

**REPORT OF PROCEEDINGS BEFORE**

**JOINT STANDING COMMITTEE ON ELECTORAL  
MATTERS**

**INQUIRY INTO ADMINISTRATION OF THE 2007 NEW SOUTH  
WALES ELECTION AND RELATED MATTERS**

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**At Sydney on Wednesday 19 March 2008**

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**The Committee met at 9.40 a.m.**

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**PRESENT**

The Hon. A. R. Fazio (Deputy Chair)

**Legislative Council**

The Hon. J. A. Gardiner  
The Hon. D. T. Harwin  
Ms L. Rhiannon

**Legislative Assembly**

Mr R. D. Coombs  
The Hon T. Stewart

**PHILLIP ROBERT LAMB**, State Director, The Nationals of Australia, New South Wales Division, Level 5, 30 Carrington Street, Sydney, sworn and examined:

**DEPUTY CHAIR:** The Committee is holding this hearing as part of its inquiry into the administration of the 2007 New South Wales election, and related matters, which has been referred to it by both Houses of Parliament. On behalf of the Chair, Ms Cherie Burton, who is unwell and unable to attend today, I thank all the individuals and organisations appearing as witnesses. The Committee appreciates their participation in the inquiry, and the evidence they will give. Mr Lamb, what is your professional address for correspondence from the Committee?

**Mr LAMB:** GPO Box 4558, Sydney.

**DEPUTY CHAIR:** Do you wish to have your submission included as part of your evidence to the inquiry?

**Mr LAMB:** Yes, I do.

**DEPUTY CHAIR:** Do you want to make an opening statement before I ask Committee members if they have any questions?

**Mr LAMB:** Not really, no.

**The Hon. JENNIFER GARDINER:** One of the main themes of the concern of The Nationals in relation to the conduct of the general administration of election campaigns for sometime has been this question of disenfranchising of some remote postal voters in particular. Would you comment on those problems and also the response so far of the commissioner whom I think has indicated some possible ways forward on those matters?

**Mr LAMB:** The Nationals are most popular in rural and regional communities. We are acutely aware of the problems of distance for our voters. It is most appropriate that this inquiry review the democratic process for people who are disadvantaged by view of distance, and quite often and in the present context, the issue of drought and travelling perhaps hundreds of kilometres to vote. There are a number of problems. The number one problem is the distribution of mail by Australia Post. If one misses the mail, which is issued perhaps once a week, then just missing that date can mean that the postal vote or applications, or the correspondence from the Electoral Commission, simply do not get there. The Nationals are most concerned that our rural voters be equally involved in the democratic process and that they have an equitable access, an equity of principles, as does their metropolitan counterparts.

Our main concerns could be solved by the use of technology. The Nationals are very pleased to support the commissioner's intent, or recommendation to introduce i-voting—Internet voting—in regional and remote communities. This has been trialled by the Australian Government with its troops overseas, anecdotally from reading the press. This is also a technology that is also so freely available through Internet banking. All of the security issues have well and truly been addressed. So we are very pleased the commissioner has seen this. In fact, this was our major supporting document in our submission that i-voting be introduced to remote communities. I realise that i-voting has particular implications to the democratic process—everybody stays home and does it by the Internet—one can see that the democratic has got to be seen to be done and going to the polling booths is the obvious way for that process to be open and transparent. However, in remote communities there is the real opportunity to solve this problem of folk not getting their postal vote applications or cannot get to booths.

There are a number of ways in which we could move forward in association with i-voting. The introduction of mobile booths, as the Australian Electoral Commission has a booth that travels from town to town or small place to small place on a schedule. I note that the commissioner has even proposed a review with regard to mandating people in remote communities to postal voting so they are actually sent a general registered postal vote form. So while not knowing what the outcome will be, The Nationals are very committed to the principles of equity and access of our remote voters with the Internet and with subsidies available for the Internet to be available via satellite virtually anywhere in

the country, I dare say that the majority of people would have access to the Internet. So between that, i-voting, mandating postal voting forms in particular regions or areas and mobile booths, we believe that the interests of our country voters will be serviced truly in the democratic process of an election.

**Mr ROBERT COOMBS:** My question is along similar lines. Have you been able to gain any statistical information on how many country, rural and people who live in remote areas are wired up and have access to a computer? Following on from that, what is the likelihood of those people to use that facility to participate in the voting mechanism? You may or may not be aware that the Victorian Electoral Commission has presented its members with papers to say that recently it trialled e-voting in Victoria specifically for vision-impaired residents. It cost somewhere in the vicinity of \$705,000 but only 200 people took up that facility. While I can see that we need to do something to encourage and facilitate a vote for those people in remote areas, do they have access first and foremost to a computer? Is there any evidence of the likelihood of them using that facility?

**Mr LAMB:** My answer would be purely anecdotal and a guess at this point, but with most people having access to the School of the Air, then my guess would be that in today's age, most of those families would have the Internet to be able to download programs for their school work. That is my guess. I am aware also that the Federal Government initiated a program where any remote communities that did not have access to the Internet could actually apply and were provided with satellite dishes. I do not have the details of that but practically I am aware that that happens.

I would be guessing, with the introduction of the Internet as a major communication tool around the world, that this is one of the singular things that would in fact bring global communications to remote communications, so my answer is a guess and is anecdotal but that probably two-thirds of farm houses would have access to the Internet; it maybe more.

In my submission, of course, the introduction of i-voting is paralleled with other methods where the Internet is not available or where people have chosen not to use the Internet—and you have rightly commented about Victoria—so if people have the choice, they could indicate to the Electoral Commission whether they would like to be sent a postal vote form, whether they would like to do i-voting or whether they would attend a polling booth, but there are obvious problems that are not obvious to those who are in metropolitan Australia. These are just time issues and distance issues that the Electoral Commission has a responsibility to solve so that all of our residents can be involved in the democratic process of voting and not miss out, which, unfortunately, is part of the problem that has been going on for many years.

**The Hon. DON HARWIN:** Could you explore with us your reasoning in relation to postal voting and the change to the closing date for the receiving of postal votes?

**Mr LAMB:** Yes. Currently the closing date is the Wednesday before the date of the election. There is a very small time frame between when an election is announced and when the election occurs.

**The Hon. DON HARWIN:** Just make it clear for the transcript who is the receiving party? Who has to receive it by that Wednesday currently?

**Mr LAMB:** The Electoral Commission must receive the postal vote by the close of mail on Wednesday—I think it is 6.00 p.m. on the Wednesday before the election. That is my recollection. Please correct me if I am wrong there, but I am fairly certain that that is in fact the case. It is the time to actually send the postal vote out and if they miss the week's mail, for the voter to then send the postal vote back to the Electoral Commission, it must be received by 6.00 p.m. on the Wednesday prior to the election. My submission suggests that this should be reviewed and investigated, the reasons why that closing date for the Electoral Commission to receive postal votes is Wednesday instead of Friday night because my understanding is that extra time is allowed after the election to in fact count the postal votes and pre-poll votes. From my understanding, if there is not another substantial reason, there does not appear to me to be a reason why it should not be put back until the evening before the election day. That simply gives more people more time to participate in the election.

**The Hon. JENNIFER GARDINER:** And other aspect of that debate is the question about the timing of the issue of the writs with New South Wales general elections, which has a certain amount of flexibility to it, and even the Electoral Commissioner does not exactly know necessarily which day after the dissolution of the Parliament the writs will be issued. There has been some discussion at this Committee, including with the Electoral Commissioner, that we should perhaps recommend that the issuing of the writs should occur on the same day as the dissolution of the Parliament, which may give another couple of days to the whole election process to go through its mechanics, including the close of nominations and printing of ballot papers. Would you agree that is an important thing for us to consider?

**Mr LAMB:** Yes, I would agree with the member that the issuing of the writs should coincide with the dissolution of Parliament. The frustration that I have found was when the nominations are closed and the positions of the ballots are then drawn, there is only a very short time between the date that they are drawn, which is usually the Thursday afternoon, and the commencement of pre-polling the next Monday. I approached the Commissioner on a number of occasions with a great deal of frustration with this very small window between when the positions on the ballot paper are drawn and when they are announced. I think it is on that Thursday 12.00 p.m. for the upper House and 3.00 p.m. for the lower House, from memory. Then we have got to get into gear and print how-to-votes. We have to print three million or four million how-to-votes. Physically to get them on web pressers is a very difficult exercise.

We would ask this Committee to look at the timing of the mechanical processes, as Miss Gardiner has just highlighted. I actually phoned the Premier's Office about this and said, "Couldn't you bring the dates back?" and it was because of the dissolution of Parliament and it was the dates that were leading up from the date that the writs were issued that they could not come back any further. As much as we asked the Premier's Department, there was no flexibility to change those dates. Can you see the problem? The problem is that the positions on the ballot paper are announced on the Thursday, and, like a magic wand, we are expected to somehow design the how-to-votes, put all the members on for all the electorates in the State, the 93 electorates, and send those to the printers, and then physically get them printed within that small time.

It may well be a deliberate decision of the Government to have that small time scale. I cannot answer the question of whether that is deliberate or not, but certainly the matter should be considered to expanding that window so that we can actually practically prepare for the election so that we can actually have the how-to-votes ready for the pre-polls.

**DEPUTY CHAIR:** Mr Lamb, as you know, Jenny was one of your predecessors in The Nationals. I advise you that I worked in the ALP office for nearly a decade when we were in government and prior. The issue of magically preparing millions of ballot papers has bedevilled and vexed political parties so I do not think it is a recent phenomenon. It is probably made a little easier by the new technologies for printing but it is still, quite frankly, a nightmare, so I sympathise with your concerns.

**The Hon. DON HARWIN:** On the issue of remote voters, the Electoral Commissioner in his evidence a couple of weeks ago suggested that there might be greater use of mobile polling booths in those areas. How practical a solution do you think that is? Perhaps you might like to contrast that with Internet voting. Where do you think we should be going in that area?

**Mr LAMB:** My assessment would be that because of the number of small communities, small towns, villages—I have got to preface by saying that I have not had personal experience with mobile booths out in the bush, so I must preface my comments with a lack of experience in this regard. How many mobile booths would be required? How many places need to be visited? This is something that I think in the context of the review this Committee or the Electoral Commission would have to look at, but I see the issue of mobile booths being complemented by other strategies to involve remote communities in the democratic process. It is quite possible that a mobile booth might be able to do the main centres, the very small communities that are not afforded a polling booth, but I guess this is all part of the process of the Electoral Commission informing voters across New South Wales of the process, and where the mobile booths would be and where there would be the opportunity to be involved in both postal voting and internet voting. I do not think I have helped very much, but I have tried to answer as best I can.

**DEPUTY CHAIR:** Could you elaborate on the issues that you raised in your submission regarding the registration of material, how-to-vote material, because in the submission from The Nationals you suggested that there should be a review of the registration requirements for polling day material. Could you tell us a little bit more about why you think that needs to occur?

**Mr LAMB:** In the 2007 State election the new Electoral Commissioner declared, or decreed, or announced that all election material was to be authorised or approved by the Electoral Commission. We would support a review of the details of registering how-to-vote material. The Australian Electoral Commission has a different view. They say: Well, here is the Act, you interpret the Act and it's up to you. Then action can be taken civilly, in the civil courts, but it is basically left to the political parties to interpret the Act. Let me just get my thoughts together. We would support a review of the registration process and I might say that we actually do support the concept and the process of registration of material. We are of the view that the types of material, the layout, the possibility of deception, and what an election how-to-vote card actually says—there should be a process of registration. We believe that the process of registration of each piece of material, both on election day and prior to election day, should be reviewed because there are postal vote applications, letterbox leaflets, advertising prior to polling day, and then there are the materials that are distributed on polling day. We would support a review of that process so that it is a little less onerous for the political parties.

**Mr ROBERT COOMBS:** Would The Nationals support one of the proposals by the Electoral Commissioner that residents living in far-flung, distant or remote areas would be automatically identified as postal voters and sent a postal vote without having to go through the exercise of having to register?

**Mr LAMB:** The National party would support that because clearly that is an initiative that means that the pressure is off. The problem is, of course, the timing and when the mail gets in and when the mail goes out. If they miss the outgoing mail, again it is an issue that does affect the reception of the postal vote by the Electoral Commission. Yes, we would support that, but we would also support the Electoral Commission looking at the practicalities of timing for the issuing of postal votes.

**DEPUTY CHAIR:** Could you explain to the Committee The Nationals' experience of the debriefing sessions held with the Electoral Commission after the election? In your submission I think you have said you would like those debriefings to be held closer to the election day than they were this time. Could you explain what you think the benefit of that would be?

**Mr LAMB:** I was the key person in my organisation last March and very critically aware that I was the contact person and I was aware before the election that a meeting with the political parties was going to occur after the election, but I am also embarrassed to say that I was not advised of any review meeting, even though it appears that previous evidence would indicate that there was a post-election review meeting. I was not aware and did not attend any review meeting, and we were critically aware of the need to have one because of the issues with regard to reporting and declarations and the onerous requirements, the changes that were introduced by the commissioner. I wanted a meeting and I was critically aware that we needed to have one. From my angle, either I did not receive a letter, but I certainly did not attend any convened meeting either formally or informally with the commission.

**DEPUTY CHAIR:** Have you raised that subsequently with the commissioner?

**Mr LAMB:** I believe that I did submit correspondence to the Electoral Commission—that is based on memory—because we were very keen. I was very disturbed that an election review was going to be held, was promised to be held, and perhaps it was the impending Federal election that impinged on the decision of the Electoral Commission, but from my end—and I was in another organisation prior to or at the time of the election—there was no correspondence or announcement of any meeting.

**DEPUTY CHAIR:** We might raise that with the commissioner. It would seem a fairly serious oversight to not have one of the major political parties attend such a debriefing session.

**Mr LAMB:** Yes.

**The Hon. DON HARWIN:** Frankly, even if an invitation had been issued, the fact that one of the major stakeholders had not responded would have surely, I would have thought, triggered a follow-up action from the Electoral Commission, so perhaps we do need to look more closely at that.

**Mr LAMB:** Yes. May I make a comment about the website?

**DEPUTY CHAIR:** Certainly.

**Mr LAMB:** While commending the Electoral Commission and Commissioner for improvements to the website and the location of polling booths, the reporting of the results was not as comprehensive as the previous website and not as comprehensive as the Australian Electoral Commission's website. We would ask that the Electoral Commission put resources into the statistical reporting, both by party and by electorate, on the website as a public document.

**DEPUTY CHAIR:** I would like to thank you very much for your attendance today and for the evidence that you have given, which I think will be helpful in looking at solutions to the problem of ensuring that rural and remote voters do get to cast a vote within the timeframes available.

**(The witness withdrew)**

**SUSAN ELIZABETH GREGORY**, President, Proportional Representation Society of Australia (NSW Branch), and

**STEPHEN ARTHUR LESSLIE**, Member, Proportional Representation Society of Australia (NSW Branch), affirmed and examined:

**DEPUTY CHAIR:** Ms Gregory, could you please state your occupation and in what capacity you are appearing before the Committee?

**Ms GREGORY:** My current occupation is I am unemployed and I appear as President of the New South Wales branch of the Proportional Representation Society of Australia.

**DEPUTY CHAIR:** Mr Lesslie, could you please state your occupation and in what capacity you are appearing before the Committee?

**Mr LESSLIE:** A bus driver with Sydney Buses and I am appearing as a member of the Proportional Representation Society of Australia, and I am also appearing in my own right as someone who has put in submission number 13.

**DEPUTY CHAIR:** Would either or both of you like to make an opening submission to the Committee?

**Ms GREGORY:** Certainly. Thank you for the opportunity to appear before this Committee. As I said, I represent the New South Wales branch of the Proportional Representation Society of Australia [PRSA]. Our submission relates specifically to the system that elects the Legislative Council. The PRSA is pleased that proportional representation is used to elect the State's upper House but feels that the recommended changes in our submission would allow the full expression of proportional representation, which is a sort of poetry for people who love electoral systems.

Although the Electoral Commission's report describes the method of election as optional preferential, it is not fully optional preferential. The below-the-line voter is still required to indicate at least 15 preferences to register a formal vote in the ballot for the Legislative Council. As above-the-line voters you are only required to indicate one preference. Voters are treated differently and the system is therefore undemocratic. The PRSA believes that above-the-line voting should be abolished and that voters should be able to register as few or as many preferences as they choose.

The PRSA views above-the-line voting as a perversion of the system of proportional representation because it does not allow voters to determine their own order of preferences. The order of preferences within each grouping is determined, as you know, by the political parties. We believe that the parties have the right to select their candidates, of course, but the voters have the right to reject or accept them in the order that they themselves choose. The apparent simplicity of the above-the-line option makes it attractively easy to voters, but it discourages voters from engaging fully in the democratic process.

The application of the Robson Rotation further democratises the system by eliminating distortions produced by candidates' positions on the ballot paper—the so-called donkey vote—where advantage is gained by being at the top of the list or immediately above or below a popular or well-known candidate. That is the basis of our submission. My colleague Stephen Lesslie appears as a member of the PRSA but has also made a submission in his own right, as he said, relating to the election of the Legislative Assembly. That submission has been discussed by the PRSA but has not yet been adopted as policy. I believe he has a statement to make in relation to that submission.

**Mr LESSLIE:** Proportional representation allows a fair division of political representation. It does it on the macro level, giving party seats in proportion to its vote. All proportional representation systems do that, but the Hare-Clark system proposed here allows more: it allows divisions within parties to be represented. It allows for evolutionary change within party representation. For example, Liberal Party leaders have recently acknowledged that the community's concerns about climate change were not given the attention they deserved in the recent Federal election.



How much better if those concerns could have been placed before the electorate during the recent election by Liberal Party candidates in a way that did not threaten party unity: A couple of climate sceptics go out, replaced by a couple of progressives, the neutrals see this and, hey presto, climate change has a seat at the Cabinet table. In other words, proportional representation gives the public an opportunity to fine-tune a party's position and it enables political parties to be able to see changes in community thinking.

Proportional representation confers a number of advantages over the single-member electoral system. I do not intend to elaborate on them now, but they can be found on page four of my submission. I support (1) the Proportional Representation Society's position on abolition of above-the-line voting; (2) genuine optional preferential voting; and (3) the introduction of the Robson Rotation. I differ from most Hare-Clark proportional representation systems by having the electorates elect more candidates—in this case electing 19 members each instead of the usual four to nine.

In their submission the Greens suggested nine-member electorates, but they go all vague when representation of country areas is raised. The reason for the vagueness is that the tyranny of distance beats them for five-member country electorates, and there is not much left that is outside the urban conglomeration of Newcastle, Sydney and Wollongong. I solved that problem by abolishing the city-country divide. Each electorate would include city and country members. Each member would need to consider city and country issues and every area, region and district would be represented by members of both the Government and the Opposition. Thank you for the opportunity to present the submission.

**DEPUTY CHAIR:** Just before I ask Committee members if they have any questions for you, I need to get an indication from the both if you are happy to have your submission to the inquiry included as part of your evidence?

**Mr LESSLIE:** Yes, I am.

**Ms GREGORY:** Most certainly, yes.

**The Hon. DON HARWIN:** Ms Gregory, for above-the-line voting in the Legislative Council ballot I think you are indicating, are you not, that you would prefer that there be no above-the-line voting box and that voters only have to mark one square on the ballot paper for it to be a valid vote?

**Ms GREGORY:** Yes.

**The Hon. DON HARWIN:** Why should it only be one rather than the 15 it is at the moment?

**Ms GREGORY:** It could be one or 333—optional. I think in the submission we mention that ACT Legislative Assembly ballot papers indicate you can put one for a valid vote, but they also suggest that maybe you could put 5, but you do not actually have to. I think that is a good option. So maybe the instruction on the ballot paper should say you can mark your ballot with one preference or 15 if you choose, because there are 14 to be elected. But the option should be with the voter.

**The Hon. DON HARWIN:** And why do you say, to paraphrase you, it is now impossible for voters to vote in a different order to that chosen by the parties? Surely it is entirely possible for a voter just to choose 15 below the line and vote in whatever order they wish?

**Ms GREGORY:** It is of course possible for them to do that—I do it myself.

**The Hon. DON HARWIN:** So why is it now impossible, to use your words?

**Ms GREGORY:** It is not impossible. I am sorry, I do not know I said it was impossible for them to vote in that order.



**The Hon. DON HARWIN:** "It is now impossible for voters to elect candidates in a different order to that chosen by the party machine."

**Ms GREGORY:** "To elect" is the bit missing from what you paraphrased. With above-the-line voting of course preferences flow the way the parties have determined, and you can vote below the line any way you like as long as you fill in 15, but you are more likely to make a mistake though. Within 15 who is going to? But I am saying that basically the marketing goes to the above-the-line vote, which is the easy one and it is the one that people would choose if they do not care, whatever; they are happy to vote for their party, which is good. I think to provide such an easy option is kind of selling the electorate short in a way.

**The Hon. DON HARWIN:** What is wrong with the proliferation of micro parties?

**Ms GREGORY:** There is nothing wrong with the proliferation of micro parties but I am not happy with the election of micro parties if, as happened in previous Legislative Council ballots, they are going to last-preference deals and parties are elected with a very small percentage of the vote.

**The Hon. DON HARWIN:** I do not think that really explains what is wrong with them being elected. At what point does it become too small?

**Ms GREGORY:** Thinking in Federal terms: Senator Stephen Fielding was elected to the Senate. I think something like 13 per cent of the vote that elected him to the Senate was actually his vote; the rest came from elsewhere. I do not believe that he had popular support, and that would be the Proportional Representation Society's feeling as well, that he was elected there—

**The Hon. DON HARWIN:** So, and from memory—sorry. I was interrupting you. Had you finished?

**Ms GREGORY:** That is all right, no. Good, carry on.

**The Hon. DON HARWIN:** From memory, he got around 2 or 3 per cent of the vote.

**Mr LESSLIE:** It was 1.8 per cent.

**Ms GREGORY:** Thank you.

**The Hon. DON HARWIN:** Yes, around 2 per cent of the vote, and that is really too small, do you think, to deserve representation?

**Ms GREGORY:** Well, it is somewhat short of a quota.

**Mr LESSLIE:** The quota is 14 per cent.

**Ms GREGORY:** A quota is 14 per cent. Ideally, everyone should be represented in Parliament. We are talking real world though, and if a quota is 14 per cent, 1.8 per cent is way short because it is a manipulation of a system that is not working to its best advantage.

**Mr LESSLIE:** Madam Chair, could I comment on that?

**DEPUTY CHAIR:** Yes, please.

**Mr LESSLIE:** It is my view, when we are talking about quotas, that a party that can get 2.25 quotas is as entitled to elect 3 members as a party that can get 0.75 of a quota. If you divide 2.25 by 3, you get 0.75, so that is the tipping point. Therefore, any quota, any party, that gets quotas less than half—and in Senator Fielding's case, approximately 12 per cent of the vote—then they are taking a position and a seat.

**Ms GREGORY:** Yes.

**Mr LESSLIE:** That is where the micro-parties, in our view, are undemocratic. They are not getting elected in their own right and they are not representing people. They are being elected on the leftovers of other parties. The Robson rotation resolves that problem. It then ensures that a party is able to spread their votes so that every candidate—an example would be the last New South Wales Legislative Council election. The Labor Party elected 9 candidates, the Liberal-National party elected 8, the Greens elected 2, the Christian Democratic Party, 1, and the Shooters Party elected 1. But had a Robson rotation system been in place, then in my view, and a simple look at the figures would show this, the Labor Party would elect 9 or 10, the Liberal-Nationals would elect 8 or 9, the Greens would still elect their 2 because they did receive 2 quotas, the Christian Democratic Party would elect 1, they were so close to a quota that they would elect 1, but the Shooters Party would miss out. That extra seat would go to one or other, and whichever party received that would be determined by the preference—by either the preferences or other preferences from minor parties.

We think that if a party can get 39.14 per cent of the vote, then 10 into that gives each party, each candidate, 3.9 per cent of the vote. The Shooters Party, however, is on 2.79. And of course the Shooters Party did very well. I have done simulations both by adding half a quota to the Labor Party and subtracting half a quota from the Liberal Party and leaving all other parties exactly the same, and, similarly, by subtracting half a quota from the Labor Party and adding half a quota to the Liberal Party and keeping all the parties the same, and in that case you get, if you do a simulation, another party getting elected to the Legislative Council. It would be either the Democrats, who got 1.78 per cent of the vote, the Australians Against Further Immigration, that got 1.64 per cent of the vote, or the Fishing Party on 1.53 per cent of the vote. One of those would most likely have been elected.

We are way down to less than 2 per cent of the vote and you are electing people for 8-year terms. We do not believe that is democratic. We think it is far better for a party that can get 36.87 per cent or 36.49 per cent of the vote to be entitled to those positions or to that position.

**DEPUTY CHAIR:** Just before I invite my colleague Mr Coombs to ask questions, I want to ask this: Could you not achieve the same result by having a minimum threshold?

**Mr LESSLIE:** Minimum thresholds are very dangerous. An example would be a likely New Zealand outcome of an election where they do have thresholds. If either the Greens or New Zealand First in New Zealand fall below their threshold, then suddenly you have got up to 5 per cent of the vote that is no longer counted. Those votes then just—the rest of the vote, the 95 per cent or 96 per cent of the vote—is then recounted. It is quite likely that you could have a different government in New Zealand bringing in thresholds.

I also believe that it is an arbitrary number. Whatever number you pick is arbitrary, and why are we denying somebody the right to choose their party and vote their preferences through, whereas the Robson rotation does not deny any one any right to vote in any way that they choose? It just enables those parties that have reasonable quotas to be able to spread their votes in a way that their last candidate on the ticket does not end up with 0.1 of a quota. That last candidate ends up with 0.8 of a quota. They remain in the count and the election result is determined by the preferences of those people who would be eliminated. And no intervention and no arbitrary rules need apply.

**Mr ROBERT COOMBS:** I suppose I am just trying to understand some of the provisions of the new way that you are putting up. Is it fair to say that the Robson method would have more impact in the upper House than in the lower House? Secondly, I thought one of the major reasons for the proposal is so as to eliminate any advantage that a candidate might get from a donkey vote. Specifically in relation to that, I think your submission speaks about the random rotation of candidates on ballot papers. How would that be basically done in a practical measure or distributed to booths, et cetera, to ensure that that sort of consistency is going through that process?

**Ms GREGORY:** It is done in Tasmania and the Australian Capital Territory, and it works. But if we are talking specifically in relation to the Legislative Council—because we have to get into multi-member electorates in the Legislative Assembly for any sort of Robson rotation to apply—it has been in use in Tasmania, so presumably there are no practical difficulties. I trawled through some annual reports from Tasmanian electoral people and there do not appear to be any mentions of difficulties whatever involved with the printing and distribution of ballot papers. You can rotate the

candidates within the group and you could presumably rotate groups on the ballot paper: we are not proposing that.

The practicalities of applying the Robson rotation in relation to the parties for instance are that you could not issue a how to vote saying "Vote blah, blah, blah, blah, blah." You would be basically saying "Vote for Group K", if that was your particular party. With no above-the-line voting, people would then, if they chose to vote for your group, vote 1, 2, 3, 4 down the ticket. But the 1, 2, 3, 4 on different ballot papers would be different people. So you are actually spreading your vote among the whole range of candidates. This has advantages for parties in that they can then elect actually more people than appears to be mathematically possible. It is all very arcane, is it not? Does that answer part of your question?

**Mr ROBERT COOMBS:** Yes. Thank you.

**The Hon. JENNIFER GARDINER:** Mr Lesslie, in relation to multi-member constituencies, you said that you had devised a model whereby you would have a number of electorates across the State, and they would combine both city and country constituents. Would you care to give us some more details on what sort of map that might produce?

**Mr LESSLIE:** Sure. For the Legislative Assembly, I am proposing five electorates—each electorate to elect 19 members. That would make the lower House have just 2 more than it currently has, 95 members. Four of the electorates would incorporate Sydney's greater metropolitan area and they would go as wedges to the borders of the State. So, south would include from Vacluse to Eden-Monaro and across approximately to Albury or somewhere like that; west would go from that area to include perhaps the city of Broken Hill, but would start say at the current electorate of Drummoyne; north would go from, say, Ryde to Brewarrina; and east would go from North Sydney to, say, Tamworth; then north east would include the city of Newcastle to Ballina.

As a result, these electorates, while they appear large, are actually smaller than, say, five 5-member electorates that are totally country areas. Five country electorates are huge and you are electing five members, and the representation is poor in terms of geographical area, but no different from the current system of having five separate electorates also representing huge areas. The advantage is that the Labor Party has the Labor Party but it also has Country Labor, and the Liberals party is basically a city party with inroads into the country, but there is The Nationals party and they run, in the Legislative Council, on a single ticket. They are represented separately on the ballot as Labor, Country Labor, and Liberal-Nationals. People in country areas would be able to pick out those seats or those candidates that they felt would represent them and vote for them.

So country people would be fully represented. People in the city may well vote for country people as well. It does mean that any member is required to consider all issues, and no area can be ignored because every area is part of either/both the Government and the Opposition. It is a way of overcoming the tyranny of distance. It is a way of ensuring that electorates are manageable.

**Ms GREGORY:** Can I add some advantages to argue for his system? But basically, if each electorate is a microcosm of the State because it represents a broad geographical and population range, the need for redistributions kind of disappears because there is always an urban-rural shift of population and rural-urban shifts of population, but that would be balanced within each electorate, one assumes. So population changes would not actually make a huge amount of difference, so it would be a relatively stable system to operate.

**The Hon. JENNIFER GARDINER:** Madam Chair, may I just follow up by saying for the record of course that New South Wales had multi-member assembly electorates in the 1920s. Can you give us a quick summary of what the arguments were at the time for changing from multi-member to single-member constituencies, why the population of New South Wales decided to radically change the system at that time, and why it might want to change back?

**Mr LESSLIE:** At the time, in the 1920s, there was a lot of electoral experimentation. I am not sure why they implemented the proportional representation system. However, it was a very limited one. There were three-member country electorates and five-member city electorates. They were small. Jack Lang was the one who campaigned against it and won the 1926 election and had it changed. I

think he changed it because he was not doing very well with it. Also, I believe, enough time was not given to the experiment for it to work. But also, unlike the Tasmanian system, which was at the time electing six members in each of their five electorates, it was too limited. I believe the three members just does not give enough scope to enable individual choice between candidates and, at the time, in basically a two-party State there were not the advantages seen for it. It is not a model I am following and it is not a model I would recommend in any way.

**(The witnesses withdrew)**

**SUSAN THOMPSON**, Advocacy Officer, Policy and Advocacy, Vision Australia, 4 Mitchell Street Enfield,

**YVONNE DIAB**, Business Development Manager, Vision Australia, 4 Mitchell Street Enfield, and

**DARREN FITTLER**, Gilbert and Tobin Lawyers, 2 Park Street Sydney, sworn and examined:

**DEAN PRICE**, Senior Advocate, People with Disability Australia, 52 Pitt Street Redfern,

**JOANNA SHULMAN**, Principal Solicitor, New South Wales Disability Discrimination Legal Centre Inc., PO Box 989 Strawberry Hills,

**GERI KAUFMAN**, Policy Officer, New South Wales Disability Discrimination Legal Centre Inc., PO Box 989 Strawberry Hills,

**ANN-MASON FURMAGE**, President, Physical Disability Council of New South Wales, 3/184 Glebe Point Road Glebe, and

**JORDANA GOODMAN**, Policy Officer, Physical Disability Council of New South Wales, 3/184 Glebe Point Road Glebe, affirmed and examined:

**DEPUTY CHAIR:** I welcome the representatives of Vision Australia, People with Disability Australia, New South Wales Disability Discrimination Legal Centre Inc. and the Physical Disability Council of New South Wales, who will be giving evidence to the Committee on matters including electronic and i-voting, access to polling places and electoral information, and the New South Wales Electoral Commission's equal access to democracy plan, particularly as it applied to the conduct of the 2007 State election. The Committee thanks you for your submissions and is pleased to hear your evidence, which it plans to take in this round table hearing. I just wish to confirm that you appear as representatives for your respective organisations and it is your desire that your written submissions form part of your sworn evidence?

**ALL WITNESSES:** Yes.

**DEPUTY CHAIR:** Would any witness like to make an opening statement? Ms Furmage?

**Ms FURMAGE:** Yes, please. The Physical Disability Council of New South Wales feels very strongly that access to voting is not equal for people with physical disabilities. Physical access to the actual polling stations is not available. In fact, in the 2007 State elections the following Sydney metropolitan areas had no accessible polling booths in their areas. That would be Cabramatta, East Hills, Maroubra, Miranda, Mount Druitt, Oatley, Penrith and Smithfield. In country New South Wales, Bathurst, Charlestown, Dubbo, Goulburn, Lake Macquarie, Mulgoa, Orange and South Coast had no accessible polling station. Because of this, people with physical disabilities are required by default to give postal ballots or pre-poll. In fact, pre-polling is not always possible because there are a number of electorates in which the pre-polling station is not accessible either.

So, we are left with a postal ballot, and if we use a postal ballot we have to lie in order to use the postal ballot because the reasons you use a postal ballot are that you are out of the State or that you are more than eight kilometres from the nearest polling place or are travelling and unable to attend a polling place or you are seriously ill or caring for a person who is seriously ill or that you have religious beliefs that mitigate against it or that you are at work or that you are a silent elector. People with a disability are not ill, we are not infirm, and we would like to have the same rights that everyone else has. Voting is the one thing that all Australians do. We are all required to do it; we all have that right, that privilege and that obligation.

You can probably tell from my accent that I am from out of town. I grew up in the south of the United States. I grew up in a place where you not only were not encouraged to vote but there were some interesting tricks that were played to keep you from voting. In Virginia, where I grew up, it was the poll tax. The poll tax was charged once a year. It was only a small amount; it was \$1.50. But the trick was, you had to have paid the poll tax for three years before the date of voting.

The idea of the poll tax was to keep people of African-American descent from voting. But they were pretty eager to keep just about anybody from voting. When I went to vote for the first time, in 1960, and I had the choice between Mr Kennedy and Mr Nixon, I was quizzed about why I had not paid the poll tax for the previous three years. I had not been 21 years old for three years. It was only because I had the forethought, or someone advised me, to take along my birth certificate to the polls that I was allowed to vote; otherwise I would have been rejected because I had not paid my poll tax.

Because of this, I have particularly strong feelings about being permitted to vote. So I am speaking to you today despite the fact that the commissioner, very quietly and very carefully, wanted me to pull my head in and told me that we would be more likely to receive what people with a disability need if we were pleasant, sweet and charming. I personally believe that being pleasant, sweet and charming is not necessarily a prerequisite to voting. If it were, there would be a great number of us who probably would not be permitted to vote. This is a serious matter. Thank you for the opportunity to speak.

**DEPUTY CHAIR:** I think Ms Thompson also has an opening statement.

**Ms THOMPSON:** Could I draw attention to the fact that I have a hearing impairment and I am finding it very difficult to hear what is being said. Thank you for the opportunity for Vision Australia to present this morning. We have covered a number of areas in our written submission but today I had wanted to cover those that went beyond administrative remedies and fall upon those in the legislative process. Stating the obvious is to say that the fundamental tenets of our democracy are the responsibility to vote but the right to do so in secret.

In the 2007 election Vision Australia was pleased to have been involved in facilitating a much more accessible voting process for those who are blind or have low vision which can be assisted by closed-circuit television magnification, and we very much encourage this to continue and be extended. We also acknowledge the increased amount of information available to voters in such formats as Braille and audio. However, the fact remains that citizens such as myself who are blind, have low vision or have a print disability and cannot be assisted by magnification aids, were, in the second vote in the twenty-first century, denied a secret vote. A secret vote is not having a polling official reading and writing for you; it is not having a friend reading and writing for you. It is being able to access and make your own selection from the ballot, review and verify your choices, and have no-one else privy to that vote.

Other States have begun addressing accessible voting by such trials as systems with audio and large-print output based on electronic computerised systems for people who are blind, have low vision or have a print disability. So there is already a body of experience and creative resources that could be harnessed. Examples include Victoria in 2006, Tasmania in 2007, which used a really simple and cheap system based on a Microsoft Access database, and 2008 will see the ACT election, for its third time, being accessible to voters who are blind. We also understand that in Western Australian they are considering proposing legislative changes which will be less prescriptive of the voting mechanism and therefore will enable them to harness technologies as they develop.

We would like to acknowledge the work of our colleagues at the Disability Discrimination Legal Centre in relation to a complaint of discrimination by a blind voter regarding the lack of independent voting in local government elections, and note that the comments we have made today and in our written submission also apply to local government.

The second issue I would like to highlight from our submission is the matter of the how-to-vote cards available on polling day. Given the existing legislative requirements relating to the presentation of this material, we believe that the appropriate amendments should be made to require this information to be made available in accessible formats. Our clients have expressed that even when casting their non-secret vote they feel at a significant disadvantage compared with sighted peers in casting an informed vote, when not having access to the same information on polling day.

We believe the responsibility of a democracy in facilitating informed secret votes should fall upon electoral commissions. We do not believe the argument that electoral commissions getting involved in providing this information compromises their neutrality; in fact, quite the contrary. In



finishing I would like to make a couple of comments. Firstly, we would like to caution against a conclusion of a low success in the trial of assisted voting in the 2007 Federal election based purely on numbers alone. I can personally concur with the overwhelming positive experiences of our clients who were able to take advantage of this trial. There have been few experiences in my own life—and I have been totally blind all my adult life—which have been more liberating or dignifying than being able to cast a secret, independent vote. Thank you.

**DEPUTY CHAIR:** A couple of other organisations want to make an opening statement. We will now go to Ms Kaufman.

**Ms KAUFMAN:** Mr Darren Fittler and I would both like to contribute to the New South Wales Disability Discrimination Legal Centre's opening statement. Mr Fittler is a client of the centre, for whom we are acting in a matter before the Administrative Decisions Tribunal. It is the New South Wales Disability Discrimination Legal Centre's position that amendments to the Parliamentary Electorates and Elections Act are needed to improve access to the voting procedure for people with a disability. As we stated in our submission, we recommend an amendment that would allow for the New South Wales Electoral Commission to pilot electronically assisted voting technology, or e-voting, as occurred in the 2006 Victorian State election and the 2007 Federal election. We believe that this technology will provide a means of removing barriers to the right to secret and independent voting for many people with disability. We note that the New South Wales Electoral Commission bears minimal cost in the implementation of e-voting. We also note that this technology has been implemented in the ACT since 2001.

The New South Wales Disability Discrimination Legal Centre is of the opinion that electronically assisted voting is preferable to i-voting. We would only support i-voting if it is not the only method of voting available for people with disability. Unfortunately, given the financial hardship experienced by many people with disability, many would be excluded from this option due to a lack of access to a computer or the Internet. I-voting as the only option also has the potential to exclude and isolate voters from polling booths, how-to-vote information, and full participation in the democratic voting process.

**Mr FITTLER:** I would like to add a personal side to what can at times become quite a dry topic, and to encourage you not to forget why we are here and why we are presenting today. Up until the Federal election last year, I had never been able, in any election since I came of age to vote, to vote in a secret or confidential manner, despite repeated requests to the various commissions, both Federal and State, to put in place something that might be able to assist me to do what I need to do, whether it be the introduction of Braille or the introduction of electronic voting methods.

Again speaking personally, the overwhelming response from the State in particular is, "Our hands are tied. The law is so prescriptive that there is nothing at all we can do to introduce anything like what you are talking about." The subject matter of the arguments in the hearing that is currently before the Administrative Decisions Tribunal have concluded and we are awaiting a decision to be handed down by the tribunal, so I do not wish to necessarily go into any of the arguments that were laid before the tribunal in that case. But what we mainly said was that the argument that the current law does not allow for these things to be introduced is based on a very narrow interpretation of the law and it need not be interpreted so narrowly.

What we are saying is that a lot of this trouble and these arguments could be removed if the Act itself were amended to remove any of the ambiguity around whether or not alternative methods to voting can or cannot be implemented, and that if we can put that argument to bed permanently that would be something that would then allow the commission to do whatever technology allowed it to do in order to enable me and others to vote independently.

The experience I had at the 2007 Federal election was amazing. I sat there and thought, "Wow! As I look below the line, do I sit here and go through however many hundreds of people there are and order them from one to 300 just because I can? I think I might." Then my baby started crying and I did not end up doing that, but the option was there for me to do it. I could use a very simple interface to manoeuvre my way through the ballot paper, and check what I needed to check—in fact, if I made a mistake I could uncheck it. I was able to really see who the parties were, how they were



structured, and get that full experience of voting: to hit a button and have a printout, then to fold it up and whack it in a box and say, "I just did that all on my own. No-one else knows how I voted."

Despite the current protections, exemptions and exceptions, and all those things that are currently sitting within the Act, there is nothing more liberating or that made me feel so much more a part of our entire democratic process than that day when I was able to do it all on my own. It was a very special moment, and I would hope that that opportunity will be able to be emulated in the State election and local government election environment.

**DEPUTY CHAIR:** Mr Price, do you wish to make an opening statement?

**Mr PRICE:** Thank you for the opportunity to provide further information to the Committee with regard to our written submission concerning the administration of the State election. People with Disability Australia [PWD] is a national disability rights and advocacy organisation. Its primary membership is made up of people with disability and organisations constituted by people with disability. PWD also has a large associate membership of other individuals and organisations committed to disability rights movement. PWD was founded in 1981, the International Year of Disabled Persons to provide people with disability a voice of our own. PWD has a cross-disability focus. We represent interests of all kinds of disability. PWD has advocated for the rights of people with disability to participate in the electoral process for many years. We are currently on the Australian Electoral Commission's Disability Advisory Committee, and the New South Wales Electoral Commission's Advisory Committee on the Equal Access to Democracy Plan.

We congratulate the Electoral Commission of New South Wales on the development of the Equal Access to Democracy Plan. This plan included a number of initiatives, especially around access for people with vision impairment and physical disability. We hope that this plan can be implemented during the upcoming local government elections. PWD still has a number of concerns about access issues. This includes access to enrolment as well as access to casting secret and verifiable vote. We share the concerns of the other organisations here today, and we would also like to draw particular attention to some of the issues around access to enrolment and, in particular, as we stated in our submission, the clause in the Act that says that people are disqualified from voting because of being of unsound mind, incapable of understanding the nature or significance of enrolment and voting. That clause provides particular concern to us about the way that that is monitored, implemented and how that can be abused and result in the abuse of people with disability, and not being able to be involved. I can go into that more later if people have questions.

We also note that during 2006 the New South Wales Government made a number of changes to the various Acts relating to the conduct of elections. We think that more needs to be done and that there are many more areas that could have been changed at that point in time. We are disappointed that it was not done then, but we have a view to further changes hopefully based on a lot of the information that you hear here today.

**The Hon. JENNIFER GARDINER:** Ms Furmage, taking on board the need generally to improve the physical and technological options so that people with disability have equal access to their democratic right to vote—and no doubt we will go further into that—I was interested in your reference to the qualifications for a valid postal vote. You said that people may have to tell a lie to get a postal vote. Would one of the minor suggestions perhaps be that having a disability may, in fact, be a legitimate qualification to get a postal vote? Should the Committee look at that to be one option?

**Ms FURMAGE:** Actually I think that would be counter productive because I think the important thing is that people with physical disability be part of the electorate and be seen to be part of the electorate to be visible on polling day. One of the reasons why so little is done to assist people with physical disability is that nobody sees them because we cannot get in. People seldom notice that you are not there if you have never been there.

**The Hon. JENNIFER GARDINER:** You do not think that would be useful but it would be more important to concentrate on the other aspects of reform?

**Ms FURMAGE:** Not only is it important for people with physical disabilities but as the population ages more and more people will have physical disabilities and, of course, a great number of

people as they age, have difficulty admitting that they have a disability. That does not make it any easier for them to climb a set of stairs. It does not make them hear better. It does not help them to see better. It just means that they have to struggle in order to vote. What is so sacred about stairs? Why do polling places all seem to need stairs? Is there some vote somebody has taken somewhere that we have to have stairs? Truly! In point of fact quite often in accessible polling stations the officials will block off accessible entrances so that you can climb those sacred stairs. It is very difficult for people who are ageing, ladies who have children, strollers and what not, to struggle in out of polling places. I do not understand why voting has to be made difficult.

**Ms THOMPSON:** While I fully support what my colleague Ann said, I would think that certainly one option is to enable people who feel the need to be able to get a general postal vote as a person with a disability. I would not like to see that option ruled out.

**The Hon. DON HARWIN:** Ms Furmage, you gave the number of electorates that did not have an accessible polling place on election day. Do you know how many electorates did not have pre-poll centres that were wheelchair accessible?

**Ms FURMAGE:** I am not sure. There were something like 14 of them.

**Ms GOODMAN:** There were 14 electorates that did not have polling booths—

**Ms FURMAGE:** The pre-polling ones, no I do not have those figures with me today. They were country areas mostly.

**The Hon. DON HARWIN:** One of the common criticisms of pre-poll voting in a lot of country towns is that a lot of pre-polling was taking place out of the town centres on the periphery of those towns which also had accessibility issues in terms of public transport. I imagine obviously public transport presents other difficulties to you as well. Do you have comments on that general issue of where within an electorate pre-poll voting takes place? Obviously, it is limited by the premises available?

**Ms FURMAGE:** Yes, and we understand that. We understand that the Electoral office has great problems in finding places that are accessible and that it has a limited budget and so forth. However, the lack of pre-polling places that are accessible in country towns, and the siting of them in places that are out of the way, while that may save money for the Electorate office, it makes it much more difficult for people who have to use those pre-polling places. As you pointed out transport is an issue for all of us who have a disability. Having a disability, whether it is a visual or psychological impairment or any sort of impairment does not make it easier to find transport, and that is just generally across the board. When you have a physical disability there are positive barriers to public transport that you probably are not interested in today.

**The Hon. DON HARWIN:** Does any other witness have a comment on the accessibility of pre-poll voting?

**Mr FITTLER:** I have a related comment, if that is all right. The trial of the electronic voting system that was used in the federal election last year meant that there was only a certain number of polling booths that had the trial machine, if you like, at it, in order for you to make your vote that way. That did create difficulties with people in order to get their way to that place. Those places were open for voting on the day, and were available in the week leading up to the day of the election in order to allow people to have that entire window to pre-poll, as well as to vote on the day. Despite the fact that there were 19 or 20 polling booths across Australia that you could find your way to—

**Ms THOMPSON:** Twenty-nine I think it was.

**Mr FITTLER:** Yes, 29, with a number located in the major capital cities, it still meant for me, for instance, getting from Newtown to Burwood/Enfield in order to vote. I am fortunate that my wife agreed to drive me there for me to do that but if we as a family did not have a car, or if I wanted to do that part of the day on my own independently, then it would have been a very difficult and lengthy task to go and vote that way. I acknowledge absolutely that that was just a trial, and that it was

not possible necessarily to roll that out everywhere but it would be useful to be able to vote in your own electorate on the day so you do not have to go too far in order to do it.

**The Hon. DON HARWIN:** Obviously close access is important for the vision impaired. Am I right in thinking that access via public transport is also important?

**Ms THOMPSON:** Yes.

**The Hon. DON HARWIN:** Other than when somebody like Mr Fittler who was lucky enough to be driven public transport is key?

**Mr FITTLER:** Yes, if your most closest voting station was not ordinarily within walking distance or otherwise easy to get to, and you were required to travel some distance, then having the polling booth that was accessible close to a transport hub would be particularly important.

**Ms THOMPSON:** I want to add to the matter of pre-polling that I believe the option for people with disability to pre-poll is very important. My experience with the 2007 election was that initially it did take a little longer, not being used to doing it I think is part of it, and I think if I had 50,000 people lining up behind me wanting to vote it would have put a lot more unnecessary pressure on the other people not necessarily subject to. So I think definitely that pre-polling option should remain available. I would like to reiterate Darren's comments on the availability of public transport but add to that that the other issue for people who are blind or vision impaired in terms of access to polling booths is that they be located in positions that are not full of street hazards and clutter so that actually getting to them by foot is not dangerous.

**DEPUTY CHAIR:** Probably negotiating people handing out how-to-votes is more dangerous.

**Ms THOMPSON:** Yes.

**Ms LEE RHIANNON:** The issue of how-to-vote cards has been raised and comment was made about the need for them to be available in different forms—audio, bigger print, Braille. Could you expand on that requirement? Does it occur in any other jurisdictions?

**Ms THOMPSON:** There is a provision in the current New South Wales legislation, which our understanding is the Electoral Commission administers, relating to how-to-vote cards and such things as their accuracy and the font, if I am not wrong. I do not believe that it is not much of a stretch to add to that list of requirements the requirement to make them available in an accessible format. I guess the mechanism may well have to be thrashed out a bit, but I would think, as I mentioned, that it would be a perfectly valid role for the Electoral Commission to ensure, if they are ensuring that they are accurate and that the font is in the right style, et cetera, that they also be made available to voters in an accessible format in the same manner as the requirements that they impose upon those handed out on polling day.

**Ms LEE RHIANNON:** Are you referring there to accessibility in terms of the Internet?

**Ms THOMPSON:** That is one option, but Braille on request, audio on request and to be available on the Internet is another option. Do you have anything to add?

**Ms DIAB:** I do not.

**Mr FITTLER:** I would like to add something, if that is okay.

**DEPUTY CHAIR:** Mr Fittler?

**Mr FITTLER:** I ask each of the various representatives who are handing out the how-to-vote cards on the day to provide me something that I am able to read in order to help me best vote for them and the range of responses is, "Mate, we don't have that" through to "That would be a good idea, wouldn't it?" only to find out that that good idea was not taken up the following election. Sometimes,

that also affects whom I vote for that day, depending on the attitude of the person when I request something in an alternate format.

Having something on the Internet is well and good if you can look at it before you go and you somehow remember what it suggested you do, or you perhaps take notes of what to do and then you go and do it, but to have something that was given to you as you ask for it would go a long way in assisting the voter to do what the party requests or would prefer you to do. Beyond it being a legislative requirement, it seems to me to make good sense that if you would like a broader part of the community to have access to the way that that particular party would like you to vote, then it is a matter of having things available for you to be able to do that.

**Ms THOMPSON:** One idea that I think I may have put in our written submission is the possibility that once you get to the point of having electronic voting—and I would be interested in Darren's comments—is that this information could also be available by pushing a button on the audio system.

**Ms LEE RHIANNON:** What you are identifying is that the information would be provided in some form from the Electoral Commission or the election authority rather than from the party so when you go into vote there would be some way you could sit there and hear or see in some form what particular parties recommend?

**Ms THOMPSON:** Yes, and it is the same information that the Electoral Commission has to vet that is available on polling day.

**Ms LEE RHIANNON:** It is the same information but it is just in another form?

**Ms THOMPSON:** That is correct, yes.

**Mr ROBERT COOMBS:** My comments follow on from the comments that have just been made, especially in relation to Mr Fittler's comments at the start of the session today in that there is a proposal to try to address these complex questions for e-voting or i-voting, automatic recognition of impaired voters so that they get an auto-postal vote or physically ensuring that booths are more accessible. The one thing that occurred to me is there was nothing to address the point that Mr Fittler raised, that is, confidentiality. I am interested in what happened in 2007, which has some merit, and basically the software that was made available to allow him to sit in a quiet room to make a considered decision.

**Mr FITTLER:** I can quickly take you through the process, which is quite exciting and I would be glad to share it, never having used the system before and never having an idea of how a voting ballot is structured or even how to make it work. There was built into the system a test, an example ballot, if you will, that involved a whole bunch of different parties—fruit was the theme. We had the pumpkin party, the leaf party, the this party and the that party. Under each of those you had spinach, lettuce, tomatoes, carrots, and you could go through and select which ones you wanted to vote for, to get a sense of how the system worked.

You could check a box in a virtual way, and it was all done through the use of a regular telephone key pad, which most people are familiar with, with 1, 2, 3 through to 9, then your \*, 0 and hash keys. Basically the 4 and 6 keys moved you across from party to party; 2 and 8 moved you up and down through the candidates; 5 allowed you to select or unselect; 0, hash and \* allowed you to move backwards and forwards or reverse a decision you had already made. You could just wander around using these navigation keys to come across. If you had checked a box or selected a candidate when you moved to it, it would tell you that you had selected it, and if it was important re the numbering, it would tell you that you had selected this person as number 2, number 3 or number 4.

After you had then played with the example ballot, you could then move on to the regular ballot. This was all down through audio. Headphones were provided through a jack, so it was all private, for your ears only, and for those people who would benefit from having a screen, I understand although I did not use it, that there was a screen with large print rendered on the screen to assist in that way also. When you were finished you pressed a button and from a device or a printer next to you out came the ballot paper, which you ripped off, then folded and put into the box.

Apart from the gentleman who introduced me to my seat and explained that there was a trial example ballot that I might like to use first and gave me a brief orientation saying, "Here is your keyboard, here's your headphones, here's the volume and away you go", that was the first and last contact I had with a polling official. And through the very intuitive system that was developed, from then on I was able to complete it all on my own.

**DEPUTY CHAIR:** I think Miss Goodman had some comments to add.

**Ms GOODMAN:** I am from the Physical Disability Council. I just wanted to reinforce some comments already made and say that I am really very much against the setting up of special voting booths for people with a disability. I am not against voting. I know there was one set up in Allambie Heights but that just isolates people with disabilities and it means that people with disabilities may feel that they have to travel further. It means that the remaining people in the community are not necessarily seeing them at regular polling booths.

We do not understand why the Electoral Commission cannot pre-book polling booths. We all know in the legislation when they will be and we cannot work out why some forward planning cannot be done so that we have accessible polling booths. I know that most polling booths are in either Department of Education facilities or local council facilities and both have legal responsibilities to increase access. I find it really hard to believe that with a bit of forethought an accessible venue cannot be found in each electorate so that 14 per cent of electorates are not without a polling booth so that all people with disabilities have every option available.

**DEPUTY CHAIR:** Thank you for your attendance today. We have gone a little bit over time but we probably started a bit late. The evidence you have given here today has been very valuable, especially the suggestions on pre-booking polling booths because with fixed-term elections we all know when we have to vote. In terms of the success of the trial of the 2007 Federal election, the experiences of Miss Thompson and Mr Fittler in taking part in that trial have given us an appreciation of how valuable they thought it was to be able to independently cast their votes for the first time. Thank you for your attendance today. I ask Miss Shulman and Miss Kaufman if they will keep us abreast of the outcome of the tribunal matter referred to because that might be of some assistance to the Committee in its ongoing deliberations on how we can best run accessible State elections in New South Wales.

**Ms KAUFMAN:** We will certainly do that.

**The Hon. JENNIFER GARDINER:** Madam Deputy Chair, because we have run out of time, will it be all right if I put one question on notice to Mr Price?

**DEPUTY CHAIR:** Yes.

**The Hon. JENNIFER GARDINER:** You raised a question about the section of the Act in relation to unsound mind. Would you mind expanding on that from the perspective of people with disabilities? Could you highlight what those issues are so that we might look at those as well?

**Mr PRICE:** Sure. When would that be requested by?

**DEPUTY CHAIR:** Would 14 days be okay?

**Mr PRICE:** Yes, that would be fine.

**(The witnesses withdrew)**

**DIGBY HUGHES**, Policy Officer, Homelessness NSW, Level 1, 619 Elizabeth Street, Redfern, affirmed and examined:

**DEPUTY CHAIR:** We have received a submission from Homelessness NSW.ACT. Would you like that submission to be included as part of your evidence to the Committee?

**Mr HUGHES:** I would, yes, thank you.

**DEPUTY CHAIR:** Would you like to make an opening statement before the commencement of questions?

**Mr HUGHES:** Yes, I will be very brief. From my understanding, this is the first time that anybody in the homelessness sector has actually made a submission to any standing committees around Australia, so we are starting behind track of other organisations to get things done. Some of the things we have asked for in our submission, such as information updates by the New South Wales Electoral Commission, I believe are fairly achievable. Other issues we have raised—the question regarding women escaping domestic violence and names possibly not occurring on the electoral roll—we understand are more problematic issues that will probably have to be raised through the Electoral Council of Australia, but I think we are realistic in what we are asking for and we are willing to work with the Electoral Commission over the next few years to get some really positive outcomes.

**The Hon. DON HARWIN:** Your submission touches on the area of availability of postal voting—and while I do not think you specifically say it, I guess pre-poll voting would help in this respect as well—for women escaping domestic violence situations and you suggest that fear for physical safety could be a legitimate reason for postal or pre-poll voting. Would you just expand on that issue? Also I note in the same section of your submission you talk about capacity for those women to perhaps become silent voters or general postal voters. In particular, I am interested if you could also expand on why presently the Act is not wide enough to allow them to become a silent voter, because that surprised me.

**Mr HUGHES:** The Act is wide enough for people to become a silent voter, but their names will still appear physically on an electoral roll. There can be an issue around some women escaping domestic violence—men go to extraordinary lengths to find them, unfortunately, and especially in some regional and rural areas. I was talking to one of our member organisations in Narrabri, and there are only two polling places in Narrabri, so if a person does turn up on the day it is not very difficult for the man who might be seeking the woman to guess which polling booth she will turn up at or appear at. So to actually allow her to do a postal vote for the real reason of fear for physical safety I think is a plus because it does not get categorised now—there are other issues about religion or being away or absent, but that enables a person to actually use a postal vote.

The other point we have made about people actually on the physical roll not having their name again goes to the same sort of issues of men going to extraordinary lengths to find women, and this way they can disappear more thoroughly from the system. The other part we put in there about the employment practices of the Electoral Commission, to my knowledge there is nothing that actually asks them on the day, because the Electoral Commission employs thousands of workers on the day and in the lead-up to an election, so it is a matter of asking those people to fill out a form. That will not weed out all the issues and all the people who may want to trace their ex-partner, but it might stop a few.

**The Hon. DON HARWIN:** I know it would be of less efficacy in country areas, but extending fear for physical safety as a legitimate reason would also be, you would suggest, useful for pre-poll voting as well?

**Mr HUGHES:** Yes, pre-poll voting, yes.

**Ms LEE RHIANNON:** In your submission you propose that the Electoral Commission should screen staff to see if they are subject to criminal proceedings, including an apprehended violence order. Could you expand on your reasoning, please?



**Mr HUGHES:** As I was saying in my answer a second ago I think, on election day there are thousands of people employed by the Electoral Commission, and very much on a part-time basis, one day or maybe two days for local, Federal and State elections each four years. It is just a matter of them having to fill in a form, the same as people involved in sporting clubs have to fill in for working with children. A person who is desperate to break the law will still go ahead, but it actually makes them break the law to seek the employment, if that makes sense.

**Ms LEE RHIANNON:** You are here representing Homelessness New South Wales. Is that recommendation related to your constituency?

**Mr HUGHES:** It is related to women who are escaping domestic violence who are part of our constituency, yes, so women in shelters largely.

**DEPUTY CHAIR:** I have always been puzzled about where you would have someone enrol who was technically homeless. In Victoria, changes to the electoral Act now mean that homeless people who do not have a fixed address are eligible to vote provided they have a close relative on the roll and they use that relative's enrolment address. I understand that they use mobile voting centres at places used by the homeless, like drop-in centres and things like that. Would you support similar initiatives in New South Wales as a means to enfranchise homeless people?

**Mr HUGHES:** Yes. The other thing at a Federal level is that they allow people to use an electoral address in one of three scenarios. One of them is the area where they are most familiar, so you might not have a fixed address but, if you are homeless, if you are a rough sleeper in the city, you are enrolled in the city, or you can enrol for the area where you were born or, in the third scenario, a close relative or friend, so it enables people to have a number of options to vote or to enrol to vote.

**DEPUTY CHAIR:** What do you think about mobile voting centres?

**Mr HUGHES:** I think that would be a generally good idea as well because that is something they do with the census. I am aware that they go through areas where they are aware that there are rough sleepers. On Manly beachfront on census night they go up and down the beachfront and around the foreshores finding people. They know where people are rough sleeping and put them on the census. I do not think it would be against the realms of possibility to have a mobile voting centre.

**The Hon. JENNIFER GARDINER:** Mr Hughes, as you probably know, the electoral commissioner is working towards what he calls smart enrolment, having people—young people in particular—automatically enrolled, say, when they get their driver's licence and he can communicate with them, or when they pay their rates and so on. Do you think those sorts of provisions would manage, over a period of time, to sweep up most people so that they are caught in the system or would many of the people that you are concerned about be left out of the system altogether?

**Mr HUGHES:** A lot of people who are rough sleepers would be left out of the system. I do not think they would be picked up. I think people who go into a lot of our member organisations, Supported Accommodation Assistance Program [SAP] services, would be picked up through that sort of system because people pay rent to stay at the SAP service, so they could be picked up through that. The other area I am not sure about—I would have to have a talk to other people—is young people because around 40 per cent of people who are homeless are under the age of 25, so there is a large number of people who might not be picked up in the system if they are homeless at 17 to 18.

**The Hon. JENNIFER GARDINER:** Some of them would, but quite a lot might still miss out.

**Mr HUGHES:** That is right.

**DEPUTY CHAIR:** On the issue of proof of identity for voters, in your submission you say that homeless people, and particularly people who are sleeping rough, would be disadvantaged if it was mandated that they provide proof of identity before they can be struck off the roll and issued a ballot paper. Would you like to elaborate on that for us?



**Mr HUGHES:** To us it is fairly self-evident that many people who are sleeping rough carry minimal resources with them. They are living very much on a day-to-day basis, so they do not have a lot of identification with them, they do not carry that with them, it has been lost somewhere in the realms of time, and to enforce that as a regulation would disenfranchise people who just do not carry identification and people who sleep rough in particular do not carry that sort of identification at all. If you talk to them, they do not have a Medicare card, they obviously very rarely would have a driver's licence, an RTA identity card or any of those forms that most people use.

**DEPUTY CHAIR:** You said that if you check the New South Wales Electoral Commission website and you type in "homeless" or "homelessness" you get nowhere.

**Mr HUGHES:** Yes. I found that a little astounding as well, as opposed to the Australian Electoral Commission website where you can type into their search engine "homeless" or "homelessness" and it brings up an entire page of information about how you can enrol and the methods around voting. I do not think it would be overly difficult to basically cut and paste that over so that we have that information. The closest thing you find on the New South Wales Electoral Commission is "itinerant", which is quite a different kettle of fish to people who are homeless.

**DEPUTY CHAIR:** You also talk in your submission about the problem with a number of indigenous people because of the homelessness rate—the homelessness rate for indigenous Australians being higher than for other Australians. What do you think could be done to try and get those people to get on the roll, because I know there has always been a problem in getting a lot of indigenous Australians to enrol to vote, but particularly the homeless indigenous people? What do you think we could do?

**Mr HUGHES:** As we said in the submission, I think it is a matter of working with indigenous communities to develop culturally appropriate information, and employing indigenous people to actually go and do the work out in the communities. The use of elders I suppose would be another option, to actually try and get messengers out there. They are the sorts of things I think could be done—again, fairly simply and fairly quickly to start getting the information out there. But again, you are right, it is an issue of trying to get indigenous people, because some of them do not trust having their name put on a roll. So it is a matter of an education campaign, that this is not a bad thing, it is a good thing: it empowers you, it entitles you to be part of the community and determine who actually makes decisions on your behalf.

**DEPUTY CHAIR:** Is there anything more you would like to add, Mr Hughes?

**Mr HUGHES:** No. Thank you very much for your time.

**DEPUTY CHAIR:** Thank you for coming, because the last few hearings of the Committee did not touch on the issue of homelessness. Let us hope we can do something to ensure we get more people who are homeless on the roll.

**(The witness withdrew)**

**(The Committee adjourned at 12.01 p.m.)**