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Too many Kings: What's wrong with the AEC

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Abstract

In the late nineteenth and early twentieth centuries, Australia led the world in electoral administration. South Australia was the first jurisdiction anywhere to develop a professional, robust and independent election management body, with salaried electoral officials, and to pursue continuous, state-initiated enrolment. After Federation in 1901, the new Australian Electoral Office, largely based on the SA model, continued the tradition.

One unique and defining feature was the strong, permanent role of divisional returning officers – ‘Electoral Kings’, in the words of the first Australian Chief Electoral Officer. The ‘Kings’ were an integral component of much that was good about Australia’s way of running elections.

However, this structure is no longer the most appropriate for an organisation like the Australian Electoral Commission. It has long outlived its usefulness and is holding the AEC back. And, perhaps ironically for an organisation with a long record of resistance to political interference, it is House of Representatives politicians, of all major parties, that are restraining the AEC from adopting sensible arrangements.

What's right with the AEC

The Australian Electoral Commission (AEC), the body that runs national elections and referendums in this country, is rightly held in high esteem around the world. Last year, for example, *The Economist* magazine's 'Democracy Index' awarded full marks (ten out of ten) on the criterion 'Electoral Process and Pluralism' to only nine countries, one of which was Australia. (*The Economist* 2007)¹ Since 1996 the AEC has hosted visitors from around the world to observe the operation the efficient and fair Australian electoral process. For the 2007 election 54 people came from 18 countries, as well as the International Foundation for Electoral Systems (IFES) and the United Nations Development Programme (UNDP)². The renowned British academic and psephologist David Butler declared, after attending a previous such event, that 'countries could do no better than to follow this model' (Centre for Democratic Institutions 1998).

What is so special about the AEC? Several things, perhaps most important of which is the very existence of a country-wide body solely devoted to electoral matters, and which conducts all aspects of elections. This is actually a rarity. Perhaps the country whose arrangements most resemble ours is India, where the Election Commission not only runs national elections but coordinates state ones as well (Election Commission of India). However, India's national body does not have the same degree of permanency as Australia's.

New Zealand's electoral apparatus is also national, but that country has three bodies, each with distinct duties: the Chief Electoral Office, which runs what might be called the 'core elements' around polling day; the Electoral Commission which deals with party registration, logos and finance, broadcasting time and public education; and the Representation Commission, which performs boundary redistributions, is an example of this (Elections New Zealand 2006).³

But in having national, comprehensive electoral bodies, Australia, India and NZ are unusual. The international norm sees elections run in a coordinated effort by various local bodies. Those levels of coordination can vary, with the 'loosest' extreme being the United States, where one observer described the 2004 Presidential elections like this:

We didn't have one election for president in 2004. We didn't have fifty elections. We actually had 13,000 elections run by 13,000 independent, quasi-sovereign counties and municipalities. (Robert Pastor, Director of the Center for Democracy and Election Management at American University, quoted in Kennedy 2006.)

¹ The other countries were Denmark, Finland, Iceland, Luxembourg, New Zealand, Norway, Sweden and Uruguay.

² Those countries were Afghanistan, Canada, East Timor, India, Indonesia, Iraq, Kazakhstan, Kenya, Kiribati, Lesotho, Malaysia, Nepal, New Zealand, PNG, Solomon Islands, South Africa, UK and USA.

³ The enrolment process in New Zealand is tendered out, and at time of writing New Zealand Post still had the tender.

This extreme decentralisation means that everyone does their own thing, with one result being the now infamous, poorly designed ‘butterfly ballot’ used in Florida’s Palm Beach County for the 2000 presidential election.

The United Kingdom, unlike America, does have national electoral laws, and since 2001 an ‘Electoral Commission’, but its duties are more those of a watchdog than an Election Management Body (EMB). Electoral roll maintenance and polling duties are still, as they have been for centuries, performed by local councils, who sometimes interpret the laws differently, which according to the Commission mean that ‘[t]he service received by electors and candidates varies from area to area, in some cases quite dramatically’ (The Electoral Commission (UK) 2008). Arrangements along these lines - local governments operating under the umbrella of a weak coordinating body – can be found in many European countries.

Another defining feature of Australian electoral governance is the absence of political party influence in the process. Once again we can go to America for contrast, where Florida in 2000 showcased to the world such activities as party members counting ballots and an elected, partisan State official (Secretary of State Katherine Harris) deciding when to stop the count, and indeed announcing the result. In addition, state governments often decide electoral boundaries and who can enrol to vote and administer the taking of the votes. (American electoral law differs so much from place to place that generalising is not possible.)

A less alarming comparison is Canada, where returning officers are appointed by Cabinet of the federal government. And in the many countries where enrolment and vote-taking occurs at local level, there can be potential for interference by elected officials. (This was a big problem in nineteenth century Britain, where local councils often manipulated rates and tax laws to disenfranchise whole classes of voters believed likely to vote for the wrong party.)

In addition, Australia’s national EMB is a Commission. When created in 1902, the Australian Electoral Office was a branch of the Home Affairs Department, and it remained within various departments until becoming a statutory Commission, responsible for its own financial and staffing administration, in 1984. The AEC’s top officials are statutory officers who are not employed under the Public Service Act and according to the Electoral Act may be appointed for seven years (but in practice have been appointed for five) and cannot be dismissed except in very special circumstances (Brent 2005). All of this bestows independence from governments of the day.

And finally we can note that election results in Australia are invariably accepted as fair and genuine by all sides of politics and, minor exceptions aside, most of the public at large. And many of the AEC’s ‘products’, that we take for granted – such as the live online vote on election night and subsequent finalised data, down to preference flows at every polling station – are simply not found in other countries.

What’s wrong with the AEC

But no organisation is perfect, and the AEC today has an important and worsening problem with its structure. It is not a problem that has evolved, but rather has been a

defining feature of the Commission, and before 1984 the Office, since its creation in 1902. Once a key driver of its success, it has outlived its usefulness, but reform is proving all but impossible, not from any lack of will on the part of the AEC, but because - perhaps ironically for a body with a robust record of insulation from political interference – federal politicians, of all major parties, will not allow it.

What is the problem with the AEC? It was identified as long ago as 1974, in a report conducted by Australia's then largest consulting company, WD Scott and Company, into the state of the then Electoral Office.⁴ The 'Scott Report' found much to praise in the organisation, but also much that needed improving. Under the heading 'Organisational Problems', it described what it believed was biggest: its 'very "flat" structure'. It was referring to the fact that:

[t]here are 124 DROs [Divisional Returning Officers] reporting to six AEOs [Australian Electoral Officers – one for each state] who report to the CAEO [Chief Australian Electoral Officer, in Canberra]. ... This flat structure, the result of a highly decentralised organisation, is causing problems in the Divisions[.] (Scott & Co.1974, 4-5)⁵

So it was 'flat' in being three units high and 124 units wide. At the time, each office had two permanent staff - a divisional returning officer and a clerk – and could employ a temporary clerk at certain times. Today each has three full-time staff, including the DRO⁶. The 1974 Scott Report found these staff were often overstretched, suffered stress and low morale and had poor prospects for promotion. There were communication difficulties between offices. These small units were unsuited to the cyclical nature of the work – frantic periods of high activity, for example at election time, followed by periods of calm. The quality of staff varied significantly, which in such small teams had powerful ramifications.

As Electoral Commissioner Colin Hughes observed in 1985, Australia 'is quite exceptional in having fulltime, specialist electoral administrators at the constituency level.' (Hughes 1987, 7)⁷ Indeed, as far as can be determined, it is unique⁸. The norm in other countries is for full-time returning officers (or equivalent) to only come into operation when an election is approaching, so that they can organise the taking and counting of the vote, after which they go back to their 'normal' jobs, often in local government.

The question immediately arises: what do these offices do between elections? The answer is that each DRO is, with staff, responsible for enrolment for their district, in

⁴ In 1984 the Australian Electoral Office was replaced by the Australian Electoral Commission

⁵ The number of DROs is given as 124 rather than 127 because the ACT and Northern Territory electorates did not have their own DROs.

⁶ This perhaps oversimplifies the situation. Convolved arrangements, including the sharing of staff, means that according to the AEC they have 3.2 staff per office.

⁷ The author, the academic Colin A. Hughes, served from 1984, when the Electoral Office became the Electoral commission, until 1989. I have been unable to obtain a copy of the journal; instead this quote is from page 6 of Hughes' written version.

⁸ I have been unable to find instances of similar arrangements anywhere in the world. The closest seems to be India, where electoral rolls are also compiled at electorate level, but the work is done by a Registration Officer whose duties are distinct from the returning officer. In addition, enrolment isn't continuous and the jobs only become full-time around election-time

addition also works on redistributions when necessary and generally ‘keep tabs’ on their electorate. But the problem is that that main function of the DROs, enrolment, is increasingly performed centrally, away from the electorates, on large computers. Or at least it should be; we will return to this.

The 1974 Scott Report recommended ‘Regionalisation’, meaning significantly fewer offices, where staff would be pooled, and ‘four of five DROs would be under the control of a regional manager’ (Scott & Co.1974, 8-1). This never came to be, as the description in the AEC’s most recent Annual Report (2007, 18) of its organisation makes clear:

AEC offices are organised geographically, with a national office in Canberra, a State office in each State and the Northern Territory, and divisional offices in or near each of the 150 electoral divisions.

The creation of the Australian Electoral Office

How did this situation come about? The immediate answer is that this was how the Electoral Office (strictly speaking the Electoral Branch of Home Affairs Department) was designed, in 1902, a year after the six Colonies federated to become the Commonwealth of Australia. It was written into these early clauses of the Commonwealth Electoral Act 1902:

5. There shall be a Chief Electoral Officer for the Commonwealth who shall under the Minister [for Home Affairs] be responsible for the execution of this Act throughout the Commonwealth.

6. There shall be a Commonwealth Electoral Officer for each State who shall subject to the directions of the Chief Electoral Officer for the Commonwealth be the principal electoral officer in the State.

7. There shall be a Divisional Returning Officer for each Division [initially numbering 75], who shall be charged with the duty of giving effect to this Act within or for his Division subject to the directions of the Commonwealth Electoral Officer of the State. (Commonwealth of Australia 1902, s5-7)

Some terminology⁹ aside, this remains an exact description of the AEC today. The idea for this design was not original. Instead, like many other components of the first Commonwealth electoral law, its origins lay in the Australian colony (from 1901 onwards Australian state) of South Australia. SA’s electoral apparatus was thought to be the best model to choose from. Unlike with the federation process of the previous decade, the designers of the Commonwealth electoral apparatus did not look overseas for models – largely because little existed outside Australia. Few countries at the time gave all adult males – let alone females – the vote, and none, it seems, employed professional electoral officials.

So if we wish to understand where our permanent DROs came from, we must go to SA.

⁹ The Chief Electoral Officer is now the Australian Electoral Commissioner, and Commonwealth Electoral Officers are now called Australian Electoral Officers.

The Rise of the Returning Officer in South Australia

The position of returning officer is centuries old and comes from the United Kingdom. He (always a he until the twentieth century) was the person to whom the election writs for his electoral district were sent, and after the poll he returned them (hence the title) with the name(s) of successful candidate(s) filled in. In between he advertised the upcoming election and organised it. It was a job that came into operation only at election time. The UK 1832 Reform declared who would do the job where – for example in Sheffield it was the Master Cutler, while in Leeds the Mayor (United Kingdom 1832, Schedules C & D). The job of taking and counting the votes was an important one, only to be given to people who could be trusted.

The other side of the electoral process was the enrolment of electors – the production of a list of eligible votes. This was done, once a year, by collectors. They did not have to be such important people; instead, knowledge of the area was the main prerequisite. Collectors were Overseers of the Poor¹⁰. These were elected, unpaid positions, often filled by ‘unwilling appointees’ (Landow). This made sense because they were the people who kept the rates books.

It is important to note that collectors worked for the local councils, and this fact had several repercussions. One was that the councils, being elected political party members, had incentives to fiddle with the rolls, or fiddle with the rules by which a person had the right to get on the roll. Tory Councils would attempt to keep likely Whig voters off the rolls, and vice versa. A man had to have paid all his taxes and rates – levied by councils - to be eligible to vote, which presented much opportunity for manipulation. (Salmon 2003, 56)

The second important repercussion was that council workers who collected the rolls did so only across their council’s area. These boundaries did not coincide with the boundaries applicable to the elections they were collecting names for, so the collector might find that the names he had collected applied to parts of several electorates. The job of putting the various segments of the rolls together was generally done by someone else, an electoral clerk.

This was the system taken to Australia for the first elections here, beginning in 1843. But local government in Australia barely existed, so in NSW the rolls were mainly collected by the police. In SA, when Legislative Council elections came in 1851, the job went to people who had collected rolls for the relatively insignificant Roads election¹¹. Returning officers in SA were nearly all magistrates – an important position, and ‘sign of gentlemanly status’ (Hirst 2001, 410). But the Roads collectors did a very poor job of collecting rolls for elections to the Legislative Council, and in

¹⁰ Overseers of the Poor: position created in the 1601 Poor Relief Act, elected by every Parish every Easter. They calculated, levied and spent a poor rate (tax).

¹¹ These had to do with the election of a board to oversee building and repairing of roads by the colonial government, the cost of which was then billed to owners of properties those roads went through or serviced.

1853 the decision was taken to give the task to the returning officers. Giving the job to such important people indicated that they wanted the job done properly.

So for the first time, the person who took the vote also collected the rolls. This meant that they didn't have to worry about which electorate the names applied to. Each returning officer was now collector for his electorate and his electorate only. At first, enrolment continued, in the English tradition, to be annual. So a returning officer would do electoral work every year, not just whenever an election was held.

The coming of self-government in 1856 in SA had important consequences for the running of elections. Like most Australian colonies, SA used the new Victorian Ballot, a government-supplied voting paper with all candidates' names listed in alphabetical order. This was an Australian invention. Government-supplied in effect meant the returning officer, or his staff, performing the laborious task of making each and every ballot paper – that is, writing with quill and ink - two for each voter (one for each house of parliament).

The other quantum leap came with giving, again along with most of Australia, the vote to all adult British males. Suddenly the number of enrolled voters doubled. Not only that, but whereas under open voting people simply walked in, had their name ticked off the roll and handed in a piece of paper they had brought with them, now a new process was put in place, much like happens today: the elector's name was ticked off the roll, they were handed a ballot paper that the official had first signed, they went to a compartment to vote, brought their ballot paper back, and so on.

All of this meant that lots of extra work for the returning officers, and of course much extra expense for the public purse. In fact, the unanticipated cost blow-out created something of a crisis, with the Attorney-General, Sir Richard Hanson telling his top electoral official, William Robinson Boothby, that 'an electoral system which cost so much as that would be a great deal too expensive for South Australia'. Boothby suggested modifications to bring down costs, and Hanson, according to Boothby, 'asked me whether I would mind preparing a bill to give effect to my opinions'. This he did in the 1858 Electoral Act. Of all the electoral acts in SA in the nineteenth century, this one, which 'passed with scarcely any amendments in the House [of Assembly]' (South Australia 1889a, paragraph 3) can now be seen as a landmark in the development of electoral administration, not only in Australia, but in some ways the world.

For our purposes, there were several important changes in the 1858 act. Enrolment became continuous, rather than annual. This meant that electors could send in enrolment forms at any time of the year. Therefore, returning officer would need to be available to take and process these forms. So they were put on annual salaries. And costs were reined in by ending returning officers' previous open ended expense accounts. They would get their salaries, plus other specified expenses, and nothing more.

There was one other important development of the 1850s: the creation of the position of returning officer for the province, occupied by the aforementioned Boothby for almost half a century, from 1856 until his death in 1903. It quickly developed into something approximating a chief electoral officer, in that Boothby supervised all

elections, received writs, coordinated enrolment and gave expert advice to his legislative masters on all things electoral. He also received an annual salary. Such a position was (again as far as can be determined) a world's first.

In this way, over a few years, the permanent divisional returning officer was born. And they operated within a colony-wide electoral apparatus, with a strong centre (Boothby). All were part-time: Boothby was also Sheriff of SA, and the returning officers had other occupations; many were salaried (or stipendiary) magistrates. Almost certainly these were the the world's first salaried electoral officials.

This, then, was the model taken up by the new Commonwealth government, in 1901-2, with the extra layer of a Commonwealth Electoral Officer in each State. In 1903, in preparation for the elections later that year, first Chief Electoral Officer, George Lewis, addressed his returning officers. He noted that anyone who had previously worked in the field in any colony other than SA should be aware of the new arrangements. In all of the colonies (now States) but one, the 'Returning Officer is galvanized into life about four or five weeks prior to the Election to prepare for warfare', after which

all the energy of the Electoral Officer is centred into about six or eight weeks of time. Then he lapses into a state of quiescence during the winter of his Electoral age, until the drum sounds once more.

'Now', he said, 'all this is changed'. DROs would be permanent fixtures, and [T]he Divisional Returning Officer [is now] the very centre of life and authority from which all the active, motive, administrating power emanates ... From the time you accept the responsibilities and privileges of the position, you are the directing, controlling power ...you become the *Electoral King*. (National Archives of Australia 1903, 3-4) (Italics added.)

Australia at that time was ahead of most of the world in electoral matters. It had given the world the Australian ballot, still widely used today (Brent 2006), had virtual universal suffrage¹², allowed women to stand for parliament and had absent and postal voting and payment for members of parliament. These reforms were matched by an approach to elections unrivalled anywhere: a national organisation, solely dedicated to running elections. The Chief Electoral Officer and Commonwealth Electoral Officers were full-time, salaried positions – again, it seems, not to be found outside Australia. (The DROs were initially part-time.) The idea of governments paying for elections is commonplace now, but not back then. Such an election cost significant amounts of money from the public purse, which was forthcoming.

The Commonwealth electoral rolls were initially compiled mainly by door-to-door habitation reviews by state police, and then maintained by registrars at the level of sub-district, under the supervision of divisional returning officers. This might be seen as a fourth level in the hierarchy, which was eliminated in 1913 when DROs became full-time and took over the registrars' tasks (Hughes 1992, 113). Enrolment was continuous, which meant rolls were permanent and people could send in enrolment

¹² The main exclusion was 'aboriginal native(s) of Australia Asia Africa or the Islands of the Pacific except New Zealand'. (Commonwealth Franchise Act 1902, 4)

forms at any time of the year. Continuous enrolment necessitated the use of 'transfers' - forms filled out by people moving from one electorate to another.

All of this was extremely advanced in the international context and it kept the DROs and their staff busy. In other countries, rolls were either compiled annually, or for every election, by people who worked in other government agencies, for example councils. In 1918 an American comparative survey of international electoral administration noted that:

in contrast with England, where for a long time electoral duties were regarded as of comparative unimportance and shifted on to the backs of already overloaded officials, Australia has a wealth of electoral officials with nothing else to do but to see that the mechanism of elections runs smoothly. (Seymour and Frary 1918, 193)

The hierarchical arrangements were not only ideal for compiling electorate by electorate rolls, but on at least one occasion provided the flexibility to create a bulwark against political interference. This was at the 1913 election, when the Home Affairs Minister of the Labor government, King O'Malley (whose portfolio included the then Australian Electoral Office), attempted to interfere in what was described by a subsequent Royal Commission as 'a most undignified manner' in the administration of the taking of the vote poll in own Tasmanian seat of Darwin. In letters to the state's Commonwealth Electoral Officer, he demanded the firing of at least 43 electoral officials he claimed were 'partisan', and sent instead a list of his own preferred appointments.

Interestingly, it was those further down the organisation who rebuffed him. The Chief Electoral Officer was initially compliant, and so, it seems, was the Tasmanian CEO. Resistance instead came from the Divisional Returning Officer and his Assistant Returning Officers, at least one of whom threatened to resign. The DRO eventually wrote to the Chief Electoral Officer that he should '[k]indly inform the Minister it is useless dictating who shall be appointed election officials'. In the end, the Minister backed off (Commonwealth of Australia 1914-1917, 3-5). (He retained his seat, but the government lost office.)

The AEC today

More than a century after the creation of the Electoral Office, the demands on a modern electoral apparatus are very different. Many other countries long ago adopted modern, professionalised electoral machinery and in the area of enrolment some have overtaken us. Indeed, while we once led the world in enrolment, we have recently gone backwards, quite literally, with amendments to the Electoral Act in 2006 closing the rolls, for changes and additions, on the day the writs are issued, rather than seven days afterwards, as was previously the case. Other countries are finding they are able to keep the rolls open longer – some until election day.

Since the 1974 Scott Report, the Electoral Office/Commission has modernised substantially, but has not been able to shed the full-time DROs. This is not through want of trying, but each attempt to rationalise its organisation has met with resistance,

by federal politicians, in particular those in the House of Representatives – of all major parties.

One reason for the resistance was identified by Scott & Co: ‘the rather subjective desire of elected Members and candidates to have a convenient local office to serve the electorate’ (W.D. Scott & Co. 1974, 3-4 - 3-5). In addition, it seems the DROs exert influence on their local MPs, and some are said to be have close relationships – a patently undesirable situation and indeed another reason for change. As well, the same popular forces that be motivated against the closing of branches of institutions such as banks and post offices in regional communities can be harnessed against the closing of the local AEC branch (although it must be said that most people rarely, if ever, have contact with their local AEC office).

Perhaps the most substantial push by the AEC was contained in an 1987 report, written by the Commission, *Efficiency Scrutiny into Regionalisation*. In response to a general directive from the Hawke government for all government agencies to find cost savings, the AEC probably thought it had made a compelling argument. It was preparing to embark on the expensive exercise of computerising every office in the country, and it argued that by replacing the 148 divisional offices around the country with 47 regional ones, the savings in computer equipment, along with the other economies of scale, would be substantial. (Australian Electoral Commission 1987, i)

If the AEC thought its plan would prove irresistible to a government intent on bringing its budget into balance, it was wrong. Federal politicians, in the form of the Joint Standing Committee on Electoral Matters (JSCEM), and encouraged by the testimony of DROs who explained just why it was a terrible idea, rejected the plan. (JSCEM 1988)

The Commission’s attempts to reorganise in this way have not been wholly unsuccessful, and today a total of 158 units (Central Office in Canberra, one in each state capital and in the Northern Territory¹³ plus 150 divisions) are housed in only 120 actual offices. But time after time the very people we would expect to keep their noses out of electoral administration - the elected politicians – stand in the way of further reorganisation.

Here is just one example of the inefficiencies that result from clinging to an out-dated structure. The AEC has for decades had a computerised electoral roll, and most enrolment activity – deleting names from the roll, and sending out forms to prospective new enrollees or people who have changed address - happens in the capital city offices. Each year the Commission processes several million enrolment forms sent in by electors. Most of these are posted to a state office, but they are not processed there. Instead, a clerk puts into the pigeon-hole of the appropriate electorate, and they are sent out there to be entered onto computer. The data that is entered is kept on a central database. Such are the distortions of maintaining an out of date structure. Automatic enrolment must eventually come to Australia, which will largely eradicate those millions of forms – and with it a large part of the DROs’ alleged *raison detre*. (Brent 2008)

¹³ The ACT does not have a head office, presumably because the Central Office is located there.

Interestingly, a pointer to today's conundrum took place in the late 1880s, when Premier Thomas Playford instructed Boothby to prepare electoral clauses to change the way the rolls were collected and, importantly, cut the number of returning officers. The Premier felt that having one permanent returning officer per electoral district was 'a needless expense' and that instead 'one for say two or more should be sufficient'. District clerks would, under his plan, act as registrars to collect the rolls for the returning officers, and at election time, 'deputy returning officers' would be appointed to run the poll in each district. (South Australia 1889a, par 50)

In this way, Playford and Boothby attempted to move the electoral model in SA back towards those of England and the other Australian colonies, where 'the clerks of municipal corporations and district councils make up and keep the rolls, and the returning officers ... have entirely distinct and separate duties from the registration' (South Australia 1889a, par 5). That is, returning officers would only come into operation at election time. As Boothby put it, '[w]hen an election takes place the returning officer will conduct it. He has handed to him the completed roll [and is told] "There are your rolls ready for you to take the votes of men."' (South Australia 1889a, par 58)

By the time the plan came before a House of Assembly Select Committee in 1889, Playford was no longer Premier, and Boothby found he had no allies. The plan was met, not surprisingly, with fierce and unanimous resistance from the DROs, who not only were opposed to losing duties and remuneration, but resented the notion that their work could be carried out more efficiently by mere council clerks. They argued that only they understood their electoral districts, it was much more efficient having one person responsible per district, the new system would be 'more costly' (South Australia 1889b, 8) and would mean 'the whole control of the electoral power of the colony is centred in one person' (Boothby) and that the 'autonomy of electoral districts [would be] absolutely destroyed' (South Australia 1889b, 9). These are eerily similar to the arguments made a century later.

As would happen a century later, the lower house MPs sided with the returning officers. The permanent DROs remained. Had Playford and Boothby been successful, the design of the Australian Electoral Office 12 years later would have been very different.

It must be said that there are valid reasons for the current arrangements, some of which were presented to a JSCEM inquiry in 2007. For example, staff members often take pride in servicing their electorate, perhaps (in urban areas) driving around on the way to work and taking note of new housing areas that might require attention. Staff in some amalgamated and collocated offices complain of an impersonal, production line work arrangements without clearly defined responsibilities (JSCEM 2007). And it is understandable that House of Representatives MPs appreciate having a one-stop contact for matters regarding their electorate. As well, of course, change of any kind can be difficult.

But the concept of the DRO knowing his or her electorate made sense in South Australia in the late nineteenth century, when electors numbered on average two or three thousand per electorate. Today it's over ninety thousand. And it could be argued that in some rural seats, being larger than many European countries, the idea of an

office of several people having an affinity with that seat makes little sense. To many people living in the West Australian electorate of Kalgoorlie, for example, the AEC office in the town of Kalgoorlie, thousands of kilometres away, might as well be in Perth or even Canberra.

The AEC's continuing endeavours to geographically rationalise, in the face of such resistance, has produced almost comical manoeuvrings. Having been instructed not to pursue 'regionalisation', the Commission instead embarked on a policy of 'amalgamation'. When, after some progress, that too was put to the sword, the buzzword became 'shared premises' and then 'collocation'. Collocation essentially means that several electoral offices are housed together, thereby saving on overheads, but retain their individual organisational identities. In 2006, the Howard government finally drew a line, amending the Act to require the AEC to first obtain permission from the Minister before locating a divisional office outside its division.¹⁴ So the problem has gotten worse.

Conclusion

In 1988, an AEC employee made this observation to the JSCEM:

If you go around the divisional offices to talk to staff about something, it is most unusual for [a member of the public] to come into the office. They are often there to pay the electricity bill anyway - they have mistaken us for the electricity commission.¹⁵

That JSCEM, despite being so taken with that particular piece of evidence that it named its report *Is This Where I Pay the Electricity Bill?*, decided, like all others who have looked at the issue, in favour of continuing with the system of permanent DROs.

Permanent DROs, one in each electoral district, with office and staff, were once an important component in Australia's fine record in electoral management. These arrangements enabled rolls to be collected and maintained continuously, along the boundaries for which they applied, rather than for those of the local council. And by keeping roll collection away from councils, SA and then Australia avoided the contaminating effects of council and party manipulation of the rolls. But these arrangements are now holding us back.

It is tempting to believe that this is a case of an organisation's feature becoming "ingrained" over the decades and difficult to extract. But this is not the case, because the AEC has repeatedly shown its willingness to tackle the problem. The resistance comes from outside, from the very people we expect to keep their short-term

¹⁴ According to the AEC's submission to a 2007 inquiry, since that legislation came into force, 'the Special Minister of State [has] approved the collocation of the divisional offices for Banks and Blaxland at a single site in Bankstown and for Fowler and Prospect at a single site in Fairfield. These collocations are expected to take place in August 2007, which will then increase the number of divisional offices sharing premises to 50 across 20 sites.' Note that all these seats are safe Labor seat.

¹⁵ Joint Standing Committee on Electoral Matters. 1988, *Is This Where I Pay the Electricity Bill?: Inquiry on the efficiency scrutiny into regionalisation within the Australian Electoral Commission*, The Parliament of the Commonwealth of Australia, v

motivations out of our electoral arrangements. Successive governments' refusal to allow the AEC to geographically reform, and the fact that the governments are able to do so, fly in the face of its supposed independence.

Let us, however, be optimistic. The new Rudd Labor government has repeatedly promised a new broom – not just 'business as usual'. And Special Minister of State John Faulkner has indicated his desire to implement reform without partisan (or political) considerations. Faulkner is in the Senate, which may bode well.

A quarter of a century ago, compelling reasons were put for not allowing banks to install automatic teller machines. In the end the reasons for allowing it were more powerful. So it is with allowing the AEC to progress: the pros vastly outweigh the cons.

Our Electoral Kings have, as sometimes happens with hereditary positions, outlived their usefulness. The time has come to put these hereditary relics to the sword.

References

- Australian Electoral Commission. 1987, *Efficiency Scrutiny into Regionalisation*, Canberra, Australian Government Publishing Service
- Australian Electoral Commission. 2007, *Annual Report 2006-07*, Canberra
- Brent, Peter. 2005, 'Statutory Independence of Electoral Commissioners in Australia.' <http://www.enrollingthepeople.com/misc/independent%20electoral%20bodies%20-%20table.htm>, Last visited: 20 June 2008
- Brent, Peter. 2006, 'The Australian Ballot: Not the Secret Ballot.' *Australian Journal of Political Science* Vol 41 1: 39-50
- Brent, Peter. 2008, 'Time to introduce automatic enrolment in Australia', *Democratic Audit of Australia*, http://democratic.audit.anu.edu.au/papers/20080214brent_autoenrol.pdf, Last visited: 25 June 2008
- Centre for Democratic Institutions. 1998, 'Australian Election Seminar for International Observers Invited by the Australian Electoral Commission.' http://www.cdi.anu.edu.au/CDIwebsite_1998-2004/asia_pacific/asia_downloads/aesOct98.rtf, Last visited: 20 June 2008
- Commonwealth of Australia. 1914-1917, 'Report from the Royal Commission upon the Commonwealth Electoral Law and Administration.' *Parliamentary Papers, July 1915, Vol 2 part 1 pp425-453*
- Election Commission of India. 'About Election Commission: Election Machinery.' <http://www.eci.gov.in/>, Last visited: 20 June 2008
- Elections New Zealand. 2006, 'New Zealand's electoral agencies.' http://www.elections.org.nz/sitehelp/about_contact_main.html, Last visited: 20 June 2008
- Hirst, John B. 2001, 'Magistrates.' *The Oxford Companion to Australian History*, G. Davison, J. Hirst and S. Macintyre (ed), South Melbourne, Oxford University Press: 410
- Hughes, Colin A. 1987, 'Electoral Administration: Daniel in the Lions' Den.' S. D. Muir (ed), Brisbane, Royal Institute of Public Administration, Queensland Division: 45-56
- Hughes, Colin A. 1992, 'The Bureaucratic Model: Australia.' *Journal of Behavioral and Social Sciences* Vol 37 Special Issue: Electoral Administration in Comparative Perspective: 106-23
- Joint Standing Committee on Electoral Matters. 1988, *Is This Where I Pay the Electricity Bill?: Inquiry on the efficiency scrutiny into regionalisation within the Australian Electoral Commission*, The Parliament of the Commonwealth of Australia
- Joint Standing Committee on Electoral Matters. 2007, *Review of certain aspects of administration of the Australian Electoral Commission*
- Kennedy, Robert Junior. 2006, 'Was the 2004 Election Stolen?' *Rolling Stone*
- Landow, George P. 'The 1601 Elizabethan Poor Law', *The Victorian Web*, <http://www.victorianweb.org/history/poorlaw/elizpl.html> Last visited: 28 May 2008
- National Archives of Australia. 1903, Conference of Divisional Returning Officers, 17 October 1903, Vol A406/E1903/7743
- Salmon, Philip. 2003, 'Electoral reform and political modernization in England, 1832-1841.' *Parliament, Estates and Representation* Vol 23: 49-67

- Seymour, Charles and Frary, Donald Paige. 1918, *How the World Votes: The Story of Democratic Development in Elections*, Springfield, Massachusetts, C.A Nichols Company
- South Australia. 1889a, 'Report from the Select Committee of the House of Assembly on the Electoral Bill 1889.' *Parliamentary Papers* 133
- South Australia. 1889b, 'Reports of Returning Officers upon the Electoral Bill.' *Parliamentary Papers* no 125
- The Economist*. 2007, The Economist Intelligence Unit's index of democracy, London,
- The Electoral Commission (UK). 2008, 'Examination of the structure of electoral administration in the United Kingdom', Last visited: 28 April 2008
- W.D. Scott & Co. 1974, *Review of the Structure, Systems & Facilities of the Australian Electoral Office*, Australian Electoral Office
- W.D. Scott & Co. Pty Ltd (Management Consultants). 1974, *Review of the Structure, Systems & Facilities of the Australian Electoral Office*, Australian Electoral Office

Legislation

- Commonwealth of Australia. 1902, *An Act to regulate Parliamentary Elections (Commonwealth Electoral Act)*, no 19
- United Kingdom. 1832, *An Act to amend the Representation of the People of England and Wales (Reform Act)*, CAP 45