

The Secretary
Joint Standing Committee on Electoral Matters
Parliament House
Canberra
ACT 2006

Dear Sir,

I apologise for the lateness of this submission. I missed the original deadline, and only sometime later discovered that it might still be possible to make a submission to the Committee. The events I recount below are deeply disturbing. It may be that other submissions have made similar points (I have not had a chance to read most of them). If not however, I think it is important that the members of the committee are made aware of them.

I am an active member of The Greens, but I am making this submission in a private capacity, and have not discussed it broadly within the party. It is based both on my experiences as a campaigner at the election, and on reports from friends who were employed by the Australian Electoral Commission to work on the election.

Two friends of mine were employed to assist with the running of the 2004 federal election. Neither of these people have ever been members of any political party (to the best of my knowledge) and while they are friends of mine they were careful not to discuss with me matters that they considered inappropriate topics for a party member. Once they were employed I also stopped trying to persuade them how to vote.

Both these individuals had very disturbing accounts of how the AEC was running the election, at least in regard to the areas they were involved with. I have included some of these accounts because I believe they are highly significant, and confirm my own observations. To protect their identities, in case they wish to work for the commission in future I have made the account gender neutral, and taking out some indicative features, but I have not misrepresented any facts as they were told to me.

I should note that their concerns did not relate to bias - they indicated that they saw very little of this, and what they did observe did not run in any consistent direction.

However, other problems potentially endangered the proper running of the election, and if not addressed are likely to get worse in future.

Lack of Staff Training

A particular problem both pointed to was a lack of training of new staff. One individual reported that s/he was repeatedly instructed to take on new tasks. Each time s/he would ask to be shown what to do, or at least to be given some indication of what the job involved, and would be told "You're bright, you'll work it out". I believe s/he is indeed very bright, but I share the concern that it would have been appropriate to at least provide hir with some confirmation that what s/he guessed should be done was correct.

S/he also reported repeatedly being told by more senior staff to "drop what she was doing" and take on some task for them. After four different people had, in one day,

told hir to drop what the previous person had told hir to do, let alone hir ongoing responsibilities, frustration became quite substantial. As a result of such events s/he got very far behind in processing new enrollements, a potentially disturbing situation from the point of view of democracy.

Booth management

My other friend was allocated to help run one of the largest polling booths in the state. This booth has particular features that make it more than usually complex to administer. I can't give more detail without potentially breaching hir privacy, but these features are definitely real, rather than just being a case of everyone thinking the booth they are on is particularly hard.

Staff employed on this booth were given the wrong time to turn up to a training session, and so two hours of training was reduced to one. A number of staff had questions as to what they should do in particular circumstances. The person giving the session frequently told them to ask X (the individual in charge of the booth) about that before the booth opened.

In fact, X discovered a number of problems with the set up of the booth the day before polling day. She stayed until 3am the night before the election trying to get things fixed, went home, had one hours sleep before returning to frantically try to fix further problems on the morning. She was certainly not in a position to answer any questions.

By coincidence this booth was one of several I visited during the day to deliver How-To-Vote cards to Green campaigners. The queues literally stretched out into the street and at the rate they were moving people would have taken over an hour to reach the front. This is perhaps not that unusual, but at this booth there were several different queues for different categories of voters. These were not clearly labelled, and many people joined the wrong queue. It is one thing to wait for an hour, another thing entirely to reach the front and be told you have been in the wrong line and need to start over again. I suspect that at least some people simply gave up at this point. At 5:45 I witnessed some people heading off to try to find another polling booth - I doubt they would have made it in time to vote.

On an earlier visit to this booth I ran into my friend, who told me s/he was on hir first break since 6am, which would consist of the time it took hir to get a sandwich and some coffee and consume them, (although s/he spoke to me for the time it took hir to reach a food outlet). S/he told me s/he was unlikely to get another break until midnight.

Unsurprisingly, as a Green, I'm not very impressed by such workplace conditions. However, beyond this I simply do not believe that it leads to effective decision-making. My friend was meant to be supervising several more junior people (almost the first time s/he has done this) and it is unlikely s/he was in the best state to do so by the end of the evening.

It seems clear that more training should have been provided, and that an extra polling booth should have been opened to take the stress off this one. When they asked why this was not occurring both my friends were told (on the staff grapevine, I doubt such a message came formally) that the reason was that middle and senior management at

the AEC are now given bonuses purely on the basis of how much money they can save in their area, rather than any wider performance criteria. I am sure this is an exaggeration. However, if staff come to believe this it creates a serious problem. It is also quite possible that assessments such as how many voters are able to cast their ballot in reasonable time, or how many enrolments are processed correctly, may be undervalued compared to cost savings.

I regard this as deeply troubling. It is important that the AEC, like any government bureaucracy, does not draw too heavily on the taxpayers' purse. However, this should not come at the expense of people's opportunity to vote. What is more, lack of training often ends up costing more than good training, although the costs sometimes show up under a different budget line.

After the election one of the individuals I refer to was kept on for some months, and finally given a training session. However, the fact that a senior individual conducting the training was clearly drunk at 9am did not inspire confidence in the quality of the training received.

Electoral Impact

My concerns that this damaged democracy are not just theoretical. One person reported finding a bundle (I think she said of 30) of unchecked postal votes after the seat had been declared. These votes had to be discarded, as s/he was told it was too late to include them in the count. The seat was a fairly safe one, and 30 votes could not possibly alter the outcome. However, one wonders how often this happened. Even if more scrupulous practices are maintained in more marginal seats, the Senate result might theoretically be affected.

Another example cropped up when I was at the Greens' office on polling day. A woman called up to tell me that her son had been told he was not enrolled to vote, even though he was quite certain that he had enrolled. The staff had told him "We'll take your name and you won't get fined". He had the somewhat naive view that there were other reasons to vote besides avoiding a fine, and was livid.

The most disturbing thing about this event was that, while the individual did not know the term "provisional vote" he either was familiar with the concept, or invented the idea on his own. Either way he asked if it was not possible for him to cast a vote, have it put in an envelope and be included if subsequent checking showed he had properly enrolled. He was told this was not possible. 383 provisional votes were cast and included in this electorate, but presumably not on this booth. I told the woman to tell her son to go back and say, "I want a provisional vote". Hopefully this fixed the situation, but I think it is safe to assume that many other voters simply accepted that if they were not on the roll that was the end of things. How many votes is it acceptable to lose in order to save a bit of money on training staff?

Other cases that were reported included absentee voters being given ballot papers for the wrong electorate. This seems to have happened quite often, and led to people who were quite eligible to vote having their ballots discarded because they were given the wrong one. To provide specific examples would again endanger my friends' privacy, but some cases were laughable - people being given ballot papers for seats distant by half a state from where they live on the basis that two place names vaguely resemble

each other. On the other hand some were totally inexplicable. One case involved a voter resident and enrolled in a regional city prepolling in that city, but being given a ballot for a completely distant seat where they had never lived. My friend commented upon encountering this case "Is it possible for us to stuff it up any worse?"

In all probability these cases showed no specific trend in terms of party bias - they would have largely cancelled out in effect. However, in an election closer than this one simply depriving so many people of the opportunity to vote could be very serious. There is also the minor issue that all parties achieving over 4% of the vote suffered some loss in revenue every time one of their voters was prevented from voting through the inexperience and lack of training of a staff member.

Failure to Display Group Voting Tickets

Finally there was a further problem that definitely would have favoured some political parties over others, although probably not intentionally. During the morning of polling day I spent some time in The Greens office fielding calls from voters. Several asked about our Senate preferences. One however, wanted to know the Senate preferences for several parties. I told him where to find them on the web, but also suggested he ask for the copy at the polling booth. "I've just come from there," he said. "I asked to see the above the line voting and was told they didn't have them, which is why I called you."

I mentioned this to my friend when I saw him around 1pm that day. S/he blanched and said, "I don't think we have them. I certainly would not know where to find them if asked." Remember, this is one of the largest booths in the state, and my friend was in a senior position for the day, as well as being one of the most experienced staff members there. Subsequent reports indicate that many other booths also did not have the Group Voting Tickets even when they were requested, let alone prominently displayed.

I was under the impression that having the Group Voting Tickets for the Senate was a legislative requirement. Not displaying them is presumably a breach of the electoral act. In this case it also clearly worked against the Greens. There is considerable evidence that many, probably most, ALP and Democrat voters, along with some Liberals and Liberals for Forest Voters did not agree with the decision to preference Family First ahead of the Greens in certain states. Anecdotally those who were aware of the preference decision chose to vote below the line, but those who were not voted above the line. Some Green campaigners report having long running arguments with people handing out for the ALP, where the ALP campaigners simply refused to believe their party would have put Family First ahead of the Greens. They were unable to prove the case, because they could not access the Group Voting Tickets at the booth.

As it turned out the Greens' losing margin in my state was too large to have been overcome even if the tickets had been prominently displayed. And it is certainly the case that in other elections other parties might be the ones to suffer if this pattern continues (sometimes the Greens have been the beneficiaries of unexpected preference decisions). Nevertheless, a clear situation has been created. The public was deprived of information which they legally must be given, and which would have caused at least some people to vote differently. In a closer election this could have

determined the outcome.

I do not believe the decision not to provide most booths with Group Voting Tickets was done out of bias. It was either a cost saving device, or an oversight caused by short staffing and lack of training. But it was serious, and it must not be allowed to re-occur.

Future Dangers

It might be argued that all the cases I refer to are relatively minor in terms of the number of votes affected. Consequently it is unlikely any election will ever turn on such errors. However, it is important to remember that experienced staff say that these are new factors - the AEC once provided more training and was more diligent about doing it's job. Consequently, there is still a pool of staff who remember how things used to be, and learnt their original jobs well, even if they have not always been shown how to deal with new systems or technology. This pool is declining with time as people leave or retire. Unless priorities change future elections will see worse administration.

This time the number of people wrongly denied the opportunity to have their vote counted was probably numbered in the low thousands across the country, a fraction of a percent of the vote. But if nothing is done it will be worse next time, and by the time after it will be enough to affect the result in many seats.

My friends had heard a rumour that the plan was to divest the AEC of many of its functions, outsourcing these to private firms. This is already done in some cases (for example in the printing of ballot papers). It is not necessarily always bad. However, the experience in the United States shows clearly that outsourcing of some electoral roles to private firms can lead to disaster. (When the source code for voting machines turns up on the web, and includes vulnerabilities that first year computer programming students are warned against, I think we can say the situation is a disaster).

More importantly, if the culture of prioritising cost savings over performance remains then private operators are just as likely to cause problems in the running of elections as the current situation. Indeed there is the danger that in the event of a serious problem coming to light the AEC will blame the contractor, who will blame the AEC. If people expect to be able to shift the blame, they will take even less care.

Australian elections have been run very well for many years. 2004 was a warning, we need to heed it.

Stephen Luntz