



Parliamentary Electorates And Elections Amendment

(Joint Parliamentary Committee) Bill.

Second Reading

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.10 a.m.]: I move:

That this bill be now read a second time.

This private member's bill seeks to establish a joint parliamentary committee to oversee the functions of the State Electoral Office [SEO]. The objects of the bill are twofold. Under the bill the Committee on the State Electoral Office will, first, have the power to veto the proposed appointment of a person as Electoral Commissioner and, second, monitor and review the exercise by the Electoral Commissioner of the commissioner's functions under the Parliamentary Electorates and Elections Act 1912 and any other Act. At this point I emphasise that the committee is not a witch-hunt committee; the wording of both objects of the bill refer not simply to the electoral commissioner of the day but to the State Electoral Office as a whole. The proposed committee structure is based primarily on other joint parliamentary standing committees established by legislation. Presently, the State Electoral Office is not subject to parliamentary scrutiny in the same way as other agencies, including the Independent Commission Against Corruption, the NSW Ombudsman, the Police Integrity Commission, the Commission for Children and Young People, and the Health Care Complaints Commission.

The Committee on the Office of the Ombudsman and the Police Integrity Commission was constituted under the Ombudsman Act 1974, the Committee on the Independent Commission Against Corruption was constituted under part 7 of the Independent Commission Against Corruption Act 1988, and the Committee on Children and Young People was constituted under part 6 of the Commission for Children and Young People Act 1998. As I said, the SEO remains without an independent oversight committee. The Opposition believes that a joint parliamentary committee, enshrined in legislation, is needed for a whole variety of reasons—not the least of which is to provide a champion for that office, something it lacks at present. The overall staffing and resource levels of the SEO need to be examined. In an opinion piece in the *Sydney Morning Herald* of 17 April the ABC's electoral analyst, Antony Green, said:

Despite being the largest State in the Commonwealth, NSW has proportionally the smallest electoral office in the country. Yet this tiny office has to conduct one of the most complex elections in the country, with the most antiquated electoral act and in the shortest timeframe. It is also provided with the smallest budget for research and public education in the country.

The budget papers show that the total expenses of the SEO for 2002-03 are approximately \$45.3 million, and that it has equivalent full-time staffing of 21. By comparison, for 2002-03 the Electoral Commission of Queensland has \$8.2 million expenditure and equivalent full-time staffing of 40. For 2001-02 the Victorian Electoral Commission had expenditure of \$21.5 million and a staff of 77. Those two State offices have similar functions to our SEO, but they have smaller electoral enrolments and more staff. I am not demeaning the work of staff of the SEO; I am certain they do their best with the resources and funding they are given. But we need to determine whether the new SEO needs more funding and better resources to conduct State and local government elections.

Reverend the Hon. Fred Nile: Investigations.

The Hon. DUNCAN GAY: Exactly. This is an important point in the lead-up to the now deferred local government elections, especially as legislative changes will result in local government elections being conducted more in line with Legislative Council elections. The changes will mean that many local government ballots will be counted in the same way as Legislative Council ballots, which were data-entered and processed. We need to examine whether there is a demonstrated need for additional funding and resources for the SEO—we need to get it right! The Federal Parliament has in place a joint standing committee on electoral matters that conducts inquiries following each Federal election to ascertain whether there were problems and whether anomalies were observed in any of the processes. That committee reports on inquiries and suggests how to resolve the problems. The committee can also examine other electoral matters. The integrity of the electoral roll is one such inquiry that the committee has conducted in the past couple of years.

I proposed that the New South Wales joint parliamentary committee have a similar brief: to look at the conduct of elections and other electoral matters. I repeat: this will not be a witch-hunt committee; it will seriously examine the administration of the electoral system in this State to try to improve it. It is entirely appropriate that the State

Electoral Office have an oversight body, that is, a joint committee that has the ability to scrutinise the functions of the office and the conduct of elections, whether they be State or local government, in New South Wales. I give a couple of examples to explain why I believe a joint parliamentary committee is needed. Members—especially those who stood for election on 22 March—would be well aware of the problems that plagued the count for the 2003 Legislative Council election.

The problems that beset the computerised accounting systems of the State Electoral Office need to be examined. Why did they happen? Why were the problems not identified earlier? What can be done to ensure that such problems do not occur again? Does the SEO need more funding, or a change in procedures, to ensure that the problems do not arise again when the button is pressed for the 2007 Legislative Council election? That is one issue, and there are many others.

I have a copy of an advertisement that appeared in newspapers across the Murray-Darling electorate advising of the candidates and polling places for the election. One could imagine the surprise of the National Party candidate, Marsha Isbester, and her hardworking campaign team upon discovering that her name and that of one other candidate had been left out of an official State Electoral Office advertisement.

The Hon. Rick Colless: It happened to Michael Richardson, the honourable member for The Hills, too.

The Hon. DUNCAN GAY: I am told it happened in The Hills, and it may have happened in other areas. We need to know why this breach of process occurred, where the processes fell apart, and whether it happened elsewhere. We need to make sure that the process is changed to ensure that such mistakes do not occur again. At present there is no process to investigate these inadvertent mistakes—mistakes that have quite dramatic effects on the candidates concerned. There is no place where these grievances can be heard and where problems can be dealt with to make sure they do not happen again.

I have had reports of multiple ballot papers being sent out to voters in the form of postal votes. I have had reports of many other issues that may be seen as relatively minor in isolation but which, when taken in their entirety, are a cause for concern. That is why we need a joint parliamentary committee to examine the conduct of elections. We need a committee that is able to inquire into and report on other aspects of the SEO. I said earlier that our SEO has a relatively small staff compared with the offices in other jurisdictions. I am sure that the staff of the SEO do their level best with what they are given, but the question remains: could they do better with more? This committee would be able to look at electoral issues.

Proposed section 190 sets out the functions of the proposed committee. As I said, the committee model is based on the structures adopted for other oversight committees, and there are no hidden secrets in the bill. It proposes a nine-member committee—five appointed by the Legislative Assembly and four appointed by the Legislative Council. Again, this is consistent with the structures adopted for other joint parliamentary committees established by legislation.

Proposed section 21AA details the proposed appointment of the Electoral Commissioner. Again this is not a new measure; it is found in other parliamentary committee enabling legislation. It is extremely rare that a joint parliamentary committee would have cause to veto the appointment of any commissioner, be it the ICAC Commissioner, the Commissioner for Children and Young People or, in this case, the Electoral Commissioner. Nonetheless, this is an important safeguard to maintain.

I do not intend to go through the bill clause by clause, because that would take an inordinate amount of time, and because the majority of the bill is of a mechanical nature as found in other legislation establishing joint parliamentary committees. I strongly urge members from all sides to give due consideration to the bill. As I said, this is not a witch-hunt; rather, the aim is to provide a champion for the agency. This is not a committee to pursue the electoral commissioner of the day. It will examine a whole range of issues relating to the New South Wales electoral process and formulate recommendations to improve that process. It will be an important tool for the electoral process. I will conclude with another quote from Antony Green. The closing paragraph of the article I cited earlier states:

For too long, an opaque process dominated by the Government of the day, an inadequately funded Electoral Office and an Electoral Commissioner given limited input into the legislative process has stifled sensible electoral change. For the sake of public trust in the electoral process, some form of public inquiry needs to occur.

I commend the bill to the House.

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