

**Submission**

**No 4**

# **Review of the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981**

**Name:** Mr Victor J Batten

**Date Received:** 29/05/2012



I, Victor John BATTEN an elector  
respectfully make the following submission to the  
Committee of Enquiry into Electoral Matters.

The terms of enquiry as known to me are as follows:-

*Parliamentary Electorates and Elections Act 1912* (other than Part 2);  
(ii) *Election Funding, Expenditure and Disclosures Act 1981*; and  
(iii) Those provisions of the *Constitution Act 1902* that relate to the  
procedures for, and conduct of, elections for members of the Legislative  
Assembly and the Legislative Council (other than sections 27, 28 and 28A);  
(b) The administration of and practices associated with the electoral laws  
described at (a).

I suggest the following changes and look forward to being invited to make a  
Supplementary Submission and or to be invited to address the Committee.

Change 1

### **3 Definitions**

***General postal voter*** means an elector who:

- (a) has been granted general postal voter status under section 114AA, or
- (b) is taken to be a general postal voter under that section.

In (b) I suggest "is taken" be replaced with "has provided  
evidence that they are entitled to". The impression given by  
the current wording is that "voters" have no ability to think  
for themselves. Voters are over the age of eighteen and do many  
things in life in a very responsible manner and seem to have the  
intelligence to comply with whatever "rules" are applicable.

I note that in other sections of the Act, the following words  
are used.

2) An elector's objection under subsection (1) must:

- (a) be in writing and in the approved form, and
- (b) be signed by the elector, and
- (c) set out the ground for the objection, and
- (d) be lodged with the Electoral Commissioner.

Change2

**Part 3B, Section 22** subsection 2(f) and Section 3

(f) section 100—age 16 enrolment.

I suggest replacing "16" with "17". One year seems to me to be sufficient for the purpose of the legislators of this section particularly as "office work" has progressed from the manual systems of many a year ago. In other legislation including criminal law, we go to enormous lengths to protect the identity of those under 18 but here we broadcast it in an official document.

### Change3

In section 22 (4)

I suggest that (b) (ii) be removed.

(ii) that the Electoral Commissioner enrolled the person.

In support of this proposition, I note that a whole section of powers to the Commissioner at.

### 47 Persons who are to provide information

Include

(2) It is the duty of a person referred to in subsection (1) to comply with a notice under this section.

### Change4

**In Part 4 Division 1 Section 26 (3) (g)**, I suggest adding the word "a written".

(g) reinstating any name removed as the result of an ..... objection

### Change5

(4) For the avoidance of doubt, the Electoral Commissioner may keep ..... rolls in an electronic form.

I suggest that the word "supplementary" be added.

### Change 6

In Section 27, (1) and (2) I suggest that the Note be removed.

(d **Note.** In many circumstances, a person will be automatically enrolled by the Electoral Commissioner under section 29.

### Change7

## 28 Means of enrolment

The Electoral Commissioner may enrol a person on a roll for a district:

(a) on the Electoral Commissioner's own initiative under section 29, or

(b) in response to a claim for enrolment or a claim for a transfer of enrolment under section 30, or

(c) in response to a change to any roll kept under the Commonwealth Act under section 30A.

I suggest that subsection (a) be removed. The Electoral Commissioner has too many unchallengeable powers already.

### Change 8

I suggest that the whole of

## 29 Enrolment by Electoral Commissioner on Electoral Commissioner's Initiative

Be removed. It seems appropriate that should the Electoral Commissioner reasonably believe that a person should be enrolled and therefore subject to a penalty of "1 point" then the Commissioner should institute the usual penalty process.

### Change 9

I suggest that in 30 (1) we add "simultaneously".

(iii) in the case of a claim for a transfer of enrolment from the roll for another district— ..... delete the name of the person from that other roll,

### Change10

I suggest that at 30A(b) include the word "simultaneously" this section is as follows

(b) a person is incorrectly enrolled for a district (the **first district**), but that the person is entitled to be enrolled for another district (the **second district**), the Electoral Commissioner may [simultaneously]:

### Change11

In Section 47 (3) (111, I suggest "16" is replaced with "17"

(iii) persons who, being 16 years but not 18

### Change12

**Division 4 Section 79** (7) needs to be adjusted to include "or Local Govmt".

(7) A member of the Parliament of the Commonwealth shall be incapable of being nominated as a candidate for, or elected as a member of, the Assembly.

### Change13

I suggest that the sum in sub section 7a be increased from \$250 to at least \$1,000.

### Change14

Sub section 7C {c} does not reflect the Legislation. See 81A

(c) the candidate dies before the date of the election.

### Change15

I suggest that the following section include a reference to Local Government.

**81E Member of Commonwealth Parliament ineligible for Council**

### Change16

**81F Deposit for periodic Council election**

At sub section (1) increase \$500 to at least \$1,000 and at (1a) increase \$5,000 to at least \$10,000.

### Change17

(d) the candidate dies before the date of the election,

[c](ii) to the candidate's personal representatives, if the candidate died before the date of the election.

(6) Where, before the day for the taking of the poll at any periodic Council election:

(a) any candidate has died,

### Change18

Section 83B (6) Where, before the day for the taking of the poll at any periodic Council election:

(a) any candidate has died,

I suggest "6 PM on the day of".

Change18

Division 7 - Polling places

89B (b) deliver to each polling place manager, and retain, such numbers, respectively, of the ballot papers as are sufficient for the use of the electors entitled to vote at each booth at which the returning officer and polling place managers, respectively, are to take the poll,

I suggest the following be added

and shall keep an exact count of all those ballot papers.

I also suggest the following be added "and this count must be disclosed to any scrutineer so requesting the count of ballot papers."

Change19

At 90 (3) but only one scrutineer. I suggest the number one be replaced with "two".

Change20

And at

(6) A scrutineer does not breach subsection (2) (a) only because the scrutineer wears or displays any badge or emblem of a candidate or political party.

I suggest that Commonwealth and State legislation be synchronized in this regard.

Change21

Section 102A I suggest the words "and communicated to the principal polling place to be noted on the Master Roll for the District."

Change22

Division 8

**104A Ballot papers may be photocopied, written or otherwise reproduced**

I suggest we add "(4) during the production of these ballot papers, a representative of the two candidates expected to gain the highest primary votes, shall be present."

Change23

I suggest that serious consideration be given to repealing the following Sections.

(2A) **Person enrolling for first time etc**

(2B) **Person transferring enrolment.**

(2C) **Persons enrolled after issue of writ etc.**

Change24



In Section 114A, I suggest to

(2) An application under subsection (1) shall:

(a) be in or to the effect of the approved form and specify the ground on which the elector is making the application.

Be added

“(b) be in the handwriting of the applicant and the witness where appropriate.”

Change25

In Section **114L Preliminary scrutiny of postal ballot papers**

I suggest be added “(vi) has not been recorded as casting a vote as evidenced by the Master Roll for the District such as on polling day or other pre-poll methods of voting.”

Change26

**114P Application for permission to vote before polling day**

(2) an application under subsection (1) shall:

(a) be made by the elector in person, and

(b), (c) (Repealed)

Include at (b) “be made in writing.”

Change27

Section 114PA (1) (a) a person makes an application under section 114P at a pre-poll voting place in the State,

I suggest that it includes the words “a written”.

Change28

**114U Scrutineers**

In subsection (3) replace “one” with “two”.

**114ZT Scrutineers** “two” for “one” in (3)

Change29

**115A Provisional absent voting**

I suggest that be added at 1 (b) (iv) that a vote has not been cast in that name as evidenced by the Master Roll.

Also in Subsection 2.

Change30

**120AB Meaning of “eligible elector”**

Paragraphs 1 [c] and (d) need to be repealed as a serious security risk.

Change31

**120AC Electoral Commissioner to approve procedures for technology assisted voting**

Section 4 to include after “procedures”. The Electoral Commissioner is to produce a Statement detailing the class of electors and the reasons.

Change32

**120AE Scrutineers**

The reference to “scrutineer” be changed to “scrutineers”.

Change33

**120AM Review of technology assisted voting at elections and investigation of its extension to other electors**

In view of subsection (3), this Section can be repealed or altered.

Change34

**120C Penalty notices for certain offences**

The penalty at 2 (b) needs to be increased to at least \$200 or “5 penalty points”

Change35

**. 129F Informal ballot papers**

(2B) Notwithstanding anything to the contrary in this Act, a ballot paper shall not be informal by reason only that the voter has recorded a vote by placing a cross or a tick in a group voting square and not placing any mark or writing in any other group voting square, but the ballot paper shall be treated as if the cross or tick were the number “1”.

Consideration could be given to making this section consistent with Commonwealth legislation.