Speech by

JOHN MICKEL, MLA

STATE MEMER FOR LOGAN

Hansard 16 May 2001

ELECTORAL AND OTHER ACTS AMENDMENT BILL

Mr MICKEL (Logan—ALP) (4.17 p.m.): I start my contribution to the Electoral and Other Acts Amendment Bill by agreeing with a point made by the member for Hinchinbrook. I know that it is not covered by this legislation, but we are talking about the Electoral Act. The point raised by the member for Hinchinbrook is a very important one. He raised the issue of an interrupted ballot, such as the one he had to suffer. It was an issue in his electorate and it is also an issue in the federal sphere, where booths are closed on the east coast while Western Australia's voters have time remaining in which to cast their votes.

The point raised by the member for Hinchinbrook is that in a delayed ballot, such as the one he suffered, it is appropriate that the government look at whether any figures at all will be displayed on that night. Perhaps it is better that we look at what the member is saying and hold over the results of the entire election until voting is completed. It is a point well worth looking at. It may well be that in a federal context we have to look at that and delay disclosure of the results on the east coast as well.

I know that this is an issue which causes controversy in the United States. Perhaps in the context that the member raised it today it is something we should put on the table to have a look at. I do not think the current situation advantages anybody, really. I think he felt it was disadvantaging him. It may well be that he got a sympathy vote for the fact that he had to get up! I know some members might agree with that.

I have previously raised in the House the notion of displaying how-to-vote card material within the cubicle of each polling booth. That will attract a wide range of comment and discussion—and what better place to raise it than here? I have previously pointed out that there is an increasing number of electors who are refusing to take any how-to-vote card material at all. During the most recent election I noticed for efficiency purposes that the Electoral Commission, in my electorate anyway, had triple polling booths and a number of joint pooling booths. I think there were three triple polling booths and there might have been as many again double polling booths.

That means that a large number of electors have to run the gauntlet of people standing outside handing them how-to-vote card material much of which is irrelevant. My purpose is not to abolish how-to-vote cards, however. I believe that there are important civil libertarian and freedom of speech reasons for the continued availability of how-to-vote card material if candidates wish it to be handed out outside pooling booths. It is also a proper use of the democratic process for people to be involved in promoting their party or their candidate on election day.

For people in major parties it is a way of also promoting candidates in other electorates because people come in and they want information on the particular electorate in which they reside. In addition to that, there are people who vote absentee who, as I said, want that information.

So my proposal does not seek to ban how-to-vote cards; what it seeks to provide in each cubicle is the how-to-vote card intentions of the political candidate for the electorate in which people are involved.

I notice in the report prepared by the Legal, Constitutional and Administrative Review Committee of 18 September that a number of concerns about this proposal were raised. For example, the Electoral Commission would need to receive the cards prior to polling day. The argument is that this

would be administratively cumbersome, costly and prevent candidates from making last minute changes, et cetera. The fact of the matter is that 20 per cent of people vote before polling day, anyway. So it does not disadvantage or advantage anybody to have the material registered by a particular day. Most people, if they are savvy enough, once the nominations are closed and they know who is who, get the material printed.

I know there are some hijinks that go on with changes to how-to-vote cards and all that sort of thing. If you want to do that, under my proposal you still can. People can choose to have their material distributed outside the polling booth. So if people want to have one little card inside that is a bit different from the one outside, that is their choice. Notwithstanding the strength of those submissions, it is said that people can change. The point is this: in a one vote environment where people are just voting 1, there are not many candidates who are going to say, 'Oh, listen, don't vote for me. Vote for somebody else because I've changed my mind about myself.' In a just vote 1 system that is what it is going to be. So I think the LCARC requirement is one for compulsory preferential voting rather than optional preferential voting.

The point about trickery is that there are just as many tricks at a local government election where there can be a range of quasi-independent candidates who all rat on one another in the lead-up to polling day and run on every ticket going. With some of these people, the only bad ticket at local government is the one that they are not on.

So I reject the notion that it is cumbersome and costly. If some people want to have these cards registered, there is nothing wrong with having the registration on, say, the Thursday or the Friday prior to polling day. That gives people ample opportunity. It does not have to be a massive printing exercise. For heaven's sake, there are about 50 polling booths in some of the bigger areas. We are talking about a situation where the card is printed up and all that has to be done is jockey in the names. It is an exercise that just about anybody could do, but the advantage is this: it means that if somebody who is voting away from the electorate wanted to know what the how-to-vote card for that electorate was, these days they can get it sent up electronically or a master book could be made up.

It also would aid the significant number of people who vote overseas. Under the current arrangement the thousands of people who vote in London have not got a clue as to the preference arrangements in their local area. So I reject totally the notion that this is a cumbersome sort of exercise and that it is a heavy burden to get the thing printed up. It is not.

I notice also LCARC recommendation number two, that there would be difficulty in determining the precise location of this how-to-vote card material. I think if it is located in each cubicle there are not too many other places it can be. The voter goes in; they will get into the habit of looking up and scanning it. Our trouble is we tend to think that people are fools. They are not fools. They would be able to quickly discern where the candidates are and for whom they have to vote.

The third recommendation relates to the difficulties in specifying poster shape and size. I do not believe that that is a factor. They can all be the one size as determined in the printing material. I do not think the shape and size matter at all.

The other point is that there is a complication in large fields of candidates in how much material would have to be displayed. Again, I do not think that is a factor. That can quickly be shown on each of the polling booths. Again, I think the general public can work that out for themselves. The point is this: if a candidate does not want his or her material displayed inside, under my proposal they still have the option to have their people stand outside and display that material as well.

Another question is what happens if the material inside gets defaced. A lot of things happen in polling booth cubicles now. For example, how-to-vote cards cannot be left in cubicles. It happens, but candidates are mugs if they have not got their scrutineers going inside making sure that the cubicles are cleared. The same thing could happen if a how-to-vote card is defaced. A new one could be put up quickly. Another solution is to have a laminated poster that is impossible to deface. These days with modern technology there is a way to get around some of these issues.

The final point I want to make is that I do not believe that how-to-vote cards can or should be banned. The activity cannot be banned outside polling booths, because if that is done all that will happen is people will mail out the how-to-vote material anyway. As I said, that probably happens in 20 per cent of cases even in a normal election because 20 per cent of people vote beforehand.

So for those reasons I ask the minister to have a look at that proposal. I may be in a minority of one on this, I do not know, but that is one of the joys of being an independent. I am an independent over here who just happens to vote with the government. There are a whole lot of independents over there who always vote with the opposition.

So on that happy note, as a private member I ask the minister to take that on board. I totally agree with the changes to the appeal processes after the decision relating to Mundingburra. I understand we are not allowed to criticise the judiciary, so I do not intend to, but I think anything that

can safeguard against that sort of Mundingburra situation where the outcome of the election rested on the decision of one judge is a good thing.

On that happy note, I commend the legislation to the House.