



REGISTERED POST - SENDER TO KEEP
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Our Ref: 10/871

Damien Mantach
State Director
Liberal Party of Australia (Victorian Division)
Robert Menzies Centre
Level 3, 104 Exhibition Street
MELBOURNE VIC 3000

Dear Mr Mantach

I refer to your letter of 3 July 2014 in which you requested a list of the voting information for the Division of Indi at the 2013 Federal election pursuant to Item 4A of the table in subsection 90B(1) of the *Commonwealth Electoral Act 1918* (Electoral Act).

In relation to the claims made in your letter about electors living outside the Division of Indi who voted in Indi for the 7 September 2013 election, I note that neither the contents of your letter nor the earlier letter from CIE Legal contained any details that would enable the Australian Electoral Commission (AEC) to conduct some form of investigation.

I draw to your attention paragraph 7.1.43 of the AEC's submission to the Joint Standing Committee on Electoral Matters (JSCEM) (AEC submission 20.4) which indicates that the AEC conducted an analysis of the type of enrolment transactions in the three months prior to the close of rolls for the 2013 election (13 May to 12 August 2013) by enrolment type and movement type. This analysis did not highlight any unusual activity in the Division of Indi during the three months prior to the 2013 close of rolls.

I also draw to your attention paragraph 7.1.47 of the AEC's submission to the JSCEM (AEC submission 20.4) which indicates that the AEC analysed certain enrolment transactions following the 2013 election in close seats. The Division of Indi was one of the seats included in this analysis. It was included because it was a close seat at the 2013 election with a winning margin of 439 votes. The analysis did not indicate any evidence of any unusual enrolment activity in the Division of Indi.

Please find enclosed a disc containing the voting information you have requested. I draw your attention to sections 91A and 91B of the Electoral Act (copy attached) that covers the use and disclosure of information provided under section 90B of the Electoral Act (copy attached).

As I indicated in my letter to Mr Dan Feldman of CIE Legal dated 15 April 2014, the AEC has, pursuant to items 4 and 5 of the table of subsection 90B(1) of the Electoral Act already provided the ELIAS disc (which contains additional information described in subsection 90B(10) of the Electoral Act and the habitation index) to the Liberal Party of Australia (Victorian Division) on the following dates:

- Cycle 197 for the 2013 Federal Election was extracted on 14 August 2013 for the close of rolls on 12 August 2013 and despatched on 16 August 2103;
- Cycle 198 was extracted on 5 December 2013 and despatched on 13 December 2013;
- Cycle 199 was extracted on 14 January 2014 and despatched on 21 January 2014;
- Cycle 200 was extracted on 6 February 2014 and despatched on 14 February 2014.

In addition, a copy of the certified list of voters for the Division of Indi was provided to Ms Mirabella immediately before the 7 September 2013 election pursuant to item 1 in the table in subsection 90B(1) of the Electoral Act.

I am further instructed that since February 2014 the following monthly ELIAS discs have been provided to the Liberal Party of Australia (Victorian Division) – Cycle 201 in March 2014; Cycle 202 in April 2014; Cycle 203 in May 2014 and Cycle 204 in June 2014. Cycle 205 (which contains the ELIAS data in a raw data format) is due to be despatched on or about 18 July 2014.

Accordingly, the AEC has already provided the information that is required to be provided under items 4 and 5 of the table in subsection 90B(1) of the Electoral Act. When this is combined with the voting information on the disc enclosed with this letter, the AEC has now provided you with all of the information that it is permitted to disclose under subsection 90B(1) of the Electoral Act.

Yours sincerely

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Paul Pirani
Chief Legal Officer

16 July 2014

91A Use of information from Roll and habitation index

- (1) If information is given to a person or organisation under section 90B, a person must not use the information except for a purpose that is a permitted purpose in relation to the person or organisation the information is given to.

Penalty: 100 penalty units.

- (1A) The permitted purposes in relation to a Senator or member of the House of Representatives are:
- (a) any purpose in connection with an election or referendum; and
 - (aa) research regarding electoral matters; and
 - (b) monitoring the accuracy of information contained in a Roll; and
 - (c) the performance by the Senator or member of his or her functions as a Senator or member in relation to a person or persons enrolled for the Division, State or Territory to which the tape or disk relates.
- (2) The permitted purposes in relation to a political party are:
- (a) any purpose in connection with an election or referendum; and
 - (aa) research regarding electoral matters; and
 - (b) monitoring the accuracy of information contained in a Roll; and
 - (c) the performance by a senator or member of the House of Representatives who is a member of the party of his or her functions as a senator or member in relation to a person or persons enrolled for the Division, State or Territory to which the tape or disk relates.
- (2AA) The permitted purposes in relation to a prescribed authority are:
- (a) monitoring the accuracy of information contained on a Roll; and
 - (b) any other purpose that is prescribed for the prescribed authority.
- (2A) The permitted purposes in relation to a person or organisation other than a Senator, member of the House of Representatives, political party or prescribed authority are:
- (a) any purpose in connection with an election or referendum; and
 - (b) monitoring the accuracy of information contained in a Roll; and
 - (c) any other purpose that is prescribed.
- (2B) For information provided under item 16 of the table in subsection 90B(1), the only permitted purposes in relation to an electoral authority of a State or Territory are:
- (a) any purpose in connection with an election or referendum; and
 - (b) monitoring the accuracy of information contained in a Roll.
- (2C) For information provided under item 5 of the table in subsection 90B(4), the only permitted purpose in relation to a prescribed person or organisation is for the person or organisation to verify, or contribute to the verification of, the identity of persons for the purposes of the *Financial Transaction Reports Act 1988*.
- (2D) For information provided under item 6 of the table in subsection 90B(4), the only permitted purpose in relation to a prescribed person or organisation is for the person or organisation to carry out an applicable customer identification procedure under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.
- (2E) For information provided under item 7 of the table in subsection 90B(4), the only permitted purpose in relation to a prescribed person or organisation is facilitating the carrying out of an applicable customer identification procedure under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

(3) In this section:

applicable customer identification procedure has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

election means:

- (a) a Senate election;
- (b) a House of Representatives election;
- (c) a State election;
- (d) a Territory election; or
- (e) a local government election.

referendum means a referendum conducted under a law of the Commonwealth or of a State or Territory.

91B Prohibition of disclosure or commercial use of Roll or habitation index

- (1) For the purposes of this section, information is protected information in relation to a person if the person knows, or has reasonable grounds for believing, that the information has been obtained under section 90B.
- (2) A person must not disclose protected information unless the disclosure would be a use of the information for a permitted purpose under section 91A.

Penalty: 1,000 penalty units.

- (3) A person shall not use protected information for a commercial purpose (other than information provided under item 5, 6 or 7 of the table in subsection 90B(4) that is used for a permitted purpose).

Penalty: 1,000 penalty units.

REDACTION CODES

- 1 Personal Information (name) redacted.
- 2 Personal Information (facsimile of signature) redacted
- 3 Personal Information (facsimile of manuscript initialling) redacted
- 4 Personal Information (Individual's address)
- 5 Personal information (individual's telephone number)
- 6 Business information (Bank Account details) redacted.
- 7 Business information (Billing Account details) redacted.
- 8 Legal Professional Communication redacted.
- 9 Deliberative material redacted.
- 10 Irrelevant material redacted.