrol because it is a declaration process that is envisaged in the act. You can tell me that you are 18 and you do not have to prove it. You can tell me that your name is X and you do not have to prove it. We have quite reasonable safeguards, I believe, to pick up differences that occur. The objections process that we talked about earlier, returned unclaimed mail, validation exercise through electoral roll reviews all serve to assist with the quality of the roll. That is a correct statement that he has

made, but it ignores the entire enrolment process.

Senator MINCHIN—Many of those solutions do not tackle the problem of non-citizens. How is a non-citizen going to be picked up?

Mr Longland—The area of citizenship law is so complex that our experience of the department of immigration is that if they tell you a person is a citizen or not a citizen you cannot, necessarily, take that at face value. People have to prove it one way or the other. If they say on the form, 'I am an Australian citizen but not born overseas,' then we have to take that at face value. If they say, 'I am an Australian citizen but I was born overseas' but there is no citizenship number, then we are required to investigate that further with the elector, not with the department of immigration.

Senator MINCHIN—If they say on the form that they were born overseas, then what do you do?

Mr Longland—We write to them or contact them and ask them under what circumstances did they become citizens.

Senator MINCHIN—What is the minimum they have to do then to satisfy you?

Mr Longland—They would have to provide us with a citizenship number or a date of a ceremony that they might have attended, something along those lines.

Mr NAIRN—That is before they get on the roll?

Mr Longland—Yes.

Mr NAIRN—After you have received the application?

Mr Longland—That is right.

CHAIR—So, strictly speaking, what he said is not correct?

Mr Longland—No. Strictly speaking, I think he said that if someone says, 'I am an Australian citizen' and doesn't say they were born overseas then they go on.

Dr Bell—There is nothing to alert them to a problem. If a person lies and the witness lies, or is ignorant, then there may be nothing to alert us to the problem. We have not had detailed data matching with immigration authorities because of Privacy Act requirements. As you would know from other information we have given you, the joint roll council is looking at a new method of roll maintenance using various databases—hopefully, Australia Post. That approach, if it gets up and running, has the potential to then draw in other sources of information, including immigration or other records, as a further check in the process. That would be a little way off yet, but a pilot study is running in Queensland now on the start-up

side of it.

CHAIR—Do you have any recommendations along these lines as to breaking down of impediments with cross-checking?

Mr Gray—I know the feeling in the AEC is that, whilst other departments and agencies can draw upon the information for which we have responsibility—namely, the roll—we do not have the same capacity to check information held by other agencies. We believe that the use of matching data is a facility which would enhance and certainly assist in maintaining the integrity of the electoral process. If legislation were available which clearly identified the capacity of the AEC to have access to such information, to check such information, the sorts of issues which are raised here, particularly in respect of citizenship, could be much more effectively addressed.

Mr NAIRN—The informal process that Mr Patching was doing—that is, sending a fax to a friend in the immigration department to check out some of these things at 3 o'clock on a Friday afternoon and getting an answer by 5 o'clock on a Friday afternoon—was terminated because of the privacy situation.

Mr Gray—Yes. It fell outside the authority within which we can operate.

Mr NAIRN—Irrespective of the fact that it was a good way of checking on people.

Mr Gray—We do not make a judgment on whether it is a good way of checking, quite frankly. I merely note, and you will note in the response—

Mr NAIRN—I have not read the response.

Mr Gray—that even with that indication of some 200 people, 53 were in fact Australian citizens and entitled to be enrolled, notwithstanding the information that came back from that particular inquiry. We do not know where that inquiry was made and who provided that information.

If we have all of our officers moving to take this casual approach and somewhat unilateral decision making in respect of it, we will not have an organisation; we will have mayhem. I do not think that anyone can support the proposition that we have individual officers moving in an area of some significant complexity when it does come down to what constitutes citizenship and how one obtains it. Whilst it may have been well intentioned, I certainly cannot endorse it as being an approach which I would want to see all of our officers undertaking.

Mr NAIRN—Is there a proper, formal way, an appropriate way, to safeguard information? If we can learn something from out of all that, that would be very positive.

Mr Gray—Yes, Mr Nairn. I think we are as concerned to try and find a process and method which nevertheless recognises the legal framework within which we all have to

operate. If we can expand the envelope a little, legislatively, then perhaps we should consider that.

CHAIR—What departments would you like to have access to or what are you allowed access to at the moment?

Dr Bell—We have very little access at the moment but there are a number that could be useful. The current study is focusing particularly on Australia Post and we have had some discussions with the Privacy Commissioner, but there are a lot that are potentially useful. Perhaps it would be better if we came back to you in writing. Immigration has a special application but big departments like social security, health, tax and some others are probably very sensitive. All are potentially very useful.

Mr Gray—We have a list of those that we would like to have access to. Perhaps Michael Maley could identify where that is in the submission.

Mr Maley—Perhaps I should first address the question of proof of citizenship. In our submission dated 23 October on enrolment and voter identification, from pages 35 to 39, there is a quite lengthy discussion of the whole question of proof of citizenship. One of the difficulties I think has to be emphasised in this area is that the Department of Immigration and Multicultural Affairs has a certain amount of information relating to people who have been through some sort of naturalisation process or who have lost their citizenship in some way.

The trouble with the bulk of people in Australia is that they have acquired their citizenship by birth. In questioning or seeking to confirm the fact that someone has acquired citizenship by birth you have to have recourse not to Immigration but to the various births, deaths and marriages registries around the country. One of the issues that came up in the Australia Card debate in 1986 was that most of those are not computerised. So there are significant difficulties in getting proof of citizenship by birth.

In the submission we have discussed in some detail a number of agencies which go through some sort of identification process of their clients. The discussion of proof of identity immediately precedes that. From pages 20 to 35 we discuss different mechanisms which can be applied for proof of identity. The main departments with which we have been having discussions on this issue to elucidate, as requested by the committee, how they obtain proof of identity are the Department of Social Security, the Australian Taxation Office and the Department of Employment, Education, Training and Youth Affairs.

Senator CONROY—Appreciating that you may have answered in your submission the question I am going to ask, Mr Patching short-circuited your own normal process where there is a tick in a box but no number. Other divisional officers would then have written to these 200 individuals seeking information. So he has short-circuited that, if you like. He then, I think from recollection, identified that there were a number of individuals who had ended up on the roll and voted in a couple of federal elections that he had identified. Were you able to then subsequently prove that they were in this 53 category?

Mr Longland—This had not been identified to anybody except yourselves at this stage. Given the tenor of his presentation, I believe it is only reasonable to await the conclusion of your inquiry before we continue further with that. He certainly has not made particular details available other than in the broad where he talks about these 200 people. The detail that we have been able to find because our files have not been lost is that he provided 140 names to the previous commissioner who, according to his contact, were not entitled to enrolment because they were not citizens, and 53 names who were entitled because they proved, on further investigation with the individual, that they in fact were citizens. Whether those other 140 were unable to provide satisfactory proof or whatever we do not know. As I say, he has not got the detail for us.

Senator CONROY—What would be deemed satisfactory proof? If you wrote to me and said, 'You ticked the box but you left a blank,' what would I need to do to satisfy you?

Mr Longland—I would need a copy of a citizenship certificate, date of attendance at a ceremony, some form of indication of citizenship acquired by birth overseas to Australian parents—those sorts of details.

Senator CONROY—If I wrote back to you and said, 'Look, I attended a citizenship ceremony on 3 November', you do not check that. Do you just accept that?

Mr Longland—On face value.

Mr LAURIE FERGUSON—Regarding the process for those people who do not have a PVA et cetera number for citizenship: is that only pursued at the point of first enrolment or do you do that on re-enrolment applications?

Mr Longland—We do it every time we get a card. We do not record that detail; it is not information that we routinely collect.

Mr LAURIE FERGUSON—If someone is enrolled in Rankin and then they seek to re-enrol elsewhere and they do not put in that number, do you write to them?

Mr Longland—We ask them again.

Mr LAURIE FERGUSON—Even though you have originally said that they were entitled to be enrolled?

Mr Longland—That would be the normal process. One of the steps in the investigation of these people is to look at their previous enrolment. A lot of times people will tell us that they were previously enrolled and through the fuzzy matching processes that we use processing the cards—

Mr LAURIE FERGUSON—But you can establish that, can you not?

Mr Longland—We identify where they are and look up their previous card. If that shows the detail that we are looking for then they are processed on the spot without further inquiry.

Mr LAURIE FERGUSON—Whilst agreeing with Mr Gray's comment that you cannot have every Tom, Dick and Harry running off doing their own thing, I thought that what did come out of the Queensland hearing was—at least it was the view of Mr Patching, and it seemed to have spread to a few other DROs in Brisbane—that there does not seem to be much clarity in the actual process. This thing you have given us today about how you do it; I am not sure it is clear to everyone around the place.

Mr Longland—Mr Patching may have been guilty of not reading fairly extensive manuals on the subject of enrolment, but they do exist.

Mr LAURIE FERGUSON—He did indicate to the committee that other DROs had pursued the same practice, so it would seem that he was not the only person who was unclear.

Mr Longland—I am not aware of whether others are doing it or not. He mentioned, I believe,—

Mr LAURIE FERGUSON—I think he named people—

Mr Longland—Oxley, but—

Mr LAURIE FERGUSON—He mentioned being called to a meeting of other DROs about this matter.

Mr Longland—Indeed. He raised the subject at a meeting and I think he has given—

Mr LAURIE FERGUSON—No. Sorry, that is not my recollection; he was asked to come to a meeting to raise the matter, and that would seem to me to indicate that, whether or not you have this practice, it is not clear to a few people.

Mr Longland—I see from his submission that he has minutes of a meeting that he attended where he raised the subject and that subject has been under review within the commission for some time and it certainly continues to be. It was the result of a recommendation that the inquiry into the 1993 election made on the subject, and I think it is covered in our submission.

Mr LAURIE FERGUSON—Could I just go back to this question of 140 and the 53 et cetera: they were his figures were they?

Mr Longland—Yes.

Mr LAURIE FERGUSON—I thought you said at one stage that they were the recollection of the person they were given to, as well—

Mr Longland—No, these are—

Mr LAURIE FERGUSON—and he has just lost his papers.

Mr Longland—These are the details that he prepared at the time, at the request of Brian Cox, the previous commissioner, and those names and addresses are on file. They go back over a period of some four years from October 1993 when he first provided them.

Mr LAURIE FERGUSON—Right. As you say, you are not in a position where you have lost your papers—you do not have that problem. From the officer's point of view, what is your comment on the figures he did give you and the number that were not on the rolls?

Dr Bell—He simply gave 200 or so names, and they were investigated here and it was found that about one-quarter of them were entitled to be on the roll and they were citizens, even though he claimed they were not.

Mr LAURIE FERGUSON—Quite frankly, I am more disturbed that three-quarters were not, rather than comforted by the fact that one-quarter of them should have been, on the roll.

Senator CONROY—Did Mr Patching then follow the rest of the manual procedure in terms of, as you described it, writing to them and seeking that information?

Mr Longland—I am not aware of whether he did or not. He was expected to, but whether he did or not, I do not know.

Mr NAIRN—If I understand the process, the point that AEC are making, Laurie, is that if the normal process had occurred, that other three-quarters should not have gone onto the roll anyway.

Mr Longland—That would be the normal process. If the person we had written to came back and was unable to prove, with some satisfactory evidence, that they were citizens then we would have told them that they were not entitled to be enrolled.

Senator CONROY—Can I just clarify that? You say satisfactory evidence: if I wrote back to you and said that I attended a ceremony on X date, would that be satisfactory evidence?

Mr Longland—I believe so.

Mr Dacey—I would like to make a comment about some of the dangers of using in our discussions with the department of immigration the statistics and data that they have

available. We have found, and it is due to the process of citizenship ceremonies happening remotely from the department and being conducted by councils, that it is often up to six months before the department of immigration has that data on their central database in Canberra.

It may take up to six months before the information coming from, say, a local council in Western Australia is processed. So in making an inquiry during the interim period, you could well get information back from the department of immigration that person X is not a citizen because he is not on the database when, in fact, that person has attained citizenship because that person has been to a ceremony.

Mr LAURIE FERGUSON—I agree, but that is balanced by the confusion of a significant number of Australians—for instance, electorates like mine have over 50 per cent of voters born overseas—as to whether they are citizens or permanent residents. Anyway, I think there is a real problem that has to be looked at.

Senator MINCHIN—You go into identification here but, just on this issue, everybody born here has a birth certificate and everybody who becomes a citizen has a citizenship certificate.

Senator CONROY—Is that right? I do not have one. I have not got a citizenship certificate. I was naturalised under my parents' certificate before I was 15. I borrow my parents' naturalisation certificate when I want to do whatever but I personally do not have one.

Senator MINCHIN—Is that proof of your citizenship?

Senator CONROY—Yes.

Senator MINCHIN—What I am saying is that every Australian citizen, either born here or overseas, has easy access to a document that proves their citizenship.

Senator CONROY—I live in a different city from my parents, so I actually do not have easy access.

Mr Maley—To come back to that point, it is worth noting—and it is pointed out in our enrolment and voter identification submission—that during planning for the Australia Card project in 1986, it was estimated that the cost to the public of obtaining the necessary copies of birth certificates would be \$80 million nationwide, which is around \$110 million if you apply the CPI increases. But because of 'user-pays' coming in, the charges associated with getting birth certificates have significantly increased beyond inflation.

In fact, there are quite a lot of people—who either did not get their birth certificates or lost them along the way somewhere—who it was estimated by the HIC in 1986 would have had to get replacement documents. On that basis, I do not think it can necessarily be assumed that everybody is in a position—or even really that known numbers of people are in a position—to provide documentary evidence of citizenship.

Mr LAURIE FERGUSON—If we limit it to those people who henceforth claim citizenship, firstly they are probably going to have a greater chance of still possessing their citizenship form. Secondly, I do not know if we should run around checking on people who have previously been given enrolment and gone through the system once, as to where their citizenship papers are. But with those who are coming on for the first time, that cost is going to be very significantly lower than that and they will quite probably have their forms.

Mr NAIRN—And certainly by allowing them to say, 'I attended a ceremony on such and such a day and place' and so end of story, there would not be a major task in confirming that information.

Dr Bell—It may not be possible for some time; it could be six months before we could confirm that.

Mr NAIRN—If they apply shortly after; if they are giving you a date, or an approximate one, you would know that. I do not think it is unreasonable to confirm that sort of information.

Mr Dacey—The situation has been resolved, to some extent, by the new procedures that we have instituted with the department of immigration since January this year by attending citizenship ceremonies. We estimate that currently we are receiving cards from about 90 per cent of citizens who attain citizenship on the spot through ceremonies. It does not solve the total problem. Certainly, those procedures have dramatically increased the receipt rate of cards and, of course, you have got the proof on the spot and you are getting the cards on the spot.

Mr NAIRN—As well, I am finding that local government—in my area anyway—writes to me, as the local member, to inform me of the people who have become Australian citizens at ceremonies. Who else it is sending that information to I do not know.

ACTING CHAIR (Senator Conroy)—Do they supply you with names and addresses?

Mr NAIRN—Yes.

Mr Dacey—The other difficulty, and I guess it is discriminatory to some extent, is that if you are checking the bona fides of people who say they were born overseas, you are not checking those of the people who are saying they were born in Australia.

Mr LAURIE FERGUSON—There is a very big area for confusion as to the status of citizenship and permanent residency and this is part of it; it is a separate problem in this category.

Mr Gray—I guess the other thing that sometimes crosses the minds of the AEC is

that, in the event that you are seeking to go behind and inquire, as appears to be the belief that there should be some inquiry in respect of new citizens, do we go behind the declarations of other people within the community as well, and, if not, why not? I think that it does beg that question as to whether or not we are concentrating on one particular part of the community and not providing the same degree of perceived diligence, if you like, in respect of the vast majority of the community. I think that may raise questions as to why we take that attitude and why we take that particular position. There may well be argument and there may well be comment that can be made on it, but I think it nevertheless ought to be in the back of the mind when we are looking at any process that concentrates on just one particular part of our community.

Mr LAURIE FERGUSON—Mr Maley might answer this. Just getting back to births, deaths and marriages, what records do they have? Can you just ring up and check a date of a birth?

Mr Maley—It is not my understanding that you can. A lot of them are still manual, but I will have that checked and see if I can find out for you.

Mr NAIRN—On informal voting you provided additional information and breakdown of that. In the 1996 election, leaving out the three divisions that had some court problem at the time, the total informal vote was 3.2 per cent. How was that compared with previous elections? Has there been a pattern? I quickly looked and checked with the submission, but it did not—

Mr Willson—That 3.2 per cent was what we had for the 1990 election for the House of Representatives. For 1993 it dropped to three per cent. So it is a slight increase on the last election. Since 1984, it has been reducing each year. This is the first time it has moved again slightly in the other direction.

Mr Gray—The short answer as to the query, do we really know why that is, is no. Many of the post-election conferences which I attended sought to try and consider why that might be, although all of those figures may not have been in their final form then. Nevertheless, there were a range of thoughts, somewhat parochial, depending on the particular division and what was going on in that particular locality at the time, whether it had any impact whatsoever.

In the western suburbs, I think, Mr Ferguson's and other electorates there, particularly with a high degree of ethnic vote, the informal was seen to be up on what it was before. And that is not easily identified, because certainly our campaigns and our advertising and our education programs were no less than before. Indeed, we thought they had been improved. But we clearly have to try and analyse as to why it is that that slight, albeit marginal, shift has occurred, and whether or not it is something as a consequence of what we can do or whether it is as a consequence of something we have no control over.

Mr NAIRN—I think one of the interesting things in it is that it would appear that in

something getting up near 50 per cent of that informal vote people have attempted quite legitimately to vote. It would appear that it has not been a deliberate informal vote, because something like 41 per cent bore a valid first preference, and even a number of preferences after, but had not sufficiently filled the ballot paper in to constitute a formal vote. It would be interesting to look a little bit deeper into that, number of candidates on a ballot paper in the various divisions. There is probably a number of factors.

Mr Gray—In fact, we have tried to look a little deeper, and Mr Maley might be able to give us some insight to the analysis that has been conducted.

Mr Maley—The point I wanted to make on that is that, as you have identified, there are significant numbers of ballot papers which are informal, despite the fact that there appears to be an intention manifested on the part of the elector, either by use of a one, but with insufficient additional preferences, to make the vote formal, or by use of a tick in lieu of a one or by use of a cross in lieu of a one. This is an artifice of the particular wording of the relevant formality provisions of the act, as reflected by legal advice that we have had over the admissibility of ticks and crosses. The issue is one that has been drawn to the attention of some of the predecessors of this committee, particularly in the discussion that took place after the 1984 election when, you might recall, there was a significant jump in the informal vote for the House of Representatives associated, we think, with the introduction of group ticket voting for the Senate.

In making a judgment on why people are using ticks and crosses, for example, there are a couple of points that can be made. First, we attempt in our advertising to emphasise the need for people to use numbers on their ballot papers, and the instructions on the ballot papers themselves indicate that people are supposed to be using numbers. At the same time, it is the case that an above the line vote for the Senate can be validly recorded using a tick or a cross. We do not advertise this fact because we are concerned about the confusion that this could cause.

But, more generally, it has to be borne in mind that, to the typical voter, a ballot paper is just a form that they fill out. People spend their whole lives filling out forms of one form or another, not just ballot papers at other elections. Typically, when you fill out a form there is not great emphasis placed by the person processing the form as to whether you have used a tick or a cross in a case where you have to indicate a particular choice. So we are working against a background of a situation where, virtually invariably, a form will be accepted if the person has made their intention clear. Whereas, because of the way the act is phrased, that is not the case for a Commonwealth election ballot paper. It is something the committee may wish to consider.

Mr LAURIE FERGUSON—In relation to the size of the informal vote, there was an upsurge of citizenship, a very big growth compared to that in previous years. As we also realise, the new activity by the Australian Electoral Office has resulted in a high proportion of those people taking out citizenship being picked up by the AEC. It is 90 per cent now, as you say, and was roughly 70 per cent before. The joint migration committee made the point that

the English test for citizenship is not all that demanding. So if it is surging in western Sydney this could be a very big ingredient.

Mr Willson—The increases were fairly broad across the country. For the House of Representatives they were not as large as for the Senate, in fact. But while we can point to a number of divisions where there were more significant increases they were fairly general and reflected the similar pattern to previous elections which we have referred to. That is why our advertising has focused on those two things: numbers only, and filling in every square in the order of your preference. We have done surveys on a couple of occasions since 1984 and that message has been consistently coming out of those surveys. There are also, of course, a small number of totally blank ballot papers into which it is very difficult to read anything—certainly anything that we can approach.

Senator CONROY—What percentage of informal votes are totally blank?

Mr Willson—I think it is around 20.

Mr NAIRN—Twenty-three per cent of 3.2 per cent were totally blank.

Mr Willson—Either totally blank or with some writing on them.

Senator MINCHIN—On the issue of 329A and 270, you suggested to us that we look at that separately. I just wonder whether there is some reason why you have suggested that. I think there is a consensus about 329A, and I am of the view that we ought to remove 270(2). Is there some consequence of that that you are subtly alerting us to? Do you think we ought to think about this more carefully? I am just wondering why you thought it required a separate—

Mr Gray—We are seeking to identify that this represents, or could represent, in the minds of many in the community a significant change—and not through 329A. But if we remove the saving provisions of 270 in relation to the House of Representatives, for example, then that may have an impact on the community perception. All we have sought to do, subtly or otherwise, is to suggest that this is a matter that perhaps you would want to give or obtain a separate reference for and examine closely, before you went finally to recommend on legislation.

We share with you the belief that 329A is a piece of legislation that should have a very short life. We would see that, however, not being the full remedy. Because it is not the full remedy, we suggest to you in our submission that that could be an interim step and an immediate step, having regard to whatever may come forward in the next period between now and the next election, and to get it done as quickly as possible. But the more substantive debate, if you like, as between optional and full preferential voting, is one that ought not to proceed perhaps as quickly or at least without further and more comprehensive debate within the community or even within the committee.

But that is not telling you how to suck eggs. It is just a belief that we think it is important and it has ramifications of a kind that should be fully canvassed and understood. Whilst moving 329A off the statute is one which we would support, along with you, it is one which goes in tandem with other activity, other legislative reform, which we think requires some close examination.

Mr Maley—Just to put that in its particular context, we have conducted, and you have received, a survey of exhausted ballots in which we examined 46,792 exhausted ballot papers, which did not include those in Lindsay, Moore or the Northern Territory which were not addressed because of the petitions. If subsection 270(2) had been repealed, every one of those votes would have been informal. So one is talking about tens of thousands potentially being disenfranchised, losing the impact of their vote, if one were to remove the saving provisions.

Senator MINCHIN—I think that is a bit beside the point, but fair enough. It is fair to categorise the effect of 270 as to render our system an optional preferential system, is it not?

Mr Gray—It is certainly a defacto way of being able to cast what is, in effect, an optional preferential vote.

Senator MINCHIN—But no party has formally advocated that we have an optional preferential system, have they? Did the Labor government say when 270(2) was introduced, 'What we are doing is bringing in optional preferential voting'? You were not advocating or doing it—

Mr Willson—No, the intention was to save some. As Mr Nairn said, a voter had made a pretty good go, but perhaps they had made an error down the line. It seemed, I think, in the mind of the committee at that stage that it was a pity that that voter's intention should not be read to the extent that it could be. The use of it for other purposes, as you know—well, it is not a more recent development—has gathered steam more recently.

Mr NAIRN—Just on that, the submission by Don Randall put forward, as I recall, evidence to show that there seemed to have been an increase, particularly in his area of interest, in the number of exhausted votes over the last few elections. I know you have heaps of data here on it. But what was that result? Was there an increase right across all electorates of exhausted ballots?

Mr Maley—Pretty much right across the board, yes.

Mr NAIRN—What sort of percentage?

Mr Maley—I do not have the 1993 figures, but my recollection is that it went up by a significant factor.

Mr Willson—Roughly, these were the figures for the last three elections, off the top

of my head: in 1990, about 14,000; then, following the introduction of 329A, that dropped I think to about half of that, about 7,000; now we are up over the 40,000.

Mr LAURIE FERGUSON—I do not think that is very uniform. It was noticeably inner city Melbourne, inner city Sydney, Bronwyn Bishop's seat and a few others.

Mr Willson—Yes, it was very high in the Sydney area, and I think lower in Queensland than it was in the rest of the nation. You can probably check a few others as well.

Senator MINCHIN—New South Wales has optional preferential, does it not?

Mr Willson—New South Wales has optional and so does Queensland.

Mr Maley—If I could revert to your question you asked earlier. I can give you the information on the computerisation of births, deaths and marriages records by the states. New South Wales is computerised in full form back to 1952, though they do have records in index form back to 1788. Victoria is computerised back to 1920. Queensland is back only to 1980. Western Australia is back only to 1984. South Australia is to 1979. Tasmania is only to 1990 with full records, but with indexed records back to 1970. The Australian Capital Territory is back to the late 1960s in full form. From 1930 it is in indexed form and records are progressively being put into full form. In the Northern Territory it is 1870. So it is a very uneven pattern across the country.

Mr Dacey—Obviously there is no central agency, so you would need to determine also the state of birth so that you could contact the correct registrar.

CHAIR—Since we last met, we have had some fairly vigorous evidence on advocating subdivisional voting, not just from Dr McGrath. Have you had any further thoughts on it from a cost point of view? The Cundy report was mentioned in the Sydney evidence. Has the AEC got a position on that report? Has it had a chance to examine it?

Mr Maley—The report prepared in 1988 by Mr Dickson and Mr Cundy addressed a range of different issues. That was a report to the New South Wales government, rather than to the federal government. The New South Wales government, by and large, did not act on that report; therefore, I do not think I could say that we have a position on the report as a whole.

On the question of precinct voting, we have addressed this again in some detail in the submission on enrolment and voter identification which we have lodged. It is at pages 68 through to 72. Of course, this is also something which we have addressed in previous submissions to the committee over a long period of time.

Our conclusion is that we do not support its introduction for a range of reasons. Firstly, although it would have some impact on the extent of apparent multiple voting in the same name, that is something that we can identify already from our scanning reports. The

advocacy of precinct voting, however, focuses not just on multiple voting in the same name but also on impersonation. Our view on that, however, is that it is questionable whether, even if we went to precinct voting, polling officials or scrutineers would be very much better placed to identify impersonation. So we would question the rationale of it.

More particularly, however, we are very concerned that it would have a very major and damaging effect on our capacity to manage the flow of voters through the polling booths. It could give rise to really serious queuing problems, which is an issue that the committee has always asked us to focus on. Finally, there would be an unquantifiable jump in the scale of absent voting, or declaration voting associated with it, which would give rise to additional costs. That would certainly also delay the finalisation of election results.

Senator MINCHIN—Have you got some figures somewhere on the proportion of voters who always vote at their local booth anyway, because that could have a big effect on the sorts of consequences you are talking about?

Mr Maley—No, we have not.

Senator MINCHIN—I thought it was understood that most did vote in their areas.

Mr Willson—What we know, and perhaps you have this in mind, is that 94 per cent of people voted at the same place as they did last time. These are not our figures from our own operational procedures. This is simply from a public opinion survey which we conducted. Our interest in asking that question was to know how many really need to read those endless pages of polling place addresses. I think 15 per cent of them said that they looked it up in the paper. A very large number—it could not be 94 per cent if the other figure is 15; I will need to check this—go back to the same place as last time, but we do not know whether that is their local, where they do their shopping or near where they work.

CHAIR—You make the point that, even if it was 10 per cent, that elevates it to about a million votes Australia wide.

Mr Maley—Ten per cent is still a large proportion of the number of people who at the moment cast ordinary votes. I do not think anyone is really in a satisfactory position at the moment to know for certain how many people would be seriously inconvenienced by precinct voting, partly because you are talking about a very different model from that which applied when subdivisional voting was in existence prior to 1983. I noticed a number of witnesses before the committee have quoted a figure of 90 per cent as the number of people who consistently vote at the same place. I think they are working from anecdotal evidence. Whether it is 85 per cent, whether it is 90 per cent or whether it is 94 per cent really makes a very substantial difference to the impact that it has.

Mr Willson—I can correct those figures I gave earlier. The 15 per cent was correct. They are the ones who read the newspaper. The other figure is 65 per cent—they are the ones who went to the same place as they voted last time.

Senator MINCHIN—That is in your survey?

Mr Willson—That is in our survey.

Mr Maley—One would not necessarily want to hang too much on one survey, but 65 per cent is a very different figure to the anecdotal 90 per cent that has been raised. Certainly, if 35 per cent vote at different polling places from time to time, that is the proportion of the electorate you could expect to be significantly inconvenienced.

I think the other point that needs to be emphasised is that the nature of precinct voting—and it is inherent in the desire for it—is that there is only one line you can go to. When you get into queuing situations where there is only one line you can go to, one problem person stops the queue for everybody else. The advantage of the system we operate at the moment is that you have a single queue but then you can go to the first serving point that comes free. If you have four issuing points, you really have to have every one of them blocked by a problem person before the queue stops moving.

We have mentioned in the submission—based on the sort of analysis that one can do of queuing situations and making certain assumptions, which you have to do—that if you went from two issuing points, as it is at the moment, to two separate precinct issuing points, people would on average have to wait twice as long in the queue.

CHAIR—You would argue that we had short or no queues when we had subdivisional voting before only because we did not have the mobility that we have today.

Mr Maley—That is one element of it. Another element may be that the sort of staffing that was available was in a different era. Frankly, to compare two situations which are a good few years apart would require quite a lot of analysis in my view. I would be reluctant to speculate too broadly on that at the moment.

It is notable, and we have pointed this out in the submission, that we are not the only organisation that has to deal with large queues. Immigration at airports has to deal with it, even shopping centres like Woolworths and Coles have to run queuing regimes to make sure people are served efficiently. Almost invariably, they go for the bank style queuing system that we have at the moment. In fact, Woolworths and Coles nationwide seem to be shifting to that for their express lines. I have even been talking to shop assistants serving on checkouts and asking them about how the various regimes have operated. Those I have been talking to say it is much more efficient when you have one queue and then a number of different checkouts.

Mr Dacey—The other factor, of course, with precinct or small area voting would be the significant increase in the number of polling places. I think there are some figures in the submission. We estimate about 17,000, whereas we currently have just over 7,000.

Mr Maley—There are a number of different ways in which you could attempt to

organise precinct voting. One might seek to have a large number of polling places, but that is very difficult because we are already running into problems about the inadequacy of our premises—whether they meet requirements of occupational health and safety, access for people with disabilities and so on. That would only add to our problems. We do point out in the submission something that has not been quoted by a number of the people who have referred to the report of Mr Dickson and Mr Cundy. After looking at the situation in the USA and Canada, Dickson and Cundy said:

Their system is not without its administrative problems, as electors sometimes queue for 30 minutes or more. This is suggested as one of the reasons why up to 50 per cent of registered voters in the U.S.A. do not bother to go and record a vote.

Mr McDOUGALL—Can you remind me of the last time that you had subdivisional voting?

Mr Maley—It was 1983.

Senator MINCHIN—That was not precinct voting, was it?

Mr Maley—No, that was a different thing.

Mr McDOUGALL—On the basis of that, someone made a comment a moment ago that, if we went backwards, we would increase absentee voting. Why then is absentee voting in 1996 basically the same as it was in 1983? If subdivisional voting caused absentee voting, why was there not a higher number in 1983 than there was in 1996? Table 19 in your submission dated 16 September, to me, does not show that your argument stands up.

Mr Maley—The reason for that is because the subdivisions in 1983 had blown out to a very much larger size than one is talking about in the case of precinct voting. At the 1983 election, 43 per cent of voters nationwide were in subdivisions of more than 10,000, and 85 per cent of voters nationwide were in subdivisions of more than 5,000. So the impact that had on absentee voting was very different from the sort of impact you would have if you had very small precincts.

Senator MINCHIN—And they could vote at any booth in the subdivision?

Mr Maley—At any booth in the subdivision, yes.

Mr McDOUGALL—The only way you can really make the comparison is to go back to when you had the smaller precincts to be able to make the—

Mr Gray—To a comparative size. That is the only way to make any sensible comparison on it.

CHAIR—How long since we have had precincts?

Mr Maley—Off the top of my head, it is before our lifetimes.

CHAIR—Early in the century?

Mr Maley—Early in the century. One really could not do a valid comparison with precinct voting or small subdivisional voting as it was practised in Australia in the early days, because you really would run into major issues of mobility.

Mr McDOUGALL—Could I just go back to a question so I can clarify something. You were talking earlier that the increase in exhausted votes was affected by the Langer situation. I noticed in your report, volume No. 4, page S1058, that you have noted there were 4,962 informal votes nationwide marked in the way in which Langer suggested they mark. But then, in volume 3, the big climb in exhausted votes went from 7,000 to 49,000. So one could hardly say that that was the significant reason for the growth.

Mr Willson—Mr Maley may be able to clarify that. But I think perhaps you are referring in the first instance to the informal voting survey and in the second instance to the exhausted.

Mr McDOUGALL—I apologise, yes.

Mr Willson—The informals obviously did not get counted; the exhausted votes did to the extent that they could be.

CHAIR—I have a question on multiple voting again. In the submission of 16 September on page 14, I asked about gaol sentences from 1993, and you said that no-one was gaoled for multiple voting in 1993. I understood some people were in Western Australia, or did that relate to those who had voted more than those who had voted three or more times?

Mr Dacey—No. That related to non-voters and people who had chosen not to pay the fine. The penalty through the court system, in default of paying the fine, may have been imprisonment.

CHAIR—I see.

Mr Dacey—So it was people who were prosecuted for non-voting and chose not to pay the court penalty.

CHAIR—Right. It says here one person was actually prosecuted for admitting to have voted four times in Braddon—that was multiple voting—and the person was discharged on a \$500 good behaviour bond until the next election. That was the only person who was prosecuted.

Dr Bell—Mr Chairman, you mentioned imprisoned non-voters which the committee expressed some concern about last time. Following that, we have spoken with the DPP. It

occurred to us that the Commonwealth probably had the constitutional power to say to a state, 'You may not imprison a person as a consequence of a certain Commonwealth offence.' The DPP have essentially said, 'Yes, but there will be horrendous practical problems because of the variations in the way the state court systems and prisons work.' They have also suggested that we talk with the criminal law branch of the Attorney-General's Department. We have referred the same question to them and we have not had a reply yet. But it looks as though that possible solution is not practicable.

CHAIR—Off the top of your head, do you know how many people were imprisoned for non-voting?

Dr Bell—It was in the order of 40 in WA, was it not?

Mr Dacey—Not for non-voting.

CHAIR—It just seems a little—

Mr Dacey—Just to clarify it, they were not imprisoned.

Senator MINCHIN—Yes, they were. They were only in gaol because they did not vote.

CHAIR—It just seems a bit odd that nobody is sent to gaol for multiple voting, but people are sent to gaol for not voting.

Mr Dacey—If someone took the option of not paying a fine for multiple voting, they then of course could have a prison sentence.

CHAIR—Yes, that is what I am talking about.

Mr Gray—In terms of multiple voting, there is this word 'wilful' that keeps cropping up. I think, in terms of prosecution, that is a somewhat more difficult standard, if you like, to prove. It is one which you have to recognise when trying to make a comparison. There are different standards and the word 'wilful' is, if you like, the real difficulty. For those who seek to bring to book those people who are shown by evidence to have multiple voted, that is a real difficulty.

CHAIR—I think we are very mindful of your recommendation to drop that word.

Mr McDOUGALL—I want to return to the question about multiple voting. In table 1 in your submission of 24 October, you actually list the numbers of apparent multiple voters as being virtually 16,000. In table 7 of your submission of 16 September, you give a breakdown by seat and the fact that there were 962 who admitted that they multiple voted. On that basis there are still 15,000 getting away with it. What is the AEC's intention of a way of stamping out the multiple voting, other than by asking, 'Did you multiple vote?' If they say yes, you list

them as one of the 962. Because the other 15,000 do not admit it, nothing happens to them.

Mr Dacey—I should point out that the figure on table 1—the 15,975—is in fact where multiple marks appear against a person's name on the certified lists, so that is two or more marks. It does not necessarily mean that they are multiple voters. We have used the term 'apparent multiple voters'. You could substitute the term 'multiple marks'. That is the initial number of people who we write to asking for their version of events on polling day.

CHAIR—So if you take out multiple marks, what does it come down to?

Mr Dacey—We have got figures through the process, but it does come down to the 962 people who admitted it. I have not got all the figures with me, but we do have figures that filter that 15,000 down to the eventual number of 962 who admitted. Quite a significant number of that 15,000 or 16,000 would not have multiple voted. It would be a polling official error where the polling official has marked the wrong name on the certified list.

Senator CONROY—On the question of marketing, technology now, while being expensive, potentially opens up opportunities for you to avoid anybody being able to multiple vote. There are capacities now to make a mark on a computer screen which is transferred to a central point.

Mr Dacey—If you have computers in every polling place.

Senator CONROY—Of course. Obviously it is going to be an expensive thing, but in terms of stamping out the question of multiple voting that would seem to be a simple, albeit expensive, way. You just have to scroll through the screen, cross it off and send it off to a central point in case someone turns up in another polling booth and attempts are made to mark it off. Is there any investigation as to what the cost of that would be and the practicality of introducing it?

Mr Pickering—There are a number of issues relating to using computer screens for marking off the roll. The particular issue relating to your question of multiple voting I don't think would be overcome from what you are suggesting. Mr Dacey has already highlighted the fact that the major proportion of these multiple marks are occurring because of polling official error. That can still happen when you mark the wrong name on a screen. That is my major point on that particular point.

Senator CONROY—I am confused. It will not stop polling official error but it will certainly stop the perception—let us say I have 60 polling booths in my electorate: I can go and vote in all 60 polling booths for myself and I can pick your name and go and vote in all 60 polling booths in your name—that there is a capacity for an organised voting on polling day.

Mr Pickering—That is true. The use of a centralised mainframe to have those names marked off on line would reduce that. But in instances where family members of a very similar name do come in to vote at different polling places and there is polling official error, the

situation can occur where they turn up to vote quite innocently and their name has already been marked off—

Senator CONROY—If you are looking at how you implemented the use of that, obviously a person would have the capacity to lodge a disputed vote—

Mr Dacey—And have a provisional vote.

Senator CONROY—You can investigate it afterwards to avoid that particular problem.

Mr Pickering—That is true. To answer the second part of your question: the cost involved has been looked at over a number of years because the cost of technology is coming down all the time. One of the major problems that we have is the huge diversity of polling places. There is still no technology that allows us to be able to cable up a polling place the way we set it up for the manual system of polling. To set up the Friday night before polling and to be out late on Saturday night is just impossible using technology at the moment with what you are proposing. We would need to have technology that was wireless—that is coming but it is not available yet—and we would need to have very cheap terminals in order to have the numbers that we are talking about.

Mr Dacey—We are looking in our submission of 20 September at a rough estimate, as we called it: with our current approximately 8,000 polling places it would be about \$112 million to put these—

Dr Bell—We are talking about 30,000 terminals and 8,000 landlines, phones, radios or whatever.

Mr Gray—And 100 per cent reliability.

Mr McDOUGALL—Out of that 16,000, what is percentage of officer error?

Mr Dacey—It is 15,000 at most in 11 or 10 million votes.

Mr McDOUGALL—Out of 16,000, how many of them are multiple marked made by error of the returning officer, not a multiple vote?

Mr Dacey—We will provide that figure for you.

Mr NAIRN—How would you know?

Mr Dacey—Because of the responses we get back from electors and because of investigations we undertake.

Mr NAIRN—If somebody says, 'I did not vote twice,' you assume that is—

Mr Dacey—The process then is usually to match that with a non-voter. You will find that one balances the other because the polling officials marked the wrong name.

Dr Bell—It is often very obvious they are on adjacent lines. You have written independently to two different people—one to say, 'You haven't voted,' and one, 'You voted twice.' So there are some checks.

Mr Dacey—But there are some assumptions in there—we will provide those figures.

Mr McDOUGALL—In your submission of 20 September, on page 26, paragraph 3.8.5, you talk about the current levels in regard to staffing at divisional offices. You say:

Current funding levels only permit the permanent employment of two people within 65 of the 148 Divisional offices
...

For the remainder of the 148, how many officers will be in that divisional office?

Mr Gray—There could be three.

Mr McDOUGALL—It could be three or it could be one?

Mr Gray—No, you will not have one.

Mr McDOUGALL—More than two?

Mr Gray—It would be more than two. It is two or three.

Mr McDOUGALL—On the next page, paragraph 3.8.11, you are talking in general terms about developing efficiencies within the AEC, and looking at the potential of—while the word is not used in this paragraph, it is used in the context of the whole subject—the possible 'regionalisation' of officers. You say in the middle:

... but also to generate savings sufficient to finance the upgrade of its information technology capabilities.

Are you saying in there that you want to regionalise and save on staff numbers out in the returning office at the electoral office? Because you have got requirements to upgrade, you have got capital requirements in the head office, are you trying to get the money there by saving it with the staff at the electoral office rather than going and asking for more money for the capital upgrade?

Mr Gray—The question of regionalisation is one which has been canvassed by this committee previously, that is, by the predecessor of this committee. Regionalisation was, in fact, recommended by the JSC. We, in turn, have examined and sought to find means by which we can live within our financial framework, which is ever decreasing. That is the fact of the matter. It has come down by almost 12 per cent over the last four financial years.

We have it in mind that through the regionalising of our service delivery we will be able to rationalise the number of actual locations from which we provide that service and, therefore, we will have property savings. As to how many staff may or may not be saved has not yet in any way been determined—we are still trying to work through some modelling which the government has asked us to come back to in respect of the strategies we would employ.

There are a number of things that we hope we could achieve as a result of it. One is to provide a much more satisfactory work environment for our people, not only at the divisional level but elsewhere within the organisation. There are services that cannot be provided through the divisional level only, and there are many functions which we have a responsibility for under section 7 of the act, which can only be met and can only be delivered if we have personnel other than at divisional level.

We believe, nevertheless, that the circumstances that confront us at the moment—which have been increasingly becoming apparent, certainly over the last five years or so—are that we will have resources to allow having only two people in a divisional office. There is nothing to compare with that anywhere around the APS. We cannot meet our occupational health and safety obligations and a host of other things which make that work environment acceptable.

Through the regionalisation of offices it is believed—and I think there is a very strong view within the organisation and at division level, although there are always going to be those who take a different view—and it would be my assessment that, having travelled around Australia and spoken to people at divisional level, the present working environment is not an acceptable one and that we do have to do something to improve it.

I think it is pretty clear that we are not about to get a great deal more money. In order to achieve improvements and enhancements we have to find ways of reconfiguring, making savings and using the savings to enhance our capacity to provide the services to all of our clients, including the parliament and its members. It is not aimed at, nor is it exclusive to, the divisional level. We are looking at our head offices and at our central office to see whether or not it is necessary in order to deliver services that we have all of those resources in their current locations.

Outsourcing and all sorts of different propositions are currently being examined. I do not want it believed, as maybe one or two people do believe, that this is just targeting the divisional officer out there on the front line; it is not. In the modelling we have used divisional officers so that we know that the practitioners are in fact developing models which can deliver the services—the most fundamental service being delivery of an election. There is nothing that we would enjoy more if the government was of a mind to say, 'Fine, you want X number of dollars. Here they are. We can enhance the structure you currently have so that everybody is satisfied with the environment and you can deliver all the services we demand of you.'

But I think realistically that is not going to occur. Realistically, we have been asked by the government to look at a different way of configuring our resources and to see whether or not there are savings as a consequence and what those savings might be able to do to enhance our operation and to meet the expectations of the community.

Mr McDOUGALL—Obviously you understand some of the evidence that was given in Brisbane from a few people who obviously raised this subject.

Mr Gray—Yes.

Mr McDOUGALL—There are a couple of points that I would just like to ask you to comment on a bit further. One was that there had been over the last two years significant increases in staffing at the central office. I think from memory the numbers used were 70-odd one year and 80-odd another year—one following the other. I know this is a different subject but if, for argument's sake, we look towards the proof of identity at the time of enrolment that would obviously have quite an impact at an electoral office level. How would that impact on your current thinking in what you are trying to achieve?

Mr Gray—Firstly, in relation to whether central office has expanded unjustly in the eyes of those who are not in central office, I do not believe that we need to be defensive about any numbers that may have grown. Certainly in the two years that I have been here it has not grown anything like that. It is around 15 or 16—I do not know what numbers particularly. But I believe they are absolutely necessary to deliver the types of services that we are required to deliver and are demanded of the AEC.

The 13 volumes that are here are not prepared in divisional offices. The international material and the international profile that we have now established are as a consequence of activity which is coordinated and researched here in central office. That was a branch that did not exist when I arrived. I make no apology for providing resources to ensure that that particular demand is satisfied. It is one of our functions under section 7. Whilst there has been some increase, it is nothing like that—at least not in the two years that I have been here. We are always seeking to review the way in which we can rationalise and more efficiently use those resources we have available to us. That is the first point.

The second point you raised is that, if you move to identity, to what extent will that impact upon any formal type of structure? I would have to say to you that we are not sure at this stage. It rather depends, for example, whether we are talking about identity and proof of identity at enrolment, identity only at voting or whether we are talking about both.

I think that the ramifications of those in respect of any impact on what we are currently trying to model, which we have to take back to the government, are unclear. I am not going to pretend that I know the ramifications at this point.

Mr NAIRN—If I remember correctly from the evidence that was given in Brisbane, the DROs were talking about a figure of 2.5 or 2.6 staff per office. Clearly, you cannot have

2.6. You can either have two or three.

Mr Dacey—That is right.

Mr NAIRN—I thought there was good potential for regional offices, particularly in close urban areas, to get over the problem of two offices with two people in each. If you had one office with five you could get closer to the 2.6 per division. I presume that is the sort of thing you are looking at.

Mr Gray—No, 2.6 basically identifies the salary or the person hours that you have during a financial year. We ensure that we bring in temporaries or casuals in a period leading into and out of an election.

Mr NAIRN—So it averages out.

Mr Gray—But during the off period, if you like, and during that rather long slump in activity, you can have two people in an office on a permanent basis and, quite frankly, that is not a good working environment.

Mr NAIRN—It struck me that, if some offices during those periods had two and some had three, there would clearly be—unless there is an enormous difference between divisions, which I would doubt—stronger pressure being put on that office of two than there would be on the one with three?

Mr Gray—At what time? During the election?

Mr NAIRN—No. Even at off times. What you are saying is that there could be the situation, when you are not running an election, where one office is being manned by two people but another office may have three?

Mr Gray—It is the case that people do from time to time move from one place to another, depending on where the activity is at any particular time within a division; there is a swapping around of divisions. There is not this brick wall—there is only two and will ever be two. There is a movement. Area managers and state management make these adjustments in the course of any year. But if your activity is right down at the bottom here, then there is not much point in throwing in another person to be inactive.

Dr Bell—The 2.6 is something over a period of time. Three or four years ago managers were told that, as a result of efficiency dividends, they would be guaranteed funding over a three-year period, which they could then manage. So they could have their three people or whatever at an election time, allow a decrease in the quiet period, with a view to building up again, and transferring expertise and so on as the next election approached. Many of them were able to manage it that way, but staff do not always retire or resign where you want them to and there are problems. As you say, you can have offices with two and three; there is a lot swapping. I think in many areas people have come to realise the advantages of co-location, if

no more than that, they can then have some backups and company in the office and a bit more flexibility.

Senator CONROY—What if co-location resulted with four rather than five?

Mr Longland—There might have been some concern at the time about that but the co-location that you are talking about has never had fewer than five. There have been people on leave, people seconded to other things, but permanent staffing of that office has always been five.

Mr Gray—With regard to co-location there are different views, obviously, held by some people who have either observed or have been part of co-location. I have made it my business to go to various places around Australia. Marion in South Australia is a significantly operational co-located office. Tasmania has the longest history, I think. They have just concluded in this one year the federal, state and local government elections all through the co-located offices on contract to the Tasmanian Electoral Office for the state and local government elections. I was there last week during those elections and they cannot speak highly enough of the support that they get from having other people around them and their colleagues in the same building. It is the same in Marion. They are now trying to move to examine ways in which they do not replicate their own structures in the same building but start supporting and specialising in particular aspects of the administration of the electoral process.

That is what regionalisation would be. It is then only a question of determining and identifying the number of divisions which would be located in one area, then what sort of corporate support and IT support are required and how that would then deliver the service to a locality in which a number of divisions are placed.

Senator CONROY—It would be a bit like that in a co-location. There could be a need for only one divisional officer for the two electorates—only one honcho rather than two?

Mr Gray—No. There would be, if you like, an administrative honcho looking after the activity of the area, but during an election there will be divisional returning officers.

Senator CONROY—In the course of the election?

Mr Gray—Yes. You would not see a great deal of difference during an election than you would now because they go back into the division just as they do, and have done, in Tasmania, in South Australia, in New South Wales and elsewhere.

Senator CONROY—When you say the chief administrator—

Mr Gray—I will not give you the models now because we are still struggling through all of this and we are taking the advice of our field staff as to how that might best work out. We have had a working group in. That working group comprised a number of divisional returning officers from around Australia, along with area managers and other people from an

operational point of view. I do not wish to be held down to this particular structure, the type of way in which we are going to do it, because we are still, as I say, searching through that before we go back to the government with what we believe would be an effective strategy to give effect to the regionalised service delivery.

Senator CONROY—There would potentially not be a chief returning officer for even the combined office within that office?

Mr Gray—If you are talking about an office, that is different from a division, isn't it? If you have divisional returning officers for every division, that is what is required currently in respect of the legislation and that would be maintained. We are not asking to change the legislation. We would have to accommodate that in any administrative structure we established within a locality.

Senator CONROY—Would they need to be based in that office? I got the impression from what you said that it is possible for a divisional returning officer not to be based in the office space.

Mr Gray—No, I am saying that the divisional returning officer would, other than at the time of the election, be based in a location where there were a number of divisional returning officers, and that is what regionalisation is about. But at the time of the election you then, from a logistical management point of view, have to go back out into the division establishing your polling places and have a point of contact for the divisional returning officer in the electorate.

Mr McDOUGALL—In other words, you are talking about temporary accommodation at the time of an election so that you can maintain in each electorate an office operation in a physical form so that you can maintain things like pre-polling, which is something that you are trying to maintain as a way in which to offer the most opportune voting opportunities for all? Obviously that is part of the cost structure that you are going to have to look at.

Mr Gray—Yes. We already do that out of a number of offices already established—for example, in Tasmania, Adelaide and other co-located locations.

Senator CONROY—Would you be able to pre-poll at the co-located operation?

Mr Dacey—We pre-poll anywhere we designate as a pre-poll centre. So if it was an ideal location for pre-polling in terms of capturing—

Senator CONROY—So you would not necessarily know where you set up your temporary office for the six weeks? As long as they know more or less where it is.

Mr Dacey—Yes.

Mr LAURIE FERGUSON—Have you gone to this area? This last change—whether it is three years or two years—what was the change in numbers at that stage?

Dr Bell—In divisional office staffing, there was essentially a 10 per cent reduction—no, it was less than that. There was a certain percentage reduction in there.

Mr LAURIE FERGUSON—When was that?

Dr Bell—It was in early 1993, I think. It was 1993 to 1996.

Mr LAURIE FERGUSON—Could we be given the figures for 1992 onwards for central staffing? I do not only mean in the national office, I mean in the state offices as well.

Mr Gray—In other words, it is all levels you want, do you—how they have moved?

Mr LAURIE FERGUSON—Yes, from 1992 onwards for central offices—but not now.

Mr Gray—We will try.

Mr LAURIE FERGUSON—Secondly, I do not know about other members but, after speaking to a few after the Brisbane hearings, I thought they were fairly affected by the evidence with regard to morale and the general feeling of being pushed to the limit by some of their DROs. I have subsequently coincidentally run into a few ex-employees, and I understand from that evidence that there were some surveys undertaken within the AEC with regard to staff morale and that type of thing. Is that the case?

Mr Gray—Yes, there was quite some years ago, as I understand it.

Mr LAURIE FERGUSON—I had the impression in Brisbane that they were more recent.

Mr Dacey—The most recent staff opinion survey was in 1993.

Mr LAURIE FERGUSON—Can we get some feedback on that?

Mr Dacey—It is actually with the secretariat. We handed it up this morning, Senator.

Mr LAURIE FERGUSON—I did not know that. Good. In the situation of the possible increasing requirements for registration proof, et cetera, it is all right to assume that everyone does everything by mail but if people are asked to provide this and it is not good enough and they have to go back and get another certificate to do this and to do that, don't you see some logistical problems in co-location, with people in the context of a possible change in regard to registration proof having to traipse over to seven or eight stations away?

Mr Gray—Those who are involved in co-location, apart from those who you spoke to in Brisbane, do not hold the same view that it is causing considerable concern. I do not know to what extent there would have to be traipsing of the kind that you have suggested but I merely point out that this recommendation did come forward somewhat earlier than 1993, and it was very closely examined as to what might occur.

I appreciate that you are saying that there may be changes and that you are asking what impact those changes would then have on that philosophical stand that you can in fact withdraw your divisional representation, if you like, and locality back to regional offices. I have said that it is not absolutely clear as to what that impact would be but it would have to be factored into any response we made to government, and it will be to the extent that we can or at least speculate upon it.

But government has sought those strategies. We are responding in a way which I think allows practitioners at the divisional level to give us the best of their thinking in that regard. I appreciate that there was evidence given in Brisbane—and there may well be since then people that you have spoken to—but I, in turn, can tell you that I have spoken to a lot of people and can tell you that they do not share those same concerns or those same reservations or those same feelings of low morale, if you like, that some others do.

I can only indicate that I have been around Australia. I think I have a much broader appreciation of views than those that may be limited to the divisional view. I have to say—and I have said it publicly—that I think the time is right for us to be reconsidering the way in which we configure our resources because people believe that the time has come when we must make some improvement in that regard. And that is shared at divisional as well as head and at central office.

Mr Maley—Perhaps the point should be made that, if you went to some sort of regime under which very large numbers of people were required personally to produce documents, even our current divisional structure would not be in a position to support such a regime, and it is documented in our submission on voter identification. You are simply talking about too many transactions coming into the offices.

If that were the track that one had to go down, you would be looking at the sorts of scenarios that the passports office uses of having subcontracted out the function of examining documents, for example, to post offices. We have not spoken to Australia Post on this and we do not know whether they have the capacity but we can say, certainly for large numbers of people coming in with documents, that even under our existing divisional structure we do not have the capacity to absorb those numbers of people coming through without a massive augmentation of resources.

Dr Bell—Mr Ferguson has spoken about morale and Mr McDougall raised the question of IT resources. I just note that Mr Johnson, for example, has given evidence about the IT problems they are having in divisional offices. We are unable to upgrade what is essentially a very old network. Mr Pickering might correct me but I think it is in the order of

eight or 10 years old in its genesis. We have landlines all over the country at very considerable expense. They are using old technology, which, of course, is also used in head and central offices largely. And we cannot go any better than that without the capacity to extend the lines that you need outside those areas. So we are all held back, and it must have a very big impact on divisional offices. Mr Johnson has explained that. That affects, again, the sort of problem that Mr Maley has just mentioned in terms of our capacity to change the way we work and do things in new systems.

Mr LAURIE FERGUSON—On a totally different tack, we have had evidence today about the tendency towards 12-hour shifts in mining industry in Western Australia and the impact that might have on people's ability to vote on election day. The person who gave the evidence thought there was possibly pre-poll voting at the town of Tom Price: could you clarify for us whether there is pre-poll on more than one site in some of those more sparsely populated seats?

Mr Gray—We will take it on notice and come back to you. Just on Western Australia, or did you want the general picture?

Mr LAURIE FERGUSON—Yes, general picture—is there a situation where there is pre-polling in more than one town in electorates where it is difficult to travel. And secondly, what is the prevalence of mobile voting? I know it happens in the Northern Territory, but I would like to clarify whether it happens in a few other remote electorates.

Mr Dacey—Yes, it does. But we can give that electorate by electorate—

Mr LAURIE FERGUSON—I guess I am interested in the Pilbara, the Kimberleys and what the go is there.

Mr Gray—Certainly, mobile polling is a feature of many of the remote areas across all states, including New South Wales.

Mr LAURIE FERGUSON—I just want to get some evidence on how prevalent pre-poll is—whether there are more than a few towns in the Kalgoorlie electorate or not.

Mr NAIRN—Can I just come back to the IT thing. You mentioned Mr Johnson's comments regarding the problems with technology. It was fairly strong criticism of the incompatibility between various systems—this system does not talk to this system does not talk to this system. Have you had an opportunity to respond to that yet? If it is in one of the submissions I have not read yet, I apologise.

Mr Gray—We have not responded in any of our submissions, but we could make comment now if you like—

Mr NAIRN—Yes.

Mr Gray—in relation to the sort of activity we engage in to try and refine, review and constantly improve the applications and systems that we have.

Mr Pickering—Development of the systems that Mr Johnson was talking about relate to our enrolment suite of programs and our election suite of programs. And they are developed on totally different machines using totally different languages and, therefore, by the very nature of technology have different functionalities that are expressed through the keyboard.

In developing these suites of programs, there has been a very strong effort made to try and keep the compatibility of the user friendliness of the two systems as close as possible. And in some of the evidence that I have read of Mr Johnson's, he has, in fact, got some of the examples that he has cited of function keys being used for different purposes out of context, and they are not correct. And in the particular instances that he cites, the functionality is the same between the subsystems.

So that is one of the problems. It is the genesis of the suites of programs developed on different machines, one of which the AEC does not own, and difference by a number of years in the commencement of one of those suites of programs, namely, the role management system, and the development of the election suite of programs on a totally different machine.

Where are we going from here? The intention is for us to look to bring those suites of programs together on a common database, on a common platform, that will have a totally similar look and feel. But getting back to Mr Gray's comment before, it requires money; it requires an upgrade of the technology that we currently have, which is nearly a decade old, the desktop equipment, and it is character based, for those of you who understand that. And in order to get a similar look and feel, with different databases running underneath, you need a Windows based graphical user environment for the user. And that is part of our strategic plan in the AEC.

Dr Bell—That will benefit divisions as much or more than any other part of the organisation. They are the ones who are feeling it.

Mr McDOUGALL—Based on the information that you have passed on—and obviously you realised there were some concerns amongst officers who showed some grave concern about what was happening—you have mentioned there has been a process of building up a working team, and a process of consultation. Could you give us an indication as to what length of time that process is going to take, and whether or not you feel that, on hearing those changes that have to take place and the complexity of them it is a problem that some of the ROs are concerned that it is all trying to happen too quickly?

Mr Gray—I have no doubt that there are people who believe that they would like to be across all the detail of that change, but I think one has to be realistic. A direction comes out of government saying, 'I want you to prepare strategies for regionalising your service delivery and we want it in the context of the next budget.' The next budget is in May, you work back

from that and you find that, working to those timetables and those of the Department of Finance, we will have to have something back to our minister by December. So you are then confronted with a logistical process that you have to manage in one way or another.

Whilst we have sought to be inclusive and open about the demands that are being made upon us and the way in which that is beginning to flow, you cannot have a football team coming down and all trying to figure out which particular model is going to be the one we should be trying to put our money on. So you try and bring as many people as you can who you think can make a significant contribution to that process, and you try then to keep the staff informed as to the process and what is happening and what stage we are at. And we have done that in, I would suggest, a much more open and inclusive way than many other agencies who have found their structure being rather dramatically changed in the last six months or so.

I think that we are conscious of the fact that there are some staff who are anxious about any change that may occur because, like any human being, they want to know where they fit in that changed structure. I don't know, because there is no detail that we can put out and, moreover, when it is, it will be in the form of a cabinet submission and I am not putting that detail out.

I have made that clear to staff through bulletins which we have been putting out to all of our staff. I think that I have sought to adopt a process which keeps people informed, and through the use of our practitioners—bringing people in from the field and not relying upon a top down delivery of what we want, but trying to build from the practitioners models they think could work—I think that anxiety level has dropped, at least, quite perceptibly in the last few weeks.

There will always be, and there continue to be, some individuals who believe that they have to know every detail during the course of every day or every week of that process. I cannot accommodate them. I have made that clear. But we will respond to the government in the way that we are obliged to, and that is to come forward to the minister—and he in his turn to cabinet—with a range of strategies which the government can then make a decision about.

CHAIR—A last point I wanted to ask about was tax deductibility of donations for independent members. We would be interested in receiving a comment from you on how the act could most simply be modified to accommodate them, if we wanted to go down that path.

Senator MINCHIN—That is under the income tax act, is it not? It is not the electoral act that provides for tax deductibility. It might be an issue which we want to address, but it is actually under the tax act. They have to be a registered legal party, I think.

CHAIR—You may have a comment on it?

Mr Kerlake—Yes, you are correct, that would have to be dealt with under the taxation provisions. The only issue that I think the AEC could raise for consideration is whether the committee, if it goes down that path, wants to look at the application to all

candidates or independent candidates, endorsed candidates and so on. That is the only issue which you may like to explore, but it really is a taxation matter.

Senator MINCHIN—Currently, it is available to registered legal parties? the tax deduction is available to registered parties, is it not, or is it a candidate of a registered party?

Mr Kerslake—Under the taxation provisions at the moment you can claim, in terms of a donation, up to \$100 to a registered party.

Senator MINCHIN—Yes.

CHAIR—So an independent like Brian Harradine can register a party?

Senator MINCHIN—But he would have to get 500 signatures.

Mr Gray—Yes, that is correct, a minimum of 500 signatures, or be a member of the parliament.

Dr Bell—Any number?

Mr NAIRN—A member can form and register a party.

Senator MINCHIN—Then get the donation.

CHAIR—There being no other questions, I thank the witnesses for their comments this morning. We formally invite you to remain with us to have some lunch if you are able.

Mr Gray—Could I just say something in conclusion. We recognise that the committee now has before it a tremendous amount of documentation. We recognise that you have what we consider to be particularly important decisions to make in terms of what recommendations you go with. I merely offer the services of the AEC at every level to try to ensure that, to the extent we could, we properly facilitate that activity. I would be willing to engage in any discussion with you on how we might be able to assist your committee in that regard, given that 13 volumes of this material originates from us. I appreciate there may be, from time to time, a need to clarify and to give further information as you work your way through it and we stand ready to do that.

CHAIR—Thank you. We may need to get some of you back here again and I thank you for the offer.

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

That, pursuant to the power conferred by section 2(2) of the Parliamentary Papers Act 1908, this committee authorises publication of the evidence given before it at public hearing this day.

Committee adjourned at 1.04 p.m.