



Labor National Secretariat

Mr Kai Swoboda
Secretary
Inquiry into the 2007 Election
Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600

30 May 2008

Dear Mr Swoboda

Thank you for the opportunity to contribute to the JSCEM inquiry into the 2007 Election and other related matters.

I hope that the following submission is useful for Committee members in their discussions.

Yours sincerely

Tim Gartrell
National Secretary

Australian Labor Party (National Secretariat)
Submission to the Joint Standing Committee of Electoral Matters
Inquiry into the 2007 Federal Election
May 2008

The Australian Labor Party welcomes the opportunity to participate in the Joint Standing Committee on Electoral Matters (JSCEM) inquiry into the 2007 election and related matters. We hope the inquiry finds the following comments useful in developing reform directions for the conduct of future elections.

The ALP also welcomes the announcement by Special Minister of State, Senator John Faulkner on 28 March 2008 that he intends to reform the funding and disclosure regime to:

- Set the campaign donation disclosure threshold at \$1000;
- Ban donations from overseas or from non-Australian companies;
- Tie election funding to reported and verified electoral expenditure directly incurred by a candidate or party for an election;
- Remove the loophole whereby separate divisions of a party are treated as separate entities; and
- Increase public scrutiny of donations by reducing disclosure timeframes from 12 months to six months.

The ALP believes that the Bill currently before Parliament will improve the transparency and accountability of the funding and disclosure system.

The ALP is also supportive of the *Green Paper* process announced by the new Federal Labor Government. We believe that this process will also produce useful submissions and commentary which could be used by JSCEM in its inquiries. The ALP will be making an additional submission to that process.

Through this submission, the ALP puts forward some reform suggestions which are targeted at enrolment and improvement in the integrity of the vote. The ALP starts from the position that every entitlement voter should be enrolled to vote and that every valid vote should be counted.

Automatic Enrolment

The 2007 general election again highlighted the ongoing problems with enrolment and the many people who are not correctly enrolled. While the AEC has been diligent in their work in striking off people who are deceased, have changed address or are no longer in the country, similar efforts to improve the roll have not been pursued.

The ALP believes that improving levels of enrolment and the accuracy of enrolment data must be a priority for government and the AEC before the next election.

As a result, the ALP suggests that JSCEM investigate the potential for a system of automatic enrolment to commence before the next election. This move would complement existing roll verification activities conducted by the AEC and enhance

them. Rather than simply using electricity, gas and other utilities databases to verify that someone no longer lives at an address, the AEC could use the data to update the voters details automatically, thereby reducing the need for a variation to enrolment to be lodged, and preserving the voter's franchise. While consideration would have to be given to the integrity of source data, the ALP believes that the use of multiple databases will enable adequate cross-verification of information.

The AEC could expand the current number of databases used for this purpose to include motor registry and school graduation databases, so that young voters may be enrolled provisionally before they turn 18. The ALP believes that all 17 year olds should be automatically enrolled using these methods.

The current Smart Roll exercise in NSW should also inform the work of the AEC in this area.

The ALP believes that the AEC must be adequately resourced to complete this task should it be considered by government.

The ALP believes that this reform would improve the integrity of the roll, improve the franchise and improve the administrative efficiency of voting.

Prepoll

The ALP notes that the 2007 election showed another increase in the number of people casting a prepoll vote. This has consistently increased over a number of elections, despite access to prepoll remaining an issue. Prepoll voting has in fact tripled in the last 14 years, with a 50% increase recorded between the 2004 and 2007 elections. The ALP believes JSCEM should examine the potential for broadening the scope of the current legislative provisions relating to prepoll, so that a greater number of people can access it. The ALP believes that with increasing work and family commitments, work travel and mobility, prepoll has become an important avenue for ensuring every voter is able to exercise a vote.

Concurrent with this, the ALP believes the figures from the 2007 election reinforce our previous calls for more prepoll voting venues, in more accessible locations. This should include prominent shopping centres and JSCEM should investigate any legislative impediments which prevent the AEC being able to access the most public venues available.

The ALP believes this would cut down the number of voters registering for a postal vote, keeping the administrative processes, and the potential for errors, to a minimum.

The ALP also supports a move to a more dynamic use of the electoral roll in relation to prepoll. We believe that voters using prepoll should have their vote "ticked off the roll" when they vote, making the counting of the vote much more efficient.

Early Closure of the Roll

The ALP believes that the changes introduced by the previous government have restricted the vote. The ALP opposed these moves when they were introduced, citing the disengagement of many voters from the political process and the

benefits for roll integrity of having the roll left open for a period after the calling of an election. The actions by the ALP and others in publicising the actions of the government no doubt served to boost enrolment numbers, however the systemic flaws in the current system must now be addressed.

The ALP believes that JSCEM should look into the processing of enrolment forms by the AEC at the time of the closure of the rolls, so as to verify that every enrolment form lodged was in fact processed. It may also wish to investigate the processing times and numbers of forms lodged after the rolls closed.

The ALP believes that these provisions should now be amended, taking into account the enrolment periods available in similar jurisdictions such as New Zealand and Canada. We believe that JSCEM should look at these overseas models to see if there are lessons to be learnt for the modernisation and reform of Australia's electoral laws.

Changes to Guidelines for Declaration Voting

Research conducted by the ALP has found that changes to the Electoral Act in 2006 may have resulted in between 70,000 to 100,000 people being prevented from voting.

This change to the Act meant that people who had changed address, but still resided at a new address *within* the electorate were now denied a vote. Previously these people had been classified as "should have remained on the roll" and their votes would have been counted.

The ALP is extremely concerned about this change and believes JSCEM should seek a full explanation on how these voters were classified by the AEC. If the ALP's initial research is confirmed and a problem found to exist then JSCEM should recommend a legislative solution to the issue. This should include a return to division based, rather than address based enrolment.

Removals from the Roll at Post Office Boxes

The ALP believes that a number of voters may have been struck from the roll because they did not renew their post office box contracts. While their enrolment may not have changed, if a post office box was listed as their mailing address, then AEC material may have been returned un-opened, thereby triggering their removal from the roll.

The ALP believes that JSCEM should look into the number of people listed with post office boxes as postal addresses who were struck off the roll because their mail was returned.

Proof of Identity Requirements

The ALP also believes that the proof of identity requirements added a further unnecessary burden on average voters. We believe that these changes were implemented for partisan advantage, which should now be addressed. The ALP believes that these changes disadvantage the 15% or so of voters who do not have a drivers' licence and notes that the form provided by the AEC became more complex as a result.

The ALP is also extremely concerned about the drop in the number of provisional votes which survived the initial count. In 2004, almost half of the attempted provisional votes were accepted and counted, in line with what occurred in previous elections. In 2007, however, 86% of provisional votes were rejected and only 14% were accepted. This huge drop needs to be accounted for by the AEC and JSCEM should request a full explanation. As part of this, JSCEM should request a full electorate breakdown of the provisional voting figures. Initial research by the ALP has shown that there are large variations between the acceptance rate of provisional votes between states. This may suggest that there are differing interpretations at state or electorate level of the applicability of the law. The AEC may have another explanation.

Overseas Voting

The ALP remains concerned about the conduct of polling overseas and the potential disenfranchisement of Australians residing abroad.

Our initial research shows that overseas voters felt that it was more difficult to have a say in this election than ever before with the changes to enrolment procedures disenfranchising large numbers of Australians living abroad. The ALP recommends that JSCEM review the *Commonwealth Electoral Act 1918*, where it relates to enrolments made overseas, especially ss94, 94A & 95AC.

Our research indicates that the administration of the election at overseas posts may also have limited the franchise of Australians residing abroad or travelling for extended periods. Particular problems were experienced in relation to accessing reliable information services about polling times, polling locations and processes at overseas missions and in Australia, and the provision of service to voters attempting to cast in-person ballots or apply for and submit postal votes. The ALP believes that JSCEM should look into the conduct of the 2007 overseas polling operation as administered by the AEC and the Department of Foreign Affairs and Trade (DFAT).

The Events in the Electorate of Lindsay

The ALP remains concerned about the events which occurred in the final week of the election campaign in Lindsay. The Committee will be familiar with these events, which do not need to be recounted here.

The ALP does, however, believe that the events, the investigation process and the penalties finally issued fall well below a standard that would be acceptable to the general community.

We believe that JSCEM should now review the provisions of the *Commonwealth Electoral Act 1918* relating to misleading statements, specifically s.329, with a view to providing further legislative definition to an offence under this part of the Act, and with a view to strengthening the penalties.