

# **Hereditary Relics Holding Back the AEC**

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**[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*.**

— *George Lewis, the first Commonwealth Chief Electoral Officer, addressing his NSW returning officers in Sydney in 1903 (italics added)*<sup>1</sup>

The Australian Electoral Commission (AEC), the body that runs national elections and referendums in this country, is rightly held in high regard 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, including Australia.<sup>2</sup> The renowned British academic and psephologist David Butler once declared, after observing an Australian electoral event, that “countries could do no better than to follow this model”<sup>3</sup> At every election since 1996, the AEC has hosted visitors from around the world to observe efficiency and non-partisanship in action – to see how elections should be run.<sup>4</sup>

But nothing is perfect, and the AEC has a serious structural problem. A century ago, this feature of our system could have been described as “world’s best practice” – it was a major reason Australia led the world in electoral administration. Now it is the opposite, holding the organisation back from fully adapting to modern realities. It is inappropriate to the task of conducting modern elections and becomes less appropriate with every passing year. And the reason this impediment persists, perhaps ironically for a body with a proud record of immunity from political influence, is our politicians – of all major parties.

So what is the problem? It was identified as long ago as 1974, in a report on the operation of the then Electoral Office by consultants WD Scott and Co. 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 drawback: its “very ‘flat’ structure” – namely, the fact that:

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<sup>1</sup> National Archives of Australia (1903). Conference of Divisional Returning Officers, 17 October 1903. A406/E1903/7743, 4

<sup>2</sup> *The Economist* (2007). The Economist Intelligence Unit’s Index of Democracy. London. The other countries were Denmark, Finland, Iceland, Luxembourg, New Zealand, Norway, Sweden and Uruguay. [http://www.economist.com/media/pdf/DEMOCRACY\\_INDEX\\_2007\\_v3.pdf](http://www.economist.com/media/pdf/DEMOCRACY_INDEX_2007_v3.pdf), last visited 16 April 2008

<sup>3</sup> Paraphrased in: Centre for Democratic Institutions. (1998). “Australian Election Seminar for International Observers Invited by the Australian Electoral Commission.” from [http://www.cdi.anu.edu.au/CDIwebsite\\_1998-2004/asia\\_pacific/asia\\_downloads/aesOct98.rtf](http://www.cdi.anu.edu.au/CDIwebsite_1998-2004/asia_pacific/asia_downloads/aesOct98.rtf).

<sup>4</sup> In 2007, 54 visitors came from 18 countries, as well as the International Foundation for Electoral Systems (IFES) and the United Nations Development Programme (UNDP). 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.

[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[.]<sup>5</sup>

The position of returning officer is part of our British inheritance and many centuries old. Traditionally they were the people who organised elections in each seat, taking and counting the votes and declaring the winner. This remains an accurate description of returning officers in many countries such as the United Kingdom today. What makes Australia unique is that our returning officers don't just work at and around election time, but permanently. Each divisional office operates all year, every year, occupying itself with enrolment and electoral redistributions<sup>6</sup> and in general servicing their electorates. And at election time, of course, they do what returning officers in other countries do: organise the taking of votes and count them. (Afterwards they return the election writ with the name(s) of elected candidate(s) – hence the name “returning officer.”)

At the time of the Scott Report, each divisional office had two permanent staff – a divisional returning officer and a clerk – and could employ a temporary clerk at certain times. Today each office has three full-time staff including the DRO.<sup>7</sup>

So when the report's authors described the Electoral Office as “flat” they meant it was three units high and 124 units wide. Noting that “[a]n election for the House of Representatives can in some ways be considered as 127 separate elections,”<sup>8</sup> the report found divisional office staff were often overstretched, suffered stress and low morale and had poor prospects for promotion. Each small unit had a degree of “self sufficiency” which “brought it own problems.”<sup>9</sup> They were unsuited to the cyclical nature of the work – frantic periods of high activity, for example at election time, followed by periods of calm. Being “geographically isolated” they experienced communication difficulties with state offices, and the quality of staff varied, which had powerful repercussions in such small teams.

To rectify this, the report recommended a system of “regionalisation,” in which staff would be pooled and “four of five DROs would be under the control of a regional manager”<sup>10</sup> (implying approximately 25 to 30 regional offices in total). Many of the Scott Report's other recommendations were acted upon, but not this one.

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<sup>5</sup> W.D. Scott & Co. Pty Ltd (Management Consultants) (1974). *Review of the Structure, Systems & Facilities of the Australian Electoral Office*, Australian Electoral Office, 4-5. The number of DROs is given as 124 rather than 127 because the ACT and Northern Territory electorates did not have their own DROs.

<sup>6</sup> Redistributions are the regular altering of boundaries that take account of changing populations.

<sup>7</sup> This perhaps oversimplifies the situation. Convoluted arrangements, including the sharing of staff, means that according to the AEC they have 3.2 staff per office.

<sup>8</sup> W.D. Scott & Co. Pty Ltd (Management Consultants). 3.6. The difference between 124 in reference 5 and the 127 mentioned here is due to the two ACT and one NT seats not having DROs.

<sup>9</sup> *Ibid*, 4-2

<sup>10</sup> *Ibid*, 8-1

Since 1984, however, when the Office became a Commission, it has attempted repeatedly to adopt such reforms, with limited success. Perhaps the most determined attempt was contained in a 1987 report written by the AEC, called *Efficiency Scrutiny into Regionalisation*. The Hawke government had issued a directive to all federal agencies to identify cost-saving areas, and in this context the AEC put what it probably thought was a compelling argument. At the time it was preparing to “introduce a modern computer system” throughout the whole organisation, which meant a large, expensive exercise of installing computers and equipment in every office around the country, networked to the central offices. It argued that by replacing the (then) 148 divisional offices with 47 regional ones, it would save a very substantial amount of money on computer equipment alone, not to mention many other economies of scale.<sup>11</sup>

The mooted savings were impressive, but the DROs didn’t like the plan, and nor did federal politicians who, in the form of the Joint Standing Committee on Electoral Matters, rejected it.<sup>12</sup> Since then, a regular pattern can be seen: every so often the AEC proposes cutting the number of offices, or indeed begins cutting them, and the government of the day (generally with the support of the opposition) eventually puts a halt.

Why are politicians against such plans? It is actually only those in the House of Representatives (who outnumber senators two to one) who object, and one reason was identified in the 1974 report: “the rather subjective desire of elected Members and candidates to have a convenient local office to serve the electorate.”<sup>13</sup> It seems the DROs have some influence on their local MPs, and some are said to be in regular contact. As well, the same popular forces that can 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. (It must be noted, however, that most people rarely, if ever, visit their local AEC office.)

The attempts by the AEC to rationalise geographically have not been wholly unsuccessful. Today a total of 158 units (Central Office in Canberra, one in each state capital and in the Northern Territory<sup>14</sup> plus 150 divisions) are housed in only 120 buildings. But this is way short of the 48 suggested in 1987. At each step, the very people we would expect to stay out of electoral administration – the elected politicians – stand in the way of further reorganisation.

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<sup>11</sup> Australian Electoral Commission (1987). *Efficiency Scrutiny into Regionalisation*. Canberra, Australian Government Publishing Service, i

<sup>12</sup> See 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.

<sup>13</sup> W.D. Scott & Co. Pty Ltd (Management Consultants), 3-4 – 3-5

<sup>14</sup> The ACT does not have a head office, presumably because the Central Office is located there.

This ongoing battle has produced almost comical manoeuvrings. Having been told in 1988 in no uncertain terms 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 buzzwords became “shared premises” and then “collocation.” The difference tends to lie in the degree to which each divisional office retains its own identity. Collocation, the current model, could be described as the weakest, essentially meaning several electoral offices geographically housed together, thereby saving on overheads, but each still operating as an individual unit.

In 2006, the Howard government finally drew the line, amending the Act to require that the AEC obtains permission from the Special Minister of State before locating a divisional office outside its division.<sup>15</sup> So not only does the structure remain moribund, but ministerial influence has been written into the act – an unhealthy development.

This characteristic of the AEC can be traced to the creation of the Electoral Office (strictly speaking, the Electoral Branch of the Home Affairs Department) in 1902. That design was in turn based on the electoral apparatus in the former colony of South Australia, where a particular and somewhat peculiar model had evolved. South Australia’s arrangements were the best in Australia (and – as it seems no other country actually possessed anything resembling a national electoral apparatus at the time – the best in the world), but a lot has changed in the last century.

Having a permanent DRO who was familiar with his electorate made more sense when electors numbered on average two or three thousand per electorate. Today the average seat has over ninety thousand electors. And in some huge rural electorates the concept of an office of several people having a general affinity with that seat makes no sense. To many electors in the large divisions of Kalgoorlie (Western Australia), Grey (South Australia) and Kennedy (Queensland) the “local” AEC office is so far away it may as well be in the state capital, or even Canberra. And of course technology has revolutionised the way electoral rolls are – or should be – maintained.

Current arrangements prevent the AEC from taking full advantage of technological advances. Here is just one example. For two decades the AEC has had a computerised electoral roll, and most enrolment activity – deleting names from the roll, sending out forms to prospective new enrollees or those who have changed address – happens in the capital city offices. But when these millions of forms are filled in and returned to the commission every year, most go to a state capital office (this is the address on the supplied prepaid envelope). There, a clerk places each one into the pigeon-hole for the appropriate

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<sup>15</sup> According to the AEC’s submission to a 2007 inquiry, since that legislation came into force, the “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 are safe Labor seats.

electorate office, to which they are then sent to be entered onto computer. Yet the rolls are kept on a central database and could just as easily have been entered in head office. The reason it happens this way is, one suspects, simply to give the divisional staff something to do. Such are the distortions of retaining a system past its time.

It cannot be denied that some valid reasons remain for the current arrangements, some of which were presented to the 2007 Joint Standing Committee on Electoral Matters inquiry. 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. It is understandable that House of Representatives MPs appreciate having a one-stop contact – that one individual who they can phone – for matters regarding their electorate. Workers in some of the few grouped offices complain of impersonal, production line style arrangements that lack clearly defined responsibilities.<sup>16</sup> As well, of course, change of any kind can be difficult.

But 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.

We once led the world in enrolment matters but have recently gone backwards while other countries have progressed. This is true literally in the 2006 amendment to the *Electoral Act* that closed the rolls on the day the writs were issued, rather than seven days afterwards, just as other countries are increasingly keeping the rolls open until election eve or even election day. Automatic enrolment must eventually come to Australia, which will largely eradicate those millions of forms – and with them a large part of the DROs' alleged *raison d'être*.<sup>17</sup>

The new Labor Special Minister of State, John Faulkner, is a senator, which hopefully bodes well for a rational approach to the DRO problem. His colleagues in the lower house will complain, but let us hope reason prevails.

The quotation at the top of this paper comes from a pep talk given in 1903 by the first Australian Chief Electoral Officer to his troops, the divisional returning officers. They and their offices occupied very important positions, responsible for running all electoral matters in their electorates. They were, as Lewis said, Kings.

But here's another observation, made eight decades later. It comes from an AEC employee's evidence to a Joint Standing Committee on Electoral Matters inquiry:

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<sup>16</sup> JSCEM (2007). *Review of certain aspects of administration of the Australian Electoral Commission*. <http://www.aph.gov.au/House/committee/em/aec/index.htm>

<sup>17</sup> See Peter Brent, 'Time to introduce automatic enrolment in Australia', Democratic Audit of Australia, February 2008, [http://democratic.audit.anu.edu.au/papers/20080214brent\\_autoenrol.pdf](http://democratic.audit.anu.edu.au/papers/20080214brent_autoenrol.pdf)

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.<sup>18</sup>

Our Electoral Kings were once a major reason Australia led the world in running elections. And if the position had not existed in the past, it is likely the AEC would not be the fine electoral institution it is today. But as sometimes happens with hereditary positions, they have outlived their usefulness. It is time to end the system of permanent Divisional Returning Officers as we know it.

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<sup>18</sup>JSCEM (1988), v