

Submission to the Joint Standing Committee on Electoral Matters

Inquiry into the Conduct of the 2004 Federal Election

March 2005

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Introduction

The Public Interest Advocacy Centre

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal and policy centre located in Sydney. Its charter is:

To undertake strategic legal and policy interventions in public interest matters in order to foster a fair, just and democratic society and empower citizens, consumers and communities.

Established in July 1982 as an initiative of the Law Foundation of New South Wales, PIAC was the first, and remains the only, broadly based public interest legal centre in Australia. Although located in New South Wales, the work PIAC does is often of national interest or importance or has consequences beyond state boundaries.

PIAC's work extends beyond the interests and rights of individuals; it specialises in working on issues that have systemic impact. PIAC's clients and constituencies are primarily those with least access to economic, social and legal resources and opportunities. PIAC provides its services for free or at minimal cost.

PIAC's key areas of work

PIAC's work currently encompasses:

- Accountable government, including ensuring the effectiveness of the electoral process, encouraging community participation in government processes, and promoting awareness of how Australia's system of government works.
- Access to Justice, including promoting mechanisms for ensuring people are not disadvantaged in gaining appropriate legal services, nor in the legal system itself.
- Detention, focusing on immigration detention, standards of care, use of detention, and conditions in detention facilities.
- Fair trade, focusing on ensuring that bi-lateral and multi-lateral trade agreements, to which Australia is a party, appropriately reflect human rights, employment standards and environmental protection, as well as social and community needs.
- Human Rights, including promoting greater community awareness of what is meant by 'human rights', what rights are protected and why, and how protection could be improved; as well as focusing on equality rights, civil and political rights.
- Indigenous civil law, including equality, service provision, addressing historic injustices, and access to utilities.
- Utilities, focusing on ensuring access to essential services for disadvantaged consumers.

PIAC interest in electoral issues and scope of this submission

PIAC has maintained an interest in civics education and electoral processes for a number of years. It is particularly concerned to promote measures that strengthen democratic processes and the engagement of citizens in those processes.

To this end, PIAC has been involved in several cases involving challenges to election outcomes, as well as developing a civics education course.

The opportunity provided by the current Inquiry is welcomed by PIAC.

Of particular concern to PIAC are issues of:

- the duty and right to vote and requirement to do so;
- closing of the electoral rolls;
- postal and remote polling;
- disenfranchisement of prisoners;
- preferential voting systems;
- electoral terms; and
- truth in campaigning.

These are the issues canvassed in this submission.

Duty and right to vote and the requirement to do so

The duty to vote

At the outset it is useful to repeat the oft-made observation that the Australian people do not bear an obligation to cast a ballot. ‘Compulsory voting’ is something of a misnomer.

The *Commonwealth Electoral Act 1918* (**‘the Act’**) in section 245(1), headed ‘Compulsory voting’, provides that:

It shall be the duty of every elector to vote at each election.

Section 245 further provides for the imposition of financial penalties on those electors who fail to cast a vote unless the elector falls within one of a small number of exceptions.

An ‘elector’ is defined in section 4 of the Act as a person whose name appears on the electoral roll. Section 101(1), headed ‘Compulsory enrolment and transfer’, further imposes an obligation of enrolment on those persons who are ‘entitled’ to be included on the relevant electoral roll. Section 93 details the entitlement to vote, and expressly excludes certain persons from this entitlement including those with a lack of capacity.

The Australian Parliament also has chosen to make provisions of the Act that prevent the casting of votes by certain categories of prisoners. The end result is that there is no general compulsion on all Australians—indeed not even on all adult Australians—to cast a vote.

Furthermore, the Act fails to provide a definition of what it means to ‘vote at each election’. The Act prescribes the form of a vote that can be valid and counted towards the election of candidates. However, it does not require an elector to cast their ballot only in this way.

In other words, the operation of the Act and provisions around the maintenance of the electoral rolls impose merely the obligation for Australians to who are so entitled or required to enroll to vote, to do so and to attend a polling place on the day of an election.

The Parliament has been very cautious in dealing with how Australian voters behave in relation to the ballot papers to which they are entitled. Indeed, the 1998 amendments to the Act repealed the old section 329A, which sought to restrain persons from advertising or promoting the possibility of an elector casting an informal vote. Similarly, the Parliament has not sought to limit the actions of electors incidental to the casting of their votes. For example, the Act does not prohibit 'write-on' campaigns whereby the electorate is encouraged to put specific slogans or expressions of opinion on their ballot paper, often to signify their dissatisfaction with some particular policy of government.

To put it another way, the Parliament has not sought to dictate to electors the way in which they use their opportunity to cast a vote. Individual choice determines how a voter completes their ballot or, indeed, whether they complete it at all. Indeed, the Parliament has been sufficiently concerned to support the positive nature of the obligations on voters as to provide for special measures in relation to some electors to facilitate their participation in elections. These measures include postal voting (section 183) and mobile polling booths for patients in hospitals (sections 224 and 225).

The right to vote

Unusually, for a system of parliamentary democracy, is the absence in Australia of a constitutional right to vote.

There are both indirect and direct references to voting in the Australian *Constitution*. The references include:

CHAPTER I – THE PARLIAMENT

PART II - THE SENATE

...

8 Qualification of electors

The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

...

PART III - THE HOUSE OF REPRESENTATIVES

24 Constitution of the House of Representatives

The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth ...

...

30 Qualification of electors

Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.

...

PART IV - BOTH HOUSES OF PARLIAMENT

41 Right of electors of States

No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

It is clear that both sections 8 and 30 provide the Parliament has the power to make laws determining 'qualification of electors', subject in section 8 to the *Constitution*.

Section 24, through the words 'directly chosen by the people of the Commonwealth', seems to provide some basis for an argument that all citizens of the Commonwealth of Australia have a right to vote to choose the members of the House of Representatives. However, this section has been considered by the High Court of Australia and found to provide no such right contained in that section: *Attorney-General (Cth) (Ex rel McKinlay) v Commonwealth* (1975) 135 CLR 1. In that case, the majority of the High Court held that this section, in light of the words of sections 8 and 30, does not provide a guarantee of universal adult suffrage.

The notion of a 'right to vote at elections' is somewhat confusing in section 41, which provides that the 'right to vote' in a federal election rests on the person being an 'adult' with a right to vote in their own state in the larger of that state's houses of parliament. However, that 'right' is determined by the relevant state parliament or constitution. So, for example, the entitlement or qualification to vote is set out in an ordinary Act of the NSW Parliament, the *Parliamentary Electorates and Elections Act 1912* (NSW) and is therefore subject to change through the normal parliamentary process.

Thus, section 41 does no more than prevent the Commonwealth from excluding a person from voting in a federal election if that person has a right to vote in a state election. The Commonwealth Parliament can, however, provide an entitlement to vote to an adult who is not entitled to vote in a state election.

For example, the recent amendment by the federal Parliament to limit the entitlement to vote to exclude prisoners who are 'serving a sentence of 3 years or longer'¹ enables prisoners in NSW serving a sentence of between 12 months and three years to vote in a federal election despite their exclusion from the entitlement to vote in a NSW election.²

While, PIAC acknowledges that more prisoners have an entitlement to vote in Federal elections than do in NSW elections, it remains of significant concern that a significant number of prisoners have been disenfranchised from the federal electoral process by the recent amendments. This issue is discussed in further detail below.

Despite having ratified the *International Covenant on Civil and Political Rights (ICCPR)*³, and the absence of any Constitutional right to vote, Australia has failed to legislate to give effect to Article 25, which provides:

¹ *Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004* (Cth).

² Section 21(b) of the *Parliamentary Electorates and Elections Act 1912* (NSW) disqualifies from electoral enrolment a person who is sentenced to imprisonment of 12 months or more while they are in prison serving that sentence.

³ Australia signed the ICCPR in December 1972 and it came into force for Australia in August 1980.

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: ... (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors ...

The requirement to vote

Proposals to remove the obligation to vote are ill conceived because they fail to take account of the positive nature of the obligations on electors; they are based on a view of voting as a burden rather than as an opportunity or the expression of a fundamental aspect of citizenship. This reframing of voting as a burden or an inconvenience in itself represents a radical change in the nature of elections and the exercising of electoral choice by Australians.

The argument most often heard in support of voluntary voting is that this is an appropriate response to recent increases in the level of informal voting in Australian elections. This has been heard most recently from Senator Nick Minchin, Senator for South Australia, who was reported in the *Sydney Morning Herald* of 2 March 2005 as saying:

The rising informal vote suggests there are thousands of Australians who do not want to vote but are forced to.⁴

Senator Minchin is reported to have also said that ‘on principle, people should not be forced to vote’. It is certainly not clear to PIAC what the principle is that underpins this view. The principle of individual freedom, which is sometimes said to be the underpinning principle, clearly has to be subject to restrictions appropriate to a democratic society. There are many things that people do not wish to do and which they would not do if they were able to exercise ‘individual freedom’, but which parliament has legislated to require. The role of parliament in a parliamentary democracy includes passing laws to ensure the effectiveness of that democratic system. Indeed, it was Parliament that introduced the compulsion to vote following the 1922 federal election, at which the level of participation dropped to 59.2%.

The push for voluntary voting appears to be based on a suggestion that electoral reform should be based on the wishes of a small minority of voters; a case of the tail wagging the dog. Moreover, resort to levels of informal voting at any given election risks misrepresenting the reasons why voters cast their ballot in this way. Rather than a protest against the requirement to attend a polling place, informal voting can be attributed to a combination of any number of factors, including:

- The current limits on voters exercising their own electoral preferences (embodied in the rules about voting ‘below the line’).
- Possible confusion about voting because of the different systems that operate in elections for the three different tiers of government in Australia, and between different states and territories at that level of election.
- An expression of dissatisfaction with the political parties rather than the electoral process.
- Shortcomings in ‘voter education’.
- Relatively high levels of recently immigrant populations, many of whom have English as a second language and many of whom come from countries where voting is not compulsory (or indeed, in some countries, a real option).

⁴ <<http://www.smh.com.au/news/National/High-informal-turnout-boosts-the-push-for-voluntary-voting/2005/03/01/1109546871382.html>> accessed 30 March 2005.

While some level of informal voting may be attributed to an expression by the voter of a desire not to be compelled to participate in the electoral process, the fact that the voter can exercise their vote informally ensures that the individual freedom retains some protection. Calls for voluntary voting are represented as an attempt to extend the notion of individual choice beyond the casting of a ballot. In truth, what they seek is a shift in the practice of elections away from an obligation on governments in favour of an obligation on individual voters. This would be not only a change in the nature of elections, but also a major change in the practice of democratic politics in Australia. It has the potential to enable aspiring or incumbent governments to focus their election campaigning and promises on issues relevant to those who are demonstrably more likely to vote and ignore those who are less likely to do so.

Such a change requires substantial community debate and contemplation. This is not least because the current system of positive obligations around attendance at a polling place has been in place in for Federal elections since 1924 (though compulsory enrolment and attendance for Aboriginal people was introduced only in 1984). For any Government to move to alter this fundamental character of elections in Australia without lengthy discussions and consultation with the Australian people would be to risk acting in a way that could be seen as being essentially undemocratic.

It is not enough even for a party to seek control of the Parliament on the basis of a platform that includes the introduction of 'voluntary voting'. Public support for a general raft of policies proposed by a political party ought not to be seen as a clear endorsement of a specific intent to undertake radical electoral reform. Again, such changes must be preceded by widespread community debate on the single issue of electoral reform. This would be akin to a proposal being submitted to referendum.

Closing of the electoral rolls

The Act provides that '[t]he date fixed for the close of the Rolls shall be 7 days after the date of the writ'.⁵

Towards the end of the final Parliamentary session prior to the 2004 Federal Election, the Government introduced the Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004 (Cth). This Bill sought, *inter alia*, to amend the Act to close the electoral rolls on the day the Electoral Writs are issued rather than seven days after the date of the writ ('**close of rolls period**'). The amendments would have prevented new enrolment, re-enrolment or transfer or enrolment, effectively freezing the electoral roll as it stood at the day the Election Writs were issued. These provisions of the Bill were defeated.

Other provisions in the Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Bill 2004 (Cth) that further restrict the franchise of prisoners regrettably were not defeated. PIAC refers the Committee to its comments at section entitled 'Disenfranchisement of prisoners'.

Following the return of the Coalition to Government, Senator Minchin, in his capacity as Special Minister of State, signaled an intention on behalf of the Government to continue to seek a closure of the electoral rolls on the day the writ for a Federal Election is issued.

PIAC firmly rejects any amendment that would close the electoral roll on the day that a Federal Election is announced.

⁵ *Commonwealth Electoral Act 1918* (Cth), s 155.

The impact of closing the electoral rolls immediately upon the announcement of an election is felt disproportionately by young, first-time voters and other newly enfranchised citizens (such as immigrants), who typically register to vote in great numbers in the grace period permitted by section 155 of the Act. The Committee's report, *The 2001 Federal Election* ('**2001 Report**')⁶, extracted Australian Electoral Commission ('AEC') data that showed that enrolment by 18-year-olds accounts for approximately 10% of total enrolments during the close of rolls period.⁷

The last instance in which the electoral rolls were closed on the day the Electoral Writs were issued was under the Fraser Government in 1983. This effectively disenfranchised 90,000 voters.⁸

Today, the number of voters who risk being disenfranchised by repeating the 1983 decision to close the rolls early is far greater. The number of enrolments processed in the close of rolls period in 2004 is not yet available. However, during the 2001 Federal Election, 373,732 enrolments⁹ were processed in the close of rolls period. This represents an increase by 18,543 enrolments from the 1998 election.¹⁰ Figures from the 1993-2001 Federal Elections collected by the AEC and set out by the Committee in the 2001 Report, show that between 2.94 and 3.32% of eligible and registered voters would potentially be disenfranchised by a close of rolls immediately upon an announcement.¹¹ There must, in PIAC's submission, be an extremely compelling reason before the Parliament moves to actively seek to disenfranchise voters. There is no such reason.

Indeed the cost—the loss of the opportunity to vote—is too precious to deny citizens. Governments should be actively seeking to keep the rolls open for as long as is logistically possible prior to a Federal Election.

Some proponents of closing the rolls on the day the election writs are issued claim that keeping the electoral rolls open for seven days means that the AEC cannot verify enrolment details of new registrants, and that as a result, last minute enrolments can be used to stack votes in marginal seats, distorting the integrity of the electoral system.¹²

The Committee, using evidence provided by the AEC and the Department of the Parliamentary Library,¹³ did not accept this argument in 2001 and there is no new compelling evidence that it

⁶ Joint Standing Committee on Electoral Matters, *The 2001 Federal Election: Report of the Inquiry into the conduct of the 2001 Federal Election, and matters relating thereto* (June 2003), Canberra.

⁷ 2001 Report, Table 2.4, p 57.

⁸ Mr Danby, Member for Melbourne Ports, *Hansard*, House of Representatives, Thursday, 27 May 2004, pp 29374-29375.

⁹ This figure includes new enrolments, re-enrolments and transfers of enrolment.

¹⁰ 2001 Report, p 56, footnote 128 (AEC, Submission No 147, p 20).

¹¹ 2001 Report, Table 2.4, p 57.

¹² For example, the submissions to the *Inquiry into the conduct of the 2001 Federal Election, and matters relating thereto* from the Honourable C Gallus MP (No 162), p 1; The Council for the National Interest (No 103), p 2; and The Festival of Light (No 71) noted in the 2001 Report, p 59.

¹³ See the submission to the *Inquiry into the conduct of the 2001 Federal Election, and matters relating thereto* from the AEC (No 190), pp 32-73; and the following Research Papers from the Department of the Parliamentary Library, Scott Bennett and Gerard Newman, *Commonwealth Election 2001*, Research Paper No 11, 2001-2002, p 102; and Scott Bennett, Andrew Kopras and Gerard Newman, *Federal Elections 1998*, Research Paper No 9, 1998-1999, p 64.

should do so now.¹⁴ In its 2001 Report, this Committee compared electorates with the highest rates of changes in 1998 and 2001 during the close of rolls period with the margins by which the elected representative was elected. It demonstrated that there is no persistent pattern of high enrolments during the close of rolls period in marginal seats.¹⁵

Whilst PIAC supports voter education programs and early registration, it is unnecessarily punitive for a Government to provide a hard incentive for voters to register early by amending the Act to close the electoral rolls upon the announcement of a Federal Election.

Postal and remote polling

The 2004 Election raised particular concerns about the adequacy of postal voting systems, particularly in remote and large electorates. The AEC was criticised for a lack of co-ordination and for failing to respect the rights to privacy of electors.

PIAC notes the submissions of a number of members of Parliament before the Committee and echoes the recommendations by the Honourable Bruce Scott MP, Member for Maranoa. The Honourable Mr Scott MP made the following recommendations:

Base the posting out of ballot papers in each Divisional Returning Office of the AEC.

Offer accessible technology for people to apply for postal votes, ie, have the form online and able to be submitted by fax.

Conduct pre-polling in all major centres for two to three days prior to polling day.

Provide universal mobile polling for all Aged Care facilities.

Create more interstate polling booths, ie, at least one in each town, particularly in school holiday periods.

Provide more pre-polling opportunities in areas renowned as being shift worker townships.

Take into consideration remote mining/industry operations and perhaps provide additional postal services during the election period or provide mobile booths to visit these areas.

Implement a tracking system for checking the progress of voters' postal vote applications and ballot papers.¹⁶

PIAC supports this localised and contextualised approach to ensuring the franchise is not denied to Australian electors by reason of bureaucratic delay alone.

PIAC further echoes the concerns voiced by Mr Laurie Ferguson MP, Member for Reid, when he wrote:

¹⁴ 2001 Report, p 60.

¹⁵ 2001 Report, para 2.161, p 60.

¹⁶ The Honourable Bruce Scott MP, Submission No 1, *Inquiry into the conduct of the 2004 Federal Election and matters related thereto* (2004 Inquiry), p 3.

The postal vote form lacked proper privacy... Convenience for the AEC in opening envelopes should not be the only criteria. Electors were also concerned about the possible use of this material for fraud.¹⁷

PIAC calls on the AEC to revise its postal vote procedures to address the concerns highlighted by the Members of Parliament, and echoed by PIAC.

Disenfranchisement of prisoners

As noted above, PIAC is concerned about the impact of the amendments made to the Act by the *Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004* (Cth). Prior to that Act, a prisoner serving a sentence of less than five years was entitled to vote in federal elections. However, as noted above, section 41 of the *Constitution* prevents the Commonwealth from excluding a person from voting in a federal election if that person has a right to vote in a state election. So the entitlement of a prisoner to enroll to and vote in federal elections depends to some degree on their entitlement under state law.

The following table sets out what, if any, restrictions are placed on a prisoners' entitlement to enroll and vote in state elections:

State	Legislation	Provisions	Effect
Queensland	<i>Electoral Act 1992</i>	Section 64	Anyone entitled to vote in a federal election is entitled to vote in state elections. No specific exclusions in relation to prisoners.
South Australia	<i>Electoral Act 1985</i>	Section 29	No exclusions in relation to prisoners.
Tasmania	<i>Electoral Act 1985</i>	Sections 28 and 29	No exclusions in relation to prisoners.
Victoria	<i>Electoral Act 2002</i> <i>Constitution Act 1975</i>	Section 22 Section 48(2)(b)	No exclusions in relation to prisoners. Excludes prisoners serving a sentence of five years or more.
Western Australia	<i>Electoral Act 1907</i>	Section 18	Excludes anyone: <ul style="list-style-type: none"> • serving or due to serve sentence of one year or more under <i>Young Offenders Act 1994</i> or <i>Child Welfare Act 1947</i>; • serving an indefinite sentence under the <i>Sentencing Act 1995</i>; • subject to an order under sections 282(c)(iii) (child found guilty of willful murder held at the Governor's pleasure), 282(d)(ii) (child found guilty of murder held at the Governor's pleasure), 653 or 693(4) (having committed an offence and found to be of unsound mind).

Both the Northern Territory and the Australian Capital Territory provide, in their electoral laws, that entitlement to vote in the territory election relies on entitlement to vote in a federal election.¹⁸

¹⁷ Laurie Ferguson MP, Submission No 2, 2004 Inquiry, p 1.

¹⁸ *Electoral Act 1992* (ACT), s 72; *Electoral Act 2004* (NT), s 21(1)(a) refers to entitlement under the *Northern Territory (Self Government) Act 1978*, which deals with entitlement to vote in section 14.

This means that the restriction on entitlement of prisoners to vote in federal elections has a flow-on effect to prisoners in Queensland, the ACT and the NT in respect of voting in local state or territory elections.

In relation to prisoners under sentence in South Australia, Tasmania, Victoria and Western Australia, the federal restriction ought not, due to the operation of section 41 of the *Constitution* apply.

The end result appears to be that prisoners in:

- South Australia and Tasmania are entitled to vote in federal elections no matter how long their sentence;
- Victoria are entitled to vote in federal elections if their sentence is for less than five years;
- Queensland, the NT, the ACT and NSW are entitled to vote in federal elections if their sentence is for less than three years;
- Western Australia are entitled to vote in federal election so long as the provisions of section 18 of the *Electoral Act 1907* (WA) do not apply to them.

This is an unacceptable situation and one that should be resolved to ensure that enfranchisement of prisoners does not depend so significantly on where they are imprisoned.

Furthermore, it is PIAC's strongly held view that the disenfranchisement of prisoners is a breach of international law and an inappropriate additional penalty imposed on prisoners imposed outside of the proper judicial process.

As noted above, Article 25 of the ICCPR requires States Party to the Convention—including Australia—to legislate to ensure equal and universal suffrage. Clearly, the removal of the right to vote from prisoners is inconsistent with this basic obligation.

It is a principle of the doctrine of the separation of powers that the penalty to be imposed on a person for the commission of a criminal act is to be determined by duly constituted court of law. PIAC submits that by legislating at the Commonwealth level to disenfranchise certain prisoners, regardless of the effect of State law upon them, the Commonwealth Parliament imposes a further punishment on that prisoner, in breach of the doctrine of separation of powers. That is, the Parliament is unconstitutionally exercising judicial power to punish.¹⁹ The imposition of this additional penalty on prisoners is also retrospective in effect and, as such, offends against the basic principle that punishments should not be imposed retrospectively.

Preferential voting systems

The preferential voting system that currently operates in Federal Elections lacks transparency. With the introduction of an 'above the line' system, Senate electors can choose either to indicate their preferred order for every Senate candidate by numbering the boxed below the line from 1 to whatever is the number of candidates, or to simply place a '1' in a single box above the line on the Senate ballot paper. Voters are encouraged to 'vote 1', 'above the line'. By voting above the line, voters abrogate the direction of their preferences to the party for whom they vote '1'. Whilst it is possible to obtain the precise details of the preference deals struck between political parties, it is not immediately available to voters prior to the poll or at the polling place. They must approach the

¹⁹ See *Chu Kheng Lim & Ors v Minister for Immigration, Local Government and Ethnic Affairs* (1992) 176 CLR 1. In this case, the High Court held that the power to punish a person was an exclusively judicial power and that neither the Parliament nor the Executive could act in a punitive way.

AEC or political party for that information. This information is sometimes difficult to understand even if a voter obtains it.

This is highly undesirable and compromises the value of the vote.

PIAC recommends that above the line voting be abolished and that voters be required to direct their own preferences. Where a voter does not preference the entirety of the available candidates, the voter's vote should be exhausted at the last number the voter places. The following are the democratic benefits of this system.

- It will ensure that every vote is earned by a candidate, in that a voter actively chose to preference him or her.
- It will make voting more transparent by giving the voter complete control over how their preferences are directed. Even where a voter follows a party 'how to vote' card, they will be able to see to whom the party of their choice is directing their votes in that electorate.

PIAC acknowledges that this will require significant voter education, but to fail to implement this recommendation shows a level of contempt for voters by maintaining a system that keeps all but the most determined voters ignorant of what their vote really means.

An alternative would be to introduce an above-the-line preferential system whereby the elector indicates his or her preference in one or more of the boxes above the line. The elector's vote would be exhausted after the last number indicated. This is less preferable than abolishing above-the-line voting as it is likely to disadvantage independents as they are generally clustered under a single box above the line.

Electoral terms

The Government has recently publicly supported the increasing the current three-year terms to four-year terms for the Federal House of Representatives. Notably, the Government is not willing to commit to four-year *fixed* terms that would mean the ability to call 'snap elections' is lost, subject to a Constitutional right of double dissolution.

PIAC supports fixed four-year terms to provide political certainty, to give the party or parties in power time to deliver on their election promises, and to remove the ability of incumbent Governments to call elections at politically opportune times.

PIAC opposes the introduction of four-year terms that are not fixed, as this does not provide much in the way of greater certainty.

Truth in Campaigning

PIAC submits that there should be an independent review of the current restrictions on campaign advertising in light of the concerns raised by the Reserve Bank of Australia about certain pamphlets circulated during the last Federal Election. There are serious indications that the current restrictions are not as effective as is desirable in a democracy, which relies on the electorate to cast an informed vote.