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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Conduct of the 2001 federal election

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JOINT COMMITTEE ON ELECTORAL MATTERS

Tuesday, 8 October 2002

Members: Mr Georgiou (*Chair*), Mr Danby (*Deputy Chair*), Senators Bartlett, Brandis, Mason, Murray and Robert Ray and Mr Forrest, Mrs Ley and Mr Melham

Senators and members in attendance: Senators Murray and Robert Ray and Mr Danby, Mr Georgiou and Mr Melham

Terms of reference for the inquiry:

To inquire into and report on:

All aspects of the conduct of the 2001 Federal Election and matters related thereto.

WITNESSES

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Committee met at 10.00 a.m.

CHAIR—I declare open this public hearing of the Joint Standing Committee on Electoral Matters inquiry into the conduct of the 2001 federal election. Since 1984, successive Commonwealth governments have referred similar inquiries to this committee's predecessors after each federal election, with a view to improving the operation of the Australian electoral system. The current inquiry into the 2001 federal election was referred by the Special Minister of State on 13 May 2002. To date, the inquiry has received 162 submissions from Australia and overseas, which demonstrates a substantial interest in the wellbeing of the Australian electoral system. Today we will be hearing from a range of individuals and organisations. I remind witnesses that, although the committee does not require you to give evidence under oath, this hearing is a legal proceeding of the parliament and warrants the same respect as proceedings of the parliament itself. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and will attract parliamentary privilege.

[10.01 a.m.]

WAKELIN, Mr Barry Hugh, Member of Parliament, Electorate of Grey

CHAIR—Welcome to today's hearing. The committee has received your submission. It has been numbered 108 and has been authorised for publication. Would you like to make any corrections or amendments to your submission?

Mr Wakelin—No, it is as it stands.

CHAIR—Do you wish to make a brief opening statement?

Mr Wakelin—Perhaps it might be useful for the purposes of the committee to simply restate that, whilst there has been some progress by the Australian Electoral Commission with regard to my submission to the previous inquiry on a range of other matters, the issue of assisted voting, the accountability of such and the informal outcome of that voting remains of concern to me. I hope that we might progress some ideas about how that could be improved, particularly in Aboriginal regions; and how their understanding, and the lack of need for as much assisted voting, be part of the current process.

CHAIR—Could you elaborate on your concerns about assisted voting? I think that would be worth while.

Mr Wakelin—There is some debate about it, but up to 90 per cent or more of the votes cast in many Aboriginal areas are said to be assisted. The informal vote is relatively low, even by national standards. The national standard is four per cent to five per cent. Although the informal vote went up a little at the last election, it is still a little lower than the population at large. So there does seem to me to be some contradiction. I know the AEC has put its views forward on why it is the case, but my concern is that we need to be vigilant and move the whole process forward so that Aboriginal people in particular go to the ballot box to vote as much as possible as individuals exercising a free and secret vote. It seems to me that this process could be better developed to further respect the issue and the sacredness of the secret vote.

CHAIR—Is your concern about the unnecessary intrusion into the secrecy of the voting process?

Mr Wakelin—Yes, it is. There are a range of issues that contribute to that, which we could talk at great length about. It is there in the act that the senior electoral officer has the discretion to appoint people to assist. I think we could do better, and we could diminish the need for up to 90 per cent of people to be assisted to cast their votes.

CHAIR—Do you think that the electoral officials are overassisting or overintruding, or do you think they are responding to expressed requests for assistance?

Mr Wakelin—I do not have any evidence of that. At no point—despite this morning’s press—have I made that allegation against the officials. What I think we need to do, and what I think the AEC would be wise to consider in terms of their report after each election, is advise the community at large and the parliament—under their responsibility to the parliament—how many people they believe have been assisted and how many of the actual staff of the AEC assisted. That would give us open and transparent accountability of what has occurred.

Mr Chairman, there is one thing I have overlooked in terms of adding to my submission. In the letter to you in my submission I mentioned that I would like to see each individual community named—and this is a debate that I have had with the AEC. It would respect the Ernabellas, the Pukatjas, the Pipalyatjaras, the Indulknas and the Yalatas of my electorate. As it does all other places in my electorate, it would respect their home and their place.

CHAIR—I would like to pursue that. One of the advantages of not knowing much about the electorate of Grey is that when I read that I wanted a precise understanding of what you object to and what you would like to see in its place.

Mr Wakelin—At the moment we come under the grand title of ‘mobile booth’. As I understand, it is to do with gazettal and what areas should and should not be in the *Gazette*. I believe that, whilst we could still have the principle of the mobile booth and the collection and could respect the distance and geography, we could have separate names for each community and we could count those for each community. It would be of local interest to those communities to know how it all worked out and they would have their own understanding and be respected as their own community. Then the debate comes back from the AEC saying, ‘We want the confidentiality of individuals in those communities respected.’ That is what I read in one of their responses. But there are many communities in my electorate of similar number and smaller who are on the list for every election and have been for 100 years. It is a relatively small thing, and the only reason I have had given is the space on the aircraft—and I think in this day and age we could find a way around that.

CHAIR—Does it essentially come down to you wanting the various mobile polling booth locations brought together and separated out, rather than having just one mobile polling booth?

Mr Wakelin—That is right.

Senator ROBERT RAY—What percentage of the electorate voted on the day in Grey in 2001?

Mr Wakelin—Approximately 95 per cent.

Senator ROBERT RAY—Voted on the day?

Mr Wakelin—On the day, it would have been approximately, I would think, 89 to 91 per cent. I have not actually done the percentage.

Senator ROBERT RAY—So you lead the country on the vote on the day? That is massively overaverage. At 90 or 91 per cent, you are the only electorate in the nineties Australia wide. Is that right?

Mr Wakelin—I can only offer the basic arithmetic, and that is that 95 per cent of people cast a vote. Around three per cent of people will vote in mobile booths, and we have around six per cent in postal votes and other—

Senator ROBERT RAY—What about pre-polls? What percentage were they?

Mr Wakelin—I do not know—three or four per cent, I guess.

Senator ROBERT RAY—You guess; you do not know?

Mr Wakelin—No, not precisely.

Senator ROBERT RAY—You do not know how many votes were cast on the day. That is the truth, isn't it?

Mr Wakelin—Do you know?

Senator ROBERT RAY—I am not the member for Grey—you are, and you are giving evidence. I am asking you whether you know—and you may not know—how many votes were cast on the day.

Mr Wakelin—I will gladly get the information for you.

Senator ROBERT RAY—But you do not know at the moment?

Mr Wakelin—I have a very good idea. I do not have to know to the last vote to know—

Senator ROBERT RAY—I am not asking you to. What about declaration votes? What percentage of the total formal and informal votes were declaration votes?

Mr Wakelin—Relatively small. About one to two per cent.

Senator ROBERT RAY—So the average Australia wide is 16 to 17 per cent and it is only two per cent in Grey?

Mr Wakelin—That is my understanding, yes.

Senator ROBERT RAY—This is declaration votes, postal votes—

Mr Wakelin—Are you including applications for postal votes?

Senator ROBERT RAY—Postal votes returned, absentee votes returned, pre-poll votes and mobile votes constitute declaration votes. You are telling me it is two per cent in Grey.

Mr Wakelin—I thought a declaration vote had a more clear-cut definition than that.

Senator ROBERT RAY—What percentage?

Mr Wakelin—About 10 per cent.

Senator ROBERT RAY—We will find out later. Let us ignore the five per cent of people who did not vote. Of the total votes cast, formal or informal—that is the easiest way of looking at it—what percentage in Grey do the mobile booths constitute?

Mr Wakelin—As I said earlier, I would estimate between two and three per cent—maybe as high as four per cent.

Senator ROBERT RAY—‘Estimate’, you do not know? You have put in a submission and you do not know. This is central to your submission. You are telling me you do not know.

Mr Wakelin—No, it is not central to my submission. I reject that.

Senator ROBERT RAY—You have put in a submission about mobile booths and you cannot tell us how many votes—percentage or actual—were cast in the last federal election in your electorate.

Mr Wakelin—My concern was for the number of assisted votes of those votes cast.

Senator ROBERT RAY—Mr Wakelin, for us to establish the amount of assisted votes, we would like to know the number of votes cast in the mobile booth, and you cannot tell us that for your electorate.

Mr Wakelin—There were 1,300 in the mobile booths—

Senator ROBERT RAY—You say ‘1,300’; are you sure of that?

Mr Wakelin—in the Pitjantjatjara lands, or in the Aboriginal lands.

Senator ROBERT RAY—I am asking how many mobile votes there were in the electorate of Grey in 2001.

Mr Wakelin—Shall I read them out to you, Senator?

Senator ROBERT RAY—That would be good.

Mr Wakelin—Remote mobile team 1, 894; remote mobile team 2, 294; remote mobile team 3, 43; remote mobile team 4, 78; and remote mobile team 5, 81.

Senator ROBERT RAY—Were there any other mobile votes cast at nursing homes or anything like that?

Mr Wakelin—That is from the AEC.

Senator ROBERT RAY—You are allowed to say no, if you do not know. You have gone to a lot of trouble to put in a six-paragraph submission, so I want to make sure that we understand it.

Mr Wakelin—I have read it out. It is very specific.

Senator ROBERT RAY—I will repeat the question. You have told us what the remote mobile votes are. I am asking: are there any other mobile votes in your electorate for nursing homes or something else? Do you know that?

Mr Wakelin—It is called a remote mobile.

Senator ROBERT RAY—Were there any non-remote mobiles?

Mr Wakelin—There certainly were.

Senator ROBERT RAY—How many votes there?

Mr Wakelin—I do not know if it is the terminology, but I suspect they might be using them in the same mobile teams written here.

Senator ROBERT RAY—Do they use them in hospitals?

Mr Wakelin—There is the definition of ‘remote’, I guess.

Senator ROBERT RAY—I am asking you whether in your electorate of Grey—I am not asking anywhere else, this is the electorate you should know—they are using mobile booths for hospitals and nursing homes.

Mr Wakelin—In my submission, my concern is about my Aboriginal constituents. I have not targeted other mobile booths or remote mobile booths. I have specifically targeted the Aboriginal mobile booths. I am sure that information is available and I am happy to get it for you. Certainly, as you well know, Senator, there is pre-election day voting at hospitals and nursing homes.

Senator ROBERT RAY—I am trying to get a total picture of the voting pattern in Grey. You have made an assertion about informal votes so I want to understand it. You are not assisting me—you are not deliberately not assisting me; you just do not know.

Mr Wakelin—I believe I have a very good idea but I am saying that my focus this morning is on Aboriginal assisted voting and issues with—

Senator ROBERT RAY—I have to tell you something. When we assess evidence, we do not base it on someone having a very good idea. We base it on evidence, not on someone’s hearsay view of that.

Mr Wakelin—That is fine.

Senator ROBERT RAY—We are not getting very far with any of these figures. You make an assertion, but when we try to get the figures behind it, you say that they are not there.

Mr Wakelin—I submit to you, Senator, that I am concerned about Aboriginal voting, the assisted nature of that voting and the issue of respecting those individual Aboriginal communities—who I believe could be treated with greater respect.

Senator ROBERT RAY—When you say in paragraph 2:

... the unusually low informal vote remains ...

I must say, you are the first federal member in history to complain about a low informal vote—what are you referring to there? Are you referring to the totality in Grey or in the remote booths?

Mr Wakelin—I am endeavouring to say there that the issue around assisted voting is really about people who cannot vote getting assistance.

Senator ROBERT RAY—That is not the question I asked you. Thanks for that answer. I did not ask you that question; we might get to that question. In your submission, when you are talking about an informal vote—because you do not actually make it specific—are you talking about remote booths?

Mr Wakelin—I thought I was coming to the unusual nature of it.

Senator ROBERT RAY—We will get to the unusual nature. In that sentence, are you referring to the totality of the informal vote in Grey or the totality of the informal vote in remote mobiles?

Mr Wakelin—In remote mobiles.

Senator ROBERT RAY—What is it?

Mr Wakelin—It was about three per cent at the last election.

Senator ROBERT RAY—What do you mean ‘about’? You must have the figures there. You read out the total figures of votes cast; now give me the informal votes per each one of those remote teams, please.

Mr Wakelin—We can go through it again, if you like.

Senator ROBERT RAY—When you say ‘go through it again’, we have not actually gone through this at all. We have gone through the total votes cast. Now we are about to go through—and I think you read out five; two biggies and three littlies—the number of informal votes per area. So how many were there in remote team 1?

Mr Wakelin—There were 35 in 859.

Senator ROBERT RAY—Hold on.

Mr Wakelin—There were 35 informals in 859 in Remote Mobile Team 1. There were two in 292 in Remote Mobile Team 2. There were two out of the 41 in Remote Mobile Team 3. There were three out of the 75 in Remote Mobile Team 4, and one out of the 80 in Remote Mobile Team 5, which I believe would probably be the one near Port Augusta.

Senator ROBERT RAY—What is the average of informal votes cast in postal votes?

Mr Wakelin—It is 4.5.

Senator ROBERT RAY—In postal votes?

Mr Wakelin—Sorry, did you say postal?

Senator ROBERT RAY—Of course I did. Postal votes are another form of declaration. I want to know what the informal rate is there.

Mr Wakelin—In postal votes?

Senator ROBERT RAY—Yes.

Mr Wakelin—Let me have a quick look.

Senator ROBERT RAY—Either in gross or percentage figures.

Mr Wakelin—The total is 4.57 and I think the postals are a little lower than that. I think they are around four per cent.

Senator ROBERT RAY—Yes, postal votes are traditionally a lot lower. It is a different form of casting your vote from voting on the day, as are mobiles. But you cannot actually tell us a figure for postals?

Mr Wakelin—No.

CHAIR—Is the overall number 4.5?

Mr Wakelin—That is right.

Senator ROBERT RAY—That is not what I asked. I have asked for the percentage of postal votes.

Mr Wakelin—I think the postal vote is a little lower.

Senator ROBERT RAY—You think? You do not have it there?

Mr Wakelin—No, I do not have it with me. I am about assisted voting for Aboriginal people and that is what I am talking about today.

Senator ROBERT RAY—Yes, but have you ever heard of the concept of comparing things? You compare the informal vote there to the total average. I want to compare it to other declaration votes to see if there is anything unusual, and you cannot give us that information. It is your electorate.

Mr Wakelin—I have simply made the point—and I made it in my earlier submission—that there has been some moving back to the norm from the previous election. I have not troubled unduly with the exact number.

Senator ROBERT RAY—Nor with the research. We know that.

Mr Wakelin—The principle, Senator, that I am trying to explain to you—if you do not want to take it on board, that is up to you—is that the detail of it is there in those numbers I have given you. It will not be difficult to develop further information and bring it to your attention. But we come back to a high percentage of assisted votes. I hope that we might be able to talk about some of the ways we might improve literacy, and about those issues for Aboriginal people who need to go to the booth independently and cast a secret ballot.

Senator ROBERT RAY—I see.

CHAIR—I have a question, in an attempt to be helpful.

Senator ROBERT RAY—You are not normally helpful.

CHAIR—I mean to the committee.

Senator ROBERT RAY—I see.

CHAIR—Has there been a change in the number of informal votes registered by mobile booths over the years?

Mr Wakelin—Yes, a quite significant one. In my last submission, which was far more comprehensive, in the previous parliament—

Senator ROBERT RAY—We don't have that.

Mr Wakelin—It is certainly available and it is on the record. We have gone down from 15 per cent. I cannot quote it to you exactly, over the last five elections, but I can tell you that it is available on the database.

Mr MELHAM—I would have thought that it was a good thing that your informal vote went down.

Mr Wakelin—I agree, but we come back to this issue of assisted voting. In my view, it comes back to some of the issues around education, postal services in the Pitjantjatjara lands and the way that we try to apply an electoral system to Aboriginal communities. Having people

in the polling booth endeavouring to persuade people to vote one way or the other is something that you would not normally have in other booths.

Mr MELHAM—Have you got evidence of that? That is a pretty serious allegation. There is no evidence before the committee of that.

Mr Wakelin—No. It is not something that people are going to come before committees and talk about. But I can assure you that I heard it from reputable people, particularly in the 1998 election and in this last election. I attended a state election here in March of this year and went around to all the booths—the same places—and there was some evidence of that but not to any great degree, not to the extent that—

Senator ROBERT RAY—You say ‘some evidence’. Put some evidence on the table right now.

Mr Wakelin—Of?

Senator ROBERT RAY—Of what you have just said. You said there was ‘some evidence’. I am looking for the some evidence. You have ‘maybe’ in your submission. It says, ‘maybe encouraging voters to do.’ Put one case in front of me.

Mr Wakelin—You can paint the picture that you want. I simply say to you that, when you are in Central Australia a thousand kilometres from everywhere you cannot get people there other than at great cost. There are no scrutineers.

Senator ROBERT RAY—I understand all that.

Mr Wakelin—No, I do not know that you do.

Senator ROBERT RAY—Yes, I think I do.

Mr Wakelin—I think we need to accept the fact that it is not as easy to get the sort of evidence that you would have me present to you. I am reluctant to be there obviously because I am a candidate in the federal elections. It costs a fortune to put people in there. This is not about politics.

Senator ROBERT RAY—I agree. This is one thing we agree on.

Mr Wakelin—My margin in Grey is not about the political outcome; it is about giving Aboriginal people a fair go and some fairness of access to vote without having to be assisted.

Senator ROBERT RAY—It is about you putting forward theories. I am again inviting you—and I am serious about this—to put evidence of one case before us so I can take it seriously.

Mr Wakelin—One case of what?

Senator ROBERT RAY—Have you got evidence of one case of people influencing voters? You say, ‘maybe encouraging voters to do’ so. I am asking you to produce one case here now. You have had since your complaints in 1998 and the election in 2001 to produce one case.

Mr Wakelin—Let us read it:

The unusually low informal vote remains an issue to me!

Senator ROBERT RAY—Hold on, produce one case. Produce one letter where you have complained to the Electoral Commission that one elector out of 90,000 or 88,000 in Grey has been influenced.

Mr Wakelin—I went through that in 1998. I do not go to the AEC. We have a wonderful relationship with the AEC. They are good, professional, efficient staff.

Senator ROBERT RAY—Can you produce one case?

Mr Wakelin—I bring it to committees like you to look at the broader issues.

Senator ROBERT RAY—We are not the compliance committee. We are not the FBI. No, do not send the petition over; I am not going to sign it.

Mr Wakelin—Okay.

Senator ROBERT RAY—I am asking you to produce one case before this committee so we can take your letter seriously. Have you got a case?

Mr Wakelin—What you are asking for is a witness to come forward and say, ‘This is where I was unduly influenced.’

Senator ROBERT RAY—No, I am asking you whether a witness has come forward and put details of names in your hands?

Mr Wakelin—No—

Senator ROBERT RAY—No?

Mr Wakelin—because—just hear me out—those individuals need to work in those communities and they are not into the business of politics. They make informal representations to me in a genuine sense and that is all I can offer you. Let us come to the real issue why I am here today. Let us come to the assisted voting and the huge number of assisted votes. It is unusual—and I still say it is unusual—given the general understanding of illiteracy and the reason assisted votes are given. We come to the issue of literacy and how we can get Aboriginal people to have a secret vote of their own will without assistance. Surely that is not unreasonable?

Senator ROBERT RAY—I certainly will come back to that. Is it not just a little illogical? He cannot produce a case so I will note that in the evidence. You have not produced a case.

CHAIR—No?

Senator ROBERT RAY—No, he has not, Chair. Not one elector has been produced who has been assisted in any way to vote the wrong way.

CHAIR—Mr Wakelin has said that he has had a significant number of informal representations that this has occurred.

Senator ROBERT RAY—That is just hearsay. We want one name, Chair.

Mr Wakelin—Senator Faulkner made the same argument last time, Senator Ray. I understand why—

Senator ROBERT RAY—I did not know that. Obviously great minds think alike.

Mr DANBY—I was actually going to raise that because I want to confirm that we are in the same situation as we were last time. I was on the last committee and heard your evidence, and a lot of the same points are being made. To be frank, since you have been here before and have been questioned by Senator Faulkner, I would have thought you might have prepared some of these comparative statistics that Senator Ray is asking for, or give us some specific examples of people who say that Aboriginal voters are influenced in that way. There is no change: you do not have specific individuals who the Chair or the Deputy Chair can be told about confidentially. This is all hearsay.

Mr Wakelin—Sure. I can encourage people to come forward, but I respect the fact that they work in small communities and that they do not want to get embroiled in political debate about these issues.

Senator ROBERT RAY—Let me ask you this question: do you allege that any electoral official, either full time or part time, employed by the Australian Electoral Commission, is acting corruptly in this matter?

Mr Wakelin—I have no evidence that they have.

Senator ROBERT RAY—You make no allegation?

Mr Wakelin—And I have not made any allegation.

Senator ROBERT RAY—Good thinking.

Mr Wakelin—And I have, once again, anecdotal suggestions from some individuals—and I know the AEC are addressing this, although not in this past election but in the previous election—that the education program needs to be carefully scrutinised.

Senator ROBERT RAY—In every one of these votes cast in a remote booth there is an AEC official, either full or part time, present. It can be done either way. You are not making any allegations as to corruption, bias or anything else, are you?

Mr Wakelin—I have never made that allegation against them.

Senator ROBERT RAY—That is right.

Mr Wakelin—I am saying that the system has the potential to be corrupted by the fact that we do not recognise the high number of assisted votes—

Senator ROBERT RAY—You can count them as one piece of evidence.

Mr Wakelin—We do not recognise the high number of assisted votes and the relatively low level of informal voting.

Senator ROBERT RAY—Doesn't it make sense to you that if you want an assisted vote the last person you go to is an illiterate, that in fact you ask someone who is competent to cast a formal vote? Therefore, in assisted votes, naturally the informal rate will be far lower than the rest of the community.

Mr Wakelin—What I had hoped to come to today was that we might ask whether our education system is developing the system well enough, whether our system of civics is developing sufficiently strongly so that people clearly understand what their rights are—

Senator ROBERT RAY—You amaze me! I will take up that point. It was your government that in 1996 directed the Electoral Commission to slash its budget, to take away all education processes for Indigenous Australians. You sacked 19 teams—

Mr Wakelin—I am not talking about my government, Senator Ray; I am talking about education departments—

Senator ROBERT RAY—Well, I am, because you are part of it. You voted for the budget. Fair dinkum! You complain about not enough funds for Indigenous education. You are part of it: 19 teams were sacked.

Mr Wakelin—I am talking about the capacity of an education system to deliver.

CHAIR—Could we move to your suggestions about how this issue could be addressed?

Mr Wakelin—Could I have the opportunity to say that I believe the AEC could help by giving us a clear picture of the assisted voting, and their reasons. I think it is important that they bring it out in their annual report. I know they have done a report on informal voting. That was done, I understand, after this last election—or certainly on the previous election. The AEC I think have a role to play, and I would welcome their input and advice. I think we need to have recorded in a transparent way the number of assisted votes in the Aboriginal part of my electorate, and perhaps in other parts of the electorate, to give us an indication of what we are really dealing with.

As far as the education component for improving literacy issue is concerned, where English is not the first language I think we need to understand what efforts the state education system is

making in assisting our Aboriginal schools. There has been a huge investment—tens of millions of dollars a year—in our Aboriginal schools, and I would be very interested to see what efforts are made there in terms of the civics and their fundamental right to have a secret vote in their own right expressing their own opinion. I think it is very important that they understand their fundamental human rights and, a small matter—I know it is only a small matter—it is important to respect the individual communities because they have a sense of place. They have a sense of their own community. There is a concern about attendance at the voting booth—whether people are aware of it and those sorts of things. We could do a lot better in encouraging people to get to the booth. Just by naming those booths and having a record—

Mr MELHAM—How does that relate to secrecy, Mr Wakelin?

Mr Wakelin—Could I just complete the answer, and then I will certainly answer Mr Melham to the best of my ability. I think that by having the individual communities named, then we just have a transparent process of what is actually occurring in communities and a respect and a linkage by people to their own community.

Mr MELHAM—It just seems to me that your argument is inconsistent. You want secrecy of the community and the vote respected. Yet you want to name the individual voting patterns in each community. Isn't the Electoral Commission doing exactly what you are asking by just having remote booths one, two, three, four, five—

Mr Wakelin—No, and I think that is gross misrepresentation, with great respect, Mr Melham.

Mr MELHAM—Why?

Mr Wakelin—Because, as I made the point earlier, I have communities all through my electorate of under 100 people. There are various standing jokes about who voted this way or that way, but that is not the point.

Mr MELHAM—There might be standing jokes. Where is the evidence that one voter in your electorate was influenced—

Mr Wakelin—I was trying to make a point in a relatively friendly way. If you want it hard and tight—

Mr MELHAM—No, I want it accurate.

Mr Wakelin—It is accurate to say: if you look at the voting booths in the electorate of Grey, you will find that at many of them—probably a score of them—under 100 voted. They just registered there their normal voting intention, the same as every other voting booth in Australia.

Mr MELHAM—I am just interested as to how it assists the process. Does that mean that you can then turn around and make further allegations in relation to the way the booths vote?

Mr Wakelin—Not at all. I have not made any accusations—

Mr MELHAM—In today's *Courier-Mail*—

Mr Wakelin—I am concerned—

Mr MELHAM—Let me finish. In today's *Courier-Mail*, the allegation you seem to be making—

Senator ROBERT RAY—It is the *Adelaide Advertiser*.

Mr MELHAM—The *Advertiser*, sorry. In today's *Advertiser* the allegation seems to be that there is a high vote for a particular party in these remote communities, and the allegation seems to be that officials are aiding that.

Mr Wakelin—With regard to the article by Phillip Coorey, he quoted me in there, in my absence—

Mr MELHAM—You did not speak to him?

Mr Wakelin—Not until after the article was written. So let's just let it rest there. It is probably what I would have said, though.

Senator ROBERT RAY—Oh, you are not going to correct it at the first available opportunity.

Mr Wakelin—No, but the way he quotes me, and the headline and all the rest of it, is nonsense; absolute rubbish.

Mr MELHAM—And you have no evidence of a single vote being influenced by an official in your electorate?

Mr Wakelin—I have evidence that is significant to me but not any evidence that would come before a committee by individuals who are prepared to do that. And I am not going to put them through that pain.

Senator ROBERT RAY—Have you seen Elvis in your local supermarket recently?

Mr MELHAM—I just want to go back to the education situation. You voted for the 1996 budget that slashed the Aboriginal education component of the Australian Electoral Commission?

Mr Wakelin—I do not believe it was slashed. I believe there may have been some adjustment across the nation. Let's not forget that the biggest amount of money on education is spent by states—

Mr MELHAM—But the Australian Electoral Commission—

Mr Wakelin—And federal government assistance has been greater over the last five years than at any point in the previous—

Mr MELHAM—Mr Wakelin, at that time the Australian Electoral Commission had devoted considerable resources to help literacy levels and to educate the Aboriginal community in registering formal votes. The 1996 budget slashed the AEC's ability to do that. Do you remember that?

Mr Wakelin—I will accept your advice on that, Mr Melham, but let us just remember that education is fundamentally the responsibility of the states. The issue of literacy is not the responsibility of the AEC.

Mr MELHAM—What I am saying is that in 1996 the Australian Electoral Commission had specific resources—

Mr Wakelin—Do you accept that literacy is not the responsibility of the AEC?

Mr MELHAM—What I accept in respect of the AEC is that they try not to influence votes but to assist people to register formal votes. In 1996 there was a specific unit of the Australian Electoral Commission devoted to assisting Indigenous communities across Australia in the electoral process in terms of their knowledge, their education and their understanding of the system. The 1996 budget slashed that unit. You come here and complain about literacy levels yet you voted for a measure in 1996 that impacted on the Indigenous community.

Mr Wakelin—Literacy is not the responsibility of the AEC and, simply put, the responsibility for literacy—in any community, Aboriginal or otherwise—lies with the state education departments and other educational institutions.

Senator ROBERT RAY—Are you aware that Mr Bill Gray, the then Electoral Commissioner, gave evidence at a Senate estimates committee that he did not want to sack the 19 teams that he was directed to sack by the government. It was a specific direction made by the government. So instead of having AEC teams assisting Aboriginals to learn how to vote—

Mr Wakelin—We could go into dim, dark history about the reasons behind budgetary constraint, Senator Ray and Mr Melham, but surely that is not what we are here to talk about.

Senator ROBERT RAY—It was not a question of budgetary restraint.

Mr Wakelin—We are here to talk about Aboriginal voting.

Senator ROBERT RAY—That is what we are talking about.

Mr Wakelin—I think we can talk about the responsibility for literacy lying essentially with the states. I look forward to the state and Commonwealth cooperating in that.

Senator ROBERT RAY—What by cutting out the educational teams?

Mr Wakelin—No, there have been very significant increases in funding to education in this state and every other state and territory in the Commonwealth.

Senator ROBERT RAY—Not as a specific direction.

CHAIR—My concern is that, if we keep on going in this direction, we will start talking about \$10 billion deficits.

Mr MELHAM—I am interested in this evidence. Serious allegations and slurs have been made.

Senator ROBERT RAY—And conspiracy theories, as usual.

CHAIR—We are also going back into budgetary measures of six years ago. If we go down that track then we are going to end up talking about \$10 billion deficits.

Mr DANBY—I think, with the greatest of respect, Mr Chair—

Senator ROBERT RAY—It is a matter of hypocrisy, Mr Chair.

CHAIR—Let us stay with the point.

Senator ROBERT RAY—If it is good enough for him to smear electoral commissions then we want to know how hypocritical his position is, and we are establishing that.

CHAIR—No, the reality is that if we start talking about specific budgetary measure then we will go back and start talking about \$10 billion budget deficits undeclared.

Mr Wakelin—I am enjoying this, Chair. This is what I expected today. I am glad that I have come.

Senator ROBERT RAY—I tell you why I am not enjoying this: it is because we have to put up with these ratbag conspiracy theories at this committee, one after the other, without evidence. You are a member of parliament, Mr Wakelin. You have a higher responsibility before you put out these smears in your submission and the press. What we want is evidence.

Mr Wakelin—And we will not get into the definition of ratbag, Senator Ray.

Senator ROBERT RAY—Give us some evidence. You will not.

Mr Wakelin—The evidence is available and the AEC can assist us with it.

Mr MELHAM—I take it that Mr Gray cannot produce evidence of any instance where the Electoral Commission stopped him from providing scrutineers or having people within the current framework monitor the situation.

Mr Wakelin—My role is simply to support the AEC; that is the whole purpose of my submission. I have already said that the AEC can assist remarkably in a whole lot of ways. If you want to get excited about a headline, that is up to you. That is totally bogus. You cannot find any evidence where I have said that the AEC is corrupt or have made any suggestion of corruption of officials. That is nonsense.

Mr MELHAM—But in terms of the suggestion that it is not a transparent or open process.

Mr Wakelin—Yes, absolutely.

Mr MELHAM—There has never been an instance where the electoral commission has denied you the opportunity to place booth workers or scrutineers, within the confines of the act, in any remote booth or location, has there?

Mr Wakelin—No, and I have never suggested that they did not. But let us have a look at the costs, whichever party is in power.

Mr MELHAM—You are not suggesting that the Electoral Commission should bear your costs for running your campaign against the Labor Party.

Mr Wakelin—No. This is so Sydneycentric, Mr Melham. The reality is that it will cost thousands of dollars—

Senator ROBERT RAY—This is the redneck argument.

Mr Wakelin—Well that is the normal label: redneck. But let us look at the evidence. There are thousands of kilometres of distance. It costs a fortune to get people there and generally it is not seen to be affordable by both sides of politics. Let us strip the politics out of it and get down to improving it.

Mr MELHAM—The inference in that article published today is that the AEC is not impartial. What I am trying to establish is that, notwithstanding the fact that you cannot afford to get your booth workers there, there is not one scintilla of evidence—

Mr Wakelin—You cannot either.

Mr MELHAM—Okay, I accept that. But there is not one scrap of evidence, which you or anyone else can produce, that shows that Australian Electoral Commission officers and officials have not acted independently and have not done their job, which is to assist voters to vote the way that they want to. There is no evidence that you can produce or are willing to produce for this committee, is there?

Mr Wakelin—It was never my endeavour to do that.

Mr MELHAM—I accept that.

Mr Wakelin—Okay. Why are you saying it?

Mr MELHAM—What I am saying is that there is a transparent, independent electoral commission that operates our elections. What I am interested in is that there is no evidence you can bring before this committee to suggest that the Electoral Commission has played a partisan political role in the way these votes have been cast or assisted, is there?

Mr Wakelin—I have said that the AEC have a role to play in improving the situation.

Mr MELHAM—I do not dispute that.

Mr Wakelin—I believe that, through the assisted voting system, we need to know how many there were. We need to know the difference between those families who assist and those from the AEC who assist. I want to know how it is done, how the preferences are distributed, what sorts of systems—

Mr MELHAM—Preferences, Mr Wakelin, are now counted. There is a two-party preferred count.

Mr Wakelin—But is it by voice or is it by the ticket? These are the sorts of things—

Mr MELHAM—What do you mean ‘by voice or by ticket’? There is a manual count that occurs.

Mr Wakelin—We have got to think about this. Does someone actually stand there and say, ‘Now, do you want candidate A, B, C, D or E?’ How do we actually direct someone? The difficulty is of a secret vote, of someone actually writing it down as someone tells them. It is quite a fundamental—and I say it is a sacred—thing.

Mr MELHAM—But that is why you have independent officials that can assist them or friends. You have no evidence that you can place before this committee—

Mr Wakelin—But I am interested in how the evidence of casting a vote is translated into the actual vote. It is not a deliberate conspiracy; it has got nothing to do with that. It is how it is done in a very specialised situation.

Mr MELHAM—Have you spoken to electoral officials in relation to that? Have you spoken to electoral officials as to how it is done? Have you spoken to scrutiny?

Mr Wakelin—I have. I have had correspondence from Andy Becker. We have exchanged extensive correspondence on this.

Mr MELHAM—So it is not unique to your electorate, is it? It is in the electorates of the Northern Territory and Kalgoorlie and in Mr Katter’s electorate in Queensland.

Mr Wakelin—Absolutely; you are quite right.

Mr MELHAM—As I understand it, I have not seen any complaints from any of those gentlemen—there are no women who are representing those electorates—in the last couple of elections. The complaints seem to be coming basically from you.

Mr Wakelin—Well, I have a particular interest in these issues, and I would like to see Aboriginal people come forward and vote independently and freely in a secret vote. I have quite a strong view about that.

Mr DANBY—I have a couple questions for you that emerge from the last hearing when you also appeared on this matter. It is to take up Senator Ray's point. Have you got any evidence that the informal vote in your electorate at remote mobile booths is any greater than it is in any other electorate in South Australia? This is a question you were asked by Laurie Ferguson, and we want to know if there are any comparative statistics.

Mr Wakelin—There would be just about no, if any, other mobile booths, remembering that I have over 90 per cent of the area of this state. Really, it is not an issue that I would expect would arise in other electorates.

Mr DANBY—Have you made any comparison with any of the other electorates around Australia where there would be large numbers of remote mobile booths in the Aboriginal community?

Mr Wakelin—I have, but not in any great detail. In the Northern Territory election, there were certain comparisons made, and they certainly came out in a report about the assisted voting there. It was clearly on the public record.

Mr DANBY—But what is on the public record? Have you got any difference in the percentage of assisted votes that are informal or formal in remote mobile booths in your electorate compared to the Northern Territory? Are you suggesting to this committee that you have specific numbers and percentages that show that in your electorate the situation is radically different than in other electorates?

Mr Wakelin—No, I do not have that evidence, but my evidence was not in any way shaped to do that. It was to try and understand the nature of assisted voting, how you might move that to a very transparent and accountable methodology and how we can get Aboriginal people to a point where they do not need as much assisted voting. That is the whole purpose of my presentation.

Mr DANBY—Can I go to another question that Mr Ferguson took up with you at that time? That comes to something that Senator Ray said. Isn't it quite natural that, if non-English-speaking voters are to request an assisted vote, there would be a drop in the informal vote? Wouldn't that be a nonconspiratorial explanation for it?

Mr Wakelin—It may well be, Mr Danby, but it does seem to be almost a contradiction that we have a literacy issue and, because someone else is filling in the ballot paper for them, you actually end up with a different outcome. I just find that a little bit inconsistent with what I believe is the intention of a secret ballot where it is very important that that be respected.

Mr DANBY—But you are not necessarily ending up with a different outcome; you are ending up with a more formal vote. Surely the purpose of the Electoral Commission is to make sure as many people as possible who are eligible vote formally.

Mr Wakelin—Yes.

Mr DANBY—I do find your submission a bit unusual. My electorate has one of the lower formal votes, because we have large numbers of people away. In my experience, we work very closely with the local electoral office to do everything we can to increase the formal vote.

Mr Wakelin—Yes, absolutely.

Mr DANBY—So I have the converse of your concerns. That is why I find the thrust of your submission, unless you have evidence of people corrupting the vote in some way, to be unusual.

Mr Wakelin—I am very interested in the connection and I think that it is important that we do understand the connection, because anything that moves away from the pure, private, secret vote is something that is not quite as down the line. There are exceptions, and the Electoral Act allows for those. Where English is not a second language, you are able to create in the same way a lower informal vote than other electorates—that is what you are saying to me.

Mr DANBY—That is very much the case.

Senator ROBERT RAY—I want to follow up not what is in your submission but evidence you gave early on to make sure I understood it. We referred to an article in today's *Adelaide Advertiser* and much of that could be drawn either from backgrounding somewhere or from your submission. I want to be clear. You did give evidence that you did not speak to Mr Coorey before the publication of this?

Mr Wakelin—I can only go on the word of Mr Coorey when I spoke to him at five o'clock last night. He said that the article was already written and they were running with what they had got. He said they had tried Friday and Sunday, but I live in an area where mobile phones do not always work.

Senator ROBERT RAY—The clear impression you gave me was that you had not spoken to Mr Coorey—and we will check the record of evidence later on.

Mr Wakelin—I am sorry if I gave that impression. Certainly he assured me that the article had already been filed.

Senator ROBERT RAY—I see. It says in this article:

Mr Wakelin said yesterday the essence of the matter was how genuine were the votes to Labor in the remote areas when more than 90 per cent of the voters were given assistance.

So you did not tell him that?

Mr Wakelin—You can see that it is not in quotation marks, so no.

Senator ROBERT RAY—Well, straight after, it is in quotation marks—but you did not say that to him?

Mr Wakelin—No.

Senator ROBERT RAY—He made it up? You presume he made it up, because you did not say that to him? Where he says, ‘Mr Wakelin said ... ’—that is not true?

Mr Wakelin—He made an interpretation of the submission, shall we say.

Senator ROBERT RAY—Yes, but elsewhere he quotes from the submission. Here he says:

Mr Wakelin said yesterday ...

So Mr Coorey is not telling the truth?

CHAIR—I think we need to be a bit careful.

Senator ROBERT RAY—We do—we do not want to before the Senate Privileges Committee for misleading evidence! That is why I am going to pursue it, Chair, so we can establish the truth. When he says, ‘Mr Wakelin said yesterday ... ’ he is not telling the truth, because you did not?

Mr Wakelin—Sorry?

Senator ROBERT RAY—In the article, right at the bottom—have you got the article in front of you?

Mr Wakelin—Yes, I have.

Senator ROBERT RAY—I have a photocopy, so we may be working off a slightly different paragraph layout, but at the bottom of the first column in mine it says:

Mr Wakelin said yesterday the essence of the matter—

and it goes on. I am saying, given your evidence, you did not say that to him?

Mr Wakelin—Certainly not in those words, no. But he has not put it in quotation marks. He has drawn an inference from the submission.

Senator ROBERT RAY—No, he has not. He said, ‘Mr Wakelin said yesterday ...’. Everything else refers to the submission.

Mr MELHAM—The inference is you talked to him.

Senator ROBERT RAY—It does not say: ‘He said yesterday in his submission ... ’

Mr Wakelin—Yes, I know. You had better ask Mr Coorey.

Senator ROBERT RAY—He then quotes you:

“I still keep asking the question,” he said.

Is that untrue?

Mr WAKELIN—I did not say that in that context.

Senator ROBERT RAY—I have to say that it is serious if an MP—

Mr Wakelin—I am regularly misquoted by the media and I am not too drastically concerned.

Senator ROBERT RAY—I am more concerned that you are being verballed here. Obviously, you did not speak to him on this.

CHAIR—I am concerned that you are being verballed by more than one person, actually!

Mr WAKELIN—I spoke to Phil Coorey about 5.30 yesterday afternoon. He told me that the story had already been filed, so that is where it rests.

Senator ROBERT RAY—He told you it was filed, so we now know that you spoke to him at 5.30 yesterday.

Mr Wakelin—Yes, 5.30—it might have been closer to quarter to six.

Mr MELHAM—How long for?

Senator ROBERT RAY—No, I am not going to ask that.

Mr MELHAM—Okay, sorry.

Senator ROBERT RAY—I am just asking, Chair, now about where Mr Wakelin is quoted.

CHAIR—My understanding of what Mr Wakelin said that could be of assistance was that, when he spoke to Mr Coorey, Mr Coorey told him the story had been filed—

Mr Wakelin—That is right.

CHAIR—and that filed stories are not stories that are changed or added to—I know my way around the press just a bit.

Senator ROBERT RAY—So, Chair, what I am trying to establish now is whether Mr Coorey might have refiled his story and verballed Mr Wakelin on the first paragraph I have mentioned and actually accurately quoted him on the second. Is that the case?

Mr Wakelin—I think I have already said on the record that it is possibly what I would have said if he had asked me.

Senator ROBERT RAY—Oh, I see—he read your mind?

Mr Wakelin—Yes, a bit.

Senator ROBERT RAY—He read your mind?

Mr Wakelin—He did, to a degree, Senator.

Senator ROBERT RAY—That is pretty easy to do!

CHAIR—Mr Wakelin, thank you very much. Do you want to make a final, concluding statement?

Mr Wakelin—Thank you very much. Can I simply sum up by saying that there are no political opportunities in this for me. Clearly, the seat is regarded as a relatively safe Liberal seat. It is not a matter of political advantage; it is a matter of trying to understand from the AEC's perspective—and, as I have said, they have a role to play—assisted voting and we directly get Aboriginal people to a point where they are having a secret vote according to their own will and without assistance.

Mr DANBY—I have one question before you conclude, Mr Wakelin. Does that mean you are in favour of the restoration of the Aboriginal education services conducted by the AEC?

Mr Wakelin—I am in favour, Mr Danby, of certainly any appropriate education, particularly with the state education system, to develop appropriate literacy levels.

Senator ROBERT RAY—And, if we could kick the informal vote up in your electorate, what would you like it to be?

Mr Wakelin—I would like the informal vote to be very low.

Mr MELHAM—Given the fact that the Commonwealth has responsibility for Indigenous people in the Constitution, do you see a Commonwealth role and not just a state role?

Mr Wakelin—I think we have concluded, gentlemen. I think we will have to continue this at another time.

CHAIR—I think you and Mr Danby should get together and discuss issues of non-English-speaking informality at another committee.

Mr Wakelin—Thank you very much.

Proceedings suspended from 10.52 a.m. to 11.00 a.m.

CRABB, Mr Deane Fullarton, Secretary, Electoral Reform Society of South Australia

CHAIR—The committee welcomes you to today's hearings. We have received your submission, which has been numbered 97 and has been authorised for publication. Are there any corrections or additions that you would like to make to the submission?

Mr Crabb—Not at this stage.

CHAIR—Do you wish to make an opening statement?

Mr Crabb—I would like to make a few comments. I would like to highlight three parts of the submission. The first part I will refer to is the method of election. This society supports proportional representation and the quota preferential method of proportional representation. I was pleased to see that the committee, at the hearings last week in Sydney, had evidence from the Greens from New South Wales and the Progressive Labour Party, both of whom support proportional representation.

We have attached to our submission an analysis that was done by the Proportional Representation Society of Australia. We are the South Australian branch of that society. That analysis is the first approximation of what the result may have been if we had had proportional representation at the last federal election. Obviously if we did have multimember electorates and proportional representation, the electorates would have been different from what we had for the last federal election. The way people voted would also have been totally different, but this is only a first approximation of what the results may have been. I just want to highlight that.

In our submission we also talk about above-the-line voting for the Senate. We would like to see above-the-line voting abolished. Instead, we would like optional preferential voting where, although there might be 76 candidates, if a person wanted to vote for only two or three of them, that would be a valid vote. We do not see any need to fully mark the whole ballot paper. I think the committee needs to look at above-the-line voting for the Senate, particularly given that the changes to the New South Wales Legislative Council voting mean that not only will people be able to vote above the line with a '1' but also they will be able to put preferences against the different party groups.

The other thing that concerns us is that, if we do keep above-the-line voting, the public is not well informed about what above-the-line voting means. We wonder whether political parties will say, 'Just vote 1 above the line.' The parties need to explain where the preferences are going. We are also concerned that the Electoral Act talks about leaflets or pamphlets being prominently displayed in polling booths. From our experience, that is not quite happening. The Vice-Chairman of the Electoral Reform Society of South Australia asked to see the leaflet or the pamphlet, and he was directed to the people handing out how-to-vote cards. The electoral officials could not help him. In my case, I asked for it and eventually they found the pamphlet, but often these things are not prominently displayed. Also, the electoral officials are sometimes not aware of that part of the act.

Under the heading ‘Other aspects with the method of electing the Senate’, I briefly mentioned the procedures for calculating transfer values and for transferring surplus votes. We believe this needs to be reviewed. Since we put in our submission, I have been shown a copy of a publication of the Western Australian Electoral Commission entitled *Determining the result: Transferring surplus votes in the Western Australian Legislative Council*, which looks at the various methods of calculating the transfer values of votes in a proportional representation count. I have a copy with me. I am not sure of the copyright, but I can leave a copy with the committee or I can use it as a reference to get copies from the Western Australian Electoral Commission.

Senator ROBERT RAY—There is nothing defamatory in it, is there?

Mr Crabb—No. I think it is a public document. It is just that I have taken a whole copy of the document.

Senator ROBERT RAY—I move that we accept a copy of the document.

Mr MELHAM—I second that.

Senator ROBERT RAY—You do realise why we always have to ask?

Mr Crabb—Yes, but I was worried about the copyright.

CHAIR—Mr Crabb, I want to take up one point to begin with. At the end of your submission you have a section entitled ‘Publicity for this Inquiry’, where you make a variety of points. I am concerned about the last sentence of that section, of which I think you are the author. It reads:

Are you trying to limit the number of submissions the Committee receives?

There has been very extensive advertising for this inquiry. Advertisements have appeared in the *Weekend Australian*, the *Sydney Morning Herald*, the *Age*, the *Brisbane Courier-Mail*, the *Adelaide Advertiser*, the *Perth West Australian*, the *Canberra Times*, the *Hobart Mercury*, the *Centralian Advocate*, the *Northern Territory News*, the *Sydney Daily Telegraph* and the *Melbourne Herald Sun*. In addition, there are a number of parliamentary web sites on which this committee’s work is outlined and which I am sure you would have access to. There has been quite an extensive mail-out; unfortunately not embracing your particular group, but there has been quite an extensive mail-out. There is also ongoing advertising in the *Australian* by the parliament outlining its committees—every second Tuesday. So I must say, as chair of this committee, that I was a bit taken aback by your question as to whether or not we are trying to limit the number of submissions; quite the opposite. I hope you will accept my assurance, unless you wish to develop the point yourself.

Mr Crabb—That is good. I am pleased to hear there is actually a mailing list. I was told that there was going to be an advertisement in the *Weekend Australian*. I actually looked through the paper, but I missed it at that point in time, after ringing people. It is difficult when it is an advertisement in the paper. You do not necessarily see it, even when you are looking for it. We need to have it promoted as many ways as possible, and it is good that there is a web site and a mailing list.

CHAIR—And you also comment:

Why is there never any mention in Federal Parliament this Inquiry is to be held?

A large number of parliamentary publications do mention it. It is quite important that we square that one away, because nothing could be further from our minds than trying to minimise the number of submissions.

Senator ROBERT RAY—I dissent from that view. Although I back the chair up in everything else, I would like a limit. This certainly does not refer to your submission, because yours is well considered. I would like to knock some of the ratbag submissions out, even before we have to sit down and do group therapy with them. But I assure you yours is not one such.

Mr MELHAM—I want to correct the record in terms of one matter in Mr Crabb's submission. On page 3 of his submission Mr Crabb quotes a previous Prime Minister as referring to the Senate as 'unrepresented swill'. I think the actual words were 'unrepresentative swill'.

Senator ROBERT RAY—I had to answer a question at question time immediately after that comment, so I—

CHAIR—What was the answer?

Senator ROBERT RAY—That we were unrepresentative but we certainly were not swill.

CHAIR—Senator Murray, you missed out on the last question time, so think we could start with you.

Senator MURRAY—No, I deliberately left the field to others. I concurred with the line of questioning that had been undertaken. I thought the lack of evidence was actually a problem, so I did not think I could put it any better than had been put by the other members. Thank you, Mr Chair. I acknowledge for the record that Mr Crabb and his organisation have a long and very credible and very consistent record of presenting views to this committee in the interests of Australian democracy generally. I welcome that, and I record a personal bias in favour of many of your works.

I want to deal first, if I can, Mr Crabb, with above-the-line voting for the Senate. One idea that has been put around is that lodged tickets should be done away with, and you would either have preference voting below the line—so, if there were 40 candidates, one to 40—or preference voting above the line—there might be eight parties and two groups, and you would vote across horizontally from one to 10. How do you react to that view?

Mr Crabb—The society as a whole is opposed to above-the-line voting. What above-the-line voting actually does is make you vote for a ticket, and you cannot decide, if you want to to put a '1' next to the Labor Party, that you want certain Labor candidates. You are stuck with the order as provided by that party ticket. We are opposed to above-the-line voting because you are supporting ticket voting in that way. I would prefer to do away with it. If you are going to keep above-the-line voting, I think that is probably a variation that is better than having to put a '1' as

you have to go by the choice of that party, not only for their own candidates but for all the other candidates on the ballot paper. At least if you can choose which political party you want to support that makes it a lot easier. I know in the case of the Australian Democrats they usually put up two voting tickets, so that splits 50-50 between Labor and Liberal. If people had a choice, the voters would actually be choosing whom they wanted, if given that preference above the line.

Senator MURRAY—The proposition is put that most people vote for a party, not for the candidate, and that is a proposition put for both lower house and upper house seats. Obviously there are exceptions to that rule where individuals carry a very substantial personal vote. The proposition I have spelled out to you actually carries that view to its logical conclusion, namely, that with above-the-line voting horizontally people will vote for the party of their choice in descending order of preference and with the normal preference flow consequent to that, and if they choose to vote for individuals they will be able to mix and match below the line as they currently do. My memory is that South Australia is one of the strongest in below-the-line voting—I think up to double figures, certainly.

Mr Crabb—Tasmania is certainly the biggest state.

Senator MURRAY—Tasmania is the biggest, yes. Would you regard that as an improvement to the current system, or would you still like to see above-the-line go altogether?

Mr Crabb—I would still like to see above-the-line go altogether but, if we are going to be stuck with above-the-line—which I think we are—what you say would be a big advantage for the voters. They could actually choose the political parties in the order they want rather than be stuck with putting a ‘1’ next to the party, which would go for the whole voting ticket.

Senator MURRAY—The next question relates to Senate vacancies. There has been a fair bit of media publicity and editorial comment recently on Senate replacements who are appointed as a result of resignations and retirements, and there have been some interesting comparisons showing, prior to the constitutional change, how low the percentage was of that occurring—people retiring and so on—and how it has increased since. How do you envisage this countback system operating? I was a little confused by the phrase that you would ‘exclude the retiring senator’s votes’. I wonder if that meant exclude them entirely or exclude them in the sense that the Electoral Act means, which is that first you count them and you flow the preferences and then you exclude the candidate.

Mr Crabb—Yes, the second option. If you put a ‘1’ next to the retiring senator, you forget the ‘1’ and you go to the voter’s next preference.

Senator MURRAY—His or her votes would be distributed as normal.

Mr Crabb—That is right, yes.

Senator MURRAY—That is easy enough to understand.

Mr Crabb—And the countback method is used in both the WA upper house and the Tasmanian House of Assembly.

Senator ROBERT RAY—In fact, this process would exist if a Senate candidate died in a particular set of circumstances, wouldn't it? They would just be excluded. If a Senate candidate dies who in fact would have got elected or whatever. So what you are arguing for here in one part already exists in the act, so it should not be a difficulty.

Senator MURRAY—What would be the consequence of this? Would it change the results for parties or merely change the persons involved?

Mr Crabb—Normally it would only change within the party, particularly if you kept above-the-line voting, because it would be the next candidate after that person on that party list. That does not necessarily follow. A case where they had countback and had someone from a different party was when Norm Sanders, a Democrat member of the Tasmanian House of Assembly, retired to stand for the Senate. They did a countback, and Bob Brown was elected to the Tasmanian parliament.

Senator MURRAY—I am aware that your society do numerical examples. Have you ever taken as random samples, say, five senators from five parties in the Senate and at five different years of their term—year 1 up to year 5 perhaps—and done this exercise just to see what the effect would be, whether you would get a senator in from a different party or you would simply get the next in line on the party ticket?

Mr Crabb—We have not done the exercise because I would assume that most times it would be on the party ticket. Everyone that gets elected to the Senate is usually in the top three on their party list, so I would imagine that it would be the next person down on the list that would probably get the position.

Senator MURRAY—Doesn't that go a bit against the view that people vote for parties? What parties do if, say, somebody retires in their fifth year is they refresh their ticket. They decide the next best or the better set of candidates and they offer a different ticket to the governor or the parliament, whoever is going to decide on the new senator, and say, 'This is our choice.' Isn't that more up to date, a more current way to do things?

Mr Crabb—You could do it that way, but because the whole Senate or half the Senate was elected at one particular time, you should refer back to the votes and the candidates of the election when the senator who has decided to step down was elected. Therefore you would use the same candidates as well as the votes from that election.

Senator MURRAY—Moving on to proportional representation, it is well known and I am on the record as being a strong supporter of proportional representation in unicameral parliaments. In bicameral parliaments I am less concerned, providing one of the houses reflects proportional representation. I think the Senate has been accurately described as semiproportionally representative. The question, though, is the House of Representatives: at various times both the major parties have felt the numerical disadvantage of having the higher number of votes and the lower number of seats, and not had government as a result. One of the ways both to rectify that and to get representation for people who garner a high vote but do not get any representation is the party top-up idea, almost a version of the new Zealand approach, whereby a proportion of the House of Representatives would be available to top up votes to adjust for numerical

disadvantage which might be apparent in the number of seats. Have you as a society studied that issue and do you have a view on it?

Mr Crabb—We definitely have a view on it. We are opposed to it. We see it as a compromise: you are still keeping single member electorates and then you are topping it up with a party list. We are opposed to both single-member electorates and to party lists, so we would be opposed to that. Also, you actually elect two different sorts of members: those representing their single-member electorates and those represented from the party list. You then have problems about how to fill casual vacancies—do you have by-elections or do you appoint someone from the party lists? You have all those sorts of problems. In many ways we would prefer to keep the single-member electorates than to have a top-up method.

Senator MURRAY—So that other people will have an opportunity to ask questions I will make this my last area of inquiry: fixed terms. For the record, I should expose that I am a strong supporter—and he of mine—of Gough Whitlam's belief that fixed terms is a desirable approach. And I am much more concerned about that than I am about four-year terms because I simply think that that is the priority. Is fixed terms a priority for you? Would you put it ahead of the need to lengthen terms?

Mr Crabb—Yes, definitely. We support fixed terms, but we are not really fussed about—well, we have not really debated—the length of such terms. You do have the problem if you are electing half the Senate each time that if you increase it to four or five years you are increasing it by more than that for the senators.

Senator MURRAY—The Americans, as you know, not only have fixed terms but they have state, federal and local government elections all on the same day. That seems to work very well in a society of that size. There is no constitutional impediment to that happening. There is a legislative impediment in our Electoral Act, which prevents elections being held on the same day. Do you think this committee should be advocating the withdrawal of that impediment so that if the federal government or a state government wishes to have a state and federal election on the same day, or a federal by-election on the same day as a state election, or local government election on the same day as a federal election, it could occur?

Mr Crabb—It would be good if the impediment was not there so someone could experiment with it and see how it worked. It could create quite a lot of confusion. In our submission we wonder whether postal voting should be used for all elections. You mentioned local government. Here in South Australia all local government elections are now done by postal voting. You may remember the constitutional convention: when that group was set up to debate the republic that was all done by postal vote. I wonder whether we need to move down the line of postal voting for all federal and state elections. I guess eventually electronic voting will come in, and people will be able to vote from their own home on their own computer once the systems are in place. It would not be a problem having all these elections together then.

Senator MURRAY—If I can give a practical example: New South Wales has fixed terms and the date for the New South Wales election is known. If Steve Martin, for instance, had been persuaded to delay his resignation so that the Cunningham by-election could have been held coincidentally, I can see there are some advantages to that. There may be some disadvantages. Is that a good example of a circumstance which should be permitted under the Electoral Act?

Mr Crabb—It would be a good experiment to try, if that sort of case happened. We now have fixed terms for South Australian state elections too. It could be that somebody might manipulate a vacancy to experiment on that. It could lead to a lot of complications. People get confused enough now about what electorate they are in, particularly in South Australia. At the state level, boundaries are redrawn after every election and sometimes you can be moved from one electorate to the next electorate and then back again. There could be a lot of confusion.

Senator MURRAY—Why would you assume there would be a lot of confusion? In America, they can have an election for a dog catcher, the local government constituency is different from the state constituency is different from the federal constituency—all occurring at the same time. It does not seem to confuse them overmuch.

Mr Crabb—It would be interesting to try it. We have compulsory voting here, so everyone, regardless of their interest, has to vote; whereas in America it is probably those who have an interest who vote and they are clear on distinguishing between state and federal and whatever else.

Senator MURRAY—A first step on this, I assume, is to at least let governments make a voluntary choice, if they wish, by taking out that restriction from the Electoral Act.

Mr Crabb—It would be an interesting experiment to see whether there is any confusion and it works well. There would obviously be economies of scale to move down that way.

Mr DANBY—Mr Crabb, you were talking about the Senate ticket and above the line voting and the nonavailability of how the preferences flowed. Are you suggesting that these be displayed by the Electoral Commission at every polling booth in Australia so that people could inspect them?

Mr Crabb—Under the act, they have to be there. They have to be prominently displayed. It says ‘prominently’ in the act. They are not being prominently displayed at the moment. You find them away on a back table somewhere, if you find them at all, in the current situation. I would like to see that information sent out to electors before the date of the election. Fortunately, you can now get it on the web site. I congratulate the Australian Electoral Commission: it was on the web site before the last election, and a lot of people expressed interest in looking that up.

Mr DANBY—Do I understand that you propose postal voting in a general election and the abolition of polling booths?

Mr Crabb—I think we should perhaps think about going down that way, yes.

Mr DANBY—What effect do you think that would have on the democratic process? For instance, people already complain about not being able to know election results in real time. How would a postal voting election work—over what period et cetera?

Mr Crabb—It should virtually be the same sort of timetable, I would imagine. We did it with the constitutional convention that looked at the referendum debate. That was all done by postal votes. I imagine you would have a cut-off date the same as the day of the election and your postal vote would have to be in by then, just like a postal vote has to be in now. They could start

counting on the night of the election and, as they check off the postal votes, procedures could be gone through to make sure that the right person has voted.

Mr DANBY—You do not think there is any democratic process involved in the operation of polling booths and people going to vote and people handing out how to vote cards? That part of the process is not worth keeping, in your view?

Mr Crabb—Not necessarily. It is a nice social occasion for some people. If you give out how to vote cards, that is often the only time you get to chat to a range of people from different political parties. But, for the average person, it is another thing they have to do. They might as well do it in the privacy of their own homes with all the information in front of them to make a better decision than be squeezed into a little polling booth, sometimes with a big ballot paper, juggling a pen on a short piece of string et cetera.

Mr DANBY—Are there other countries that have abolished voting at polling booths, where there is only postal voting?

Mr Crabb—Not that I am aware of, either way.

Mr DANBY—My last question is to try to get you to be a little more specific about something that Senator Murray alluded to. We understand that you are in favour of fixed-term elections, but are you in favour of fixed four-year elections?

Mr Crabb—Not necessarily. Fixed three-year terms would be okay by me.

Mr DANBY—As far as your organisation is concerned, there would be no greater benefit in having a fixed three-year term or a fixed four-year term, or haven't you thought that through?

Mr Crabb—We probably have not thought it through, but we think fixed terms rather than for it to be manipulated by the government of the day, particularly. A fixed term is a good way of making sure that everyone knows the date. Particularly if you are going to have polling booths, it makes it much easier for the Australian Electoral Commission to get them in place and for everyone to know what is going on.

Senator ROBERT RAY—I have gone enough rounds with your society over the years with regard to proportional representation. Do you mind if I just move on, because neither one of us is going to convince the other?

Mr Crabb—That is right.

Senator ROBERT RAY—Thank you. The current method of Senate replacements does not cost much, does it?

Mr Crabb—No, the party makes a replacement and that is it.

Senator ROBERT RAY—So it is not a cost issue. We have seen the count through problem twice already in the Court of Disputed Returns. Robert Woods was thrown out and then there

was Annette Hill. Wine drinker one day, grape picker the next! They are two examples of where a political party, by direction of the High Court, was forced to count through. On neither occasion did that political party want that person as their senator and both people got it. If we were to follow your methodology, political parties would have to be much more careful about whom they put on the ticket, wouldn't they—for a count through?

Mr Crabb—That is right.

Senator ROBERT RAY—For example, if I want to retire—it is coming soon, I assume—and I have a member of the Socialist Left below me on the ticket, I would have to see out my full term rather than let them come in.

CHAIR—No, you do not have to do that.

Senator ROBERT RAY—I do not think I will be retiring!

CHAIR—You can retire and give it to a member of your own party, so to speak.

Senator ROBERT RAY—This is the difference between the count through and the current method. Can you see that we would have some difficulty with that?

Mr Crabb—I imagine some members of parliament would, yes.

Senator MURRAY—The Lib-Nat ticket is another example, where they have Lib, Nat, Lib, Nat.

Senator ROBERT RAY—It could well happen that, if Senator McGauran were to retire, a Liberal would come through in his place for a while.

CHAIR—On a count through.

Senator ROBERT RAY—We are all agreed on that. I have one other question on this, and I am not having a shot at Senator Murray here. This is another area that we have yet to really address, but you say that we are elected under a party vote and I think we are all agreed on that. If I decide to leave the party, shouldn't that be a count through straightaway?

Mr Crabb—You are elected as a person, as a senator to the Senate.

Senator ROBERT RAY—That is the theory; but you have told us—and we agree—that essentially we get elected on the party vote, by people voting for the party. Not many people in Victoria vote for me. My mother-in-law and a few others might vote for me individually, but very few do. So why should someone keep a stolen position?

Mr Crabb—If you were to get rid of above the line voting and if people voted below the line, you might end up with people being more likely to vote for the people they want elected for a start. If you are elected as a senator, you are elected there for who you are, and you have a right to that seat for the whole term.

Mr DANBY—But isn't that a fiction rather than a reality?

Mr Crabb—It does not necessarily happen. In South Australia there have been two Labor members in the upper house who have left the party and are still sitting in the state parliament.

Mr DANBY—But they would only have been elected, as you said to Senator Ray before, because they were the Labor Party candidates. I do not mean to be rude to the South Australian upper house, but no-one would probably have a clue who they were in their own right.

Senator ROBERT RAY—As we have it at the moment for the Senate, you have to register your ticket within 48 hours. Can you think of any reason why you should not have to register your House of Representatives tickets within 48 hours, exactly the same as for the Senate? I know we do not have list voting for that but it would let the public know. Is there anything wrong with that proposition?

Mr Crabb—What is the rule at the moment for official tickets?

Senator ROBERT RAY—You do not have to register a House of Representatives how to vote card at all. But in Victoria, for instance, you now have to register a lower house ticket as well. It is to stop people from putting out false tickets. It also means that, if it is not registered, you cannot hand out one outside a polling booth.

CHAIR—It is purely a state rule.

Senator MURRAY—Under Queensland's new rules, you have to do that a week before the election.

Mr Crabb—I can tell you what the situation is in South Australia. In South Australia the how to vote cards are up in the polling booth for a start, so they have to be registered in advance. There are also voting tickets for the lower house. We are not allowed to tell people that, but there is a voting ticket. If you put a '1' next to the Labor candidate when you are supposed to fill out the whole ballot paper for the house of assembly, and if the Labor Party has lodged a voting ticket for that seat, that vote will count as though the person has filled out all the preferences, as is the case for the Senate. So they have to register voting tickets, and there are registered voting tickets. But that does not stop a party later on giving out how to vote cards that may be different to those that are up. I think that is what has actually happened in the current Speaker's electorate. His official ticket put Labor second. If people did not know that when they voted, that is because of lack of information, I guess. As I understand it, some of his how to vote cards had the opposite directions.

Senator ROBERT RAY—That Court of Disputed Returns has adjourned to consider its decision, has it?

Mr Crabb—Yes.

Senator ROBERT RAY—You complain about the poster in the polling booth. None of us would know about that. In my case, I am usually responsible for the preferences anyway so I never go and look on the day, so I would not know. We brought this rule in for the 1984 election

and at that time they were prominently put up—I went around looking for it to see whether it was working. They were certainly there for pre-polls et cetera. Do you think this has just sort of slipped and slipped?

Mr Crabb—I think it has just slipped mainly. Also, because there were so many voting tickets and so many candidates and groups this year, rather than having a couple of huge posters they have gone to pamphlets, which is allowed under the act. They have just been put aside on the table in case someone needs them and then forgotten about by the voters and the electoral officials and everyone else.

Senator ROBERT RAY—Just another thing to throw out that night. On transfer values—I have not looked at this for a long while—you say that the current procedures for transferred values, surplus votes, distort proportionality of voting. You do not really explain what you mean by that. I would like you to.

Mr Crabb—No, because I knew the committee had debated it at previous times and decided to stick with the advice from the Australian Electoral Commission that it was not necessary, or it was difficult, to get any more complicated but now, with computerised voting for the Senate, there should be a more accurate count done.

Senator ROBERT RAY—What is wrong with the current method? Where is the distortion?

Mr Crabb—What happens when someone is elected to the Senate and that person has got surplus votes is that you have to transfer the surplus. Say the surplus is 10,000 and his total vote was 100,000. The transfer value of all the votes is the surplus over the total vote that person received, and it is an average figure. All his votes might be first preference votes, votes that he has received at a certain value might be 0.2 and other votes he has received at a value of 0.4 as surpluses have been transferred elsewhere. Suddenly, you are averaging all the votes that come into his bundle at full value or 0.2, 0.4, whatever.

Senator ROBERT RAY—Let me get this clear: you are talking about someone who, in the initial count, does not get to quota. You have to be.

Mr Crabb—That is right.

Senator ROBERT RAY—This person gets, say, 0.9 per cent of quota. I think the reality is they get the next bundle of votes, which takes them to 0.99, and then the next bundle of votes puts them over. What you are saying then is that the continuing surplus, which might be about 0.1, is taken by averaging both sets of votes that came to him or only the last set?

Mr Crabb—No, it is done by averaging the whole lot at the moment, even his first preferences. You take all his votes into account. His first preference votes, that second bundle he got at a certain value and the next group he got at another value are all put in there together, and then you work out the transfer value. You put all of them together as one lot.

Senator ROBERT RAY—This is hard for me to come to grips with, because—

Mr Crabb—I am probably not explaining too well either.

Senator ROBERT RAY—No, it is not intellectually too complex for me. See, I cannot attend a Senate count generally—certainly not the last one to see how they do it, because I was a candidate and therefore I am disqualified.

Mr Crabb—Nowadays, they do it by a press of a button too.

Senator ROBERT RAY—I understand that. But, the way you have explained this to me, if they are doing it that way it is totally wrong.

Mr Crabb—That is right.

Senator ROBERT RAY—You cannot take the preferences of the initial 0.9 and move them any further. That is not possible, and it should not be possible. In fact, you should not even be able to take the second lot of preferences if that does not put you over quota. So you should only take the continuing surplus of the third lot that put you over quota, and then average their remaining amount of points value out and send them on.

Mr Crabb—Of that last parcel you talked about.

Senator ROBERT RAY—That is the only way you should be doing it. That is the way that I understood them to be doing it.

Mr Crabb—No, that was the way that it used to be done. That is the way we normally advocate, because it is quite simple.

Senator ROBERT RAY—It is also fair.

Mr Crabb—Yes, but the reason that it was changed it is that when Senator Colston, of all people, was on the Labor Party ticket originally, Neville Bonner was standing. I assume a lot of Labor supporters went and voted for Neville Bonner first, and then they went and voted for Labor people second, but all those votes that would have normally been Labor votes all ended up electing—

Senator ROBERT RAY—Being locked in.

Mr Crabb—Locked in on Senator Bonner. So when Colston got into parliament he got this change through so that you actually have to look at all the votes. Once you have got your surplus, they look at every vote and work out a new transfer value based on all the votes, regardless of what values they have come in at.

Senator ROBERT RAY—I have to say that in the Labor Party, after 1971, when the proportional representation share was put in, this very argument came up. I had to spend a lot of time looking at it, and eventually we came down with what you are saying should be right, because it is the right way of doing it.

Mr Crabb—That is right.

Senator ROBERT RAY—I was unaware—and I am still not certain—that it is done that way.

Mr Crabb—Yes, it is done that way. But if you wanted to keep it that way and change it, you would need to do a weighted calculation on each bundle of votes at their values if you were going to keep it that way.

Senator ROBERT RAY—I am just not sure you are right.

Mr Crabb—If you can look at that paper at some stage, that gives the pros and cons of all the different ways of doing it.

Senator ROBERT RAY—All I can do is promise you that I will go back and have a real look at it, because I did not think that they did it the way that you described.

Mr Crabb—They do, and it means that there is an average—

CHAIR—The former Senator Colston's name has no doubt activated Senator Ray.

Senator ROBERT RAY—I acknowledge that Senator Colston was very good at working out his own self-interest, especially his travel allowance claims. They were the most complex works of art I have ever seen in my life, so, no, it does not surprise me. I do not have many more questions.

Senator MURRAY—Before we leave that, I found the verbal description very hard to follow. Chair, I would like the secretary to record that perhaps we could ask the AEC whether they could do a sample run-through on these two systems, say of a small result such as the Northern Territory, where you have the actual figures to work with.

Mr Crabb—The Western Australian document gives examples of the different methods that can be used to transfer the value to show who might be elected.

Senator MURRAY—I am trying to find out what the end result is, how it differs, and I need that shown to me. That is just a request, through the chair.

Mr Crabb—That document does that.

CHAIR—We may need to get some more information from you in any event.

Senator ROBERT RAY—Melbourne City Council does postal voting. Do you see a problem with forcing political parties in the totality of a campaign to front-end load everything? If you have a three- to four-week postal voting period for people to make up their minds, you actually have to blow your wad, throw your entire bankroll up early, in case they are voting early, whereas, in an election campaign, things might swing through and people might move this way and that way and finally make up their minds. Is that a problem in postal voting?

Mr Crabb—I have never thought about that, but I guess you are right. That could be a problem because of the way traditionally campaigns are run. You have a campaign opening, you build up, different parties work out their schedules of what they are going to do and they release different policies and so forth. So, yes, how you might vote at the start of an election campaign might be different from how you vote at the end of the campaign.

Senator ROBERT RAY—I make this point to you: you should never suggest this unless you have a fixed term. If you leave it to a Prime Minister to get all his advertising and everything else ready, no-one else can. He calls an election, the postal votes go out and you get a deluge of all their stuff. Everything is booked; everyone else is locked out. We have thought of it, so do not worry about it. That is the difficulty.

Mr Crabb—We would definitely support fixed terms before that.

CHAIR—There are quite discernible differences between prepolls when you are going well at the beginning of the campaign—you are watching them and they look a lot better for you—and what they look like as the campaign evolves. Sometimes they look worse for you at the beginning and better at the end. That is a very definite point, because the tempo of the campaign would be shot to death and so would the unfolding of the campaign in terms of policy launches.

Mr Crabb—It would change the campaign.

Senator ROBERT RAY—It is not just that; it could lead to unexpected consequences. We politicians do not like the unknown. I want to talk about fixed terms as the second-last issue. Like Senator Murray, I favour fixed terms. The question that derailed us in the eighties on the fixed terms, four-year terms or whatever else, was: what happens when there is a no-confidence motion in the House of Reps? How do you get around the fixed term problem then?

Mr Crabb—I would argue that we elect the members of parliament at that time and they would have to sit down and work out how they could keep governing the country until the next fixed election.

Senator ROBERT RAY—Thanks for that.

CHAIR—We tried that once. There are mechanisms. The Victorian mechanisms are there. It is fixed term by exception. A motion of no confidence is an exception and blocking supply is an exception.

Senator ROBERT RAY—With a fixed term you can go the old three-four year, like Victoria does, but that does not get a fixed date, which attracts a lot of us—like the two weeks before Derby Day—and which creates absolute certainty for everyone. They know what is coming.

Mr Crabb—But if the vote of no confidence carried, there must have been a majority to have carried that, so perhaps that majority can work as a government for the rest of the term.

Senator ROBERT RAY—That was certainly the federal experience in 1941 and 1917. I guess that that has happened, but it is not a certainty that it will happen. The other thing is, the

Senate could block supply and then what do you do in terms of fixed a date? You would fix it all at once, I presume.

CHAIR—I want to pursue the issue of voters not knowing where their preferences go on the Senate ticket. It has concerned me. In Victoria, for instance, the Liberal Party usually spells out its whole distribution of preferences on its how to vote card. It says, ‘Vote 1’, and then we spell out where the distribution goes. The Labor Party card just says, ‘Vote 1’, and does not advise of preferences. You have pointed out the Electoral Commission’s attempts to get the information across, but I am not sure that they have worked all that well or they seem to be working less well over time.

Mr Crabb—The web site might change that. It was available on the web site last time whereas most people would have had to go hunting for it before.

CHAIR—Yes, but that is aficionado stuff. What about requiring the distribution to be put on the actual how to vote card when they are distributed.

Mr Crabb—I would be happy with that but it makes it very difficult where you have more than one ticket, for example. I think you can have up to three tickets so it would make the how to vote card pretty unwieldy.

Senator MURRAY—The Liberals for Forests political party in WA is an example. They had three tickets.

Senator ROBERT RAY—I insisted on doing two in Western Australia at the last election and that is why you are sitting at the table.

Senator MURRAY—It is, and I have loved you ever since.

CHAIR—This is a significant issue. People should know where their preferences are going. It is just a question of how to deal with it.

Mr Crabb—I was unaware of them doing that. If the Liberals are doing that in Victoria, that is good but they definitely do not do it here.

Senator ROBERT RAY—Either that or put as many languages on as the Labor Party so when they are displaced for other things it is understood. It balances out unfortunately.

CHAIR—That is not true.

Mr Crabb—Whether parties should be made to put that out in advance—

CHAIR—You do not put languages on the how to vote card.

Senator ROBERT RAY—The reason you have to put all your preferences down is that you include the National Party on it. You have to tell your rural cousins that you are not duding them; isn’t that right?

CHAIR—No, it was a commitment to letting people know where their vote was going which should not be glossed over. Mr Crabb, we might get back to you on the issue of the computerised count. I am sure Senator Ray will pursue it assiduously. Thank you very much. It was very worthwhile.

[10.04 a.m.]

D'LIMA, Mr David Terence, Field Officer, Festival of Light

PHILLIPS, Dr David Michael, National President, Festival of Light

CHAIR—I welcome representatives of the Festival of Light to today's hearing. The committee has received your submission No. 71 and has authorised it for publication. Would you like to make some initial comments or go straight to questioning?

Dr Phillips—I will make a few initial comments summarising our main concerns. We have three central concerns all to do with the integrity of the present system. Essentially we support most of the structure of our present system of government and system of elections but we believe that the way in which it is being implemented at present leaves it open to abuse and manipulation and that it should be tightened. There are several areas. Firstly, we would like to see the integrity of the electoral roll guaranteed. Secondly, with the voting process, we would like to have, essentially, an auditable trail where the Electoral Commission can guarantee to a high degree of certainty that the due processes have been followed. Thirdly, particularly with the Senate voting, we believe that the current system of lodging preference tickets is highly open to abuse and we believe that system ought to be abolished. One alternative is to allow either above the line preference voting by groups or below the line voting for individuals.

There is another issue which we did not mention in our submission that we would like to cover briefly today. It seems that there are some implications of the Privacy Act that are causing problems. At the last election, where we sought to interview candidates on a number of questions, we were initially not allowed to know the contact addresses of the candidates, and we thought that was appalling. We believe that anyone who nominates for public office should be required to consent to their name, address, phone, fax and email contact details being made available to the public. David D'Lima can elaborate on that briefly.

Mr D'Lima—This was in relation to the recent state election. It has been our practice for many years to survey candidates as to their views on a range of issues that we think are in the public interest. Previously we have had no difficulty obtaining the contact details of candidates from both the state and the federal electoral offices, but this year for the first time we found that the state electoral office, in view of changes to the federal Privacy Act, had formed the view that it was no longer appropriate for them to provide us with those details and we were not able to complete our survey of candidates. We then made a representation to the state electoral office and put our case to them, and it seems that we persuaded them of the merits of our argument; namely, that it is in the public interest for candidates to set aside what they may perceive as a right of privacy and provide the contact details so that voters or concerned groups such as ourselves can in fact make contact with them.

As I say, that was a state matter, but we are yet to see whether that will translate to the federal arena at the next election. We would be very keen if the committee could follow that through and find out whether the federal Electoral Commission is going to take the same view and whether we are going to have another fight on our hands. We believe very much in the right of

voters to be able to make contact—just in writing; not banging on their door or anything—and to be able to have a fax number, an email address, a post box address or some other way of being able to ask them questions about their policies, especially since they must number all boxes. We feel the voters should be entitled to ask what these people believe, what these people stand for and where they stand on particular issues.

Dr Phillips—We do not know whether the Electoral Act would need to be amended, but whatever needs to be done needs to be done to ensure that the public have a right to know all relevant contact details for all candidates.

CHAIR—Actually you do not want that; all you need is contact details. You do not need to know all the relevant details; you need to be able to write to them and send them a questionnaire.

Dr Phillips—Yes.

Mr D’Lima—Just following on from that briefly, the state electoral office had formed a view that, given the changes in the Privacy Act, it ought to take this course and then it changed its mind. So clarification is certainly needed there. One way of doing that would be when candidates apply to become candidates—when they fill out their form—they could do so under the requirement that they waive any right to privacy which may preclude the authority from releasing their contact details. That may be one way of doing it—they are obliged to tick that box, otherwise their application for candidature would not be accepted.

Senator ROBERT RAY—But that was not at the federal level. It was not long ago the Australian Electoral Commission tried to hand over to the Prime Minister the names of 12.8 million voters. So you do not have a problem there. I think we understand your point about needing to contact them. I am sure you write to me, but I never respond to a survey anyway because it is written in your terms and not mine. I do not say that just to you; I say that to everyone. I do not think any submission has been made to us by the Electoral Commission or by anyone else that suggested there is a privacy consideration for candidates—you put your head on the block, you expect it to be chopped off.

I have a few questions. Earlier in your submission you say, ‘Submissions to previous inquiries, notably by Dr Amy McGrath of the H.S. Chapman Society, have reported numerous alleged fraudulent practices.’ I do not know if you have had a chance yet to read Dr McGrath’s evidence from the last committee—have you?

Dr Phillips—I have looked through it briefly; I have not read it in detail.

Senator ROBERT RAY—I was just wondering if you could point to anywhere in her evidence where she actually points to an actual fraudulent practice rather than an alleged one.

Dr Phillips—I believe there is evidence but I cannot give you chapter and verse today.

Senator ROBERT RAY—You would not be surprised that I have had that answer from a whole range of witnesses: ‘We believe ...’, ‘We think ...’, ‘So-and-so has alleged ...’ We are

actually looking for a case. You might be able to help us out by going back through your files and seeing if you can come up with one.

Dr Phillips—Our position is, rather, to reverse the question and say that there should be an audit trail or it should be able to be guaranteed by the Electoral Commission. There are practices involved in obtaining a bank account, a driving licence, a passport. There are numerous things which society takes seriously and where proof of identity is required. The processes are in place and we are all familiar with them. If we want a passport we have to provide proof of identity. We are saying that if it is good enough for other areas of society, similar quality standards need to be in place for the electoral roll and they are not. We believe it needs to be provable, to the same quality of proof as for the other examples I have given.

Senator ROBERT RAY—What you are putting now is a different proposition—one I understand—even though you begin, as in your submission, by reversing the onus of proof. But, leaving that aside, I can understand you coming to us and saying, ‘We have looked at the methodology; we do not think the methodology is tight enough.’ I understand that. But when it is accompanied in your submission and in a whole range of other submissions by this ‘potential frauder’ here or this ‘alleged incident’ there, every time we ask for an instance. Which electorate? Where did it happen? You see, it is just an urban myth; it is floating out there in the ether. None of you can pin it down. We are interested in real evidence. We cannot be interested—

Mr D’Lima—Can the journalists find that evidence?

Senator ROBERT RAY—No.

Mr D’Lima—Or investigative reporters?

Senator ROBERT RAY—Has it ever occurred to you there might be no such evidence? That is possible, too.

Mr D’Lima—Yes. The difficulty is—

Senator ROBERT RAY—If I am a police officer and I come and see you, Mr D’Lima, and say, ‘I haven’t found any positive proof evidence that you are not an embezzler,’ and my reaction to that is: ‘Well, you might be, but I am going to write laws that you can be caught,’ that is not very fair to you.

Mr D’Lima—Indeed.

Senator ROBERT RAY—And that is essentially the proposition you are putting. You do suggest later in your submission, under ‘Electoral roll integrity’, and Dr Phillips also suggested here just recently that a drivers licence be used. I happen to agree with that. Some people want to put the pole vault at 20 feet; I want to put it at about 15. But what do you do to people who do not have a drivers licence? Do you make it so that they can only get on the roll if someone else with a drivers licence goes guarantor for them? Is that sufficient?

Mr D'Lima—There would be other means, such as making a declaration before a justice of the peace, or something like that.

Senator ROBERT RAY—Yes, but the more dysfunctional in our society tend not to have drivers licences. There are people without drivers licences who are not dysfunctional—there is some correlation sometimes. For instance, the Premier of New South Wales does not have a drivers licence and I am sure we would want him on the roll.

Dr Phillips—But that is not a problem in getting a passport or getting a bank account, where you need to provide evidence of your identity. If you do not have a driving licence—

Mr DANBY—But the punters tend not to fly to Disneyland.

Senator ROBERT RAY—We are not a great distance apart here. I am just trying to make the point to you that it is not that possible or necessary for them to go through all these JP et cetera processes. But I do think it is possible for someone else with a drivers licence to guarantee that they know them and it is all correct, and then they would face a very high and prosecutable fine if they are not telling the truth. There is a better way of doing it. We want to make it easy for people to enrol, and you want to make it absolutely sure they are enrolling properly, so we are in agreement about that. It is the methodology now. And the more complex you make it the higher the deterrence.

Dr Phillips—We would take the view that voting is a privilege and that there should be requirements for confirmation of identity. We see it as being comparable with the examples I have named; it is a comparable process to obtaining a passport, a bank account or a drivers licence. Generally they work on a points system. You have to have two or three proofs of identity, and you are given a wide variety of options as to which proofs of identity you supply. If you do not have a drivers licence you can take a rates notice, a birth certificate, a marriage certificate or something. We would say that the standard of establishing identity should be comparable with those three examples.

Senator ROBERT RAY—I have got a good idea: maybe we should give everyone an Australia card.

Dr Phillips—That is an interesting idea.

Senator ROBERT RAY—It is one I still support. I have a couple of other quick questions. You talk about roll integrity in your submission, but then we move on to voting integrity.

Dr Phillips—Before we move off that, we do mention on page 2 of our submission that the Shepherdson inquiry found false enrolments, two in Mundingburra and 25 in Townsville, so I take it that that inquiry found evidence of those false enrolments.

Senator ROBERT RAY—Ironically, of course, the people who were falsely enrolled in Mundingburra and Townsville were actually allowably enrolled in the federal seat of Herbert with their correct address or their enrolled address. So it did not actually distort a federal election one iota. It was done for preselection rorting. That does not make it forgivable, but it was not done to affect the electoral outcome. It was done to affect the preselection outcome in

the Labor Party, for which we are ashamed. I admit that. But it did not affect the federal vote, because they were all within the federal division of Herbert.

Dr Phillips—But the fact is that people were approaching the whole electoral process in a fraudulent manner; and if it can happen in those circumstances it can happen in other circumstances.

Senator ROBERT RAY—The law is broken all the time; not just in the electoral area. Therefore we take steps to try to remedy it as much as possible.

CHAIR—I think one of the key issues here is this: I respond positively—and I think most people do—to requests for additional proof, to increase the level of security and integrity. But it seems to me that that argument is quite severable from the assertion that there is significant fraud in the system. I think part of the reason why we have disputes about this is that people try to address the other issue rather than the one that is actually at stake. I think that if we were a bit more careful about assertions about fraud, we may actually be able to improve the integrity of the system rather more quickly.

Senator ROBERT RAY—One last question: under the heading ‘voting integrity’ you make a few points. Do you have any evidence that voting integrity has been breached—rather than that the system may allow it?

Dr Phillips—Taking the chair’s comment of a moment ago, we are primarily arguing the position that we want an auditable system where we can have a high confidence—

Senator ROBERT RAY—I think I can read that. I am giving you an opportunity, just to let us know—

Dr Phillips—We do not have the research and investigation capabilities in our organisation to undertake those things.

Senator ROBERT RAY—That may be true, but in this process you answer the question we ask and if it is one of those sorts of questions that is unfair, then you make that point. But my question was—

Dr Phillips—I think I have answered your question.

Senator ROBERT RAY—No, you have not, actually. You have answered in a variety of ways, but I have asked you: do you have any evidence of a lack of voting integrity; that is, fraud in voting? It is a very simple question. You may well go on to say, ‘We are worried about the processes’, and I accept that and I will listen to all of that. But this is my basic question and I want you to answer. I do not think it is unfair.

Dr Phillips—I think I have answered it in the way that I wanted to answer it.

Senator ROBERT RAY—That is: decline to answer it.

Dr Phillips—I have said that we want the system to be able to establish that malpractice is not occurring.

Senator ROBERT RAY—We accept that, Dr Phillips. I am asking you whether you have any evidence that malpractice occurs—not whether it potentially occurs. That is a simple question.

Dr Phillips—I am saying that our organisation is not resourced or equipped to undertake the necessary research or investigations to obtain that information.

Senator ROBERT RAY—I accept that. So I take it the answer is no for a number of reasons.

Dr Phillips—I have given you my answer.

Senator ROBERT RAY—No, that is not good enough. I am asking you whether you have it, not whether you have the ability to get it. Do you have that evidence? The answer apparently is no.

CHAIR—Can I pursue the issue of voting in a single polling booth, your second recommendation. How can you manage that?

Dr Phillips—I am trying to understand your question.

CHAIR—How is it possible to restrict people to either voting at one polling booth or not voting at all?

Mr d’Lima—They could vote at a nominated booth which would be convenient for them nearest to their home or, if that was not convenient, they could do what they do now, which is to fill out the absentee form.

CHAIR—Or prepoll or postal vote, so what is the point?

Mr d’Lima—The advantage of that is that the roll is found there and they could show some ID at that place.

CHAIR—But what is the point? You are worried about multiple voting. I vote by postal ballot; somebody goes in and votes. I am just not sure what purpose you are achieving by attempting to enforce such a restriction.

Dr Phillips—There is a joke that goes all around the place: ‘Vote early and vote often.’

CHAIR—It is a very old joke.

Dr Phillips—We want a system where, if someone attempts to do that and they go to one polling booth and vote and then they go to a different polling booth and attempt to vote for a second time, it should be possible for the electoral officer to say, ‘I’m sorry; we have recorded a vote in your name already today and we are not permitted to allow you to vote a second time.’

Senator ROBERT RAY—What happens if it was not me that went down and voted? I am the one knocked out even though I am the genuine voter.

Dr Phillips—Precisely, and then that needs to be investigated.

Senator ROBERT RAY—But it is, afterwards. There is a master roll done. Every instance of double or treble voting is investigated. When there is no apparent explanation it is given to the Federal Police. But it is not prevented.

Mr d’Lima—But there cannot be a prosecution because it is unclear who the fraudulent people are.

Dr Phillips—That is right. Someone could come along and say, ‘Someone voted in my name. It is not my fault. I do not know who that was.’

Mr MELHAM—There have been a number of instances where prosecutions have occurred. People have been identified.

Dr Phillips—But I understand there have been a number of instances that have not been. We record in our submission that of the 45 cases of multiple voting in the 1998 federal election only three were investigated.

Senator ROBERT RAY—What is your source for that? What was your source material for putting that in your submission?

Senator MURRAY—I wonder if I can assist the committee. This matter was extensively covered in the inquiry into the integrity of the roll. Mr Danby and I were both on that inquiry. The committee established that the police had a hierarchy of investigation and, because of the penalty level of many of these issues, they did not regard them as high priority and did not pursue them. As a result, the committee recommended that the penalty level be lifted as it believed that will assist in the greater pursuit of those individual issues. But I should stress that that committee report, which was an all-party report, which was extensively advertised and highly controversial, established in its view that there was no evidence of widespread fraud or even of significant fraud. But it did acknowledge the point you made, that there was insufficient prosecution of these issues, and we found that the reason was the police hierarchy approach.

Mr DANBY—In fact there were five federal voting opportunities in a decade that the Electoral Commission reported to us, and the number of fraudulent enrolments was I think one per million.

Mr MELHAM—It was more like seven in 71 million, wasn’t it?

Mr DANBY—That is right. I am sorry, I am slightly under. Mr Melham is more mathematically correct. The point was that, while the system is not perfect and there are things that people can, in good faith, suggest to improve the role, the evidence that the Australian system works, especially compared to, say, the recent experience we had in the United States, is a relative thing and is something that people should see in context.

Mr d'Lima—We are uneasy about the present system. We do not have the evidence that we would like in some situations. As has been indicated, we are not an investigative body. Those who make their living out of investigations are having trouble finding that information also. But that does not mean to say it is not there.

Mr MELHAM—How many members of your organisation are there?

Dr Phillips—I will answer that question by saying that our national magazine *Light* has a print run of about 7,500 which goes around Australia.

Mr MELHAM—To members only?

Dr Phillips—Yes. Many of those members would be couples. In South Australia we have our local South Australian paper *Focus*, which has a print run of 5,000. That goes out to supporters.

Mr MELHAM—And not one of those persons have come forward to give evidence of a credible nature to yourselves to bring forward in terms of the suspicions that you have?

Dr Phillips—That is not the nature of our organisation.

Mr MELHAM—I accept that, but you are putting to this committee what you say is a responsible submission and asserting a series of facts but there is no evidence to go with it. You are basically reversing the onus of proof. The presumption of guilt is throughout your submission in relation to the integrity of the roll.

Mr d'Lima—We would not call it the 'presumption of guilt'. When you apply for something such as a drivers licence you do not go in and say, 'I'm here to pick up my drivers licence; can I have it?' You have to apply for one and—

Mr MELHAM—I am referring to your fourth paragraph, which says:

With current procedures, the AEC cannot positively demonstrate the absence of significant electoral fraud.

You have basically reversed the onus. You are presuming the system is corrupt or corrupted, not the other way around.

Mr d'Lima—No, we are saying that we are not convinced of the integrity.

Senator ROBERT RAY—Have you actually asked the South Australian Electoral Commissioner if you could have a look at all the electronic systems they are introducing, their checking methods, continuous roll update and all that stuff? Have you actually sent a letter asking for that briefing?

Dr Phillips—I would like to go back to your question and say that we are already familiar with, for example, the process when picking up a prescription from a pharmacist whereby we are now required to tender our Medicare card as proof of identity. We are not proposing what you have given the title 'reversal of onus of proof', which is really something that is handled in a legal situation, a court situation. What we are talking about is an administrative process with

which we are thoroughly familiar in all sorts of other areas of life. The example I have given of picking up a prescription is to minimise Medicare fraud, as I understand it, and there is sufficient concern about Medicare fraud in Australia that that proof of identify is required for a mere—

Mr MELHAM—But there was some evidence produced in relation to Medicare fraud that led to improvements in the system. What this committee is seeking from you and others is evidence as to real live people who are aware of how the system has been manipulated—their involvement in it or whatever—so that we can improve it, rather than this presumption of significant electoral fraud when we have not had the material. The earlier inquiry which you cite came up with seven people out of 71 million voting in the last 10 years. That is not a bad figure, I would have thought—71 million people and they cannot account for seven.

CHAIR—How many?

Mr MELHAM—Seven out of 71 million.

Senator ROBERT RAY—In six elections.

CHAIR—I think that is a tiny bit of a gloss, but anyway—

Dr Phillips—I do not think this is a productive direction. If the government or the Electoral Commission took the matter seriously, some resources might be deployed to employ investigators.

Mr MELHAM—How can they take it seriously when there is no evidence produced to them?

Dr Phillips—If you do not seek the evidence you will not find the evidence.

Senator MURRAY—We had a national inquiry.

CHAIR—There is a real dichotomy here. Firstly, I think it is a reasonable proposition to say that there is a need for further projections to be built just on prudential grounds. Secondly, it may be more questionable to say that the Electoral Commission cannot demonstrate the absence of significant electoral fraud because, if there is no significant electoral fraud, how do you prove its absence? That is a philosophical problem. I am concerned because I think that the allegations of fraud rather than prudence force people into opposition. I do not think it needs to be asserted that there is significant fraud in order to say that the system should be improved.

Dr Phillips—Our argument is essentially a prudential one.

Senator MURRAY—I think a prudential approach is reasonable. I have never heard any member of any political party not support that. I must stress—and it was an extremely contentious and highly publicised committee—that we did not receive evidence that indicated to us that there was any widespread fraud and neither did the Shepherdson inquiry. I was one of those fortunate enough, or unfortunate enough, to read the confidential transcripts of the

Shepherdson inquiry. I can say on the record that there is no evidence to us of this kind. It is in our interest in our respective political roles to jump on it, because one or other of us would be disadvantaged if there were. So our self-interest means that we are alert. Even having said that, I must stress for the record that I agree with the chair: a prudential approach is right and we should keep improving the system. As a committee member for five years now, I have never had it presented to me on that basis.

It is not in your submission, but I would like your response to this. I have, over a couple of Sundays, watched a Channel 9 program on Jehovah's witnesses. Something came up in that which relates to electoral matters. The programs were about pretty unsavoury practices, I might say, but we will leave that aside. You would be aware that, technically speaking, we do not have compulsory voting in this country; we have compulsory attendance at the polls. You will also be aware that there is provision for people not to participate on conscience, and that is an individual choice. However, that program I thought said, almost as an aside during the program, that the Jehovah's Witnesses organisation actually advocates nonparticipation in elections. If a Jehovah's Witnesses member, as an act of conscience, does not want to, I can accept that as their view. Do you think the act should prohibit organisations from recommending or advocating or even dictating nonattendance at the polls in defiance of the law?

Dr Phillips—It is not an issue that we have considered. My off-the-cuff answer would be that, in a democracy, people should be free to express their opinions and, if that is their belief, they should be free to express it. It is not one that I share.

Senator MURRAY—I would have no objection to an individual member of that church having that view; that is their entitlement. I just find it strange that we would accept an organisation, if the program was accurate, actually dictating to or advocating for all its thousands of members that that is what they must do.

Dr Phillips—Presumably they cannot enforce it. They can, presumably, advocate that position without having an ability to enforce that position.

Senator MURRAY—I would assume so. So you would not suggest a legislative response to that?

Dr Phillips—No.

Mr DANBY—You propose that some personal identification be used for new electors. There are various views on this committee about that. One group of new electors is, for instance—this is how it works in the real world—new citizens. At new citizenship ceremonies throughout the country, the Electoral Commission is encouraged by the parliament to turn up and enrol voters on the spot. So, when you become a citizen, one of the things you are encouraged to do is to exercise your democratic responsibility and rights straightaway. Are you suggesting that, if they do not have drivers licences—some new immigrants tend to have less access to cars—they should not be enrolled?

Mr d'Lima—Their citizenship qualification hopefully would be adequate proof of identification.

CHAIR—You are clutching at—

Mr DANBY—I am just asking

Senator ROBERT RAY—It is a higher level of proof than anyone else, probably.

Mr DANBY—I just wanted to establish that. Current electors who want to update their details: are you suggesting that every time someone changed an address in Australia—there are millions of people who do it every year—the only way that they could have their new address recorded on the electoral roll was to physically go in with a drivers licence and acquaint the electoral office with that fact?

Mr d’Lima—Our concerns are more about people applying for the first time and it would not apply to those already on the roll.

Dr Phillips—The only thing that we would want protection against is people saying, in order to manipulate which electorate they vote in, that they have changed address. There may well be a marginal seat. If they are in a safe seat, they may wish to vote in that marginal seat. Before a coming election, they may, in order to vote in the marginal electorate, say that they have changed their address. I recall a South Australian election which was overturned in the Court of Disputed Returns some years ago. There was a large change in voter enrolments. There were significant numbers of people from the initial election and the election after the re-election for that seat and the seat changed as a result, so there is a suggestion that people were changing their address for the purpose of voting in a marginal seat.

Mr DANBY—What was that seat and when was it?

Dr Phillips—I think it was the seat of Norwood and I forget which election it was. It was about a decade ago.

Mr DANBY—It was not simply that people shifted in and out of that area?

Dr Phillips—This is where you come to the question of proof. I heard informally, anecdotal evidence—which does not count—that there was a flat designed for two people that had six or eight people living there for the purpose of the election. When the election was over, they went back and lived in their normal premises. They were anecdotes, but there was a substantial shift in the number of people enrolled for the subsequent election. Processes should be put in place so that addresses should be genuine and not fraudulent in order to manipulate a marginal seat.

Senator ROBERT RAY—Have you read the National Audit Office report on roll integrity?

Dr Phillips—I have seen reference to it.

Senator ROBERT RAY—Fair dinkum. I ask you: have you read it? You can say yes or no. You have not?

Dr Phillips—I have not read it.

Senator ROBERT RAY—Okay. Would you like us to send you a copy of it?

Dr Phillips—Yes, please.

Senator ROBERT RAY—Would you like us to make you aware that they use the Medicare card to check roll integrity? We will send you a copy of it so you can read it. Secondly, you answered a different question earlier because maybe I rudely interrupted. I asked you: have you ever sought from the South Australian AEC officer an explanation as to how in fact these days, not 10 or 20 years ago, they manage the roll?

Dr Phillips—I have an understanding of how they manage their role, but I have not sought a detailed—

Senator ROBERT RAY—Would you like to go in and see how continuous roll update works, including the computerised system that tells them of every residence and how many bedrooms in every residence? You made the point about eight people living in a flat for two. Would you like to go in and see how it operates? I am sure he will invite you in to show you through the improved and protected methods they are currently using. This is just to assist you, because you are working in the dark here. We are not; we get shown in. Would you like an invitation? I am not sure they have to give you one, but I am sure they would if this committee says to the AEC officer: ‘Dr Phillips and Mr d’Lima would love to come in and spend an hour there.’ Will you take up that invitation?

Dr Phillips—Thank you, yes. We will accept that.

Senator ROBERT RAY—Very good.

Mr d’Lima—We are still in fact awaiting a letter from the AEC in answer to a question we sent them in February this year.

Senator ROBERT RAY—If we get you this invite you can give them a big touch-up on that as well.

Mr d’Lima—We can take that up with them and refresh their memory of it.

CHAIR—What was it about?

Mr d’Lima—It was in relation to the policy of privacy: what was their policy. We have the same problem again.

Senator ROBERT RAY—We are seeing them this afternoon. We will give them a touch-up on your behalf.

Mr d’Lima—That would be helpful, thank you.

CHAIR—There is one final issue. Some of the issues that you have raised in terms of voter ID actually do impact quite heavily on homeless people. Homeless people are a reality. They have got rights. How do we cope with ID and residence in those particular cases?

Dr Phillips—I must confess that is not a matter that I think we have discussed in detail.

Mr d’Lima—They normally do have some sort of ID, because, even to obtain welfare assistance from a charity group, often a charity group will say, ‘Can you show me something with some ID?’ So that could be a starting point. In an absolute situation of no ID, they may be able to make a statement before a JP or something like that.

CHAIR—This is where some of the tensions are in this process, the more difficult you make it. Outside reasons actually are impacting on groups of people who have got real problems, with the best will in the world, in displaying levels of proof that we expect, so there may always be some gaps in the system. But we take your point. Would you like to say anything in conclusion?

Dr Phillips—Yes; you have not asked any questions on our third point, which is Senate voting above the line. Maybe our submission was so clear that you do not need to. That is probably the matter on which we feel most strongly. That is the area we would put as our No. 1 priority for reform: to abolish the system where tickets are lodged by parties. We believe that that is wide open to abuse, and has been abused.

Mr DANBY—Dr Phillips, your party does that at election time—

Mr MELHAM—Or as a matter of principle, don’t you lodge?

Dr Phillips—We are not a political party.

Mr d’Lima—We are an incorporated association. We have no ticket.

Senator ROBERT RAY—A registered party—

Dr Phillips—No; we are not, in any way, shape or form, a political party.

CHAIR—On behalf of the committee, I would like to thank all the witnesses who have given evidence to the public hearing today. I declare this public meeting closed.

Resolved (on motion by **Mr Danby**, seconded by **Senator Robert Ray**):

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

Committee adjourned at 12.28 p.m.