

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2006 Victorian state election and matters related thereto

Melbourne—29 August 2007

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Senator Lyn Allison, Leader, Victorian Senator, Australian Democrats.

The CHAIR—Welcome to the public hearings of the Electoral Matters Committee inquiry into the 2006 Victorian state election, Senator Allison, and matters related thereto. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and where applicable the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise witnesses that any comments you make outside the hearings may not be afforded such privilege. For the benefit of Hansard I ask you to state your full name and address.

Senator ALLISON—Senator Lyn Allison, 87 Esplanade West, Port Melbourne.

The CHAIR—Please state if you are attending in a private capacity or representing an organisation, if representing an organisation what your position in that organisation is.

Senator ALLISON—I am representing the Australian Democrats and I do so as the parliamentary leader.

The CHAIR—Your evidence will be taken down and will become public evidence in due course. I now invite you to make your verbal submission and the committee will ask some questions after your presentation.

Senator ALLISON—Thank you.

The CHAIR—I am sure you have heard all that before.

Senator ALLISON—Well, it is rather different to be the other side of the table, I have to say. Thank you very much for inviting me today. This is a crucial area of interest for the Australian Democrats, how the electoral system works, and the point that I make in my submission which I contend today is that the Victorian Electoral Commission breached its own act, that is the act requires—the Electoral Act of 2002 that requires group voting tickets to be displayed:

If a group voting ticket is or group voting tickets are registered for the purpose of the count at the election the commission must cause the ticket or tickets to be prominently displayed at the election day voting centres in a manner determined by the commission. If a group has two or three group voting tickets, the tickets relating to that group must be displayed in the order indicated in the statement lodged under various sectors.

That is the part of the act to which this refers, but in practice the Victorian Electoral Commission is no different from other electoral commissions around the country to ignoring this requirement. My experience in going into polling booths is to ask to see the voting tickets. Typically no staff will know what you are talking about—(a)—and (b) when finally the manager is called to answer the question, he or she will discover in a plastic bag, possibly in the bottom drawer, the group voting tickets as submitted by political parties. That in my view is a long way from ensuring the prominent display of group voting tickets in voting locations. For one thing, very few people know that they are entitled to see what the group voting ticket preference flow is for the party of their choice, if they choose to vote above the line, they do not know to ask; secondly, I would argue that they are being disenfranchised by not being both told that this is their right under the act and that they are not being given the information readily and in a way in which they can understand.

I would argue that simply showing people a pile of group voting tickets, even if they were to be stuck up on the wall somewhere, is not necessarily in keeping with the act. I understand the act's intention to mean that at a glance someone will be able to see readily both their preferred party and the preference flows and to be able to compare it with others to make an informed decision about whether to vote above the line or otherwise. I would contend that in terms of

enfranchising people to vote and to understand the implications of their votes it is critical to comply with the act, otherwise people are in a weaker position to decide whether or not to go above or below the line in the way they vote, and I think it is important to see this in the light of the Victorian election where preference flows determine the result of the upper house in all regions, and that in three the counts were so close that re-counts were performed and they were changed in two of those electorates. We are talking here about very small margins. It is just possible—I do not know whether it is the case or not—that had people been given more information about their preference flows that they may have changed their vote. This could have made a difference, not only to those electorates but to who controlled the upper house in this state.

That is my contention. By the way, I did send around to a few people the matrix which I will come to in a moment, and a number of colleagues and others who were interested in the electoral process came back to me with some stories. I will just go through a couple of those. One was “my northern region returning officer had just returned my request for details regarding the display of group voting tickets. Firstly, pre-polling to date has not included a prominently displayed poster, however, colour-coordinating booklets are being referred to electors. She says they do not have to comply until voting day”—and I think this is something that ought to be clarified as it seems unclear whether the pre-polling is covered by this provision.—‘On voting day a better display will be shown in each booth.’ I am not sure that she is just meaning polling place”—this was a conversation with me on email. She also said that more display material had just arrived that day. ‘On voting day not only the letter of the law will be followed but also the spirit.’ As was then demonstrated that was neither the spirit nor the letter of the law as was the case when it came to polling day.

I had at least half a dozen others, I might say, along those lines that, firstly, they requested the information, no-one knew about how to find it or where it was. Finally when they found it, it was simply the ticket that was submitted by the political parties. I did include a matrix to show that it is possible on one poster to demonstrate—if I may, Chair, I will pass over some slightly bigger versions and ones on which I made a couple of corrections—helpful, I think—by the Federal Parliamentary Library.

Slides shown

Senator ALLISON—As you will see there is a matrix there which shows parties above the line and parties down the left column. It would be possible to simply run your line along any of those party lines to discover who got the first vote, and so on, through the sheet. The change that I am referring to is the Australian Democrats in fact who put up split tickets—and this is not an unusual situation these days—where we encourage our voters to choose between the major parties when it comes to government, and I have given them two separate lines instead of expressing them on the one line. The summary of preferences by party would be another way of doing that, again on poster. I would argue that this needs to be not a small piece of paper but either up at least A3 size in the polling booths themselves or somehow displayed on entry into the polling place. I will leave it there.

The CHAIR—Thank you. Questions.

Mr SCOTT—In terms of the matrix, you would propose that this information be made available at polling places, including pre-polling places, to voters in a simplified format?

Senator ALLISON—Simplified only to the extent that it does not include candidate names. If you could put candidate names in, that would be good, however, I would contend that someone who votes above the line is not necessarily interested in individuals but they are interested in political parties. That is why they choose above the line, rather than work their

way through below the line choosing candidates, as they will.

Mr HALL—Lyn, could I ask, if there was the ability for party members to hand out a group voting ticket as a how-to-vote card, would that go to some length to convey to voters information you are seeking to have conveyed to them?

Senator ALLISON—It would. As a member of a political party the Australian Democrats have on occasions had available at polling booths information which we offered to people about what above the line voting means to us, but of course other parties do not do that. Most people do not know to ask, and handing out how-to-vote cards is often a very busy thing to be doing, and explaining to someone what you are on about would be quite difficult. My preference would be for it to be up in polling booths in the way that the act requires.

Mr SCOTT—A follow-up question. I understand you are advocating the ACT how-to-vote card policy. You would be advocating that how-to-vote cards not be allowed to be distributed outside of the polling place but be displayed within the polling place. Is that correct?

Senator ALLISON—Yes, which is what happens in the ACT as you have pointed out.

Mr HALL—Lyn, do the Australian Democrats have a view on postal voting as a means of voting rather than in-person voting? Does postal voting provide that opportunity of conveying more information?

Senator ALLISON—We have a general view that the aim of the electoral system should be to maximise the vote, and if postal voting does that—and I personally think it works quite well in Melbourne City Council, and I understand that postal voting has not diminished the number of people who vote and vote formally. We would not be opposed to it, although I understand the arguments of a candidate and somebody from that party to being at a polling booth and presenting to people. Some see that as a sign of democracy, but I am ambivalent about it. I think that most voters would prefer not to have to run the gauntlet of people handing out how-to-vote cards and they would be more than happy to receive the information in the post, as happens with Melbourne. But the important thing is that they receive it for all parties and we do not have what is at the present time an advantage to major parties who are better able to staff polling booths and to mount the sort of force that is required on polling day to be up with every booth and every voter.

Mr SCOTT—You would foresee that if an election was conducted by post, like council elections are in a number of places, that it would be how-to-vote information contained with the ballot papers that were sent out, like it happens in council elections. That is the system that you would envisage.

Senator ALLISON—That complies with those principles of maximising the vote and making sure that the information is available for all candidates in an equal way to those who are voting. I am not necessarily saying that I am advocating a postal vote, I am saying that as long as it complies with those principles. If it were found—like electronic voting, for instance, the same applies—to disenfranchise some people then that is not the road we should go down.

The CHAIR—What is the Australian Democrats view on closing of rolls? When does your party believe the rolls should be closed?

Senator ALLISON—We oppose the federal legislation which has the roll closing at the issuing of the writs because that can be a space of only two or three days and we feel that

is too short a time frame. That disenfranchises up to 100,000 people at the federal election, and it would not surprise me if that was also the case, proportionally, at the state level. I think the more time, the better. Obviously there are some administrative reasons why you cannot leave the roll open until the day of the election, but the maximum amount of time should be made available because people frankly forget, do not get around to it, need prompting, do not know they have to do it, and so on. It is only when an election is called that many people turn their minds to this issue.

Mr SCOTT—I was going to follow up on the issue about how-to-vote cards. One of the issues that has been discussed at this committee has been the relationship between people of a non-English-speaking background and the informality. A concern I would have if you did not have how-to-vote cards distributed is that may increase the informal vote, particularly in the areas where people have low levels of literacy and have a limited understanding of the electoral process.

Senator ALLISON—I fail to see how the situation could be any worse for them, given that very little information is provided by most political parties at election time in languages other than English. If the commission was of a mind to make multiple language how-to-vote cards available then it would be ideal for them to do it rather than for each individual party. That could be accommodated. There would be some electorates where Vietnamese would be preferred, and perhaps Greek in other electorates. But I think it is best left to the commission rather than to political parties. As I said, I cannot see that that proposal would make any difference to the availability of other languages.

Mr THOMPSON—Senator Allison, I am being a little bit provocative. In the room that we are sitting at the moment there are 20 60-watt light globes illuminating the room, there might be a dozen fluorescent lights illuminating the room as well and there are curtains across one of the windows. The focus on greenhouse gas emissions can be a moderately selective one every now and again. I note in one of your letters that you allude to greenhouse gas emissions and saving on postage—the paper production for how-to-vote cards, rather.

Senator ALLISON—Yes.

Mr THOMPSON—That being a way of saving. I was wondering in terms of selective—and I have raised this at a public meeting in my electorate on one occasion where the juxtaposition between international air travel or interstate air travel producing far more greenhouse gas emissions than the production of literature from our—electorate offices also produces an amount of literature. Is that something that you are conscious of and apply across the board in terms of the literature that goes out from the Democrats in saving trees and paper, or it is an argument used on this occasion?

Senator ALLISON—I think you will not find the Democrats wanting in lots of suggestions about how we can reduce greenhouse emissions. I am happy to go through a very long list of those. What is significant here is that at election time people commonly say, 'Not more paper. This is a waste of paper. You are giving to me. I don't take any notice of it because I already know who I'm voting for, so I'm going to put it straight in the bin.' It is a very in-your-face example of a total waste of paper to so many people. If everyone received their how-to-vote card and studied it and it really made a difference—it does to some; a reasonable percentage. But for the vast majority people see it as an enormous waste.

Mr THOMPSON—The contrast there is that the very same people might be jetting off to the Maldives for their annual holiday or to London and—

Senator ALLISON—Well, I would not be so bold as to suggest that going to the Maldives on holiday was a waste; you may.

Mr THOMPSON—In terms of greenhouse gas emissions though—you have been to the Maldives too, have you?

Senator ALLISON—No, not the Maldives. I make that point because people do recognise this as an area of waste and it is there; there is a negativity towards having them anyway. It follows, but it is one example of where we could save on paper and save on greenhouse emissions, but there are many more and, no, we are not selective.

Mr THOMPSON—Thank you. I will take up with the committee the number of lights we have on for our meetings as well.

Senator ALLISON—If I may make a comment, if I may be so bold. That is one of the problems with the very old Victorian style buildings where lighting is not perhaps the highest order issue. The new Parliament House is much more energy efficient.

The CHAIR—My question is a follow-on from Murray Thompson in that it includes paper wastage. I take you to capping campaign expenses. Last year Canada introduced legislation to ban political donations and that seems to have precipitated a bit of interest in Victoria, and certainly on the first day we have had a lot of interest in this from our witnesses. What is your view on banning of political donations and therefore increasing government funding for election campaigns and capping expenses? What is the Democrats view on that?

Senator ALLISON—The Democrats have always said there should be a limit to the amount of money that can be spent on an election campaign. New Zealand has a limit per candidate. We would also be more than happy to see a ban on donations for election campaigns. Having said that, it is quite a difficult thing to do. Stopping people giving money to a candidate or to a political party seems to me to probably be going too far but it certainly should be regulated. The vast majority of Australians would argue that far too much money is spent at election time on advertising and other ventures with political parties. It is not good for democracy because very large donations to political parties are given for a purpose. It is not just the benevolence of the givers, it is because they expect something in return. We need to face that situation. It is out of hand completely in the United States and it diminishes the standing of our parliaments to think that we are reliant on corporations in particular, or unions, for donations. That rightly is perceived to be a way of influencing parliamentarians and that is something we should avoid.

The CHAIR—Thank you. Any more questions?

Mr THOMPSON—We had evidence yesterday that there are a substantial number of donations to political parties by various interest groups. Tattersalls have contributed over a four-year period \$150,000 to the Labor Party or to progressive business—and I think it was close to the largest single donation to the Labor Party, and the Liberal Party might have picked up \$100,000. I would need to double-check those figures. You are suggesting that money is given for a purpose in examples like that?

Senator ALLISON—Yes, I am. It may not be clear as to what the purpose is but it is hard to see why anyone would give money to a political party unless they thought it was in their interests. As I say it is not plausible to suggest otherwise. It may mean that someone can get in the door and have a conversation with you. It may not alter the way you decide when it comes to voting, or what you campaign on, or what you take forward into your cabinet room or caucus. These influences can be very subtle or they can be not subtle and we do not know how influential those donations are. We had in place a system of disclosure but as you would be aware at the federal level it is no longer necessary to disclose a donation of between \$1,500 and \$10,000, now the law has been changed. Anyone can provide up to \$10,000 to

every division of every political party around the country and would not be required to disclose that which means the public is not entitled to know. We are talking here about quite large sums of money that can now be transferred into political parties without anyone's knowledge. The more we go down this path, the less democratic our system is.

The CHAIR—What about in terms of disclosure? There is a belief that disclosure should be done when the donation has been received. What do you say to that?

Senator ALLISON—I think that would improve the situation because very often the disclosure comes along too late for people to make a judgment as to whether there has been undue influence or not. That would be an improvement on our system. The other improvement that is necessary, the other reform that should take place, is an examination of entities to which you can donate, so a third party that launders donations as they come through. Again that is not an easy area of regulation but it is something we should aim for because you can have innocuous sounding organisations giving money to political parties where at the end of the day they may represent undesirable interests or just interests that you do not necessarily want to have an influence over particular members of parliament.

Mr THOMPSON—A quantum suggested yesterday for declaration was amounts greater than \$200. Do you have a view on that?

Senator ALLISON—No, I do not have a view about a particular amount but you have to find a balance between what is administratively doable and what is going to make the process as open as it possibly can be. \$200 is not a bad figure in my view but I am not in a position to be able to nominate that or another sum.

The CHAIR—Thank you, Senator Allison. A copy of the transcript will be forwarded to you, and as you know you have the right to correct any typing errors but not matters of substance.

Senator ALLISON—Thank you very much.

Witness withdrew.

Hearing suspended.