



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PROOF**

**ELECTORAL AND REFERENDUM  
AMENDMENT (PRE-POLL VOTING  
AND OTHER MEASURES) BILL 2010**

**ELECTORAL AND REFERENDUM  
AMENDMENT (MODERNISATION  
AND OTHER MEASURES) BILL 2010**

**ELECTORAL AND REFERENDUM  
AMENDMENT (HOW-TO-VOTE CARDS  
AND OTHER MEASURES) BILL 2010**

**Second Reading**

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# **SPEECH**

**Wednesday, 16 June 2010**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

## SPEECH

**Date** Wednesday, 16 June 2010  
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**Questioner**  
**Speaker** Robert, Stuart, MP

**Source** House  
**Proof** Yes  
**Responder**  
**Question No.**

**Mr ROBERT** (Fadden) (10.50 pm)—I rise to lend support to some of the electoral bills in front of us and to not lend my support to others. In brief, the coalition welcomes the decision of the government to not proceed with its original electoral reform amendment close of rolls and other matters bill. There was a tradition held to by the previous government that controversial and non-controversial amendments were not put in the same bill. This government clearly does not follow that. It is pleasing to see, albeit under some duress, that the government has admitted the original error of its way and has now separated that original bill into four to allow controversial and non-controversial issues to be discussed and debated at length.

Moving to the first of the four bills, the Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010, I think it is axiomatic to say that we will be opposing this bill. The closing of the rolls seven days after the issuing of a writ is a significant issue—a major threat to the integrity of the electoral roll. The previous coalition government moved to protect the integrity of the roll and moved to prevent any fraudulent enrolments. It did this by reducing the period between when an election is called and when the rolls are closed. Closing the roll at 8 pm on the day the writs for the election are issued, which is usually three or four days after the election is called, for people enrolling for the first time and for people re-enrolling gives the AEC an extra seven days to verify these new enrolments and an extra four days to verify changes of address. So closing the roll at 8 pm on the day the writs for the election are issued gives the AEC extra time to ensure the integrity of the rolls. At a time when the AEC is processing an enormous number, sometimes hundreds of thousands, of enrolments, these changes have greatly assisted the AEC.

Under the old scheme, which Labor wants to take us back to, more than 520,000 changes to enrolment or new enrolments were submitted to the AEC in that seven-day period between the issuing of writs and the close of rolls for the 2004 federal election. Clearly Australians are a mobile people, and that is tremendous—a nation where people are free to come and go—but for the AEC to process that enormous number presents challenges. Official AEC figures also show that, under the coalition's regime, the number of people missing the close-of-rolls deadline in 2007 was 100,370 compared with 168,394 in 2004. In short, what

the coalition put in place is 40 per cent more effective than what Labor is proposing in this bill.

The question has to be asked: why is Labor doing this? Under the previous regime, only 100,000 people missed the close of rolls compared with 2004 when it was 168,000 people. Where is the reform here? It is striking that this appears much like the Building the Education Revolution, Fuelwatch, GroceryWatch, the big new tax on mining and the failed pink batts program. There is no reform. This is simply going back to the past. We believe that the existing arrangements ensure that the electoral roll contains significant integrity and a high degree of accuracy. We are concerned that the extra time period allows for a return to a system which permits fraud to occur. We also believe that a return to the previous system will discourage people from making or maintaining their enrolment during the year. They will have the opportunity to delay such action until an election is called. The bottom line is that this change, historically, will see more people missing out on their vote.

Let me move to the requirement for the production of identification by provisional voters. Again, this is longstanding policy and practice. The intent was to prevent fraudulent voting by people impersonating other people on the voting roll. We did that by requiring people claiming a provisional vote to produce an ID—to actually show who they are. If I had my way, I would require all Australians to turn up with ID at the polling booth. We require ID to take out a video. Why do we not require ID to vote—something that changes and directs the course of the nation? We are quite rightly opposed to any weakening of the proof-of-identity requirements for provisional voting. We do this on the ground that requiring identification is a deterrent to people seeking to engage in multiple voting. According to the AEC, 75 per cent of provisional voters actually showed evidence of identity when voting. Any proposal to weaken these rules, any moves to strip away the requirement to show identification, should be opposed. Indeed, the government should have moved to require identification from all Australians voting at a polling booth. All Australians have such identification. You cannot drive a car without it; you cannot get a Medicare card without it; you cannot get a tax file number without it; you cannot get a passport without it. There are so many things you cannot do. You cannot open a bank account unless you can prove who you are.

Why should we allow a voting system in which people are not able to prove who they are? Accordingly, as Labor seeks to water down these provisions, it cannot be supported.

I now turn to the Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Bill 2010. This bill can be supported. Currently, pre-poll votes are not classed as ordinary votes. There is a requirement for them to go through administrative checking in the week following the polling day. This clearly creates a significant and unnecessary administrative burden for the AEC. Seeking to class pre-poll votes as ordinary votes will see them being counted on the night, leading to an earlier and more accurate result. This certainly makes a significant degree of sense. For the processing of enrolments, there is an administrative amendment which allows the AEC to transfer workloads within their organisation. This again makes a lot of sense.

We support the change to electronic updating of voter records. Australians are doing more and more online. It is simple, it is easy and it is convenient for Australians to do. Allowing people who are already on the roll to maintain their records on the roll electronically without a whole heap of bureaucracy and paperwork seems to make a great deal of sense to me. If I can do my banking online and if I can trade shares online, surely I can update my electoral details online. The bill also contains a provision for single party nomination per seat, which makes an enormous amount of sense. I cannot see any reason why a political party would want to run multiple candidates in a single seat. The only reason you would do that would be as a tactical move to try and generate an informal vote. We support the idea of one candidate per political party per seat.

Let us move on to the Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010, which I will refer to as the 'how-to-vote card bill'. Clearly we will be supporting this, but we will be making a range of minor amendments when the bill moves to the Senate. It is instructive to pause and ask ourselves the question: how did a how-to-vote card bill come before the House? It would appear that it came about because of a deliberate scam by the Labor Party in the 2010 South Australian state election. That, I think, is a statement of fact. The South Australian Labor Party handed out how-to-vote cards which appeared to favour Family First. Indeed, the ALP handed out cards which purported to be official Family First how-to-vote cards but the preference order favoured the Labor Party. The card said 'Vote 1 Family First' because Labor knew full well that they did not have the numbers to win the seat, but the No. 2 preference went to Labor. I am led to believe that Labor

operatives even came from interstate, wearing bogus T-shirts that indicated that they were Family First booth workers, to hand out the bogus how-to-vote cards.

What I find deeply concerning is that this tactic is apparently not a one-off. It would appear to be a deliberate scam by the Labor Party, which they have used before in both New South Wales and Queensland. We see this when we look at the infamous cases of *Webster v Deahm* (1993) and *Carroll v Electoral Commission of Queensland* (1998). So I am pleased that, after 17 years of this perpetual fraud by the Labor Party, they have admitted that it is morally wrong and are now seeking to correct their moribund ways. This bill would require that all parties place the name of the authoriser and that of the party prominently at the top of the how-to-vote cards or face a fine. My only concern is that the fine is \$1,100.

After 17 years of corrupt practice by Labor in this area, one has to ask: how did they come up with \$1,100 as the fine? Did they think: 'We've been doing this for 17 years'—how many seats they have won this way we do not know—'we have to do something'? The corrupt practices of the Labor Party in the South Australian election were so in-your-face that something would have to be seen to be done. Perhaps Labor thought, 'We'll put in place what is ostensibly a good measure but if that measure is flouted we'll make the punishment \$1,100.' A quick whip around of the ALP caucus could raise that. This amount of money does not create a disincentive. Why not \$50,000? Why not \$100,000? Why not half a million dollars to truly prevent the Labor Party from moving down this moribund path once again. The key point in the legislation is the authorisation so that voters can clearly see who is handing out the how-to-vote card. We support that principle. Also, I think it is important to say that the Liberal-National coalition has not engaged in this activity. The Liberal-National coalition has been the victim of such activity by the Labor Party. We support their belated attempts to legislate against their own rotting. However, I put on record my deep concern that \$1,100 will not be a disincentive to the Labor Party.

I now turn to the Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010. This bill contains a series of uncontroversial minor amendments arising out of the unanimous recommendations of the Joint Standing Committee on Electoral Matters or JSCEM inquiry into the 2007 federal election. The bill is fine in the main. However, there are a range of issues that will be addressed in the Senate. One of these issues concerns the sixth measure in the bill, which has both controversial and non-controversial aspects to it. A non-controversial aspect is the removal of the need for a witness to a

postal vote, thereby allowing single people to more easily lodge a postal vote. However, there are a number of controversial aspects to this measure. It is deeply concerning what the Labor Party has done with this bill—that is, the controversial aspects of it were not considered by the Joint Standing Committee on Electorate Matters. Labor simply snuck them in without going through the due process that is the longstanding practice of the parliament. One measure is that all postal vote applications should be returned directly to the AEC and a prohibition should be put on any extra materials such as postal vote application forms.

The question has to be asked why the issue of postal vote applications was not raised in the Joint Standing Committee on Electorate Matters review into the 2007 federal election, because there did not seem to be a problem with it. The committee in its report did not address it. So why are Labor seeking to change it? The great maxim of ‘if it isn’t broken don’t try and fix it’ holds true here. Labor are trying to make changes in the area of postal vote applications where there is no issue at all. If we dig a bit deeper—and I might risk being called a cynic here—we find that the coalition parties do far better with postal vote applications. Could it possibly be that Labor are simply looking to reduce the prospect of a higher vote for the coalition through postal votes by saying that postal votes must be sent back to the AEC and no extra material is to be attached to it? Would they be so brazen as to do that? Would Labor be so underhanded as to do that? I think one only has to look at the 17 years of Labor fraud and morally moribund activity regarding how-to-vote cards to answer that question with a very resounding ‘yes’. We will be strongly opposing this move because it makes no sense. It is punitive without solving a problem. It does not seek to address an issue; it seeks to address Labor’s political fortunes.

The seventh measure in the bill relates to modernising the provisions for homeless voters. In principle this measure is supported by the coalition. It is certainly supported by the members of JSCEM. However, this is the second area in which Labor is seeking change. The coalition has identified concerns about item 9, which seeks to repeal section 96(9) of the act, which states:

... A person ceases to be entitled to be treated as an itinerant elector under this section if:

(a) while the person is being so treated, a general election is held at which the person neither votes nor applies for a postal vote;

The implication which flows from Labor’s change here is that there is no practical provision to ever remove an itinerant elector from a roll. It is hardly worth

mentioning that you cannot do a habitation review—that is, where does someone live?—on someone who is homeless. Unless the itinerant elector is very good at ensuring their enrolment details are up to date, the only way to determine whether they have left the electorate or indeed passed away is by the fact that they did not show up to vote. This proposed amendment from Labor would appear to be an invitation to abuse the integrity of the electoral roll. Once a person is on the roll as an itinerant elector, they will never leave the roll for that particular division, irrespective of their true place of residence. The opportunity to organise a campaign of fraudulent voting is obvious to all because the bona fides of any potential person on that roll could never be checked. I think all Australians would agree that repealing section 96(9) would therefore be a grievous error. It would be bad policy. It would fundamentally weaken the integrity of the electoral roll. It is something we should move against and we will certainly move amendments in the Senate in that regard.

In conclusion, I am pleased that the government has moved away from their original bill and has now broken the legislation into four areas. Some areas of these four bills are worthwhile and will enjoy the coalition’s support. Other areas will receive amendments in the Senate. The Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill (No. 2) 2010 cannot be supported in any form.