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1990

FEDERAL ELECTION

REPORT FROM THE JOINT STANDING

COMMITTEE ON ELECTORAL MATTERS

December 1990

THE SENATE

21 DEC 1990

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PAPER

The Parliament of the Commonwealth of Australia

1990 FEDERAL ELECTION

Report from the Joint Standing Committee on
Electoral Matters

December 1990

Australian Government Publishing Service
Canberra

Membership of the Committee

Chairman: Hon L J Brereton MP

Deputy Chairman: Mr C G Miles MP

Members: Dr R Catley MP
Mr M Cobb MP
Mr D Melham MP
Senator M Beahan
Senator J P Faulkner
Senator B Harradine
Senator R Kemp*
Senator C Kernot**

Secretary: Ms B Forbes

Inquiry Staff: Ms F Coates
Mrs J Jurek
Ms P Tancred

* Replaced Senator J R Short, 24 August 1990.

** Replaced Senator R J Bell, 13 November 1990 who replaced Senator J Jenkins, 1 June 1990.

Terms of Reference of the Inquiry

The Committee inquire into and report on:

All aspects of the conduct of elections for, or votes on behalf of, the Parliament of the Commonwealth and matters related thereto, including:

- (i) the legislation governing, and the operation of, the Australian Electoral Commission;
- (ii) the provisions and operation of the *Commonwealth Electoral Act 1918*; and
- (iii) the provisions and operation of the *Referendum (Machinery Provisions) Act 1984*.

In accordance with this general reference the Committee decided to conduct an inquiry into the conduct of the 1990 election for the Parliament of the Commonwealth and matters related thereto.

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Key Findings

1 - Scope and Conduct of the Inquiry

The conduct of the 1990 federal election was marred by a number of problems. Many of these problems arose out of the Australian Electoral Commission's (AEC) failure to orientate its policies and strategies sufficiently toward service and, as such, were completely avoidable. As a result the Committee examined these matters in detail to ensure that such problems do not recur in future elections (1.6).

2 - Making Voting Easier for the Public: the Queuing Problem

The most serious of the difficulties that electors faced on polling day 1990 was that many were forced to queue for unacceptably long periods to vote (2.1).

As the AEC could not provide either complete or comprehensive data on the extent of queuing it was difficult to gauge how widespread it was. Nevertheless it became clear during the course of the inquiry that long delays were the order of the day at many polling places, with people having to wait, in some cases, for up to an hour or more to vote (2.14).

There were a number of factors contributing to this state of affairs but responsibility must rest with the AEC's central management which had centralised its voter turnout and staffing allocation estimation procedures. This resulted in discretionary cutbacks in electoral staff, the outcome of which was the queuing that many electors experienced on polling day. The fact that the AEC had run a very successful voter education campaign resulting in a record voter turnout made the problem worse (2.40).

The AEC reports that its new procedures for conducting the election led to savings of \$1.4 million but this has been at the expense of effective management of the 1990 election to the point where many voters were seriously inconvenienced (2.41).

The solution to the queuing problem at future elections is that the AEC must employ additional staff where appropriate to ensure that the ratio of ordinary vote issuing staff to potential voters is at a realistic level. As well, the AEC needs to implement more flexible, less centralised policies for staffing and resourcing polling places (2.52).

3 - Making Voting Easier for the Public: Other Issues

Polling Places

A significant factor in the smooth operation of an election is the accessibility and suitability of the premises used by the AEC for polling. While the location and accommodation of polling premises were generally adequate there was some cause for complaint, particularly in the Sydney region, concerning restricted access for elderly, invalid or disabled voters. At many polling places access problems were exacerbated by extensive queuing (3.1).

Voter Information and Education

Information advising voters on how to enrol correctly and reminding them of the obligation to vote was substantially improved from previous elections; however the AEC's program is still failing to reach electors with lower literacy skills and electors who are blind, visually impaired or print handicapped. Further education on declaration voting is needed to reduce the number of rejected declaration votes and improvements need to be made in the advertising of polling place locations (3.23).

Employers to Allow Employees Leave of Absence to Vote

An increasingly large category of voters experiencing difficulties in registering a vote are those people who work all day Saturday. As recent amendments to the Electoral Act to allow those employees to cast a declaration vote or to be given leave of absence to vote have not been well publicised, the Committee has recommended that the AEC co-operate with trade union and employer groups to inform both employers and employees of those voting opportunities (3.24).

Optional Preferential Voting

While only a small percentage of voters at this election is believed to have taken advantage of a loophole in section 270 of the Electoral Act to register a vote using optional preferential voting, the Committee is concerned about a possible increase of such misuse at future elections, particularly if this issue continues to be publicised. The Committee has recommended the introduction of penalties to dissuade people from inducing voters to complete the ballot paper other than in accordance with official instructions and sought further investigation by the AEC on ways to amend the Act to close the loophole (3.38).

4 - Knowing the Election Result on Election Night

A major failing of the AEC's management of the election was that the result was not known until four days afterwards (4.1).

Australian electors were kept waiting for their results because minor parties and independent candidates received some 20% of the vote and the distribution of their preferences, which determined the result in several Divisions, did not occur on election night (4.3).

Before the election the potential for delay and the need for a notional distribution of minor candidate preferences as a means of averting it was brought to the AEC's attention. The AEC however, denied that such a need existed (4.4).

To prevent this recurring it has been recommended that a new formal step be added to the House of Representatives scrutiny process so that scrutineers have the opportunity to readily observe a two-candidate preferred vote in each polling place on election night (4.21).

The posting of results for both the House of Representatives and the Senate on election night was also unacceptably delayed. Hardware and software problems held up the input of House of Representatives data and a third of the Senate vote counted was not entered on the election night information system. The AEC must review its computing, counting and reporting systems to prevent a recurrence of this situation (4.24; 4.30).

5 - Campaign Material

As in previous elections how-to-vote cards were a cause of complaint and concern. Banning their distribution and replacing them with an official display was rejected by the Committee because of the size of Senate how-to-vote material, cost, damage-prevention measures and civil liberties issues (5.10).

As a result of concerns regarding the volume of paper used for how-to-vote material the Committee recommends that the AEC ensure all election materials, including how-to-vote cards, are recycled and, where possible, both the AEC and political parties use recycled paper to produce their campaign documents (5.13; 5.16).

6 - Nomination and Enrolment

Candidate Holding an Office of Profit under the Crown

Difficulties with candidates holding an office of profit under the Crown arise at most elections and the 1990 election was no exception. The Committee believes that this matter should be resolved by a ruling from the High Court (6.17).

The Electoral Roll

In an effort to enhance roll accuracy the AEC has introduced a new online Roll Management System (RMANS). This system does not, however, extend to Divisional Offices in the eastern States and its full potential will not be realised until all Divisional Offices are online (6.27).

The AEC's current round of habitation reviews will further assist the accuracy of the electoral roll but the AEC must monitor this process to avoid potential discrimination against non-English speaking, aged, infirm and Aboriginal voters (6.38).

As with previous elections the AEC's failure to supply certified lists and electoral rolls was the subject of complaint by candidates and parties. Both groups require improved access to these documents and the Committee has recommended appropriate amendments to the legislation to ensure this (6.47; 6.49).

The overall incidence of multiple voting at the 1990 election remained low (paragraph 6.55).

7 - Management and Operation of the Australian Electoral Commission

There are a number of management and operational deficiencies within the AEC which the Committee believes must be rectified if the next federal election is to be free of the difficulties which marred the 1990 poll. Particularly noteworthy were the difficulties arising from the deficiencies of technology in Divisional Offices especially those in the eastern States; excessively centralised decision making; and the inefficiencies in the training of Divisional and polling place staff (2.50; 7.7; 7.14).

Despite a high level of satisfaction with the co-operation and assistance provided by most AEC staff in Divisional Offices, throughout its inquiry the Committee became increasingly concerned about the failure of the AEC's central management to focus its efforts sufficiently on service. The AEC presents itself as an organisation more concerned with enforcing the provisions of the Electoral Act rather than using the Act as a

basis for providing a service (7.16).

Given the problems identified throughout this inquiry, the Committee can only conclude that the 1990 election was not as well managed as it should have been and there are serious deficiencies in the management of the AEC (7.19).

In the light of this the Committee intends to re-examine the AEC in the current parliamentary term to ensure that the AEC has addressed the problems revealed by this inquiry before the next federal election (7.20).

Recommendations

1 - Scope and Conduct of the Inquiry

The Committee recommends that:

- As a matter of urgency the Government respond to Report No. 3 of the Joint Standing Committee on Electoral Matters, *The 1987 Federal Election: Inquiry into the Conduct of the 1987 Federal Election and the 1988 Referendums*, May 1989 and priority be given to the introduction of any resultant amending legislation (1.13).

2 - Making Voting Easier for the Public: the Queuing Problem

The Committee recommends that:

- The Australian Electoral Commission develop a system, which should include reports from all presiding officers on queuing and any other delays, to provide it with reliable data of voter turnout patterns and any queues at each polling place at future federal elections (2.18).
- The Australian Electoral Commission set a formal performance standard for the length of time that it is reasonable for a voter to wait to cast a vote, and use that standard as the criterion against which the Australian Electoral Commission's level of service can be measured at the next election (2.18).
- To alleviate queuing problems at future elections the Australian Electoral Commission:
 - employ additional staff where necessary to ensure that the ratio of ordinary vote issuing staff to potential voters is at a realistic level
 - revise its National Polling Place Resources Policy to provide flexibility in the staffing and resourcing of polling places

-
- print the certified lists in a larger type size to facilitate the process of striking the voter's name from the list
 - ensure Divisional Returning Officers review polling premises and their management on a regular basis
 - improve training for Divisional Office and polling place staff to ensure that they have all the knowledge and skills necessary to perform more effectively their tasks on polling day (2.52).
- . Prior to polling day the Australian Electoral Commission advise polling place staff that disciplinary action will be taken if staff engage in unacceptable political activity at polling places (2.53).

3 - Making Voting Easier for the Public: Other Issues

The Committee recommends that:

- . As part of the Australian Electoral Commission's consideration of the redesign of the Senate ballot paper the typeface used to designate Senate groupings be reviewed to ensure that there is no potential confusion of the alphabetical 'I' with the numeral '1' (3.7).
- . The Australian Electoral Commission:
 - improve its newspaper and other advertisements to inform the public on polling place, pre-poll and mobile poll locations and consider advertising general polling places in newspapers on the day before polling day
 - develop an information and education program to assist electors who are blind, visually impaired, and/or print handicapped
 - develop an information and education program to assist electors with lower literacy skills
 - improve its information and education program on declaration voting issues and procedures
 - give a higher priority to reaching young adults approaching voting age through school visits and

-
- distribution of enrolment cards relative to other components of the youth enrolment campaign
- conduct an information campaign to remind aged electors of their right to vote
 - review its voter information and education program giving close attention to:
 - .. the balance of use between print media and radio and television advertising in the information and education program
 - .. the value of continuing with the elector pamphlet distributed to all Australian households prior to the election (3.23).
 - . The Australian Electoral Commission co-operate with the trade union movement and employer groups to ensure that both employers and employees are fully aware of their obligations and entitlements under sections 183 and 345 of the *Commonwealth Electoral Act 1918* (3.26).
 - . The Australian Electoral Commission investigate the performance of overseas posts in undertaking electoral responsibilities and implement procedures to ensure that overseas declaration votes are returned prior to the election date, and that all relevant Australian Electoral Commission and candidates' how-to-vote material is prominently displayed and freely available at overseas posts (3.31).
 - . Section 226 of the *Commonwealth Electoral Act 1918* be amended so that the presiding officer or electoral visitor who visits a patient for the purposes of a mobile poll should display how-to-vote cards made available for the purpose by candidates in the election (3.37).
 - . Section 329(3) of the *Commonwealth Electoral Act 1918* be amended to include a general prohibition on the distribution of any material which discourages electors from numbering their ballot paper consecutively and fully (3.42).
 - . The Australian Electoral Commission report to the Joint Standing Committee on Electoral Matters on possible changes to the *Commonwealth Electoral Act 1918* that would have the effect of minimising the incidence of optional preferential voting (3.43).
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4 - Knowing the Election Result on Election Night

The Committee recommends that:

- The *Commonwealth Electoral Act 1918* be amended to add a new step to the House of Representatives scrutiny process to guarantee that scrutineers would have the opportunity to readily observe a 'two-candidate preferred vote' in each polling place on election night (4.21).
- The Australian Electoral Commission ensure that it has in place frontline and backup systems to record, process, transmit and publicly display House of Representatives results as soon as they are available on election night (4.24).
- The Australian Electoral Commission review its overall procedures for conducting and reporting the Senate count, particularly its data input procedures, to ensure an improved performance in the percentage of the Senate vote counted and publicly announced for every State on election night at future elections (4.30).
- The Australian Electoral Commission review the layout of the National Tally Room for future elections and provide suitable office accommodation for political parties as was provided during the 1987 election and previous elections (4.32).

5 - Campaign Material

The Committee recommends that:

- The Australian Electoral Commission ensure that cardboard litter bins are provided at all polling places for the disposal of waste paper generated from elections, including how-to-vote cards, and that all bins are subsequently collected by recycling firms for the recycling of that paper (5.13).
- The Australian Electoral Commission use recycled paper for the production of all its election material wherever practicable (5.16).

6 - Nomination and Enrolment

The Committee recommends that:

- . The *Commonwealth Electoral Act 1918* be amended so that proceedings for the deregistration of a political party that is a parliamentary party be not undertaken until after the next election for the relevant House subsequent to the political party becoming liable to deregistration (6.8).
- . The Minister for Administrative Services seek a ruling from the High Court on what constitutes an office of profit under the Crown and when a candidate has to resign from such an office (6.18).
- . The Australian Electoral Commission produce a nominations 'checklist' to be given to each candidate, and a copy to be held at each Divisional Returning Office, to assist both candidates and District Returning Office staff in ensuring that all relevant nomination procedures are complete (6.21).
- . The Australian Electoral Commission improve the level of service and advice provided to all candidates and political parties in the lead-up to federal elections (6.24).
- . The Australian Electoral Commission extend its online Roll Management System to all Divisional Offices in the eastern States as an immediate priority (6.27).
- . The Australian Electoral Commission report to the Joint Standing Committee on Electoral Matters on the current round of habitation reviews when those reviews are complete and that the report include an evaluation of the adequacy of procedures used for dealing with eligible non-English speaking, aged, infirm and Aboriginal voters (6.38).
- . The *Commonwealth Electoral Act 1918* be amended to include a provision that House of Representatives and Senate candidates are entitled to purchase one copy of the latest print of the Divisional or State roll (respectively) for the electorate for which they have nominated in accordance with the rolls that are being made available to Members of the House of Representatives and the Senate under section 91 of the *Commonwealth Electoral Act 1918* and, if requested the copy of the roll should be made available in tape or disc form (6.47).

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- The *Commonwealth Electoral Act 1918* be amended to provide for the distribution to each candidate, as soon as practicable after the close of rolls, and at least one week prior to polling day, one copy of the certified list of voters for the Division in which the candidate seeks election (6.49).

7 - Management and Operation of the Australian Electoral Commission

The Committee recommends that:

- The Australian Electoral Commission investigate the extent to which it can devolve financial and management responsibility to Divisional Returning Officers and, where this is appropriate, does so with concomitant reporting and accountability practices (7.7).
- The Australian Electoral Commission extend its online information network to all Divisional Offices as an immediate priority (7.14).
- The Australian Electoral Commission take urgent steps to guarantee a more service orientated approach to its task of conducting federal elections (7.18).

1 - Scope and Conduct of the Inquiry

1990 Federal Election

1.1 On 24 March 1990, 89 years after the first federal election in 1901, the fortieth election for Commonwealth Members of Parliament was held. Consistent with the general pattern of elections, irrespective of which party has held government, the 35th Parliament did not run its full three years and the election was held two years and eight months after the previous election. The 1990 election was a House of Representatives/half Senate election.

1.2 The election was administered by the Australian Electoral Commission (AEC) at a cost of \$40.49 million as at 30 June 1990.

1.3 The 1990 election was notable for a number of achievements. The election was conducted in the shortest possible time allowed under the Act - 26 days from roll close to polling day. 594,612 new or changed entries were added to the electoral roll prior to its close with the assistance of the AEC's new national (except South Australia) Roll Management System (RMANS). The AEC ran a well received and effective pre-election advertising campaign to get people enrolled correctly and remind them of their obligation to vote and how to vote formally.

1.4 The result was that there were 10.67 million people on the roll at the close of roll - an increase of 312,990 since the 1987 election. Voter turnout was the highest since 1954 - 95.81% of those enrolled - and there was a low informal vote in both Houses. There was also a high number of candidates for both Houses - 1005. At the same time the AEC, having reduced its polling staff recruitment by 11,483, employed and trained 56,793 polling staff around Australia to assist in the running of the election.

1.5 Despite these achievements the 1990 election exposed a number of major inadequacies in the electoral system and its management. The most serious indications of this situation were the unprecedented queues at polling places around the country and the fact that the result of the election was not known until the following Thursday.

1.6 For these and many other reasons identified throughout this report, when the Joint Standing Committee on

Electoral Matters was reappointed in the current Parliament, all members of the Committee considered it important to examine in detail the problems associated with the management of the 1990 federal election to ensure that such problems are eliminated in future elections.

Scope of the Inquiry

1.7 On 28 May 1990 the Committee sought and received from the Minister responsible for electoral matters, the Minister for Administrative Services, a general reference to 'inquire into and report upon all aspects of the conduct of elections for the Parliament of the Commonwealth and matters related thereto'. In accordance with that general reference the Committee proceeded with its investigation into the conduct of the 1990 election. The guiding principle for the Committee's work has been to make voting easier for the public while seeking to create a more efficient and streamlined electoral system. The Committee decided to proceed quickly with its investigation, undertaking a short, sharp inquiry while the experience of the election was still recent. In so doing the Committee has sought to ensure that the changes it recommends will be implemented prior to the 1993 election.

1.8 The Committee's inquiry did not investigate any issues associated with Part XX (Election Funding and Financial Disclosure) of the *Commonwealth Electoral Act 1918* as under section 17(2) of the Act the AEC had first to present a report on those issues to the Minister for Administrative Services - this will not be done until the end of this year. While recognising that some delay is inevitable in the process of receiving and analysing financial returns the Committee is concerned at the length of time that it is taking the AEC to present this report.

1.9 The inquiry represents an ongoing task which has been given to successive parliamentary committees since 1983. The work of those committees resulted initially in a major overhaul of the *Commonwealth Electoral Act 1918*, including the establishment of the AEC, and more recently fine tuning of both the Electoral and Referendum Acts. Further details on those amendments are provided in the reports of the Joint Select Committee on Electoral Reform (1984-1987) and the Joint Standing Committee on Electoral Matters in the 35th Parliament (1987-1990).

Recent Changes to the *Commonwealth Electoral Act 1918*

1.10 A number of amendments to the *Commonwealth Electoral Act 1918* made by the *Electoral and Referendum Amendment Act 1989* were introduced shortly before the 1990 election was

called. The Electoral and Referendum Amendment Bill was introduced into Parliament in April 1988. Its purpose was to implement those recommendations made in Report No. 2 of the Joint Select Committee on Electoral Reform, *The Operation During the 1984 General Election of the 1983/84 Amendments to Commonwealth Electoral Legislation*, December 1986 which had been accepted by the Government, but not previously implemented under the *Commonwealth Electoral Amendment Act 1987*. The bill was passed by both Houses on 22 December 1989, the last day of sitting of the old Parliament, and received Royal Assent on 23 January 1990 with several of the amendments made by the Act coming into effect on that date.

1.11 In the short time between the date on which the *Electoral and Referendum Amendment Act 1989* received Royal Assent and the date on which the election was announced a number of the Act's provisions which could be introduced beneficially without substantial changes to forms, manuals or procedures were proclaimed to take effect on 9 February 1990 prior to the election, with the remaining provisions taking effect on 30 September 1990.

1.12 When the 35th Parliament was dissolved, there had been no Government response to Report No. 3 of the Joint Standing Committee on Electoral Matters, *The 1987 Federal Election: Inquiry into the Conduct of the 1987 Federal Election and 1988 Referendums*, May 1985. Accordingly, the legislation under which the 1990 election was conducted did not reflect the recommendations made in that report. This meant that some suggestions and recommendations made in submissions to the 1990 election inquiry already had been addressed in the previous committee's report.

1.13 The Committee recommends that as a matter of urgency the Government respond to Report No. 3 of the Joint Standing Committee on Electoral Matters, *The 1987 Federal Election: Inquiry into the Conduct of the 1987 Federal Election and the 1988 Referendums*, May 1989 and priority be given to the introduction of any resultant amending legislation.

Conduct of the Inquiry and Structure of the Report

1.14 In undertaking its inquiry the Committee has aimed, as much as possible, at encouraging widespread interest and participation in its inquiry process by the community, political parties and groups, and Members of Parliament.

1.15 On 1 June 1990 the Chairman wrote to all Members and Senators seeking their views on the way in which the election

was run in their electorate or State/Territory and enclosed a four-page survey to facilitate providing that information. The closing date for survey responses was 22 June 1990 and after that date all Members and Senators who had not responded were followed up by telephone. For a mail survey the results were successful: 99 responses or a response rate of 44% was achieved and the responses were well spread across both Houses of Parliament, all States and Territories and all party affiliations. Evidence from the survey provided the Committee with a sound basis on which to commence its public hearings. A copy of the letter to Members of Parliament and the survey and a breakdown of survey responses is at Attachment A.

1.16 Advertisements announcing the inquiry and calling for submissions appeared in major newspapers on 2 and 4 June 1990.

1.17 The Committee received 84 submissions from the public, major and minor political parties and groups, Members of Parliament, unions, and the AEC. A list of the persons who and organisations which made submissions is at Appendix B and associated exhibits are listed at Appendix C.

1.18 As a result of the detailed submissions received the Committee decided to take evidence at hearings only when submissions required clarification or amplification. The Committee took evidence from 24 witnesses at six public hearings in Canberra on six days between 15 August and 11 October 1990. A list of the public hearings held and the witnesses heard is at Appendix D.

1.19 The submissions and transcripts of evidence from public hearings have been incorporated into separate volumes. Copies of those documents are available for inspection at the Committee Secretariat, the Commonwealth Parliamentary Library and the National Library of Australia.

1.20 The Committee wishes to thank those who made submissions to the inquiry, witnesses who gave evidence at public hearings and the Members of Parliament who participated in the survey.

1.21 The report's structure is guided by the major problems identified in relation to the election. Chapters 2 and 3 examine ways of making voting easier for the public with chapter 2 focusing on the reduction of the queuing problem. Chapter 4 outlines a strategy for maximising the probability that the public knows the result of the election on election night. Chapter 5 tackles problems associated with campaign material particularly how-to-vote cards; and ways of improving nomination and enrolment procedures are discussed in chapter 6. The final chapter addresses deficiencies with the management and operation of the AEC and presents the Committee's overall assessment of the conduct of the 1990 election.

2 - Making Voting Easier for the Public: the Queuing Problem

2.1 Undoubtedly the most serious complaint of the 1990 election was that large numbers of people at many polling places around the country were forced to queue for a long time to vote. This severely inconvenienced and irritated many electors especially those who were left standing outside polling places without shelter. The queuing situation was bad enough to deter many people from voting. The problem of queuing was stressed by complaints in 25% of the submissions received by the Committee as well as by two-thirds of the Members of Parliament who participated in the Committee's survey. The Public Sector Union reported that this was the main area which produced major criticism of the AEC by its own staff (Evidence p. S346). As well as being concerned about the effects of queuing on the public, the union emphasised that queuing also adversely affected the working conditions of polling officials.

2.2 At the time of the election 'staff cuts' were often blamed for the queues, allegedly as a result of cutbacks in Government funding of the election. Consequently the Committee investigated this problem in detail.

Incidence of Queuing

2.3 Armed with those concerns the Committee sought to obtain from the AEC details on the extent of the queuing problem at the election, such as the length of time that it is reasonable for a voter to wait to cast a vote and the number of Divisions and polling booths in which a significant queuing problem occurred.

Information Sources

2.4 At the time of the election the AEC had no information system in place to provide it with reliable details of voter turnout patterns and queues. In the absence of such a system there appears to have been little attempt by the AEC to obtain all relevant information on queuing delays when collecting details. The figures that have been provided by the AEC have been obtained from:

- information on delays during peak periods as extracted from polling place liaison officer reports

-
- election returns by presiding officers of polling places
 - specific complaints received in the AEC's Central Office that could be verified by checks against polling officer returns.

2.5 Excluded from the analysis were:

- complaints from members of the public
- complaints received in the 148 Divisional Offices and the 6 State Offices of the AEC
- instances of unspecified delays (for example a report which said 'long queue for two hours in morning'). These were excluded from the general data collection and treated as a separate category.

2.6 The data sources used serve to understate the real impact of queues because the quality and consistency of the information included in the polling officer returns is highly variable. Polling place liaison officers are employed on polling day in urban areas, and some country areas, to supervise the operation of a group of eight polling places. They are required to visit each polling place in the group at least once during the morning and at other times as necessary during the hours of polling and scrutiny. Even though polling place liaison officers are required to report on delays, the low frequency of their visits to polling places makes the accuracy of their reports on queuing questionable.

2.7 For the presiding officers, there is no specific provision in their election return to provide comment on queues but they were required to report on any complaints from electors or on matters affecting polling. As queuing delays have not been a widespread recent problem before the 1990 election, it is likely that many presiding officers did not report difficulties encountered at their booths even to liaison officers simply because they were not asked and possibly for fear that the situation would reflect poorly on their own performances.

2.8 Where the polling officer's return was blank the AEC inferred there was either no delay or minimal delay at those polling places, while noting that not all delays may have been reported.

Performance Standard

2.9 The AEC has no stated performance standard on the maximum time that it is reasonable for a voter to wait to cast a vote, but suggested an informal performance standard of 10 minutes during peak periods. No real justification for the

selection of this standard was provided by the AEC except to say that, based on past experience and appropriate allocation of staffing policy, delays of 10 minutes during peak periods would be unusual (Evidence pp. S653-S654).

AEC Analysis of Queues Reported in Polling Places

2.10 Using the data sources outlined, delays in polling places were categorised by the length of delay using the informal performance standard of 10 minutes and tabulated by Division, State and nationally (see tables at Evidence pp. S672-S680). A summary of the State and national figures for queuing is presented at Table 2.1.

Table 2.1:

QUEUING IN POLLING PLACES MARCH 1-4 th ELECTION PEAK PERIOD OPERATIVELY DELAYS REPORTED IN PRESIDING OFFICERS' AND POLLING PLACE LIAISON OFFICERS' REPORTS									
STATE	TOTAL POLLING PLACES	NUMBER OF POLLING PLACES WITH							NUMBER OF POLLING PLACES WITH UNSPECIFIED DELAYS
		NO REPORTED DELAYS	0 - 10 MINUTE DELAYS	11 - 20 MINUTE DELAYS	21 - 30 MINUTE DELAYS	31 - 45 MINUTE DELAYS	46 - 60 MINUTE DELAYS	MORE THAN 60 MINUTE DELAYS	
NATIONAL									
NSW	2687	1460	543	378	138	72	16	5	75
VIC	1938	1256	346	247	81	25	4	0	59
QLD	1260	823	255	144	55	8	1	1	23
SA	999	465	174	46	13	3	0	0	20
WA	751	428	183	62	20	10	7	3	7
TAS	336	246	80	2	1	0	0	0	0
ACT	75	34	3	3	1	1	0	2	0
NT	37	27	3	1	1	0	0	0	0
TOTAL	7863	4630	1676	898	316	120	28	11	184
% OF TOTAL POLLING PLACES		59	21	11	4	2	0	0	2

Source: AEC Evidence p. S698 Table 1(i).

2.11 Based on the data available the AEC reported that:

- nationally the informal standard of issuing ballot papers to all electors within 10 minutes of their arrival at a polling place was apparently met at 80% of polling places
- at a State level there appear to have been wide variations in performance: voters in 97% of Tasmanian polling places were issued ballot papers within 10 minutes, while in New South Wales and the Australian Capital Territory this occurred in only 74% of polling places
- rural Divisions reported few delays as many polling places in those Divisions service under 500 voters

-
- the national and State summaries hide significant variations in individual Divisions; for example queues were experienced in all polling places in the Divisions of North Sydney and Wentworth in New South Wales and the Division of Moore in Western Australia; and 11 polling places in New South Wales, Queensland, Western Australia and the Northern Territory experienced delays of more than one hour
 - performance levels in the Sydney and Melbourne metropolitan areas generally appear to have been significantly worse than those in other urban areas.

Voter Turnout during Election Day

2.12 Voter turnout was the highest since 1954 - 95.81% of those enrolled. The AEC however, had insufficient data available on the number of electors arriving to vote at specific times of the day to make a conclusive statement on this issue. The best that could be said was that, based on the data sources previously outlined, the vast majority of electors arrived to vote between the hours of 8.00 am and 2.00 pm (Evidence p. S652).

Length of Queues and the Bank Queuing System

2.13 Bank-style queuing was introduced formally for the first time at the 1988 referendum with the 1990 election being the first major election at which it was used. It is the AEC's view, based on the polling officers' reports, that the length of the queue was not necessarily related to excessive delay experienced by voters - for example the polling place liaison officer observed 100 to 110 voters queuing at the Padstow polling place in the Division of Banks but at the time of observation the delay was 10 minutes (Evidence p. S654).

Conclusion

2.14 The Committee considers that the evidence provided by the AEC cannot be regarded as a definitive assessment of the incidence of delays experienced by voters because, as acknowledged by the AEC itself, the data provided is neither comprehensive nor complete. The analysis presented, based on intelligent guesswork rather than hard data, is consequently flawed.

2.15 Because of the restricted sources of information, and the methodology employed, the national figure quoted by the AEC of only 17% of polling places experiencing queues with waiting times of greater than 10 minutes should be treated as an absolute minimum. Similarly the claimed 59% of polling places where no delays were reported should be treated as a maximum.

2.16 As the AEC had no formal performance standard on the maximum time that a voter should be expected to stand in a queue, no quantifiable evaluation can be made of the level of service voters can expect from the AEC in this regard, or whether and to what extent the AEC met this standard. The Committee believes that such a standard should be set.

2.17 The Committee concludes that the queuing problem in many polling places was serious and unacceptable. It was quite intolerable in the many polling places where queues of greater than half an hour were experienced.

2.18 The Committee recommends that:

- the Australian Electoral Commission develop a system, which should include reports from all presiding officers on queuing and any other delays, to provide it with reliable data of voter turnout patterns and any queues at each polling place at future federal elections
- the Australian Electoral Commission set a formal performance standard for the length of time that it is reasonable for a voter to wait to cast a vote, and use that standard as the criterion against which the Australian Electoral Commission's level of service can be measured at the next election.

Reasons for the Delays

2.19 There are many variables that can affect queues at polling places and the ones considered to be relevant in the 1990 election are outlined in following paragraphs. In examining these variables it is important to consider not only the individual variables but also the interrelationships between the variables.

2.20 To assist in its analysis of queuing the AEC set up a Working Party to Review Polling Place Procedures and Resources with two subcommittees - one from the Divisional Offices and the other from the State Offices. These subcommittees reported jointly as well as separately.

Changes in National Polling Place Resources Policy

2.21 The guidelines and standards for the way in which polling places are to be staffed and managed for elections are contained in the AEC's National Polling Place Resources Policy (NPPRP).

2.22 Following the 1987 election the AEC's audit on polling place staffing levels revealed overstaffing costs in excess of \$2 million at the 1987 election of which \$1.3 million could be attributed to direct staffing costs. The audit concluded that the overexpenditure was the result of a lack of any effective management control by the AEC's Central and State Offices over both estimates of voter turnout and the allocation, according to national policy, of staff to polling places.

2.23 The AEC reviewed its NPPRP and developed a computer-based control system for checking voter turnout estimates, allocating staff and controlling certified list allocations (that is, the list of voters who for the purposes of an election are deemed to be eligible to vote in a particular Division). The revised NPPRP and computer-based control system were tested at three by-elections and the 1988 referendum and then revised for the 1990 election. The value of using the 1988 referendum as a guide for the 1990 election is questionable due to the lower voter turnouts historically attracted by referendums. A comparison of the main elements of the NPPRP for the 1987 election, 1988 referendum and the 1990 election is shown at Table 2.2.

2.24 In implementing its NPPRP in 1990 the AEC sought to apply the policy more uniformly to overcome the staffing excesses identified in the 1987 audit report. It was clearly stated in the policy that: 'All deviations from uniform quantitative arrangements must be justified on an individual polling place basis by Divisional Returning Officers, supported by Area Managers and approved by Directors of Operations' (Evidence p. S405).

Reduction in Polling Place Staffing Levels

2.25 'Staff cuts' were largely blamed for the queuing problem - for example at the Portarlinton polling place in the Division of Corio, a polling official posted a sign saying 'huge staff cuts may cause delays'. A comparison of national and State levels of staff allocated to polling places and the tasks which they performed in the 1987 and 1990 elections and the 1988 referendum are shown at Table 2.3. Nationally there was a reduction of 11,483 staff or 17% in total polling place staffing levels between the 1987 and 1990 elections. In appraising the queuing problem the most important categories of staff to consider are static polling hours staff and particularly the ordinary vote issuing officers. The differences in those categories of staff between the two elections are shown at Table 2.4.

Table 2.2: Comparison of Selected Elements of the National Polling Place Resources Policy Used for 1987 Election, 1988 Referendum and 1990 Election

	1987	1988	1990
Certified lists at ordinary issuing points	Alpha splits between issuing points	Unbroken A-Z format	Unbroken A-Z format
Queuing system	Alphabetical division	single bank-style	single bank-style
Max table loading per ordinary issuing officer	600	700 (with staff rotation through ordinary issuing officer tasks throughout polling day)	700
Max table loading per declaration issuing officer	100	120-150 (sliding scale) Declaration issuing system massively streamlined (new multi-purpose declaration envelopes with counterfoil to record each voter's declaration) No declaration vote issuing officer if ordinary votes < 700 - declaration vote issuing workload assumed by presiding officer	150
Ancillary polling hours staff	Inquiry/directing officers seated at inquiry table	Queue controllers, inquiry officers, exit directors (all mobile) (all mobile)	Queue controllers, inquiry officers, exit directors (all mobile) Exit directors only for large polling places Single queue control/inquiry officer in small polling places None if < 526 ordinary votes
Second in charge	All polling places with > 6 ordinary issuing points	All polling places with > 6 issuing points (declaration and ordinary)	
scrutiny assistants		Reduced in numbers	Increase on 1988 referendum levels

Source Data: AEC Evidence pp. S552-S557.

Table 2.3 continued:

STATE	SCRUTINY ASSISTANTS	TOTAL STATIONING PLACE STAFF	MOBILE POLLING POSTAL VOTING CENTRE STAFF	TOTAL POLLING PLACE STAFF
NEW SOUTH WALES				
1987 Election	4677	22929	592	23521
1988 Referendum	2561	12826	569	13396
1990 Election	2566	18095	569	18664
VICTORIA				
1987 Election	3773	17635	236	17871
1988 Referendum	464	13717	220	13937
1990 Election	7275	14176	217	14393
QUEENSLAND				
1987 Election	2204	11003	348	11351
1988 Referendum	228	8494	332	8826
1990 Election	1217	8893	402	9295
SOUTH AUSTRALIA				
1987 Election	1611	5298	228	5526
1988 Referendum	124	2481	228	2605
1990 Election	686	4749	252	5001
WEST AUSTRALIA				
1987 Election	1296	5920	192	6112
1988 Referendum	115	4899	104	5003
1990 Election	730	5740	306	6046
TASMANIA				
1987 Election	362	1955	42	1997
1988 Referendum	21	1617	42	1639
1990 Election	171	1674	49	1723
ACT				
1987 Election	246	900	51	951
1988 Referendum	21	717	45	763
1990 Election	151	748	53	801
NTM TERRITORY				
1987 Election	1	216	191	207
1988 Referendum	0	227	191	227
1990 Election	46	268	117	313
NATIONAL TOTAL				
1987 Election	13492	66316	1880	68196
1988 Referendum	1490	52008	1774	53492
1990 Election	1496	64631	1860	66491

Table 2.4: Differences in Staff Levels between the 1987 and 1990 Elections

Staffing	Differences in Actual Levels of Staffing 1987 and 1990 Elections	
	N	%
Ordinary vote issuing officers	-2902	-14
Declaration vote issuing officers	-2811	-25
Ancillary polling hours staff	+206	+2
Polling hours staff	-5507	-12
Non polling hours staff scrutiny assistants	-5695	-42
Total static polling hours staff*	11,483**	-17

Source: AEC Evidence pp. S564-S568.

* In addition to static polling hours staff there are mobile poll teams and postal voting centre staff. There was no change in policy on these staff with an actual increase of 80 staff or 4% between the 1987 and 1990 elections.

** Includes reduced number of presiding officers due to decrease in number of polling places.

2.26 Caution should be applied, though, when making any direct comparison of actual staffing figures from one election to the next as polling staff requirements vary as a result of several factors having changed between the 1987 and 1990 elections. These factors include: a reduction in the number of polling places; a 312,990 increase in enrolments; differences in the electoral staffing policy; and greater accuracy of voter turnout estimates between the two elections.

2.27 Staff reductions at the 1990 election were accompanied by an increase in the workload of ordinary vote issuing officers. As the figures in Table 2.5 show, the workload of ordinary vote issuing officers increased by 24.2% from the 1987 to the 1990 election. That extra workload was manifested at the 1990 election in longer queues.

Table 2.5: Workload Variations of Staff between the 1987 and 1990 Elections

	1987 Election	1990 Election	Difference
Ordinary Votes			
Actual Voters	8,392,615	8,936,552	+543,937
Ordinary Vote Issuing Officers	20,347	17,445	-2902
Voters Per Staff	412.47	512.27	+24.2%
Declaration Votes			
Actual Voters (excluding Postals)	811,195	862,832	+51637
Declaration Vote Issuing Officers	11,231	8420	-2811
Voters Per Staff	72.23	102.47	+41.9%

Source Data: AEC Evidence pp. S588-S589. Table 2a and 2b.

2.28 The Public Sector Union reported that although a number of factors contributed to queuing, the overwhelming factor in reports from Divisional Office staff was that the AEC's method of determination of staffing levels, based on 700 average votes per issuing point per day, was basically flawed. Although the AEC expected ordinary vote issuing officers to be rotated with inquiry/directing staff and ballot box guards as a means of maintaining the rate of issue of ballot papers the success of this strategy is questionable. Polling staff had to be trained to undertake a range of polling tasks and it could be argued that no sooner had they become proficient at one task than they were rotated to the next. On balance it is therefore difficult to determine whether staff rotation achieved its objective.

2.29 Another cause for complaint was the number of staff whom voters perceived to be idle. This perception arose as a result of an increase in the number of staff not directly involved in the issue of votes (exit directors, queue controllers, ballot guards etc). All of those staff became

more noticeable, relative to the issuing officers seated at tables, as they moved around the polling place to assist voters. Some electors who had been delayed in a queue were inclined to attribute that delay to 'half the staff standing around doing nothing' - that is, not issuing ballot papers.

2.30 The Public Sector Union also stated that '... the AEC's approach to any additional requests for resources above the national standards set in its NPPRP bordered on the draconian' (Evidence p. S346). This was contrary to statements made by the AEC which sought to stress that additional staff resources were available if justified (Evidence p. S556).

2.31 By comparison queuing was not a problem at the declaration (that is postal, absent and provisional votes) issuing points despite declaration staff being reduced by 2811 or 25% from the 1987 to the 1990 election and their workload increased by 41.9%. The extra workload was compensated by a massive streamlining of the procedures for issuing declaration votes.

Accuracy of Voter Turnout Estimates

2.32 For the 1990 election, computer projections of voter turnout by polling place for all Divisions (except Western Australia and Victoria which were affected by redistributions) were provided, as a guide for estimation of staff requirements, to Divisional Returning Officers by the AEC's Central Office.

2.33 For the 1990 election, ordinary voter turnout was underestimated nationally by 0.6%. (This compares favourably with overestimations of around 10% for both the 1987 election and the 1988 referendum). The AEC suggested that the reduction in staffing numbers at the 1990 election was largely the result of this underestimate of voter turnout. The AEC ascribed the underestimate to its field staff (Evidence p. S559) and disclaimed that it was either a result of AEC policy or foreseeable.

2.34 As this suggestion was based on poor quality data provided by the AEC the Committee was able neither to verify nor disprove it. The Committee's overall impression though, was that the AEC sought at all times to play down the impact of changes to its NPPRP and to deny the Central Office's contribution to the increased accuracy of voter turnout estimates.

2.35 As a result of the staffing cutbacks the AEC achieved an overall saving of about \$2 million on the 1990 election with direct staff savings of \$1.4 million. These actual figures were consistent with the estimated savings

predicted by the AEC's audit report on the 1987 election. Having provided staff at levels close to what it believes to be optimal, the AEC achieved its staffing objective in 1990.

Polling Place Management

2.36 A number of queuing problems at the 1990 election were at least in part caused by poor management in polling places. Such factors as the organisational ability of the presiding officer, layout of the premises, suitability of staff for the tasks assigned to them, and suitability of polling place training are all relevant.

2.37 The AEC suggested that the way in which certified lists were used is a good indication of polling place management. An examination of scanning reconciliation records shows that in almost 5% of the static polling places a certified list originally allocated was not used for issuing votes. In 18% of the polling places there were large differences in the number of voters marked on each certified list indicating an imbalance in the workload between issuing points. While there may be other reasons for such variations the most likely explanation is that many variations were caused by inadequacies in the management of the queuing or ballot papers issuing process or in polling place layout.

Use of Spare Certified Lists

2.38 The AEC stated that spare lists are provided for distribution from Divisional Offices to assist in overcoming peak-period delays to voters. Nationally, only 28% of spare lists were allocated to polling places; in only five urban Divisions were all spare lists used. The low usage rate shows that the lists obviously are not playing the role expected in overcoming peak-period delays. Further scrutiny by the AEC is required of both the number of spare lists provided (Divisions may be loath to commit their limited spares early in the day in case greater problems arise elsewhere) and the method of distribution of those spare lists.

Other Factors Affecting Queuing

2.39 Other factors that were identified as contributing to the queuing problem were: the shortage of voting screens; the number of candidates on a ballot paper, though the group voting option has to be taken into account; the number of pages of the electoral roll; the small type size of the electoral roll; high proportions of electors of non-English speaking background and of aged, invalid or disabled electors, which influence the speed at which voters can be processed through a polling place. Extraneous factors such as weather conditions on polling day, pay week, location of polling place near a shopping centre or local sporting event may have

contributed in some instances.

Conclusion

2.40 Many factors contributed to the queuing problem at the 1990 election. However, discretionary cutbacks in electoral staff by the AEC were clearly responsible. These staff cuts were in no way related to a reduction in the overall funding of the election. They were the result of the AEC's Central Office taking greater control of voter turnout estimates and staffing allocation, and of the AEC's failure to foresee or take account of the record voter turnout initiated by its successful voter information and education campaign.

2.41 While changes in the AEC's procedures for conducting the polling resulted in a more cost efficient operation leading to savings of some \$1.4 million, this has been at the expense of effective management of the election resulting in a serious queuing problem and inconvenience to many voters.

Solutions

2.42 In seeking a solution to queuing the AEC has tried to develop options to alleviate the problem without increasing overall resources. While not seeking to increase the costs of future elections the Committee is cautious of any false economy generated by skimping on the costs of running the election and accordingly has not restricted its consideration of solutions to the queuing problem in the way in which the AEC has done.

2.43 To alleviate the queuing problem the major recommendation made by the AEC's working party is to introduce more certified lists into polling places where changes to the AEC's staffing policy deem this necessary. The implementation of this recommendation would be achieved by the adoption of a number of strategies.

Flexible Use of Staff in Polling Places

2.44 The AEC working party's major recommended strategy is to adopt a more flexible staffing arrangement for polling places than that which currently exists under the NPPRP. It is proposed that this be achieved by existing staff (for example the presiding officer, second officer in charge or declaration issuing staff) and/or by additional staff being employed on a part-day basis (for example 6.5 hours) to cover the morning peak activity period and offsetting this against the staff levels during low activity periods such as the afternoon when, historically, fewer electors vote. The AEC has trialled part-day staffing and has pinpointed as potential problem areas a shortage of suitable part-day staff and

difficulties with some presiding officers allowing staff to leave after half a day. The Committee does not consider those problems insurmountable. A vital requirement for any staffing policy adopted by the AEC is that it be formulated with sufficient inherent flexibility for polling places to be able to apply it according to individual need.

2.45 It was further recommended that in some limited circumstances it would be appropriate to give Divisional Returning Officers the opportunity to transfer staff from one polling place to another while ensuring that total expenditure on Divisional polling staff remains cost neutral.

Reduced Table Loadings

2.46 Reduced table loadings (from 700 to 600 for ordinary issuing officers and from 150 to 120 for declaration issuing officers) were recommended by the State Office report.

Reduced Voter/Screen Ratio

2.47 The working party reports suggested the voter/screen ratio be reduced (at the discretion of the Divisional Returning Officer) from 130 to 100 estimated ordinary voters per screen in an effort to ensure that the queuing problem is not transferred to voter screens. This would cost more but would increase throughput where the extra screens can be accommodated.

Improved Forward Planning by the AEC

2.48 The AEC Central Office needs to be more flexible in its demand that Divisional Returning Officers estimate staffing and certified lists requirements well before polling day. Divisional Returning Officers should have the option of changing their staffing and certified list requirements right up to polling day if circumstances alter. More spare lists should be produced and distributed and a pool of reserve polling staff could be maintained.

Divisional Review of Polling Premises

2.49 While many Divisional Returning Officers have few options with the premises which are available for polling, they should always be on the lookout for better premises and should be encouraged to review on a continuing basis the buildings used as polling places. The computerised system which the AEC is developing to maintain data on each polling place in Australia should assist in this regard.

Management of Polling Places

2.50 To overcome poor management in polling places it is essential that Divisional Returning Officers review the management and organisation of all polling places prior to the election. This includes the layout of premises as well as the recruitment, training and supervision of staff. One aspect which requires special attention is the organisational ability of presiding officers. In view of the potential importance of the queue controller to the smooth and speedy throughput of voters, especially in a 'problem' polling place, the role, function and training of the queue controller should also be examined. The training of staff is also crucial to the efficient operation of the polling place; the working party suggested that if polling staff commenced work at 7.00 am this would give more time for training.

2.51 Divisional staff may need more training in the assessment of factors affecting the staffing of polling places; the correct use of revised staffing philosophies; the effective motivation of presiding officers to carry out accepted polling place staffing practice and procedures; and the selection and layout of suitable premises for polling places.

2.52 The Committee recommends that to alleviate queuing problems at future elections the Australian Electoral Commission:

- employ additional staff where necessary to ensure that the ratio of ordinary vote issuing staff to potential voters is at a realistic level
- revise its National Polling Place Resources Policy to provide flexibility in the staffing and resourcing of polling places
- print the certified lists in a larger type size to facilitate the process of striking the voter's name from the list
- ensure Divisional Returning Officers review polling premises and their management on a regular basis
- improve training for Divisional Office and polling place staff to ensure that they have all the knowledge and skills necessary to perform more effectively their tasks on polling day.

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- 2.53 The Committee recommends that prior to polling day the Australian Electoral Commission advise polling place staff that disciplinary action will be taken if staff engage in unacceptable political activity at polling places.

Queuing as a Reason for Non-Voting

2.54 Under section 245 of the Electoral Act all electors who do not vote are required to show cause why proceedings should not be instituted against them for failing to vote at the election without a valid and sufficient reason.

2.55 The AEC reported that 638 people, in notifying the AEC of their reasons for not voting, included queuing among their reasons for not voting. Of those, only 396 were accepted by Divisional Returning Officers and/or Australian Electoral Officers as a valid reason for not voting - 242 people had their reasons rejected (Evidence p. S609).

2.56 Despite a specific request from the Australian Electoral Officer for New South Wales as to whether queuing could be accepted as a reason for not voting at the 1990 election, he and the other Australian Electoral Officers were advised by the Acting Electoral Commissioner on 23 May 1990 that:

I can see no reason to amend the instructions at Part 41, subpart 2 of the *(Divisional Office Procedures)* Manual in the way that you have recommended. In principle, I do not believe that it would be possible to develop a consistent set of criteria to cover instances such as those you have mentioned (Evidence p. S609).

2.57 The Committee considers unacceptable the lack of direction and consistency provided for Electoral Officers by the Australian Electoral Commissioner following the queuing problems experienced at the 1990 election.

2.58 Given that the queuing problems that arose were mainly attributable to the actions of the AEC, the Committee believes that queuing should have been accepted as a reason for not voting in the particular circumstances of the 1990 election and is concerned that 242 people who included queuing among their reasons for not voting had their reasons rejected.

3 - Making Voting Easier for the Public: Other Issues

Polling Places

3.1 At the 1990 election 7863 static polling places were established. Polling place locations and premises generally were considered adequate with 76% of the Members of Parliament participating in the Committee's survey expressing satisfaction with the premises used. However, care should be taken by District Returning Officers to ensure, where possible, that polling places selected facilitate easy access by voters who are elderly, invalid, disabled or pushing strollers. This problem was raised in a number of submissions by the public and particularly noted to have created problems at some polling places in the Sydney region. Where possible the availability of parking facilities for those voters also should be considered. Access problems were exacerbated at this election because of extensive queuing at many polling places. Care also needs to be taken to ensure that booths are visible from the street - for example some booths are located in the middle of large schools, such as Hume Public School, and cannot be seen by people passing by. In those cases adequate sign-posting is important.

3.2 While representing only about 4% or 312 of the total number of polling places, composite polling booths - that is a booth registered as a polling place for two Divisions - are always a problem and can lead to confusion for some voters. Obviously composite polling booths should be kept to a minimum.

3.3 Although not in place for the 1990 election, a computerised system to maintain data on each polling place in Australia is being developed by the AEC. When the system is developed it will be used to plan and locate polling places more effectively.

Design of Ballot Papers

3.4 For the 1990 election the AEC redesigned the House of Representatives ballot paper with an improved layout, clearer and simpler instructions to the voter and a larger type size. The Committee commends the AEC for those improvements.

3.5 While the group voting ticket on the Senate ballot paper has assisted in reducing the informal vote for the Senate, there were still some complaints regarding the length of the Senate ballot paper. The Committee notes that the AEC plans to look at possible improvements of the Senate ballot paper before the next Senate election.

3.6 At the 1990 election the typeface used on the Senate ballot paper for indicating the groupings in the group voting section was such that the letter 'I' could have been confused with the numeral '1'. This could lead to confusion for voters wishing to give their first preference '1' to the party which drew group 'I'. In court procedures there is no exhibit 'I'; exhibits go from exhibit 'H' to exhibit 'J'. However, the dropping of 'I' from the alphabetical sequence on the Senate ballot paper also may result in confusion for some people. A change in the typeface on the Senate ballot paper seems a more appropriate solution.

3.7 The Committee recommends that as part of the Australian Electoral Commission's consideration of the redesign of the Senate ballot paper the typeface used to designate Senate groupings be reviewed to ensure that there is no potential confusion of the alphabetical 'I' with the numeral '1'.

Voter Information and Education

3.8 During the 1990 election the AEC ran its usual program of statutory advertising (polling places etc.) and campaign advertising covering enrolment, special voting facilities and formal voting requirements. The election advertising budget was just over \$7 million, representing about 17% of the total election budget, and the AEC's ongoing budget for information and education programs is approximately \$1.6 million (Evidence pp. 28-29).

3.9 Within hours of the announcement of the election on 16 February advertisements reminding electors of enrolment procedures commenced and continued until the rolls closed on 26 February. Radio and press advertisements covering facilities for postal, pre-poll and absentee voting began during the third week of the exercise and during the final two weeks formal voting advertisements were placed on television and in the press.

3.10 An election pamphlet outlining the correct methods of voting for both Houses of Parliament was delivered free of charge by Australia Post to 6.1 million households in the 10 days preceding the election. This pamphlet was similar to the one delivered for the first time prior to the 1987

election. The cost of the election pamphlet exercise was \$721,872. The AEC's survey following the election on voters' reactions to the election included a question on the pamphlet. Of the voters surveyed, 53% reported receiving the pamphlet and of those, 72% said they had read it.

3.11 Based on survey results from previous elections the AEC ran a separate youth enrolment program targeted at the 18 to early 20s age group. Advertising focused on publications which are primarily read by young people and on television advertising. The AEC regards this special enrolment drive as effective since approximately 120,000 of the new enrolments received between mid-January and the close of the rolls (26 February 1990) were people between the ages of 18 and 25 years.

3.12 There are also general procedures in place whereby Divisional Returning Officers visit local schools and supply enrolment cards for distribution to students in years 10, 11 and 12 and these are collected by the Divisional Office at a subsequent date. Seventeen year olds are able to take advantage of provisional enrolment and this is encouraged. Implementation of those procedures however, depends on the other duties of the Divisional Office and as a consequence this task does not appear to be given a high priority for Divisional Office staff. The AEC's electoral education centres in Melbourne, Brisbane and Canberra also assist in increasing awareness of electoral issues by running sessions on the democratic process and the system of elections. These education centres are well patronised by both primary and secondary schools.

3.13 A significant part of the advertising and information programs budget was dedicated to ethnic communities. Use was made of SBS radio and community language broadcasts and printed material translated into 18 different community languages was issued. Electoral issues were widely covered in the ethnic media. In addition, there was a telephone interpreter service and, at designated polling places in Divisions with a high percentage of voters of non-English speaking background, bilingual staff were employed to assist local voters.

3.14 The AEC also runs the Aboriginal Electoral Information Service which provides electoral information to Aboriginal communities and groups and works with school authorities in undertaking that task. It also assists with Aboriginal enrolment and the maintenance of electoral rolls in Aboriginal communities. The efficiency and effectiveness of this program are the subject of a separate inquiry by the Committee.

3.15 During the period from the announcement of the election to the close of rolls some 600,000 enrolment forms

were received by the AEC. Voter turnout at the election was 95.81%, the highest since 1954. Informal voting rates were significantly lower than the 1987 election; rates for the House of Representatives recorded a drop from 4.9% to 3.19% while those for the Senate dropped from 4% to 3.39%. The AEC attributed those successful results partly to its information and education programs.

3.16 The following criticisms were made of the AEC's information and education programs. In responding to the Committee's survey several Members of Parliament suggested that there is a need for improved advertising of general polling place and pre-poll locations. Under section 80(3) of the Electoral Act the AEC is required at least once after the issue of the writ but before polling day to publish in a newspaper circulating in each Division a notice listing polling places in that Division. The AEC interprets this to mean before polling ceases at 6.00 pm on polling day with most advertisements appearing in newspapers on polling day. Results of the AEC's survey on voters' reactions to the election indicate that few people saw those advertisements and that 62% of those surveyed consider the advertisement should appear before polling day. Pre-poll and postal voting locations also are advertised in local newspapers but there are difficulties in advertising these locations because not all polling places commence operations on the same day - more polling places come into operation as election day approaches.

3.17 There is also a need for improved advertising of mobile poll locations. It was reported in the Northern Territory that timetables changed without significant notice and mobile polls were not advertised in the regional newspapers of the Northern Territory near those areas. The AEC advised that mobile poll locations and times are advertised by notices on the doors of Divisional Returning Offices, posters in local shops and post offices and, where possible, in local newspapers and community newsletters.

3.18 Declaration voting is a complex area to understand. The Public Sector Union suggested that it is evident from the number of rejected declaration votes that public education on these procedures is required (Evidence p. 353).

3.19 The Liberal Party suggested that there is a need for a similar marketing exercise to the youth enrolment program to be provided for older people (Evidence p. S234).

3.20 The National Federation of Blind Citizens of Australia is concerned about the lack of electoral information in a suitable format for people who are blind, visually impaired and print handicapped (that is, persons who, because of their disability, are unable to read, hold or manipulate printed materials in standard form). At the 1990 election the AEC did not provide a special information program for those

voters. However, as part of the AEC's statutory obligations to publicise the official 'yes-no case' at the 1988 referendum that information was provided on cassette by the AEC for blind and visually impaired voters. The federation recommended a similar program be introduced for future federal elections. It suggested the program include provision of candidate information prior to polling day and AEC voting instructions and assistance in completing the ballot paper (Evidence pp. 453-456).

3.21 Criticisms were also made of the neglect of those Australians with lower literacy skills, particularly in 1990 - International Literacy Year (Mr T Smith, Evidence pp. S3 and S160). To overcome this apparent neglect the AEC suggested improved radio advertising rather than television advertising which has high and escalating costs. While recognising cost considerations the Committee is not convinced of the validity of that approach and also questions the overall emphasis that the AEC has placed in its information and education program on the print media relative to radio and television.

3.22 The AEC's survey of the attitudes of voters to the 1990 election, which was commissioned following the election, confirms many of the foregoing concerns.

3.23 **The Committee recommends that the Australian Electoral Commission:**

- improve its newspaper and other advertisements to inform the public on polling place, pre-poll and mobile poll locations and consider advertising general polling places in newspapers on the day before polling day
- develop an information and education program to assist electors who are blind, visually impaired, and/or print handicapped
- develop an information and education program to assist electors with lower literacy skills
- improve its information and education program on declaration voting issues and procedures
- give a higher priority to reaching young adults approaching voting age through school visits and distribution of enrolment cards relative to other components of the youth enrolment campaign
- conduct an information campaign to remind aged electors of their right to vote

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- review its voter information and education program giving close attention to:
 - the balance of use between print media and radio and television advertising in the information and education program
 - the value of continuing with the elector pamphlet distributed to all Australian households prior to the election.

Employers to allow Employees Leave of Absence to Vote

3.24 With the trend towards extended trading hours on Saturdays in most States, section 345 of the Electoral Act, which provides for employers to allow employees leave of absence to vote, is increasing in importance. Amendments to section 183 of the Electoral Act, which took effect on 30 September 1990, supplement section 345 and provide for the application of a postal or pre-poll vote if the elector is an employee and is not entitled to leave of absence under section 345 and if the absence of the employee for the purposes of attending at a polling booth to vote would be likely to cause loss to the person in his or her occupation.

3.25 The Committee is concerned that the knowledge of these sections of the Act is not widespread amongst electors - either employers and employees. The Committee considers that the trade union movement as well as the AEC has a role to perform in informing its members of their statutory rights in this regard. The AEC should also be in contact with employer groups to ensure that they are aware of those provisions of the Electoral Act.

3.26 The Committee recommends that the Australian Electoral Commission co-operate with the trade union movement and employer groups to ensure that both employers and employees are fully aware of their obligations and entitlements under sections 183 and 345 of the *Commonwealth Electoral Act 1918*.

Postal Voting from Remote Locations

3.27 Under section 184A(2)(a) of the Electoral Act people whose actual place of living is not within 20 kilometres, by the nearest practicable route, of a polling place can register as a general postal voter. At the 1990 election many of those voters experienced difficulties in ensuring that their ballot

papers reached the District Returning Office prior to election day because of irregular mail deliveries. This issue was brought to the Committee's attention by Senator Tambling and the District Returning Officer for Kalgoorlie, Western Australia.

3.28 In response to issues raised by Senator Tambling the AEC stated that of the 2629 postal votes issued in the Northern Territory for the 1990 election, 2149 were actually received and of those, 272 were rejected at the preliminary scrutiny as they were postmarked after the close of polling. Investigations by the AEC revealed that there were instances where the timing of the mail plane and subsequent mail processing times by Australia Post contributed to ballot papers being received after the close of polling (Evidence p. S612).

3.29 The AEC has been involved in negotiations with Australia Post to seek a remedy to the delays in postal votes from remote locations. In September this year the AEC suggested that when postal votes from remote areas are collected by Australia Post before polling day they are identified as having been received before polling day (AEC, Senate Hansard Estimates Committee D, 13 September 1990, p. D72). The Committee is concerned that the proposal involves Australia Post in establishing the eligibility of postal votes - a task which is the responsibility of the AEC. Accordingly, the Committee would like to be kept informed of the progress of those negotiations.

Postal Voting from Overseas

3.30 The Public Sector Union reported that the standard of declaration vote material returning from overseas posts continues to be poor as issuing staff are only part-time with a vast range of other duties. For example, there was a report to the Committee that 250 postal votes from a naval vessel were not counted because of their late arrival and another report of discrepancies in the display and availability of how-to-vote material for different parties at one overseas post.

3.31 The Committee recommends that the Australian Electoral Commission investigate the performance of overseas posts in undertaking electoral responsibilities and implement procedures to ensure that overseas declaration votes are returned prior to the election date, and that all relevant Australian Electoral Commission and candidates' how-to-vote material is prominently displayed and freely available at overseas posts.

Provisional Voting

3.32 Amendments to the *Electoral and Referendum Amendment Act 1989* which took effect on 30 September 1990, consolidated the former sections 235, 236 and 237 into a new section 235. This now provides for voting by electors whose names or addresses cannot be found on the certified list, by electors having been shown as being already supplied with postal ballot papers and by electors whose names have been marked as having already voted at that polling place.

3.33 The Liberal Party is concerned that there is potential for misuse of this section by electors and recommends amendments to the legislation to prevent the possibility of any illegalities (Evidence p. 234).

3.34 The AEC stated that it has no reason to believe that voting under section 235 has been abused in any systematic or fraudulent way. The AEC provided a copy of the procedures to be followed for the scrutiny of provisional votes prior to such votes being accepted. These procedures are systematic and comprehensive and appear to be adequate to prevent abuse of the provisional voting system by all but the most determined abuser. The AEC is of the opinion that only the institution of radical measures like a national database of individuals as was proposed in connection with the Australia Card would render the provisional voting system less susceptible to abuse. As there has been little, if any, such abuse reported the Committee considers the legislation in its current form is adequate.

Mobile Polling

3.35 For the election the AEC organised mobile polling facilities for the majority of hospitals, nursing homes and retirement villages around the country in the week before and on polling day, as well as 39 teams making mobile polling runs to remote Aboriginal communities, cattle stations and small townships.

3.36 The Hon Ian Wilson MP, Member for Sturt, reiterated suggestions made to the committee in the 35th Parliament regarding relaxation of restrictions in canvassing at hospitals. Recent changes to section 226 of the Electoral Act provide for mobile polling teams that visit hospitals to carry and distribute how-to-vote material at the voters' request and for the purposes of a Senate election to display to the patient each group voting ticket registered for the purposes of the election. However, many patients in hospitals are not aware that candidate how-to-vote material is available on request if they ask for it.

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- 3.37 **The Committee recommends that section 226 of the *Commonwealth Electoral Act 1918* be amended so that the presiding officer or electoral visitor who visits a patient for the purposes of a mobile poll should display how-to-vote cards made available for the purpose by candidates in the election.**

Optional Preferential Voting

3.38 The issue of encouraging electors to record their votes other than in accordance with the instructions on the ballot paper arose again during the 1990 election and received considerable media attention. In some instances electors were urged not to express their preferences fully - for example by voting 1, 2, 2, etc. This effectively allows optional preferential voting.

3.39 The AEC advised that this is contrary to the underlying intention of section 270 of the Electoral Act which is designed to save votes which, through unintended error by the voter in numbering the boxes, would otherwise be informal. It is intended only to provide a safety net for people who make a genuine mistake in filling out their ballot papers.

3.40 This practice is of considerable concern because of the significant increase in the number of House of Representatives exhausted votes between the 1987 and 1990 elections - that is, an increase from 2082 exhausted votes at the 1987 election to 18,765 in 1990. Given the small margins separating winning candidates at the 1990 election this figure is disturbing. The AEC suggested that the increase in exhausted votes would appear to indicate that the public attention given to the matter may have had an undesirable effect.

3.41 The AEC commented that it is very difficult to see how section 270 of the Electoral Act could be amended to retain the safety net yet avoid de facto optional preferential voting. One avenue for dealing with the problem is in the area of penalties for those who induce people to fill out the ballot paper other than in accordance with the instructions under section 329(3) of the Act. It should be noted that the Committee also is supporting harsher penalties for offences under the Electoral Act. These matters are discussed in chapter 5.

- 3.42 **The Committee recommends that section 329(3) of the *Commonwealth Electoral Act 1918* be amended to include a general prohibition on the distribution of any material which discourages electors from numbering their ballot paper consecutively and fully.**
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3.43

The Committee recommends that the Australian Electoral Commission report to the Joint Standing Committee on Electoral Matters on possible changes to the *Commonwealth Electoral Act 1918* that would have the effect of minimising the incidence of optional preferential voting.

4 - Knowing the Election Result on Election Night

4.1 Another major issue of complaint concerning the 1990 election was that the public did not know the result of the election until Thursday 29 March 1990 - some four days after close of polls. The result was not even a cliffhanger - the Government was returned with a majority of eight seats.

4.2 As with previous elections the National Tally Room was set up in the National Exhibition Centre in Canberra and was the point of collection and dissemination of the progressive count of polling booths around the country on election night - The Election Night Information System (TENIS).

Notional Distribution of Minor Candidates' Preferences on Election Night

4.3 Prior to the election it became clear that the result for the House of Representatives would be close with minor parties and independent candidates getting up to 20% or more of the vote and that there were a considerable number of seats in which the distribution of preferences would decide the outcome of the election. In view of this the Australian Labor Party suggested to the AEC, in a series of telephone calls, that counting procedures be modified to enable party scrutineers to monitor closely the flow of minor party preferences on election night. The objective of the suggestion was that an early indication of the election result may be known by the public on election night as under normal counting procedures it would be unclear who had actually won. The uncertainty that would result from this situation would be undesirable for both the Government and the public. This matter also was raised by Senator Schacht in a letter dated 20 March 1990 to the Minister for Administrative Services, a copy of which the AEC received on 21 March 1990.

4.4 Senator Schacht reported that this suggestion was flatly refused by the AEC because, apart from the distribution of preferences not being required, this would delay the Senate count unduly (Evidence p. 284).

4.5 The AEC said the suggestion was rejected because: the request was made only shortly before polling day; staff were not trained to undertake the task; documentation on procedures was not in place; there may have been extra staffing costs due to extra duties; sections 273 and 274 of

the Electoral Act made it quite clear that counting of other than first preference votes on election night was not contemplated; and such action would have inevitably delayed the Senate count (Evidence p. S393). The outcome was disastrous: the election result was not known for four days and the AEC's objection concerning undue delay in the Senate result proved irrelevant as a large proportion of the Senate count was not posted by the AEC on election night. The quality of the AEC's performance in this regard was illustrated by a comparison with Nicaragua, made by Ian Henderson of the Australian Labor Party, in which it was pointed out that the result of the Nicaraguan election, held on 25 February 1990, was known as early as the day following the election (Evidence p. 91).

4.6 During the Committee's investigation this issue was raised again and it was noted that because of the closeness of the election result, the AEC had decided on 26 March 1990 to modify its timetable to enable the provisional distribution of preferences in selected Divisions to be brought forward from 29 March as originally scheduled. The Divisions affected were Cunningham, Richmond, Page (NSW); Bendigo, Dunkly, Jagajaga, Melbourne Ports (Vic); Dawson, Kennedy, Moreton (Qld); Adelaide, Hawker, Makin (SA); and Canning, Cowan and Stirling (WA).

4.7 In discussing this issue several options were considered by the Committee:

- Option 1. A new formal step be added to the House of Representatives scrutiny so that party scrutineers would have the opportunity to readily observe a 'two-candidate preferred vote' in each polling place
- Option 2. AEC staff conduct a distribution of preferences of minor candidates in order to calculate a 'two-candidate preferred vote' in each polling place
- Option 3. AEC staff slow the House of Representatives first preference count to enable party scrutineers to report on minor party preferences in each polling place.

A variation on option 2 restricting it to 'marginal' Divisions also was considered but rejected in favour of maintaining consistency of procedures in each Division.

4.8 Option 3 was rejected because it slowed the counting of first preferences.

4.9 A fourth option of delaying the Senate count for a day or more also was raised but was specifically rejected because, although the final Senate result is not known for

some time after polling day, electors have the right to know the Senate primaries counted on election night.

4.10 An outline by the AEC of how it might implement options 1 and 2 is presented at Appendix E.

Comparison of the Two Options

4.11 Both options 1 and 2 have arguments for and against them.

4.12 The arguments in favour of party scrutineers undertaking a notional distribution of minor candidate preferences are: polling place procedures would only have to be varied to the extent of providing an opportunity for scrutineers to observe preference flows; little extra training of polling staff would be required; first preference results would not be delayed; and the whole exercise would take less than 30 minutes.

4.13 The arguments against that option are: responsibility for transmission of information is placed on political parties; observers of the National Tally Room are therefore reliant on informal, unofficial information networks as TENIS would not display the information that would be available to the parties; and differences of opinion between major parties on the result could arise.

4.14 The arguments in favour of the AEC staff undertaking the notional distribution of preferences of minor candidates are: it would ensure a consistent approach in every polling place in every Division; TENIS would display 'actual' results for every Division; and there would be no possibility of differing statistics being calculated for the same polling places by different parties' scrutineers.

4.15 The arguments against that option are: additional training of polling place staff would be required; the method whereby all ballot papers that do not show a complete sequence of preferences are counted as 'doubtful/exhausted' on polling night could give rise to erroneous conclusions of likely outcomes if the number of such ballot papers is significant; it may slow the flow of results to the National Tally Room; with no previous experience of counting preferences in polling places it is difficult to estimate how long the process would take, but it might be in the order of half an hour to an hour in an average polling place.

4.16 Neither option would remove the uncertainty surrounding very close seats because obviously the counting of declaration votes is crucial to the outcome in those cases as occurred in the Richmond electorate at the 1990 election.

4.17 At two State by-elections in Western Australia in May this year, following negotiations between the State Electoral Commission and political parties, the State Electoral Commission facilitated a very early indicative result by carrying out a notional distribution of preferences from minor parties and independents. It proved to be a very simple, speedy process providing an accurate assessment of the flow of minor party and independent preferences on the night.

4.18 Senator Schacht outlined details of how the system operated successfully on an informal basis in one polling booth in South Australia with only one polling official involved and scrutineers from major parties able to have accurate preferences within about 10-15 minutes (Evidence pp. 285-286).

4.19 The Committee also sought comments on both options from the Public Sector Union. The union was concerned about the effects of AEC staff conducting the distribution of preferences of minor candidates due to the additional training that it would impose on staff. It was noted however that, in respect to allowing scrutineers the opportunity to ascertain minor party preferences, 'It is often the case that in many polling places the OIC, at the instruction of the DRO, allows the check counters for the minor party candidates to let scrutineers have a look' (Evidence p. 198). The union however suggested that this process should be formalised (Evidence p. 200).

4.20 Given that it is expected that the notional distribution of minor candidate preferences by party scrutineers would take less than half an hour, this approach will not unduly interfere with the commencement of the Senate count. For these reasons the Committee concludes that the notional distribution of minor candidate preferences would be most efficiently undertaken by party scrutineers.

4.21 The Committee recommends that the *Commonwealth Electoral Act 1918* be amended to add a new step to the House of Representatives scrutiny process to guarantee that scrutineers would have the opportunity to readily observe a 'two-candidate preferred vote' in each polling place on election night.

Delays in Posting the Results on Election Night

4.22 The AEC objective on election night is to ensure that all ordinary votes are counted, and that the outcome of that counting is reported via TENIS. At the election the AEC used a new centralised computer system to which all input

centres were directly connected. The central processor was located in the AEC's Central Office in West Block, Canberra. In Western Australia and Tasmania input took place in Divisional Offices, while in other States input centres were set up in State Offices. Results from the Australian Capital Territory were input in Sydney and Northern Territory results were input in Adelaide. The National Tally Room was connected to the AEC's Central Office via a Telecom high speed line.

4.23 The AEC advised that the input of the House of Representatives count was given priority by the input centres. On election night the new computer system experienced two major problems - one hardware problem at 8.30 pm EST owing to a power failure at the AEC's Central Office and a software problem at 9.30 pm EST owing to a user attempting to input too much data in an effort to make up lost time after the power failure. Both failures led to the input of the House of Representatives results being suspended for half an hour on each occasion while the problems were resolved. While delays were experienced in all States, they were particularly noted in the posting of results for Divisions in Western Australia.

4.24 The Committee recommends that the Australian Electoral Commission ensure that it has in place frontline and backup systems to record, process, transmit and publicly display House of Representatives results as soon as they are available on election night.

4.25 On election night there was a full count of the Senate votes cast on the day but the national tally of Senate votes input was only 66.8% at 2.00 am on Sunday 25 March. In only three States was there a comprehensive input of votes counted on polling night - South Australia, Western Australia and the Australian Capital Territory (82.4%, 82.6% and 81.7% respectively). Data were available in the AEC's Divisional and State Offices but it did not all come through for input to the National Tally Room. The progress of input of the Senate count by States is shown in Table 4.1.

Table 4.1: Progress of the Input with Senate Results Count on Election Night by State

Time	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NAT
20.15			0.1						0.02
21.00			1.9			8.1			0.8
21.30			5.6	20.6		52.6			4.0
22.00	0.4	4.3	11.4	43.4	0.9	64.9			9.5
22.30	1.7	16.6	22.2	58.4	5.6	68.2			15.4
23.00	3.0	21.6	24.7	58.7	11.0	68.2			19.0
23.30	3.0	21.6	24.7	58.7	11.0	68.2			19.0
00.00	3.2	22.1	35.1	82.4	14.6	77.5			23.1
00.30	7.6	63.3	63.4		26.9		9.0	73.7	40.2
01.00	32.1	71.6	69.8		36.2		81.7		55.8
01.30	50.4		71.9		70.9				65.3
02.00					82.6				66.8

Source: AEC Evidence p. S392.

4.26 Although all the Senate ballot papers available to be counted were counted and the figures phoned through to State Offices on the night, delays in the input of the House of Representatives meant that some of the Senate Divisional results were not entered on the night. Delays were more evident in the larger States and were due mainly to the logistics associated with the inputting of figures for large numbers of Senate candidates from equally large numbers of polling places. This is highlighted in the case of New South Wales where only 50% of the count was input on the night.

4.27 The procedure for the transmission of Senate data on election night was the same as for the House of Representatives. Once the figures were entered into the computer system by each State they were immediately available to the National Tally Room, and were automatically transmitted to all major television networks. The time taken for that operation was approximately 35 seconds (Evidence p. S391).

4.28 The AEC did not attribute any of the delay to a lack of staff resources and staff were instructed that as they became free as a result of the House of Representatives count slowing they were to start the Senate count. The Committee remains unconvinced that the substantial cut in the number of scrutiny assistants by 5695 or 42% from the 1987 to the 1990 election as outlined in chapter 2 did not have some effect on the rate of progress of the Senate count.

4.29 Clearly, while the AEC may have succeeded in counting the Senate vote on election night, this achievement

was of no value to the public and candidates in those States where that result was not reported on election night.

- 4.30 The Committee recommends that the Australian Electoral Commission review its overall procedures for conducting and reporting the Senate count, particularly its data input procedures, to ensure an improved performance in the percentage of the Senate vote counted and publicly announced for every State on election night at future elections.

National Tally Room

4.31 The Australian Labor Party stated that facilities available for political parties in the tally room on election night were extremely unsatisfactory as there was no privacy. In 1987 all of the political parties had their own offices where they had computer facilities, were able to conduct briefings of their leaders and analyse the election results from their computer in private before dealing publicly with their analyses. That was not possible in the tally room in 1990 because there were no offices. This view was shared by the other political parties.

- 4.32 The Committee recommends that the Australian Electoral Commission review the layout of the National Tally Room for future elections and provide suitable office accommodation for political parties as was provided during the 1987 election and previous elections.

The Election Night Information System

4.33 The AEC advised that the hardware and network configuration used for the 1990 election will be used in future elections. The Committee supports that decision because at the past few elections a different communications network or computer system has been used and these changes have brought with them all the problems associated with using a new system for the first time.

4.34 A major change from the 1987 election was the introduction of a matched polling places technique which effectively eliminated the traditional early bias in the swings to and from candidates that was apparent at previous elections. This system worked effectively and the Committee commends the AEC for its introduction.

5 - Campaign Material

How-to-Vote Cards

5.1 Some 20% of the submissions the Committee received recommended the banning of the distribution of how-to-vote cards and instead suggested they be officially displayed in individual voting compartments on polling day. These submissions were predominantly from minor parties, environmental groups and individuals. This issue also was raised with previous parliamentary committees reviewing the 1983, 1984 and 1987 elections though not to the extent that it was raised at the 1990 election.

5.2 The main reasons given for banning how-to-vote cards are to prevent the perceived waste of paper that occurs on polling day through the widespread distribution of how-to-vote cards by party supporters and to alleviate costs of campaigning. The environmental benefits of this suggestion also were stressed. A further reason suggested by some submissions for eliminating how-to-vote cards is to avoid the confrontation of voters by candidates' representatives poking how-to-vote cards at intending voters whether they want them or not. In the Committee's experience the overwhelming majority of people handing out how-to-vote cards are courteous in their dealings with voters.

5.3 Several alternatives to individual how-to-vote cards were suggested to the Committee: a poster, booklet or a folder of how-to-vote cards displayed in each voting compartment; a poster displayed in the polling place; a booklet or folder of how-to-vote cards distributed to each household prior to the election; or a newspaper supplement on how-to-vote information. Each of these options requires a greater 'official' involvement in the how-to-vote process.

5.4 The suggestion for folders was discounted early, as it was not considered a sufficiently secure method for display. The newspaper supplement suggestion was also rejected on the basis of the poor recognition rate by electors that the AEC's polling place newspaper advertisements received for the last election. The AEC's survey on the reaction of voters to a number of electoral issues revealed that only small percentages of the people surveyed saw the polling place advertisements in newspapers: 20% in Sydney; 36% in Melbourne; 30% in Brisbane; 49% in South Australia; 38% in Western Australia and 47% in Tasmania. Distribution of a

booklet to individual households was rejected because of the cost. Posters displayed in polling places were rejected because they were not considered sufficiently accessible to voters. Posters and booklets in voting compartments were considered in more detail.

Official Provision of How-to-Vote Material for the Senate

5.5 The AEC advised that the major problem in displaying how-to-vote material for the Senate in voting compartments is the size of the Senate ballot paper. A poster containing how-to-vote material for each party, group and independent candidate would not fit in a voting compartment. This is evident from the size of group voting ticket posters used in the past.

5.6 The alternative of having Senate how-to-vote cards available in booklet form in each voting compartment would be expensive and would require regular checks to ensure that the booklet was not stolen or damaged and was always available. Its use would probably also slow the voting process for each elector.

Official Provision of How-to-Vote Material for the House of Representatives

5.7 Compared with providing how-to-vote material for the Senate the AEC advised that it probably would be possible to provide a poster for display in voting compartments showing House of Representatives how-to-vote cards, as in the 1990 election the highest number of candidates that stood for a Division was 10 candidates. The size of the poster would be increased though if candidates were permitted to recommend more than one order of preference on the poster. Some parties may require a split-ticket option.

Other Problems with Officially Provided Material

5.8 To have official how-to-vote material ready for the election, deadlines would have to be set well before election day for the receipt of all relevant information from parties and candidates. The provision of a poster and/or a booklet would be expensive considering precautions that would need to be adopted to prevent the material being damaged or defaced - for example, the lamination of a poster. This would add to the cost of the election process. One suggestion made by the AEC to decrease these costs was to reduce by the costs of the poster or booklet the money payable to parties under the public funding scheme; however, this solution would mean that costs associated with candidates who do not qualify for funding would be met by others. As well, official provision of how-to-vote material would involve the AEC in the party political advertising process. The Committee considers this would be undesirable.

Banning How-to-Vote Cards

5.9 Tasmanian State electoral law has provided a precedent for banning the distribution of how-to-vote cards on polling day. Other States have put in place measures which attempt to limit the distribution of how-to-vote material. One such measure has been adopted in South Australia where the display of how-to-vote cards is permitted in polling booths on polling day. There is, however, no provision for banning the distribution of how-to-vote material and parties have not been discouraged from continuing to hand it out outside polling places. It is probable that the situation would be the same at the federal level thus defeating the purpose of any similar amendment. The banning of the distribution of how-to-vote cards also raises civil liberties questions and severely reduces the freedom of participation of enthusiastic party workers in the campaign process.

Conclusion

5.10 While recognising that the banning of the distribution of how-to-vote cards and instead providing for them to be officially displayed in individual voting compartments is clearly the position of minor parties which do not have the same resources as major parties, the Committee considers that the existing situation of party workers distributing how-to-vote cards should prevail for the reasons outlined.

5.11 This view is rejected by some members of the Committee and by the Australian Democrats who recommended the banning of how-to-vote cards on polling day in the interests of forest conservation. They consider the arguments against the official provision of how-to-vote cards have been dismissed lightly particularly since 20% of the submissions received by the Committee support that viewpoint.

Recycling How-to-Vote Cards

5.12 The Committee shares the sentiments expressed in the submissions which raised the issue of the volume of paper used for how-to-vote cards. The AEC stated that consistent with its policy for recycling paper and cardboard waste generated during elections it provided cardboard litter bins in all polling places for the disposal of waste paper including how-to-vote cards and in most cases its objective of recycling was achieved. This general approach was confirmed by the Public Sector Union.

5.13 The Committee recommends that the Australian Electoral Commission ensure that cardboard litter

bins are provided at all polling places for the disposal of waste paper generated from elections, including how-to-vote cards, and that all bins are subsequently collected by recycling firms for the recycling of that paper.

Production of Political and AEC Election Material on Recycled Paper

5.14 The 1987 election saw the successful widespread introduction of disposable cardboard voting screens and ballot boxes by the AEC. This system was used again during the 1990 election. Given the vast quantities of paper and cardboard used during an election by the AEC and by political parties and candidates with how-to-vote cards and other election material, it is suggested that all participants in the election process consider, where possible, using recycled paper for the production of their election material. This would increase demand for recycled paper thereby helping to stimulate the local recycled paper manufacturing industry.

5.15 The Committee suggests that all political parties and candidates consider using recycled paper for the production of their election material.

5.16 The Committee recommends that the Australian Electoral Commission use recycled paper for the production of all its election material wherever practicable.

Misleading and Deceptive Publications

5.17 Misleading and deceptive publications, especially how-to-vote cards, lack of authorisation on publications and publication of matters regarding candidates have been a more prominent feature during the 1990 election. The Committee is concerned at the apparent casual flaunting of the Act with the production of such misleading documents.

5.18 One means of overcoming the problem is to require all how-to-vote cards and other material circulated on polling day to be registered with the AEC so that if the material is not registered it cannot be circulated. The Committee noted that this system has been introduced in both New South Wales and Victorian State elections.

5.19 Sections 151F and 151G of the New South Wales *Parliamentary Electorates and Elections Act 1912* have been strengthened to provide for the registration of material to be distributed on polling day, with any unregistered material attracting a fine of \$1000. The provision allows only

candidates in an election to distribute material, with interest groups being banned from participating in the electoral process.

5.20 *The Constitution Act Amendment (Electoral Reform) Act 1988* introduced in Victoria from 1 January 1989 allows for the clearance of sample how-to-vote cards by the Returning Officer some 10 days prior to the poll, public inspection of approved how-to-vote cards, the right of appeal to the Administrative Appeals Tribunal and registration of how-to-vote cards at least three days before polling day. On polling day only registered how-to-vote cards can be distributed within 400 metres of a polling place, with distribution of any unregistered material in that area attracting a fine of \$1000 or imprisonment for a period not exceeding six months or both.

5.21 The Committee considers that while such an approach may overcome the difficult problem of misleading and deceptive publications it would not support such a system because it would be almost impossible to enforce. In addition, registration would represent bureaucratic interference in the political process and further restrictions placed on political parties. Any such restrictions could interfere with the conduct of a campaign and prevent the option of any last minute material being distributed on polling day to address issues which may arise in the final days of campaigning.

5.22 The Committee considers that a more appropriate solution would be the introduction of harsher penalties. The existing penalties under sections 328, 329 and 351 of the Act hardly reflect the potential harm that may arise from the distribution of misleading publications:

**S328 Printing and Publication of Electoral
 Advertisements, Notices etc and**

S351 Publication of a Matter Regarding a Candidate

- . natural person - fine not exceeding \$1000
- . body corporate - fine not exceeding \$5000

S329 Misleading or Deceptive Publications

- . natural person - fine not exceeding \$1000 or imprisonment for a period not exceeding 6 months, or both
- . body corporate - fine not exceeding \$5000.

5.23 The wider issue of penalties applied to individuals under the Electoral Act was considered in some detail by the previous committee in the 35th Parliament with substantial

evidence being provided by the AEC on this issue (Report No. 3 pp. 84-89). The Committee supports the general recommendations made by the previous committee that the penalties for electoral offences under the *Commonwealth Electoral Act 1918* be substantially increased with those penalties currently set at \$1000 or six months imprisonment being increased to \$12,000 or imprisonment for not more than two years.

Defacing Election Posters

5.24 Mr John L Scott MP, Member for Hindmarsh, raised the issue of the defacing of legitimate election posters by other groups and the absence of a provision in the Electoral Act to prevent damage of parties' or candidates' posters. Mr Scott provided details of a particularly vicious vandalising campaign against his election posters during the 1990 election and suggested that if parties' and candidates' election material were registered it would have some official status and could thereby be given some protection by the Commonwealth.

5.25 While there is no provision in the Act to cover parties' and candidates' posters, official AEC posters are covered by section 339(2) of the Act. That section states 'A person shall not wilfully deface, mutilate, destroy or remove any notice, list or other document affixed by any Divisional Returning Officer or by his authority'. The penalty for the contravention of that section is \$500. The official notices currently covered by this section are placed in relatively few places and are generally in view of AEC staff.

5.26 The AEC raised a number of difficulties with the introduction of a similar provision for parties' and candidates' election material (Evidence pp. S646-S647). While the Committee considers several of those difficulties easily could be resolved it shares the AEC's concerns regarding the definition of defacement and the problems of enforcement of registration.

5.27 It is not clear what would constitute defacement. While deliberate attempts to destroy a particular poster might obviously amount to defacement it is debatable whether the placing of another poster on top of an existing poster should be banned if, for example, the surface on which both are placed is a wall where advertising posters are typically placed.

5.28 It should be recognised that a provision of the kind suggested would for all practical purposes be unenforceable and would, in effect, have moral force only. In situations where a poster had been destroyed, it would be extremely

difficult if not impossible to prove that what had been destroyed was in fact registered election material. In practice, only where offenders were caught in the act of defacing or destroying election material would there be any prospect of a successful prosecution.

5.29 While the Committee deplores the act of vandalising parties' and candidates' election posters it does not support the registration of election material as a means of preventing damage because it is almost impossible to enforce registration and difficult to prove that defacement has occurred.

6 - Nomination and Enrolment

Registering Political Party Names

6.1 In 1983 the *Commonwealth Electoral Act 1918* was amended to introduce a scheme for the registration of political parties.

6.2 In July 1989 the AEC registered the Rex Connor (Snr) Labor Party as a political party under the Act. The registration was the subject of an appeal by the Australian Labor Party to the Administrative Appeals Tribunal. The appeal had not been heard when the election was called and under the provisions of the Electoral Act the appeal process was suspended until after the election. The appeal is now listed for hearing on 20 December 1990.

6.3 This issue was brought to the Committee's attention by the Hon Stewart West MP, Member for Cunningham, who suggested that the registration of the Rex Connor (Snr) Labor Party provides the precedent for the registration of a multitude of Labor, Liberal and National parties. There could be the 'John Hewson Liberal Party' or the 'Tim Fischer National Party' or the 'Bob Hawke Labor Party' established by groups which have no association with the parties or individuals that are mentioned. The Australian Democrats also were concerned about the registration of 'The Australian Ethnic Democrats'.

6.4 Section 129 of the Electoral Act prescribes a number of prohibitions on the registration of a party name. Section 129(e) precludes the use of the word 'Independent' with the name of a previously registered party, though no such legislative exclusion is made in the case of any other qualifying words. Section 129(d) however states that a party name is prohibited from registration if it resembles, is likely to be confused with or mistaken for the name, abbreviation or acronym of the name of another political party not related to the party to which the application applies.

6.5 The Committee is concerned about the AEC's interpretation of this section of the Electoral Act and will review the situation following the announcement of the Administrative Appeal Tribunal's decision on the appeal by the Australian Labor Party.

Deregistration of Political Parties

6.6 The current provisions of the *Commonwealth Electoral Act 1918* relating to deregistration of political parties that are parliamentary parties may not give sufficient support to the casual vacancies provision of the Constitution.

6.7 Section 15 of the Constitution provides for the appointment to fill a casual Senate vacancy of a member of the same party as that to which the Senator, whose place has become vacant, belonged at the election immediately preceding the vacancy. However, Sections 136 and 137 of the *Commonwealth Electoral Act 1918* provide for the deregistration of a political party that is a parliamentary party when that party ceases to have as one of its members at least one member of a Parliament. Were those provisions implemented immediately on the death or resignation of the parliamentary member of the political party, the right of that party, its voters and supporters, to have one of its members fill the casual vacancy in the case of the Senate, or to have its name on the ballot paper in the subsequent by-election in the case of the House of Representatives, may be frustrated.

6.8 The Committee recommends that the *Commonwealth Electoral Act 1918* be amended so that proceedings for the deregistration of a political party that is a parliamentary party be not undertaken until after the next election for the relevant House subsequent to the political party becoming liable to deregistration.

Candidate Holding an Office of Profit under the Crown

6.9 Section 44 of the Constitution specifies qualifications for nomination of candidates and the provisions which disqualify persons from nominating or cause nominations to become invalid. Part XIV of the Electoral Act outlines further provisions in this regard. Of particular concern during the 1990 election was section 44(iv) of the Constitution which states that any person who holds an office of profit under the Crown shall be incapable of being chosen or sitting as a Member of Parliament.

6.10 Three cases where office of profit problems arose during the 1990 election that were brought to the Committee's attention were: the status of State public servants; the status of employees of Commonwealth-funded bodies - for example a candidate working in an Aboriginal legal service partly funded by the Commonwealth; and parliamentary staff of

Members of Parliament employed under the *Members of Parliament (Staff) Act 1984*.

6.11 There are three important areas of uncertainty regarding office of profit under the Crown:

- . what constitutes an office of profit?
- . when does a candidate have to resign from such an office?
- . whether an unsuccessful candidate's employment security will in any way be jeopardised by his/her standing as a candidate?

6.12 In relation to those three issues the AEC reiterated the rationale provided to the committee in the 35th Parliament.

6.13 The AEC suggested that rather than attempting to define an office of profit under the Crown as the term is used in the Constitution, the Parliament has the right to exclude people from nominating other than the people who are constitutionally excluded; therefore, there should be written into the Act a general exclusion against nomination by people holding an office of profit as broadly defined.

6.14 The AEC has received extensive legal opinion, dating from the early years of this century, from the Attorney-General's Department concerning the point at which the constitutional qualification applies. This opinion states that, to satisfy the provisions of the Act, the candidate should resign before nomination. The basis for that is that it is possible, in the case of only one candidate having nominated for an election, for the election to occur at the point of nomination (Evidence pp. S614-S645). This opinion has never been tested in the courts.

6.15 The issue of whether an unsuccessful candidate's employment security will in any way be jeopardised by his/her standing as a candidate varies with the employing organisation and relevant legislation. For Commonwealth public servants and Defence personnel special provisions have been provided in the relevant Acts.

6.16 The AEC provided no conclusive advice on the three cases of office of profit previously mentioned. It merely reiterated that in 1983 the Electoral Act was amended to make judgements regarding the eligibility for nomination the responsibility of candidates and if in doubt candidates should seek their own legal opinion on this issue.

6.17 The Committee is extremely concerned that

candidates, potential candidates and political parties continue to be uncertain of their obligations and rights regarding office of profit and believes that the only way this situation will be resolved is for a ruling to be sought on these issues from the High Court.

- 6.18 **The Committee recommends that the Minister for Administrative Services seek a ruling from the High Court on what constitutes an office of profit under the Crown and when a candidate has to resign from such an office.**

AEC Assistance to Candidates

6.19 Although judgements regarding the eligibility of nominations is the responsibility of candidates, some candidates require advice from the Divisional Returning Office regarding nomination procedures. Instances were cited of incorrect advice being provided during the 1990 election and also of difficulties in obtaining copies of the *Candidates Handbook* and appointment of agent forms.

6.20 The Australian Democrats, New South Wales Division, suggested that a nominations 'checklist' noting all the various forms required from candidates by the AEC and listing all other relevant handbooks and useful information would be a valuable tool at District Returning Offices and would reduce the doubt as to what is needed and available.

- 6.21 **The Committee recommends that the Australian Electoral Commission produce a nominations 'checklist' to be given to each candidate, and a copy to be held at each Divisional Returning Office, to assist both candidates and District Returning Office staff in ensuring that all relevant nomination procedures are complete.**

6.22 The Australian Democrats, New South Wales Division and some minor parties complained of a lack of co-operation from the AEC in the lead-up to the election. Difficulties such as the AEC's failure to visit when requested had been experienced at previous elections but the Australian Democrats believed that they were worse in 1990. They considered the situation prior to the 1990 election was exacerbated by staff changes within the AEC as well as by the degree of uncertainty in the AEC regarding the application of the sections of the Act that had been changed just prior to the election.

6.23 The AEC however, was commended by the Australian Democrats for the seminars, especially those related to

changes to the Electoral Act, which the AEC ran for party officials prior to the election.

- 6.24 **The Committee recommends that the Australian Electoral Commission improve the level of service and advice provided to all candidates and political parties in the lead-up to federal elections.**

The Electoral Roll

6.25 Recently there has been sustained criticism of the accuracy of the electoral roll that has resulted in questioning of the integrity of the electoral process - for example the Liberal Party has claimed that roll inaccuracies may be as high as 10%.

6.26 In an effort to overcome this problem the AEC has introduced a new Roll Management System (RMANS) and restructured its Roll Maintenance Section. At the election RMANS was used for the first time to update the electoral rolls and produce the certified lists and other enrolment reference documents. This system is designed to gradually replace the microfiche currently held in Divisional Offices. Computerisation has been achieved in all but 112 Divisions in the eastern States which currently operate with outdated microfiche viewers, electronic typewriters and manual enrolment procedures. To facilitate the provision of a more up-to-date, accurate national electoral roll all Divisional Offices also need to be online. Obviously this also will involve substantial changes to the AEC's Central Office support systems and staffing as well as training for Divisional Office staff.

- 6.27 **The Committee recommends that the Australian Electoral Commission extend its online Roll Management System to all Divisional Offices in the eastern States as an immediate priority.**

6.28 It is difficult to gauge the accuracy of the electoral roll but the AEC's RMANS has a number of features designed to keep the roll as accurate as possible; for example it has the facility to automatically process interstate transfers. Using this facility 30,974 interstate transfers were effected prior to the election. This has significantly improved the quality of the roll. Accuracy is also enhanced by the errors program which detects invalid data (such as street names not known to the system) and corrects it prior to final production of the certified lists.

- 6.29 Report No. 3 of the Joint Standing Committee on

Electoral Matters in the 35th Parliament recommended that at the next federal election the AEC conduct an audit of pre-election enrolments. A more extensive audit project than that contemplated by the previous committee in relation to the 1990 election is being undertaken. However, at the time of writing this report the results of that audit were not available.

6.30 The Committee is satisfied that the AEC's new RMANS is bringing about a significant improvement in the accuracy of the Australian electoral roll.

Access to Enrolment Information

6.31 The AEC's online and microfiche enrolment system contains more personal information on individuals (such as sex, occupation and date of birth) than that provided in the publicly available printed roll. This information will increase as the AEC adds more histories held on electors as they change their enrolment. In June 1990 the Federal Privacy Commissioner noted that the AEC holds personal information on 10.4 million individuals and is exceeded only by Medicare which holds details of 18 million people. In accordance with the Electoral Act the AEC makes publicly available the names and addresses of electors (except those with 'silent' enrolment) held on the electoral roll. The Privacy Commissioner has confirmed that this practice is acceptable under the Privacy Act 1988. The Commonwealth Government agencies that have access to additional personal information are listed on the enrolment claim forms in accordance with the requirements of the Privacy Act 1988. The security and confidentiality of RMANS and its data will become more important as more Divisional Offices attain online access to that data.

Enrolment in Remote Areas

6.32 Some members of the Committee expressed concern about the possibility of electors, particularly of Aboriginal or ethnic background, being disadvantaged because of the difficulties posed by enrolment in remote or isolated areas. A submission from Mr Tom Stephens MLC Western Australia brought to the Committee's attention the following suggestions for streamlining enrolment procedures in remote areas:

- both the AEC and the Aboriginal and Torres Strait Islander Commission (ATSIC) should be encouraged to investigate the possibility of designing and producing declaration and voting application forms which would also serve as enrolment/change of address forms

-
- polling stations with large concentrations of Aboriginal or ethnic voters should be issued with subdivisional lists of voters arranged alphabetically by first names
 - the AEC should provide for those mobile polling stations operating in areas adjacent to State borders relevant rolls and the necessary authority to cater for interstate voters.

6.33 The Committee commends these matters to the AEC's attention.

Habitation Reviews

6.34 Section 92 of the Electoral Act provides that at least once every two-year period the AEC shall conduct a review of the electoral rolls of each State and Territory by arranging for each habitation in the State and Territory to be visited to obtain information that is required for the preparation, maintenance and revision of the rolls. The review is carried out by the Australian Electoral Office for each State working in association with Divisional Office staff and the Roll Maintenance Section of Central Office. Beginning in October 1990 and ending in April/May 1991 the AEC will be conducting habitation reviews in all States except Western Australia at a total cost of some \$10 million. The Australian Labor Party expressed concern to the Committee that the AEC's current procedures for habitation reviews potentially discriminate against non-English speaking, aged, infirm and Aboriginal voters.

6.35 The AEC informed the Committee that recent revisions to procedures provide for calls at households generally between 4.00 pm and 8.00 pm when people are more likely to be at home. If there is no one at home or no answer the electoral roll review officer leaves a card saying they called and will be calling back. If there is subsequently no answer, then those cases are followed up by mail by the Divisional Office. The mail follow-up is continued and if there is no response there is a further follow-up visit by a Divisional staff person.

6.36 For a resident who is illiterate, when an officer calls the officer can assist in filling out the enrolment cards on behalf of the person enrolling - on that person's instruction. In the case of elderly or infirm people in nursing homes and similar institutions there are procedures for updating the enrolment; for non-English speaking people there is multilingual information; similar approaches are undertaken in relation to Aboriginal people.

6.37 The Committee considers that the revised procedures

the AEC has outlined for the current round of habitation reviews seem adequate and that the particular interests and circumstances of eligible non-English speaking, aged, infirm and Aboriginal voters are being taken into account. However, it will be important to see how well those procedures operate when implemented.

- 6.38 The Committee recommends that the Australian Electoral Commission report to the Joint Standing Committee on Electoral Matters on the current round of habitation reviews when those reviews are complete and that the report include an evaluation of the adequacy of procedures used for dealing with eligible non-English speaking, aged, infirm and Aboriginal voters.

/ Returned Correspondence from Members of Parliament

6.39 The Liberal Party raised in its evidence the matter of letters sent by Members and Senators to newly enrolled electors, which were returned to the senders with annotations which indicated that the addressees were not known at the addresses to which the letters were sent. It has been estimated that 5%-7% of the letters sent were returned in this manner; that percentage is considered a good indication of the level of inaccuracy of the electoral roll.

6.40 The AEC advised that any instances of such returned mail drawn to its attention are noted. As complaints regarding the AEC's policy on this matter are consistently raised by Members and Senators in various forums, including Senate Estimates Committees, the Committee urges the AEC to use the information provided to verify enrolments.

Availability of the Electoral Roll

6.41 The electoral roll and certified lists are fundamental tools for parties, candidates and Members of Parliament. One of the perennial problems for parties and candidates prior to the election, and just after, is the lack of an up-to-date and accurate copy of the electoral roll. The availability of certified lists containing final roll information is particularly important for candidates in remote Divisions with Aboriginal communities because of the mobility of many Aboriginal people.

6.42 Certified lists are individually laser printed to facilitate security and the scanning process and each list is separately identified. The AEC advised that, given the

present state of technology, period of roll close, and the numbers of lists that have to be produced, for the 1990 election most of the lists were not available until the last week before polling day.

6.43 As with previous elections the AEC's failure to supply certified lists and electoral rolls was the subject of complaint during the 1990 election. The Australian Democrats, New South Wales Branch, for example, received no rolls in November 1989. According to the AEC this omission occurred as the result of a combination of two factors: the party's lack of awareness regarding its entitlements and a clerical error within the AEC. Regarding the latter factor, the Committee considers totally unacceptable the potential within the AEC for the occurrence of clerical errors of sufficient magnitude to cause parties to be deprived of material to which they are entitled.

6.44 This problem also highlights the existence of uncertainty among candidates, parties and sitting Members and Senators about their entitlements and the availability of required documents. The AEC obviously needs to improve its strategy for disseminating information on roll entitlements to these groups. This confusion was probably exacerbated in the recent election by pending changes to section 91 of the Electoral Act and proposals made in the report of the Committee of the 35th Parliament.

6.45 Another complaint concerned some candidates being kept waiting for certified lists during the campaign. This holdup occurred while the AEC and the Department of Finance decided on funding arrangements. The decision was finally made some time after the election. While the decision was being made 28 candidates (*AEC's Annual Report 1989-1990* p. 20) were advised to request the information through a freedom of information application and then pay for photocopying the roll.

6.46 The copies of electoral, Divisional and State rolls to which parties, Members and Senators are entitled under section 91 of the Electoral Act are now available, if requested, in tape or disc form. The Committee strongly supports the flexibility now afforded to Members of Parliament and parties in being able to select the format in which the roll is made available to them. The Committee considers that a similar provision, on a commercial basis, should be extended to candidates.

6.47 The Committee recommends that the *Commonwealth Electoral Act 1918* be amended to include a provision that House of Representatives and Senate candidates are entitled to purchase one copy of the latest

print of the Divisional or State roll (respectively) for the electorate for which they have nominated in accordance with the rolls that are being made available to Members of the House of Representatives and the Senate under section 91 of the *Commonwealth Electoral Act 1918* and, if requested the copy of the roll should be made available in tape or disc form.

6.48 The committee in the 35th Parliament recommended amendments to the Electoral Act to provide, as soon as practicable after the close of rolls, distribution of one copy of the certified list of voters for the Division in which the candidate seeks election. While the Committee supports that recommendation because of the importance of the certified lists for candidates in remote Divisions, it believes the recommendation needs to be strengthened to ensure that those lists are not provided after election day.

6.49 The Committee recommends that the *Commonwealth Electoral Act 1918* be amended to provide for the distribution to each candidate, as soon as practicable after the close of rolls, and at least one week prior to polling day, one copy of the certified list of voters for the Division in which the candidate seeks election.

6.50 The previous committee's report also recommended that following the election Members of the House of Representatives receive a further three copies of the certified list of voters in their Division and Senators one copy of the certified list for their State or Territory. The Committee supports those recommendations.

Multiple Voting

6.51 Allegations of multiple voting are frequently made at the time of elections. The 1990 election was no exception with such allegations appearing in both newspaper articles and evidence to the Committee.

Table 6.1: Incidence of Apparent Multiple Voting Reported
1974-1990*

STATE	NSW	VIC	SA	QLD	WA	TAS	NT	ACT	NATIONAL
1974	-	1744	-	-	383	191	-	-	6051
1975	-	1531	316	-	426	169	-	-	5107
1977	-	1432	248	-	556	197	-	-	5096
1980	1617	1807	245	568	763	186	54	53	5487
1983	1829	1490	318	852	608	224	38	52	5410
1984	1721	2227	343	1435	1289	298	64	22	7399
1987	4652	3298	356	1725	964	242	158	128	11525
1990	4632	4100	903	2148	1066	438	233	225	13745

Source: 1974-1987 data: Inquiry into the Conduct of the 1987 Federal Election. Evidence, p. S794.
1990 data: AEC Evidence pp. S593-S598.

*Note: Except for the years 1984, 1987 and 1990 the incidence of multiple voting for Australia is proportionate to the votes cast in States for which figures are available.

6.52 As Table 6.1 reveals there has been a national increase of 2220 cases of multiple voting from the 1987 to the 1990 election, with all States except New South Wales recording a higher number of alleged incidents. The AEC is not able to pinpoint any reason for this increase since the 1987 election (Evidence p. S789) though it is noted that the increase in the number of apparent cases of multiple voting at the 1987 election was attributed to the introduction of a new computerised scanning system.

6.53 Of the 13,745 cases of apparent multiple voting reported after the 1990 election further investigation by the AEC revealed only 338 cases where a voter admitted multiple voting of which only 83 cases have been referred to the Australian Federal Police for investigation. These final figures are double those reported following the 1987 election - 266 cases of admitted multiple voting of which 45 cases were referred for investigation.

6.54 The AEC advised that with the tight security checks built into its new computerised system the successful practice of multiple voting is very difficult.

6.55 The Committee did not receive any factual data to support the allegations of widespread multiple voting. In the

absence of such evidence the Committee can only conclude that overall the incidence of multiple voting at the 1990 election remained low.

Voting in the Name of a Deceased Person

6.56 Under legislation the names of deceased electors are removed from the electoral roll on the advice of the Registrar of Births, Deaths and Marriages for each State, although the AEC may not remove names after the roll has closed. It is not unusual for the names of people who have died between the close of rolls and polling day still to be on the roll on election day. With the AEC's new RMANS, however, information such as the lists of deceased persons received from the Registrar of Births, Deaths and Marriages for that period and later; other lists of advice on deaths; the names of ineligible voters; and computer errors are included in an alert list and run against the electoral roll following polling day to identify any occurrences of voting in the name of a deceased person or ineligible voter.

6.57 A misinterpretation of an AEC code in a consolidated list of voters led the National Party of Australia to allege in a submission to the Committee that a person or persons unknown had voted in the name of 42 deceased persons in the electorate of Richmond. The allegation was subsequently withdrawn by the National Party and it was agreed that rather than highlighting voting in the name of a deceased person the data presented served to prove that the AEC's security program to detect such electoral fraud was working effectively.

6.58 The Committee concludes that based on the data presented there was no evidence to suggest that voting in the names of deceased persons had occurred in the electorate of Richmond.

7 - Management and Operation of the Australian Electoral Commission

7.1 The AEC was established as an independent statutory authority in February 1984 taking over from the Australian Electoral Office (1973-1984) which was formerly the Commonwealth Electoral Branch (1902-1973). The AEC had a budget of \$107.2 million in 1989-90 and an estimated budget of \$73.6 million for 1990-91. It has a three-tiered decentralised structure with a Central Office located in Canberra, a Head Office in each State and the Northern Territory and a Divisional Office in or near each of the 148 House of Representatives electoral Divisions. A permanent staff of 784 is employed mostly in Divisional Offices of about three people and 56,793 casual staff were recruited for the 1990 election. The twelfth Electoral Commissioner was appointed in December 1989 and the AEC launched its first corporate plan in July 1990.

7.2 The 1990 election highlighted a number of management and operational problems within the AEC which the Committee considers require urgent attention.

Devolution of Financial and Management Responsibilities

7.3 Since the establishment of the AEC priority has been given to achieving consistency between all Divisional Offices in their procedures for handling elections. This has been accomplished via greater central control of those procedures. Complaints in the responses to the Committee's survey of Members of Parliament revealed that inconsistencies in procedure still persist and need to be addressed.

7.4 On the other hand the Public Sector Union complained that there is a need to devolve financial and management responsibility to Divisional Returning Officer level. Divisional Returning Officers are currently trusted to manage the conduct of the election but not to control the resources to do so (Evidence p. S348). Divisional Returning Officers obviously believe that the changes since 1983 have gone too far in usurping their authority over the resources required to run the election within their Division. The Committee considers this failure to apportion responsibility correctly between the AEC's Central Office and Divisional Returning Offices has resulted in the occurrence of unsatisfactory management practices. Inevitably these were manifested at the

time of the 1990 election in such problems as queuing.

7.5 The aim should be to give individual managers sufficient scope to achieve the policy outcomes sought by the organisation and the Government while retaining adequate consistency and a corporate focus within the organisation. Devolution of responsibility must be accompanied by appropriate reporting and accountability by officers on the use of that power and authority and there should be rewards and penalties according to the outcome.

7.6 While the Committee did not investigate devolution in detail in its inquiry it believes that the way in which the issue influenced the conduct of the 1990 election, and its importance to the successful management of the AEC, make it appropriate that this issue be examined further.

7.7 The Committee recommends that the Australian Electoral Commission investigate the extent to which it can devolve financial and management responsibility to Divisional Returning Officers and, where this is appropriate, does so with concomitant reporting and accountability practices.

Morale

7.8 Closely associated with the issue of devolution of responsibility within the AEC is the morale of the organisation. The report of the committee in the 35th Parliament noted that the 1987 election had revealed a major morale problem in the AEC, especially in Divisional Offices, and a number of submissions were received from Divisional Returning Officers who were critical of AEC management. The cause of the problem appeared to be the degree of change that the organisation had been subjected to in the preceding years which was accentuated at election time by the production and distribution of the *Divisional Office Procedures manual* and associated procedural changes.

7.9 This Committee did not specifically seek submissions from Divisional Returning Officers on this issue and none was received. The Public Sector Union, however, was critical of the way in which AEC management had implemented its NPPRP, failed to provide technology in Divisional Offices and failed to devolve financial and management responsibility to Divisional Returning Officer level. Despite the union's concerns the Committee gained the overall impression that morale generally within the AEC is improving.

Technology in Divisional Offices

7.10 Despite the acquisition of automated systems for both the Central and State Offices, technology for Divisional Offices has substantially lagged behind.

7.11 As noted in chapter 6 there is an urgent need to expand the AEC's online enrolment facilities to Divisions in the eastern States. However, the need for automation of the AEC's Divisional Offices extends well beyond this. At present the AEC has the following technology in Divisional Offices:

- 20 Divisions (14 in Western Australia, five in Tasmania and one in the Northern Territory) with online enrolment facilities and full access to the RMANS, access to Uniplex office automation (albeit at a remote site) and proposals to expand input to election night results, casual staff payment and other systems
- 13 Divisions (South Australia) with online access to a different roll management system and access to IBM-based office automation
- three Divisions (one in Victoria, two in the Australian Capital Territory) with some online inquiry access and limited Uniplex office automation
- 112 Divisions (37 in Victoria, 51 in New South Wales, 24 in Queensland) with outdated microfiche viewers and electronic typewriters (Evidence p. S349).

7.12 The Committee finds unacceptable the degree to which the AEC's work which is primarily concerned with list maintenance, general correspondence and statistical collection is still dependent on numerous manual systems supported only by computerised systems at State Office level. If the AEC is to operate efficiently and effectively to produce the electoral roll, report election results, and devolve financial and management responsibilities with associated reporting requirements it must have the appropriate technology in all Divisional Offices.

7.13 The AEC's many proposals, consultancies and pilot programs for automation of Divisional Offices have resulted in little action. Steps have now been taken to implement some automated systems in selected States and Territories but the larger eastern State Divisions remain untouched, although the Committee is aware that the AEC currently is preparing an information systems plan and a pilot project linking two Divisions in each of the three eastern States to the online enrolment system and the Uniplex system commenced in October 1990. The Public Sector Union noted that 'Until now standards

have not fallen in those Divisions without computerisation' (Evidence p. S350). The Committee questions how long this can continue and expressed concern that automation is not occurring faster.

- 7.14 **The Committee recommends that the Australian Electoral Commission extend its online information network to all Divisional Offices as an immediate priority.**

Attitude of the AEC to its Task

7.15 Advice from Members of Parliament who participated in the Committee's survey revealed a high level of satisfaction with the co-operation and assistance provided by most AEC staff in Divisional Returning Offices. However, throughout its inquiry the Committee became increasingly concerned about the attitude of the AEC's central management to its task of conducting federal elections.

7.16 Despite claims in its first corporate plan that service is its primary focus this was not strongly reflected in the AEC's general approach to the management of the 1990 election. Both voters and candidates alike complained of a lack of communication and co-operation from the AEC's Central Office in the conduct of the election. On many occasions the AEC dealt with the public's and candidates' concerns by pedantic recourse to the Act or precedent without always assessing individual circumstances. Rarely has the AEC sought to review its systems based on the views of its clients on service delivery. The AEC presents itself as an organisation more concerned with enforcing the provisions of the Electoral Act rather than using the Act as a basis for providing a service.

7.17 In a service organisation staff are critical to the organisation's success. They require strong support from management in setting the direction for the organisation and in ensuring that they have the appropriate skills, resources and general working conditions to perform their tasks effectively. The deficiencies in those areas previously outlined in this report can only detract from the AEC achieving an improvement in service.

- 7.18 **The Committee recommends that the Australian Electoral Commission take urgent steps to guarantee a more service orientated approach to its task of conducting federal elections.**

Re-appraisal

7.19 Although the results of the Committee's survey revealed that 75% of the Members of Parliament surveyed were satisfied with the way in which the AEC conducted the 1990 election, those responses were heavily qualified by a major list of basic deficiencies and problems in the management of the election. Details of those deficiencies have been outlined in the preceding sections and chapters of this report. The 1990 election is noted for its queues and the unprecedented delay in posting the election result. These two problems alone are bad enough, but when added to the problems that candidates and parties continue to experience in relation to registering parties, nomination procedures and advice, lack of assistance from the AEC and the difficulties of obtaining the electoral roll as well as the operational, management and attitudinal shortcomings that the Committee identified within the AEC, this Committee can only conclude that the 1990 election was not as well managed as it should have been and there are serious deficiencies in the management of the AEC.

7.20 The Committee regards these matters very seriously and is not prepared to wait until after the 1993 election in order to see that they are not repeated. Accordingly, the Committee has determined that it will re-examine the AEC in the current parliamentary term to see what progress the AEC has made in rectifying the identified deficiencies. The Committee considers that the AEC should take immediate steps to address the matters of concern raised in this report.



Hon Laurie Brereton MP
Chairman

20th December 1990

Appendix A

Survey of Members and Senators



PARLIAMENT OF AUSTRALIA
JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

PARLIAMENT HOUSE
CANBERRA, A.C.T. 2600
TEL. (062) 77 2374
FAX (062) 77 2067

**INQUIRY INTO THE CONDUCT OF THE 1990 FEDERAL ELECTIONS:
SURVEY OF MEMBERS AND SENATORS**

On 28 May 1990 the Minister for Administrative Services, Senator the Hon Nick Bolkus, referred the following matter to the Joint Standing Committee on Electoral Matters for inquiry and report:

All aspects of the conduct of elections for, or votes on behalf of, the Parliament of the Commonwealth and matters related thereto, including:

- (i) the legislation governing, and the operation of, the Australian Electoral Commission;
- (ii) the provisions and operation of the Commonwealth Electoral Act 1918; and
- (iii) the provisions and operation of the Referendum (Machinery Provisions) Act 1984.

In accordance with this general reference the Committee has decided to conduct an inquiry into all aspects of the conduct of the 1990 election for the Parliament of the Commonwealth and matters related thereto. This inquiry will be advertised on 2 and 4 June 1990.

This inquiry is of obvious interest to all Members and Senators. As part of the Committee's investigation comments are being sought from all federal Members and Senators on the way in which the 1990 federal election was conducted in their electorates (Members) and States or Territories (Senators). To assist you in providing this information a brief survey (about 5 - 10 minutes to complete) is attached. I would appreciate your completing this survey and returning it in the enclosed envelope by Friday 22 June 1990 to:

Secretary
Joint Standing Committee on Electoral
Matters
Parliament House
CANBERRA ACT 2600

If you would also like to make a submission on this inquiry it would be welcomed by the Committee. The closing date for receipt of submissions is Friday 13 July 1990, however, the Committee will consider an extension of this deadline in appropriate circumstances.

If you have any queries regarding the survey or the Committee's investigation please contact me on (02) 349 6007 or Bev Forbes (Committee Secretary) on (06) 277 2374.

Yours sincerely,

Hon Laurie Brereton, MP
Chairman

31 May 1990

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
INQUIRY ON THE CONDUCT OF THE 1990 FEDERAL ELECTION
SURVEY OF MEMBERS AND SENATORS

Member's/Senator's Name:

Electorate/State or Territory Represented:

The following questions relate to experiences in your electorate (Members) or State/Territory (Senators).

Please tick the appropriate box.

If additional space is required please attach additional pages.

1. Were you satisfied with the way in which the Australian Electoral Commission (AEC) conducted the 1990 federal election?

Satisfied ☐

Dissatisfied ☐

2. Were there any components of the conduct of the election that you consider were particularly well managed by the Australian Electoral Commission?

Yes ☐

No ☐

If yes: Provide details _____

3. Preliminary consideration has identified the following areas of concern with the conduct of the 1990 federal election. Are you satisfied with the way in which those areas were managed in your electorate/State or Territory?

	Satisfied	Dissatisfied	Specify problems (if any)
a. accuracy of electoral rolls	<input type="checkbox"/>	<input type="checkbox"/>	_____
b. number of enrolments occurring between announcement of the election and the closing of the electoral rolls	<input type="checkbox"/>	<input type="checkbox"/>	_____
c. length and typesize of electoral rolls used to record voting	<input type="checkbox"/>	<input type="checkbox"/>	_____
d. AEC how-to-vote advertising	<input type="checkbox"/>	<input type="checkbox"/>	_____
e. clarity of information about the operation of mobile polling booths	<input type="checkbox"/>	<input type="checkbox"/>	_____
f. operation of composite polling places	<input type="checkbox"/>	<input type="checkbox"/>	_____
g. adequacy of premises used as polling places	<input type="checkbox"/>	<input type="checkbox"/>	_____
h. variability of definition of the location of the perimeter of the polling place	<input type="checkbox"/>	<input type="checkbox"/>	_____

Question 3 Continued

	Satisfied	Dissatisfied	Specify problems (if any)
i. adequacy of AEC staff numbers working at each polling place	<input type="checkbox"/>	<input type="checkbox"/>	_____
j. allocation of AEC staff amongst the range of tasks undertaken at a polling place	<input type="checkbox"/>	<input type="checkbox"/>	_____
k. length of queues at polling places	<input type="checkbox"/>	<input type="checkbox"/>	_____
l. no opportunity for a notional distribution of minor party preferences on election night	<input type="checkbox"/>	<input type="checkbox"/>	_____
m. time taken to distribute preferences to candidates	<input type="checkbox"/>	<input type="checkbox"/>	_____

4. What additional problems (if any) did you experience in your electorate/State or Territory regarding the conduct of the 1990 federal election?

Provide details: _____

5. Could you suggest any ways in which the problems you have identified in Questions 3 and 4 above may be rectified?

6. Do you have any other matters related to the 1990 federal election which you believe should be brought to the attention of the Committee?

Provide details: _____

Please return survey by Friday 22 June 1990 to:

Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600
Telephone: 06-2772374
Fax: 06-2772067

CONDUCT OF THE 1990 FEDERAL ELECTION

SURVEY OF MEMBERS AND SENATORS: RESULTS*

Table 1: Response Rate

Category	No.	Population	% of Total Population
Members	73	148	49.32%
Senators	23	76	30.26%
Anonymous	3		
TOTAL	99	224	44.19%

* Letters or submissions were also received from four Members and Senators.

Table 2: Members' Response Rate by Party and State

State/Party Affiliation	ALP	LP	NP	IND	TOTAL
NSW	12	4	4	1	21
QLD	8	3	3		14
SA	3	5			8
TAS	1	3			4
VIC	1	14			15
WA	5	4			9
NT	1				1
ACT	1				1
TOTAL	32	33	7	1	73

Table 3: Senators' Response Rate by Party and State

State/Party Affiliation	ALP	LP	NP	DEM	IND	TOTAL
NSW			1			1
QLD	2			1		3
SA	2	2		1		5
TAS		2		1		3
VIC	1	1		1		3
WA	3	1				4
NT	1	1				2
ACT	1	1				2
TOTAL	10	8	1	4	-	23

Appendix B

List of Organisations and Individuals who Made Submissions

- 1 Letter from Ms Anne Greenshields
dated 31 March 1990
 - 2 Letter from Mr Tony Smith
dated 23 May 1990
 - 3 Letter from Mr Stan Zaczek
dated 24 May 1990
 - 4 Letter from Orange Environment Group,
Mr Michael Phillips, Chairman,
dated 1 June 1990
 - 5 Letter from Grey Power, Dr Doug H. Ratcliffe,
Western Australian President,
dated 6 June 1990
 - 6 Letter from Coonamble ALP,
Mr Fred McInerney, Honorary Secretary,
dated 25 May 1990
 - 7 Letter from Mrs M. Duncombe
dated 5 June 1990
 - 8 Letter from the Hon Leo Boyce McLeay MP,
Speaker, House of Representatives
and Member for Grayndler,
dated 1 June 1990
 - 9 Letter from Mrs Patricia Pickering
dated 5 June 1990
 - 10 Letter from Mr Mark Fitzgerald
dated 8 June 1990
 - 11 Letter from Dr R. E. Klugman
dated 5 June 1990
 - 12 Letter from Ms Bronwyn Bryceson
dated 11 June 1990
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- 13 Letter from Mr D. P. Murphy
dated 16 June 1990
- 14 Letter from Mrs Judy Unger
dated 17 June 1990
- 15 Letter from Mr John Lyden Scott MP,
Member for Hindmarsh,
dated 13 June 1990
- 16 Letter from Mr A. P. Beamish
dated 18 June 1990
- 17 Letter from Senator Peter Baume
dated 12 June 1990
- 18 Letter from Mrs G. Smith
dated 13 June 1990
- 19 Submission from Mr Peter G. Raue
dated 14 June 1990
- 20 Letter from Mr Russell Evan Broadbent MP,
Member for Corinella,
dated 19 June 1990
- 21 Letter from Mrs G. Smith
dated 27 June 1990
(supplementary letter)
- 22 Submission from Tasmanian Conservation
Trust, Mr Dave Heatley, Co-Director,
dated 29 June 1990
- 23 Letter from Australians Against Further
Immigration, Dr R. A. Spencer,
undated
- 24 Submission from Grey Power,
Mr Richard Finney, Federal Campaign
Director and Vice President,
dated 26 June 1990
- 25 Letter from Ms Betty Thompson
dated 3 July 1990
- 26 Letter from Mr Roger Donegan
dated 3 July 1990
- 27 Submission from Mr S. F. Evans
dated 3 July 1990
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- 28 Submission from the Hon Stewart West MP,
 Member for Cunningham,
 dated 4 July 1990
- 29 Letter from Farrer FEC of the ALP,
 Mr David Gilmore, Secretary,
 dated 2 July 1990
- 30 Submission from Mr Lawrence A. Reilly
 dated 4 July 1990
- 31 Submission from the National Party of
 Australia, Federal Secretariat,
 Mr Paul Davey, Director,
 dated 6 July 1990
- 32 Submission from Mr L. J. N. Shore
 dated 4 June 1990
- 33 Letter from Grey Power South Australia,
 Mr John Holder, President,
 dated 6 July 1990
- 34 Letter from Ms Glenda Hewitt
 dated 6 July 1990
- 35 Letter from the Hon Bob Brown MP,
 Minister for Land Transport,
 dated 1 August 1990
- 36 Submission from Australian Democrats,
 Newcastle Area Branch,
 Mr Malcolm Martin, Secretary,
 dated 8 July 1990
- 37 Letter from Ms Margaret Tilmouth
 dated 11 June 1990
- 38 Letter from Ms Margaret Tilmouth
 dated 3 July 1990
 (supplementary letter)
- 39 Submission from Mr Zero-Population-Growth
 dated 9 July 1990
- 40 Submission from Mr Fred Ingamells
 dated 10 July 1990
- 41 Submission from Dr Harry C. J. Phillips
 PhD MA dated 6 July 1990
- 42 Submission from Mr G. Mealing
 dated 10 July 1990
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- 43 Submission from E. D. Goode
 dated 11 July 1990
- 44 Submission from Mr Athol Guy
 dated 12 July 1990
- 45 Submission from Australian Democrats,
 New South Wales Division,
 Ms Karin N. Sowada, NSW Campaign Director,
 dated 11 July 1990
- 46 Submission from Mr Tony Smith
 dated 11 July 1990
 (supplementary submission)
- 47 Submission from Australian Community
 Action Network, National Office,
 Mr Rodney Van Wegen, National Director,
 dated 11 July 1990
- 48 Letter from Divisional Returning Officer
 Menzies, Australian Electoral Commission,
 Mr D. E. McPherson,
 dated 12 July 1990
- 49 Submission from Divisional Returning Officer
 Kalgoorlie, Australian Electoral Commission,
 Mr R. W. Smith,
 dated 13 July 1990
- 50 Submission from Mr Peter Worthing
 dated 13 July 1990
- 51 Submission from Youth Housing Burnie,
 Fusion Tasmania, Co-Ordinator,
 undated
- 52 Submission from Voter Equality
 Mission to Swinging Voters in
 Marginal Seats, Mr Bill Helem,
 dated 11 July 1990
- 53 Submission from Australian
 Democrats, Robertson Branch,
 Ms Glenice Griffiths, President,
 dated 9 July 1990
- 54 Submission from Sydney Greens,
 Mr Tony Harris,
 dated 8 July 1990
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- 55 Submission from Citizens' Electoral
 Councils, A. C. Stewart,
 dated 13 July 1990
- 56 Submission from Mrs Marjorie Mason
 dated 9 July 1990
- 57 Submission from Mrs Dorothy H. Blackman
 dated 11 July 1990
- 58 Submission from Mrs Jean Paul
 dated 10 July 1990
- 59 Submission from the Liberal Party of
 Australia, Federal Secretariat,
 Mr Andrew Robb, Federal Director,
 dated 17 July 1990
- 60 Submission from Proportional
 Representation Society of Australia,
 Mr G. Goode, National President,
 dated 19 July 1990
- 61 Submission from Mrs L. Hay
 dated 18 July 1990
- 62 Submission from Emeritus
 Professor A. L. Burns MA Litt D
 dated July-August 1990
- 63 Submission from Public Sector Union,
 Mr Peter Herrmann,
 dated 2 August 1990
- 64 Submission from Australian
 Electoral Commission
 dated 7 August 1990
- 65 Submission from Socialist Party
 of Australia, Central Committee,
 Mr Peter Symon, General Secretary,
 dated 9 August 1990
- 66 Submission from Call to Australia,
 Victorian Executive,
 Mr Peter D. Olney, Chairman,
 dated 9 August 1990
- 67 Submission from Australian Labor
 Party, National Secretariat,
 Mr Ian Henderson, Assistant
 National Secretary,
 dated 14 August 1990
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- 68 Letter from W. G. H. Barnes
dated 4 September 1990
- 69 Submission from The National
Federation of Blind Citizens of
Australia, Mr Robert Altamore,
Vice-President,
dated 15 August 1990
- 70 Submission from the
National Party of Australia,
Federal Secretariat,
dated 16 August 1990
(supplementary submission)
- 71 Submission from Australian Democrats,
South Australian Division,
Mr Stephen Swift, President,
dated August 1990
- 72 Letter from City of Bendigo,
Mr David Stewart, Director,
Corporate Services,
dated 24 August 1990
- 73 Letter from Mr Allan Viney
dated 29 August 1990
- 74 Letter from Newcastle Federal
Electorate Council, ALP,
Mr Jeff Parker, Secretary,
dated 5 September 1990
- 75 Letter from Mr Neville Newell MP,
Member for Richmond,
dated 22 August 1990
- 76 Submission from Australian
Electoral Commission
dated 12 September 1990
(supplementary submission)
- 77 Letter from Australian Labor Party,
Orange Branch,
dated 29 July 1990
- 78 Letter from Senator Baden Teague,
Senator for South Australia,
dated 17 September 1990
- 79 Submission from Australian
Electoral Commission
dated 21 September 1990
(supplementary submission)
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- 80 Letter from Provincial Cities,
Towns and Boroughs Association of Victoria,
G. J. Mennie, Secretary,
dated 28 September 1990
- 81 Submission from Senator Janet Powell,
Leader of the Australian Democrats,
dated 5 October 1990
- 82 Submission from Australian
Electoral Commission
dated 9 October 1990
(supplementary submission)
- 83 Submission from Australian
Electoral Commission
dated 7 November 1990
(supplementary submission)
- 84 Submission from Mr Tom Stephens MLC,
Western Australia
dated 13 November 1990

Appendix C

List of Exhibits

Exhibit Number	Description	Individual/Organisation Who Provided Exhibit
<i>Exhibits Nos 1-3 received as evidence on 2 August 1990</i>		
1	Statement at declaration of 1990 Senate poll on behalf of Senator Grant Tambling	Senator G Tambling
2	Transcript of Senate Estimates Committee D. 15 May 1990, pp D27-D28	Senator G Tambling
3	Australian Senate Estimates Committee D, Additional Information Received, Vol 1, pp 34-36	Senator G Tambling
<i>Exhibits Nos 4-6 received as evidence on 12 September 1990</i>		
4	Two photographs of queuing at polling booths in the federal electorate of Reid. Taken by Mr M Byrne, 1 Murray St, Lidcombe, NSW	Mr Daryl Melham MP
5	1990 Post Election Research carried out by Wells Research Services Pty Ltd	Australian Electoral Commission
6	Letter from Ms Catherine E Driver to Senator G Tambling dated 14 May 1990 re postal voting in remote locations	Senator G Tambling
7	Copies of correspondence dated 22 March 1990 and 23 March 1990 from the AEC to Mr L J N Shore	Mr L J N Shore

8	Copy of letter dated 21 March 1990 from Australian Electoral Officer for NSW to the Hon S West MP	Hon S West MP
9	Photograph of queue at polling, Beacon Hill, NSW	Mr Allan Viney
10	Copies of 15 letters dated between 21 February 1990 and 24 May 1990, AEC and Mr J L Scott MP	Mr J L Scott MP
11	Submission to the House of Assembly Select Committee on Electoral Boundaries from The Liberal Party of Australia (South Australian Division), dated 30 May 1990	Hon I B C Wilson MP
12	Transcript of Evidence House of Assembly Select Committee on Electoral Boundaries - Mr Nick Michin, State Director, Liberal Party of Australia as witness pp 278-300	Hon I B C Wilson MP
13	National Party of Australia - Queensland. Executive Summary: Electoral and Administrative Review Commission on First Stage Legislative Assembly Review. 11 May 1990	Hon I B C Wilson MP
14	A Bill for an Act to make provision for the use of a method of simplified preferential voting. 1974	Hon I B C Wilson MP
15	Copy of letter dated 20 March 1990 from Senator C Schacht to the Hon S West MP, Minister for Administrative Services	Senator C Schacht
16	A Bill for an Act to amend the Commonwealth Electoral Act 1918 so as to simplify voting in elections for the House of Representatives by enabling preferences to be recorded in a similar manner to that applying in elections	Hon I B C Wilson MP

for the Senate, and for
related purposes

*Exhibit No. 17 received
as evidence on 28 November 1990*

- | | | |
|----|--|---------------------------------------|
| 17 | Australian Electoral Commission
Statistical Reports from the
Scanning System 24/03/90
NSW Division of Banks | Australian
Electoral
Commission |
|----|--|---------------------------------------|

Appendix D

Public Hearings Held and Witnesses who Appeared before the Committee

Canberra, 15 August 1990

Australian Electoral Commission

- Mr Brian Cox, Australian Electoral Commissioner,
Australian Electoral Commission, Canberra,
Australian Capital Territory
- Mr Paul Dacey, Assistant Commissioner,
Development and Research Branch, Australian Electoral
Commission, Canberra, Australian Capital Territory
- Mr David Farrell, Director, Roll Maintenance,
Australian Electoral Commission, Canberra, Australian
Capital Territory
- Mr Phillip Green, Director, Information,
Australian Electoral Commission, Canberra, Australian
Capital Territory
- Mr Rod Medew, Director, Computer Services,
Australian Electoral Commission, Canberra, Australian
Capital Territory
- Mr Alan Wall, Director, Internal Audit,
Australian Electoral Commission, Canberra, Australian
Capital Territory
- Mr Trevor Willson, Assistant Commissioner,
Information and Education, Australian Electoral
Commission, Canberra, Australian Capital Territory

Australian Labor Party

- Mr Gary Gray, Assistant National Secretary, Australian
Labor Party, Canberra, Australian Capital Territory
- Mr Ian Donald Henderson, Assistant National Secretary,
Australian Labor Party, Canberra, Australian Capital
Territory

Liberal Party of Australia

Dr Michael Richard Lewis Wooldridge MP, Liberal Party of
Australia, PO Box E13, Queen Victoria Terrace, Parkes,
Australian Capital Territory

Private Citizen

Mr Leslie James North Shore, c/- 56 Cattai Ridge Road,
Glenorie, New South Wales

Canberra, 16 August 1990

Australian Democrats, New South Wales Division

Ms Karin Nicole Sowada, New South Wales Campaign Director,
Australian Democrats, New South Wales Division,
68 Alexander Street, Crows Nest, New South Wales

Mr Paul Francis Terrett, Party Agent, Australian Democrats,
New South Wales Division, 68 Alexander Street, Crows
Nest, New South Wales

Australian Electoral Commission

Mr David Farrell, Director, Roll Maintenance,
Australian Electoral Commission, Canberra, Australian
Capital Territory

National Party of Australia

Mr Paul Davey, Federal Director, National Party of Australia,
PO Box E265, Queen Victoria Terrace, Australian Capital
Territory

Public Sector Union

Mr Peter Herrmann, Public Sector Union, 245 Castlereagh
Street, Sydney, New South Wales

Ms Christine Steele, Public Sector Union, ACT Branch,
Cnr Blackall and Macquarie Streets, Barton, Australian
Capital Territory

Canberra, 23 August 1990

Members of Parliament

Mr John Lyden Scott MP, Parliament House, Canberra,
Australian Capital Territory

Senator Grant Ernest John Tambling, Parliament House,
Canberra, Australian Capital Territory

Hon Stewart John West MP, Parliament House, Canberra,
Australian Capital Territory

Hon Ian Bonython Cameron Wilson MP, Parliament House,
Canberra, Australian Capital Territory

Canberra, 12 September 1990

Members of Parliament

Senator Janet Frances Powell, 400 Flinders Street,
Melbourne, Victoria

Senator Christopher Cleland Schacht, Parliament House,
Canberra, Australian Capital Territory

Hon Ian Bonython Cameron Wilson MP, Parliament House,
Canberra, Australian Capital Territory

Canberra, 13 September 1990

Australian Electoral Commission

Mr Brian Cox, Australian Electoral Commissioner,
Australian Electoral Commission, Canberra,
Australian Capital Territory

Mr Paul Dacey, Assistant Commissioner,
Development and Research Branch, Australian Electoral
Commission, Canberra, Australian Capital Territory

Mr David Farrell, Director, Roll Maintenance,
Australian Electoral Commission, Canberra, Australian
Capital Territory

Mr Phillip Green, Director, Information,
Australian Electoral Commission, Canberra, Australian
Capital Territory

Mr Michael Charles Maley, Director, Research, Legislative
Projects and Freedom of Information, Australian Electoral
Commission, Canberra, Australian Capital Territory

Mr Rod Medew, Director, Computer Services,
Australian Electoral Commission, Canberra, Australian
Capital Territory

Mr Alan Wall, Director, Internal Audit,
Australian Electoral Commission, Canberra, Australian
Capital Territory

Mr Trevor Willson, Assistant Commissioner,
Information and Education, Australian Electoral
Commission, Canberra, Australian Capital Territory

Canberra, 11 October 1990

Australian Electoral Commission

Mr Brian Cox, Australian Electoral Commissioner,
Australian Electoral Commission, Canberra, Australian
Capital Territory

Mr Kerry Heisner, Divisional Returning Officer Dawson,
Chairman of the Working Party on Queuing, Australian
Electoral Commission, Canberra, Australian Capital
Territory

Mr Alan Wall, Director, Internal Audit,
Australian Electoral Commission, Canberra, Australian
Capital Territory

Appendix E

Implementation of Options for Counting Preferences on Election Night

Option 1 - adding a new step to the House of Representatives scrutiny in which party scrutineers would have the opportunity to ascertain a "two-candidate preferred vote" in each polling place.

This option could be implemented in the following manner:

- Polling staff would count the first preference votes for each candidate, and informal votes.
- The Officer in Charge would then phone through the first preference votes, and the informal votes.
- The DRO would transmit these figures to TENIS.
- TENIS would display first preference statistics for each candidate and an estimated "two-party preferred" statistic for each Division, as at present. The manual Tally Board would show only first preference votes. In addition, TENIS would calculate swings for first preference votes and estimated "two-party preferred" votes, based on matching polling places.
- Meanwhile, polling staff would be instructed to give scrutineers the chance to observe preference flows from "minor" candidates.
- Scrutineers would nominate which candidates' ballot papers they wished to observe, and staff members would simply take each candidate's ballot papers and display them one by one so that scrutineers could take note of preference flows.
- No statistics would be calculated or transmitted by the Officer in Charge or his or her staff.
- It would be up to the various parties' scrutineers to communicate the results of their observations of preference distributions through their own networks.

Option 2 - AEC staff conducting a distribution of preferences of "minor" candidates in order to calculate a "two-candidate preferred vote"

This option could be implemented in the following manner.
For each Division:

- The two parties whose candidates were unexcluded in the Division at the previous election would be identified prior to the election and their candidates in the Division would be the candidates in respect of whom the "two-candidate preferred vote" would be determined. Special provision would be made for cases where the parties identified from the previous election were not contesting the current election. Similar provision would be made in respect of independent candidates who were unexcluded at the previous election.
- Polling staff would count the first preference votes for each candidate, and informal votes.
- Votes cast for the two designated candidates would be set aside.
- Votes cast for the remaining candidates would be further dealt with, keeping each candidate's votes separate.
- Second and further preferences would be examined and the votes would be sorted into three categories:
 - (i) votes which show a complete consecutive sequence of preferences and on which the first designated candidate is preferred over the second designated candidate;
 - (ii) votes which show a complete consecutive sequence of preferences and on which the second designated candidate is preferred over the first designated candidate; and
 - (iii) votes which do not show a complete consecutive sequence of preferences.
- The Officer in Charge would tally the result of the preference distributions conducted for each candidate and would calculate 3 statistics:
 - (a) the "preferred vote" for the first designated candidate (being the sum of the first preference votes for that candidate and the votes counted at category (i) above);

-
- (b) the "preferred vote" for the second designated candidate (being the sum of the first preference votes for that candidate and the votes counted at category (ii) above); and
 - (c) the "doubtful/exhausted preferred vote" (being the votes at category (iii) above, which may or may not be capable of transfer to one or other of the designated candidates because of missing or duplicated preferences).
- The Officer in Charge would then phone through the first preference votes for all candidates, the informal votes and the three "preferred vote" statistics.
 - The Divisional Returning Officer (DRO) would transmit these figures to The Election Night Information System (TENIS).
 - TENIS would display first preference statistics for each candidate and a "two-candidate preferred" statistic for each Division. The manual Tally Board would show the same information. In addition, TENIS would calculate swings for first preference votes and "two-candidate preferred" votes, based on matching polling places.
- Several issues are raised by this option.
- The two designated candidates would not necessarily remain unexcluded at the current election. In the Division of Cunningham at the 1990 election, for example, the two unexcluded candidates did not come from the same parties as the two unexcluded candidates in Cunningham in 1987.
 - Under this option, all ballot papers which did not show a complete consecutive series of preferences (ie., 1, 2, 3, 4, 5, etc) would be set aside as "doubtful/exhausted" on polling night, even though some of those ballot papers could be counted to one or other of the designated candidates. This would be necessary to keep the operation in the polling places as simple as possible. It would be asking too much of casual staff to expect them to come to grips with the rules involved in distributing preferences in cases where the sequence is interrupted or duplicated.
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- Introduction of this option would place a considerable extra burden on polling place staff. At present polling staff are given basic training in formality, with the proviso that in any case where formality is in doubt, ballot papers are counted as informal on polling night and rechecked later by the DRO. After formality is checked, ballot papers are at present simply sorted to the candidate indicated with a first preference. Counting further preferences in the polling places would be a significant departure from past practice. Staff would therefore have to acquire new skills.
 - Extra training would be necessary for staff, and they would be required for longer on polling night, assuming that Senate and referendum ballot papers (if any) are also to be counted on the night as at present. Therefore extra costs would be involved, to pay for training and extra staff-hours. In addition, an extra burden of responsibility would be placed on polling staff, particularly the Officer-In-Charge of each polling place. Most counting staff commence duty before 8 am on polling day and continue working until all counting ceases.

Variation of option 2 - AEC staff conducting a distribution of preferences of "minor" candidates in order to calculate a "two-candidate preferred vote" in "marginal" Divisions

This variation of option 2 would considerably reduce the number of staff required to perform extra duties. However, the Commission would advise against this option for the following reasons:

- Different training packages and salary packages would apply to staff in different Divisions. It would be far simpler to require the same training and payment for all staff.
- It is not only marginal Divisions that change hands. A failure to conduct a preference distribution in all Divisions might in some cases thwart the intention underlying this option.
- The operation of the TENIS computer program would be considerably complicated by having, in effect, two different categories of Divisions: those in which "actual" preference distributions have been carried out, and those in which preference distributions would have to be "estimated". This might cause confusion at both the data entry stage of the process and the display stage.

All of these difficulties would be overcome by ensuring a consistent approach in each Division (Evidence pp. S525-S529),

Appendix F

Acronyms

AEC	Australian Electoral Commission
ATSIC	Aboriginal and Torres Strait Islander Commission
DRO	Divisional Returning Officer
NPPRP	National Polling Place Resources Policy
OIC	Officer-in-charge
RMANS	Roll Management System
TENIS	The Election Night Information System