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Finding fault where there was none before

By Brian Costar and Peter Browne

SOMETHING puzzling has happened at the Australian Electoral Commission over the past 12 months.

In March 2005, when it made its first submission to the parliamentary inquiry into the conduct of the 2004 federal election, the AEC expressed no concern whatsoever about the workload it faces at each election, when voters are given seven days' grace to enrol or to update their enrolments. Nor did it express its support for the argument that the last-minute rush of enrolments creates opportunities for electoral fraud. Although several members of the committee repeatedly returned to the issue, they failed to persuade the commission to support the closure of the electoral roll as soon as the prime minister calls an election.

Almost exactly a year later, appearing before a Senate committee on March 7, recently appointed Australian Electoral Commissioner Ian Campbell expressed almost exactly the opposite view. The committee was inquiring into the innocuously titled Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill, which proposes to abolish the period of grace and — if history is any guide — prevent perhaps 300,000 otherwise eligible people from voting at the next federal election. The committee reported to the Senate on March 28 and the Coalition majority supported early roll closure.

This new attitude from the commission is not only a departure from its thinking a year ago. It is at odds with the commission's longstanding view that last-minute enrolments constitute neither an administrative overload nor a source of fraud. In its submission to the 2000 parliamentary inquiry into the integrity of the electoral roll, for example, the commission said that "early close of the rolls will not improve the accuracy of the rolls for an election. In fact, the expectation is that the rolls for the election will be less accurate, because less time will be available for existing electors to correct their enrolments and for new enrolments to be received."

In a direct criticism of what the Government now proposes, the electoral commission added: "This expected outcome is in direct conflict with the stated policy intention of the Government to improve the accuracy of the rolls. Further, it will undoubtedly have a negative impact on the franchise, an outcome which the AEC cannot support."

The period of grace is a longstanding feature of our electoral system, formalised in law by parliament in 1983. Since 1940, the average gap between the calling of the election and the closing of the rolls has been more than 19 days — with no demonstrable impact on the quality of the roll. Indeed, a comprehensive review of the roll by the Australian National Audit Office in 2002 concluded that "overall, the Australian electoral roll is one of high integrity, and can be relied on for electoral purposes".

What's changed over the past year? Government policy certainly has. In a few short months, Senator Eric Abetz, until recently the special minister of state, took the often-repeated but never substantiated allegation about fraud and turned it into legislation, which he rushed into Parliament just before it rose at the end of 2005.

The decision to send the bill — which also disenfranchises all prisoners and relaxes the disclosure laws for political donations — to a Senate committee suggests that the Government realised this was a poorly drafted piece of legislation. Parliamentary debate on the bill resumed last Wednesday.
and creates an opportunity to reconsider the sweeping change it would bring to the democratic franchise in Australia. And it is also a good time for the new Electoral Commissioner to explain why he has reversed a longstanding and deeply held view at the commission.

In his appearance before the Senate committee, the commissioner wasn't terribly illuminating on this. He said that early roll closure would mean less work for the commission after the issuing of the writs, which will "make our life easier" and "give us time to concentrate on the other issues we have to deal with in the preparation for the election". But making life easier for the electoral commission comes with costs: an incomplete roll on polling day and the effective disenfranchisement of tens of thousands of otherwise qualified citizens.

In the seven days after the writ was issued for the 2004 election, 78,000 people enrolled for the first time and 345,000 updated their details; after the seven days, another 150,000 tried to enrol. Under the proposed law, all the 78,000 will be excluded from voting, as will an indeterminate percentage of the 345,000, while the large number attempting to enrol late suggests that the period of grace should be extended not shortened.

If the proponents of any early closure of the roll are correct when they say that a delay between the calling of an election and the close of the roll is an opportunity for widespread enrolment fraud, then Australia has had only one "clean" election since World War II — in 1983, when the roll did close on the day the prime minister called the election.

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