

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Supplementary Budget Estimates Hearing – October 2008

**Australian Electoral Commission
Finance and Deregulation Portfolio**



Outcome 2, Output 2.1.1

Topic: Processes for Disputes on the Formality of Ballot-papers – Evidence of Mr Mark Dreyfus QC MP to the Joint Standing Committee on Electoral Matters

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Senator Ronaldson asked:

Senator RONALDSON—Minister, just before we finish with the commissioner, there was some talk about the Dreyfus model earlier on. What is the government's view of Mr Dreyfus's suggestion in relation to the breaking of deadlocks? Do you support his proposal or not?

Senator Faulkner—I would not consider myself an expert on Mr Dreyfus's proposal, but I am happy to have a very close look at it and come back to you. I have not given it close consideration at this stage.

Senator RONALDSON—It did get a lot of publicity. I am sure that you had a briefing in relation to what he had said. Have you formed an initial view on whether you support the resolution process or the continuation of the democratic outcomes that we are accustomed to at the moment?

Senator Faulkner—I have not received a brief on Mr Dreyfus's proposal, and it is because I have not closely examined it that I am reluctant to provide a response to you. But I am happy to give you a considered response...

Answer:

I am aware of the evidence given to the Joint Standing Committee on Electoral Matters (JSCEM) by Mr Mark Dreyfus QC MP, Member for Isaacs, on 11 August 2008, including the discussion about creating some sort of conciliation process to resolve disputes about the formality of ballot-papers prior to, or as an alternative to, hearings before the Court of Disputed Returns.

The Australian Electoral Commission (AEC) has advised me that, on 26 August 2008, the Chair of the JSCEM, Mr Daryl Melham MP, wrote to the AEC seeking additional information about any new processes that could be adopted to deal with disputed ballot-papers. In particular, the Chair sought additional information on possible measures for replacing or supplementing the system in the *Commonwealth Electoral Act 1918* for the review of reserved ballot-papers by the Australian Electoral Officer with a 'consensual arbitration' process involving the formation of a new review body. I am informed that the AEC has responded to this request.

The AEC has provided me with a preliminary briefing on this matter, and, based on the AEC's advice, my initial view is that the risks associated with any major change to the current processes would outweigh the benefits, particularly in relation to timeliness and transparency of decisions. However, I am prepared to consider this further once I have received the JSCEM's final report and recommendations.

