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AUSTRALIAN ELECTORAL COMMISSION

SUBMISSION TO

THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

INQUIRY INTO

THE INTEGRITY OF THE ELECTORAL ROLL

Terms of Reference:

- **The adequacy of the Commonwealth Electoral Act for the prevention and detection of fraudulent enrolment;**
- **Incidents of fraudulent enrolment;**
- **The need for legislative reform.**

Submission No 26 of 17 October 2000

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7. "*Party Branch Politics – Australia Style*", Geoff Pryor, Canberra Times, 9 September 2000, p 5

8. McMurdo QC legal advice to CJC, *"Allegations of Electoral Fraud"*, 5 September 2000

9. AEC all staff circular from Mr Mark Cunliffe, acting Electoral Commissioner, 6 October 2000

10. Extract from Queensland Legal, Constitutional and Administrative Review Committee Issues Paper, "*Inquiry into the Prevention of Electoral Fraud"*, 8 September 2000

11. Extract from Queensland Legal, Constitutional and Administrative Review Committee Report No 19, *"Implications of the new Commonwealth Enrolment Requirements*", 12 March 2000

12. Extract from AEC submission No 88 of 12 March 1999, "*Address Register*" and "*Continuous Roll Update*"

13. "*Dole Fraud by Phantom Recipients*", by Michael McKinnon, Courier Mail, 4 September 2000, p 5

14. AEC submission No 120 of 10 November 1993, "*The Practical Implications of Various Measures Relating to the Integrity of the Electoral Process*"

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24. Extract from AEC submission No 61 of 3 November 1988, entitled "*Response to Liberal Party Submission of 31 May 1988 (No 29)"*

25. AEC submission of 12 July 2000 to the to the House of Representatives Standing Committee on Economics, Finance and Public Administration Inquiry into the *Management of Tax File Numbers – Review of the ANAO Report No 37 1998-99*

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1 Introduction

1.1 This submission by the Australian Electoral Commission (AEC) is presented to the Joint Standing Committee on Electoral Matters (JSCEM) in response to its invitation for submissions to the "Inquiry into the Integrity of the Electoral Roll", as advertised on 9 September 2000 in all major national newspapers.

1.2 In this submission, the AEC begins by explaining the involvement of the AEC in the recent convictions for enrolment fraud in Queensland that gave rise to this inquiry. The submission then details the Erhmann allegations of a wider branch-stacking conspiracy in the Queensland Australian Labor Party (ALP), and the other two inquiries established in response, by the Queensland Criminal Justice Commission, and the Legal, Constitutional, and Administrative Review Committee of the Queensland Parliament. Within this context, the submission comments on the terms of reference for this JSCEM inquiry, and the relevance of the *Electoral and Referendum Amendment Act 1999.*

1.3 The submission then overviews previous JSCEM inquiries into electoral fraud, and reviews all cases of enrolment fraud at the federal level over the past decade. Finally, the submission details the measures currently in place to detect and deter enrolment fraud, and canvasses possible future directions, both at the administrative and at the legislative level, under the provisions of the *Commonwealth Electoral Act 1918* (the Electoral Act).

1.4 Whilst this JSCEM inquiry has been initiated in response to the particular enrolment fraud connected with branch-stacking in the Queensland ALP, it should be acknowledged that the AEC staff in the Division of Herbert were responsible for the detection and investigation of these activities in 1996-97, as they impacted on the integrity of the Electoral Roll, and within the legislative framework presently in place.

1.5 Further, since the implementation of Continuous Roll Updating (CRU) in recent years, the AEC should be able to detect the kind of enrolment fraud at issue through the procedures increasingly coming into operation, again within the legislative framework presently in place. And finally, there is no evidence available to the AEC that ALP branch-stacking activities in Queensland, for the purposes of preselection ballots relating to local and State Government elections over the period 1993-1997, have contaminated the Electoral Roll irreparably, or affected the result of any federal election.

1.6 The context of the current JSCEM inquiry may give rise to a further round of allegations of electoral fraud at the federal level, and a further round of proposals to "tighten up" the federal electoral system. The AEC is concerned that this inquiry should not lead to a diminution in public confidence in the overall integrity of the federal electoral system (an outcome that would not be justified by the facts), or lead to any changes to the electoral system that could impact negatively on the franchise, or on the efficient and cost-effective conduct of federal elections.

2. Background to the Ehrmann Allegations

2.1 Ms Karen Ehrmann, who was recently convicted and sentenced for forging and uttering electoral enrolment cards, has made allegations of widespread and organised branch-stacking in relation to ALP preselection ballots in Queensland between 1993 and 1997, for the purposes of local and State government elections (see part 3 below). The 1996-1997 round of branch-stacking activities apparently required, as a by-product, the defrauding of the roll for the federal Division of Herbert. The Commonwealth Electoral Roll, an amalgamation of all 148 federal Divisional rolls, is held on the computerised Roll Management System (RMANS), maintained by the AEC in accordance with the Joint Roll Arrangements between the Commonwealth and the various States/Territories.

2.2 It should be noted at the outset that branch-stacking, which is reportedly widespread within the major political parties in Australia, is not itself an offence under the Electoral Act, and that the AEC has no statutory responsibility for the conduct of internal political party preselection ballots. However, the question does arise as to whether the wider conspiracy alleged by Ms Ehrmann has compromised the integrity of the Commonwealth Electoral Roll in a way that is undetectable, and cannot be remedied, by the AEC.

2.3 Queensland ALP preselection ballot procedures, to select candidates for local, State and federal elections, apparently require party voters to be on the Commonwealth Electoral Roll. It would appear that in order to vote in ALP preselection ballots, the production of an AEC enrolment acknowledgment card is evidence of electoral enrolment, and effectively provides the right to vote. The AEC understands that electoral enrolment is not yet a requirement for ALP preselection ballots in States and Territories other than Queensland, although this is apparently set for national adoption in the ALP by April 2001. The AEC further understands that electoral enrolment is not required for other political party preselection ballots, such as for the Liberal Party.

2.4 This does not mean that ALP preselection branch-stacking does not occur in other States than in Queensland (see **Attachment 1** on ALP branch-stacking in South Australia, for example), or that branch-stacking does not occur in preselection ballots for other political parties (see **Attachment 2** on Liberal Party branch-stacking in Queensland, for example), but it does explain why such activities do not necessarily come to the attention of the AEC in relation to the integrity of the Electoral Roll.

2.5 A brief chronological record of the involvement of the AEC in the detection, investigation, prosecution and conviction of various individuals involved in the ALP branch-stacking activities in Queensland at issue in this inquiry is now presented. It is important to note that whilst the instances of enrolment fraud in 1996 and 1997 were detected/investigated in the first place by AEC staff in the Herbert Divisional Office in Townsville, the Australian Federal Police (AFP) took responsibility for the official investigations, and the

office of the Commonwealth Director of Public Prosecutions (DPP) took responsibility for the prosecutions. That is, the AEC had no further involvement in these enrolment fraud cases once they were referred to the AFP and the DPP, beyond providing necessary information as requested.

2.6 The local, State and federal elections that frame the following discussion are as follows. There were Queensland State elections on 19 September 1992, on 15 July 1995 and on 13 June 1998. There were two federal elections, on 13 March 1993 and on 2 March 1996. There was also a by-election for the district of Mundingburra, situated within the boundaries of the federal Division of Herbert, on 3 February 1996. (The result of the 1995 Queensland State election for the State district of Mundingburra was challenged in the Queensland Court of Disputed Returns on the grounds, in part, that there were 22 cases of multiple voting and 39 cases of personation. None of these allegations was proven to the satisfaction of the Court, although the Mundingburra district election was voided on other grounds, and the following by-election led to the defeat of the ALP Goss Government.)

2.7 The Queensland ALP branch-stacking activities that came to the attention of the AEC in 1996 and 1997 appear to have been connected to ALP preselection ballots for the State districts of Townsville and Thuringowa, also involving the districts of Mundingburra, Cairns and Burdekin, prior to the 1998 State election. The districts of Townsville and Mundingburra are situated entirely within the boundaries of the federal Division of Herbert, the district of Thuringowa is partially within the Herbert boundaries, and the districts of Cairns and Burdekin are outside the Herbert boundaries (see **Attachment 3)**. (Note that ALP preselection ballots for the 1993 local government elections for Brisbane City Council in the wards of East Brisbane and Morningside are also under investigation elsewhere. The AEC did uncover a possible multiple enrolment case prior to the 1997 council elections, but there was insufficient evidence available for a prosecution.)

2.8 The first case of enrolment fraud that came to the attention of the AEC, in late 1996, involved Mr Andy Kehoe, who arranged the fraudulent transfer of the enrolments of known persons from the districts of Cairns, Mundingburra and Thuringowa into the district of Townsville. This was apparently done in order to assist Townsville Mayor Tony Mooney gain ALP preselection as the candidate for Townsville for the next State election. In return, Mr Kehoe claimed he was promised a seat by Mr Mooney on the Townsville City Council. Mr Mooney did not succeed in gaining ALP preselection for Townsville, and Mr Mike Reynolds was elected for Townsville at the 13 June 1998 State election.

2.9 On 10 October 1996, the wife of Mr Andy Kehoe delivered 10 electoral enrolment forms to the AEC office in the Division of Herbert in Townsville, just prior to a November 1996 ALP preselection ballot in Townsville. The cards underwent the normal preliminary check for completeness and AEC staff noticed that they all seemed to be witnessed by the same person, Mr Andy Kehoe. When Mrs Kehoe was questioned on the source of the cards, she said that her husband had collected them from his place of work. Later, as AEC

staff prepared the cards for processing, it was noticed that, not only had many of the cards been witnessed by the same individual, but the cards showed a number of repeated postal and residential addresses, all completed in similar handwriting.

2.10 The AEC Head Office in Brisbane was notified that the electoral enrolment cards were suspicious and might have been fraudulently submitted to the AEC. For the protection of the franchise, the Electoral Act does not provide any alternative to the prompt processing of enrolment applications, provided they are complete. Therefore, the Herbert Divisional Office was instructed to enter the information on the cards into the RMANS system, but to initially omit the postal address, so that the AEC enrolment acknowledgment cards would be automatically posted to the enrolled address. This was completed on 15 October 1996. As a part of further enrolment processing in the Herbert Divisional office on 15 October 1996, four other electoral enrolment cards, that were similarly suspicious, were detected. Suspicions about these four cards were also notified to the AEC Head Office in Brisbane, and the same approach was taken to their processing.

2.11 On 6 November 1996, the AEC wrote to Mr Kehoe seeking information on one of the electors in the original batch of cards that he had witnessed. The AEC had received information from an elector to the effect that the person named on the card did not live at the address to which the enrolment acknowledgment card had been sent. Mr Kehoe did not reply to the AEC inquiry. Co-incidentally on the same day, Mr Kehoe wrote to the AEC Herbert Divisional office explaining his role in upcoming ALP preselection ballots, and seeking the backdating to 14 October 1996 of 13 of the previously submitted (14) enrolments so that the electors involved might participate in the preselection ballots. Mr Kehoe was advised by the AEC that no such backdating would occur.

2.12 On 15 January 1997, the AEC referred the Kehoe enrolment matters to the AFP, and on 14 February 1997, the AFP referred the matters to the DPP. On 27 May 1997, Mr Kehoe was charged with 10 counts of forging and uttering under section 344(1) of the Electoral Act. On 24 July 1997, in the Townsville Magistrates Court, Mr Kehoe pleaded guilty to all 10 charges. He was sentenced to a suspended sentence of 3 months imprisonment, upon entering into a good behaviour bond for 2 years, and upon a $1000 recognisance.

2.13 During the Court hearing, Mr Kehoe asserted that his activities were motivated by a promise, made to him by a candidate for ALP preselection in the district of Townsville, the (then) Mayor Tony Mooney, that he would be given a seat on the Townsville City Council. On 30 July 1997, the Queensland Attorney-General, Mr Denver Beanland, referred Mr Kehoe's allegations to Mr Des O'Shea, the Queensland Electoral Commissioner. It is understood that Mr O'Shea referred the allegations to the Queensland police for investigation, to determine whether there might have been any breaches of the Queensland *Electoral Act 1992,* but that no charges have been laid in relation to Mr Kehoe's allegations.

2.14 Following Mr Kehoe's conviction and sentencing, and the provision of relevant information by the AFP and the DPP, the AEC has reviewed the enrolment histories of the individuals defrauded by Mr Kehoe. In all cases their fraudulent enrolments have been corrected or otherwise resolved, as detailed in the attached case by case summary (**Attachment 4**).

2.15 The second case of enrolment fraud that came to the attention of the AEC, in early 1997, involved Ms Karen Ehrmann and Mr Shane Foster, who arranged the fraudulent transfer of the enrolments of known persons from the district of Mundingburra into the district of Townsville (both within the Division of Herbert), in connection with ALP preselection ballots for Townsville for the 13 June 1998 State election. Media reports indicate that there was an ALP preselection contest between Mr Tony Mooney, the then Townsville City Council Mayor, who was apparently supported by Mr Kehoe, and Mr Mike Reynolds, who was elected to the Queensland Legislative Assembly at the 1998 State election, and whose preselection was apparently supported by Ms Erhmann and Mr Foster. Ms Ehrmann also gained ALP preselection for Thuringowa in November 1996.

2.16 On 29 April 1997, Mr Peter Lindsay, the Federal Member for Herbert, wrote to the Herbert Divisional Returning Officer (DRO) asking for an investigation into the enrolment of seven named electors. A complaint had apparently been lodged with Mr Lindsay about electors being moved around on the Herbert electoral roll for what was believed to be branch-stacking purposes. The Herbert DRO obtained copies of the most recent enrolment forms for each named elector, as well as their previous enrolment forms. He compared the details and noted discrepancies and irregularities that warranted further investigation. On 2 May 1997, the Herbert DRO referred these matters to the Brisbane Head Office, and further crosschecking was undertaken. On 2 June 1997, the AEC referred these matters to the AFP.

2.17 On 12 May 1998, Ms Karen Ehrmann was summonsed to appear on 54 charges of forging and uttering, 52 charges being under section 67(b) of the *Crimes Act 1914*, and two charges under section 488 and 489 of the Queensland *Criminal Code*. On 13 May 1998, Mr Shane Foster, a (then) Townsville Councillor, was summonsed to appear on 32 charges of forging and uttering, 30 charges being under section 67(b) of the *Crimes Act 1914*, and two charges under section 488 and 489 of the Queensland *Criminal Code*.

2.18 On 26 October 1998, at the committal proceedings, Mr Foster entered a plea of guilty in relation to 11 forgery and 11 uttering charges. He was released on his own undertaking to appear in the Townsville District Court on 1 March 1999 for sentencing. On 17 March 1999, Mr Foster pleaded guilty to 11 charges of forgery and 11 charges of uttering under section 67(b) of the *Crimes Act 1914* and was convicted and sentenced to three months imprisonment on each count. The sentence was suspended on condition that Mr Foster enter a good behaviour bond for 5 years, with $500 recognisance. Mr Foster had undertaken to give evidence at the trial of Ms Ehrmann.

2.19 Following Mr Foster's conviction and sentencing, and the provision of relevant information by the AFP and the DPP, the AEC has reviewed the enrolment histories of the individuals defrauded by Mr Foster. In all cases their fraudulent enrolments have been corrected or otherwise resolved, as detailed in the attached case by case summary (**Attachment 5**).

2.20 On 26 October 1998, at the committal proceedings, Ms Ehrmann entered a plea of not guilty. Following three days of evidence, Ms Ehrmann was committed to stand trial on 31 charges of forgery and 31 charges of uttering. On 16 December 1998, an indictment containing 62 charges was laid before the Townsville District Court and the trial was set to commence after March 1999. On 30 May 2000, Ms Ehrmann advised the DPP that she would plead guilty to 47 of the 62 charges, which related to 24 offences of forging and 23 charges of uttering electoral enrolment claim forms, committed between 1993 and 1996. The DPP accepted this offer.

2.21 On 11 August 2000, Ms Ehrmann pleaded guilty to the charges and was sentenced to 6 months imprisonment on each of 12 charges for offences committed in 1993. She was further sentenced to 3 years imprisonment for each of the remaining 35 charges, relating to offences committed in 1994 and 1996, to be released after serving 9 months, on her giving security by recognisance of $1000 in relation to each of the 35 counts, and entering into a good behaviour bond for 5 years.

2.22 Following Ms Erhmann's conviction and sentencing, and the provision of relevant information by the AFP and the DPP, the AEC has reviewed the enrolment histories of the individuals defrauded by Ms Ehrmann. In all cases their fraudulent enrolments have been corrected or otherwise resolved, as detailed in the attached case by case summary (**Attachment 6**).

2.23 During the course of the investigation, Ms Ehrmann apparently provided the AFP with particular and general information in relation to branch-stacking by the Queensland ALP. The AEC is not privy to this information. Ms Ehrmann, and her solicitor Mr Davey, also filed affidavits with the Court during her sentencing, in which she claimed that she was a "bit player in a well known scheme" and made general allegations of widespread and organised branch-stacking for ALP preselection purposes, including general allegations of fraudulent electoral enrolment (see part 3 below). In her affidavit, Ms Ehrmann also claimed that none of the cases of enrolment fraud for which she was convicted resulted in votes being cast at elections, and that they were only for the purposes of internal party preselection ballots.

2.24 On 26 August 1997, documents were tabled in the Queensland State Parliament by Mr Frank Tanti, Liberal Member for the State district of Mundingburra, elected at the 3 February 1996 by-election. Mr Tanti alleged that vote-rigging practices in ALP preselection ballots had "clouded the validity of state and federal electoral rolls in the region". The documents included ALP Disputes Tribunal minutes, letters, and ALP membership records and affidavits, relating to the ALP preselection process for the district of

Thuringowa. On 29 August 1997, the Queensland Attorney-General, Mr Denver Beanland, referred the documents to the Queensland Electoral Commissioner, Mr O'Shea for consideration.

2.25 On the same date, Mr Beanland referred the documents to the (then) Federal Minister for Administrative Services, and Minister responsible for electoral matters, Mr David Jull, asking him to advise whether any breaches of federal electoral law had occurred. On 2 September 1997, Minister Jull asked the AEC to examine the documents and to recommend the most appropriate course of action. On 5 September 1997, the AEC forwarded the materials to the DPP seeking advice on whether any breaches of the Electoral Act were disclosed. On 18 September 1997, the DPP advised the AEC that no federal offences were identified on the face of the materials because the material related to party preselection activities, which are outside the purview of the Electoral Act.

2.26 On 19 September 1997, the Electoral Commissioner informed Minister Jull that the DPP had advised that there were no federal electoral offences disclosed by the material forwarded to Mr Beanland by Mr Tanti. The Electoral Commissioner also noted to Minister Jull that the Queensland Electoral Commission (QEC) was still at that time investigating any irregularities in the preselection ballot for the State district of Thuringowa. The AEC took no more action on the Tanti allegations, on the assumption that the AFP and/or the Queensland Police were in possession of the information.

2.27 Some recent media commentary has suggested that "cemetery voting", or the creation of false identities or "ghost" or "phantom" voters for addition to the Electoral Roll, was involved in these cases of electoral fraud (see for example, **Attachment 7**). The Kehoe/Foster/Ehrmann prosecutions did not involve any charges involving identity fraud on the Electoral Roll. Rather, the charges related to the forging and uttering of electoral enrolment cards in order to transfer known persons into different State districts, mostly within the federal Division of Herbert, for the purposes of ALP preselection ballots.

2.28 It might be noted that the Kehoe prosecution was for forging and uttering under section 344 of the Electoral Act, whilst the Ehrmann and Foster prosecutions for forging and uttering were under section 67(b) of the *Crimes Act 1914* and sections 488 and 489 of the Queensland Criminal Code. These were decisions taken by the DPP, responsible for the carriage of the prosecutions, but it is noted that from a federal perspective, the Crimes Act offence of forging and uttering carries a significantly larger penalty (an indictable offence with imprisonment for 10 years) than the Electoral Act offence of forging and uttering ($1,000 or imprisonment for 6 months). The higher penalty levels in the Crimes Act result in a longer period for the institution of proceedings, which might have been a factor in the application of the Crimes Act offences by the DPP, given the length of the AFP investigation. The level of penalties in the Electoral Act is discussed later in this submission.

2.29 Finally, it will be obvious that the Kehoe forgery cases were detected in the Herbert Divisional office partly because the first 10 electoral enrolment cards were submitted as a bundle and the details were so obviously similar, and because Mr Kehoe himself drew attention to his direct involvement by seeking back-dating of the enrolments. Further, the Ehrmann and Foster forgery cases came to the attention of the AEC because Mr Peter Lindsay MP referred allegations he had received of enrolment fraud. It might therefore be asked whether AEC staff would have detected the Kehoe/Foster/Erhmann cases if the Kehoe enrolment frauds had not been so clumsily perpetrated and outside information had not been received on the Foster/Ehrmann enrolment frauds.

2.30 In fact, with progress in the development of Continuous Roll Updating (CRU), as discussed later in this submission, automated reports generated from the AEC Roll Management System (RMANS) can now signal any unusual numbers of enrolments for the same addresses, postal or otherwise, which should motivate further investigation of individual enrolment histories and imaged signatures, as well as targeted fieldwork, by AEC Divisional staff. That is, the “front-line” enrolment fraud detection by AEC staff in the Herbert Divisional office in 1996, and the investigations by the same AEC staff in 1997, have now been supplemented by enrolment fraud detection procedures developed on RMANS in conjunction with the implementation of CRU, which might well have detected the enrolment frauds at issue had these systems been in place in 1996-1997.

3. The Ehrmann Allegations and the Queensland CJC Inquiry

3.1 On 11 August 2000, during her sentencing for forging and uttering electoral enrolment cards in the Townsville District Court, Ms Karen Ehrmann filed an affidavit with the court, which made allegations of an organised branch-stacking conspiracy by the Queensland ALP for the purposes of internal party preselection ballots. Ms Ehrmann's affidavit said the following, in part:

> 1993 - I am pleading guilty to 7 charges.
>
> 2 are for my brother, 1 registered at my parents address in Thuringowa where he lived at different times over a number of years
>
> 2 are for my sister, 1 registered at my parents address in Thuringowa where she lived at different times over a number of years
>
> 1 was registered in the Burdekin,
> 2 were registered in Townsville.
>
> 1994 - I am pleading guilty to 10 charges
>
> 8 were registered in Thuringowa
> 1 for my brother registered in Townsville at my present address where my brother lived 1994 - 1999
> 1 for my sister registered in Townsville at the same address
>
> 1996 - I am pleading guilty to 7 charges.
>
> 5 registered in Thuringowa (three voted)
> 2 registered in Townsville (two voted)
>
> Out of all of the above charges relating to people enrolled
>
> 3 voted in Townsville for Mooney
> 3 voted in Townsville for Reynolds
> 4 voted in Thuringowa
>
> The rest were not eligible to vote in a preselection ballot for Townsville or Thuringowa or did not vote at all.
>
> The votes in question did not affect any plebiscite result.
> **They did not vote in elections or affect election results.**
> [*emphasis added*]
>
> I am pleading guilty to charges but I am in no way the instigator of a grand scheme. I was a bit player in a well known scheme being carried out by the A.W.U. long before I was involved I was not a person with any power or great position. I was, most of the time, bullied and pressured by people in position of power.
>
> The charges I am pleading guilty to, can be easily related to the times Lee Birmingham, the A.L.P State Organiser, and others working with him put

pressure on me, Shane Foster, Councillor, Townsville City Council, and others to sign members up, in short periods of time. This pressure usually related to support needed for Conference or State Council ballots. Our preferences were needed to elect other delegates. This heavy pressure was put on other members throughout Queensland.

Enrolment forms were only used for internal ballots. These people did not vote in general Local, State or Federal Elections.

When I was asked to take part in a situation, in the Mundingburra Bi-Election, where people voted, using forged enrolments, I refused.

The enrolments did not give me any real advantage in any plebiscite. I won outright without them. In all plebiscites I stood, I topped the poll. The only advantage was to the A.W.U. The extra votes were used to elect their other candidates.

It is well known throughout Labor circles that every politician stacked branches in one way or another. They approached supporters, people they had helped in their electorate, friends or relatives to join the A.L.P. and give support. Mothers, fathers, sons, daughters and wives are members for support only. This has always been common practise, in the history of politics.

It is well known that a prominent local State Politician had family members, sons and daughter registered at his house for 10 years after they had left home. He and his wife lived alone. This particular member paid for membership and re-enrolled the membership of a friend for 2 years after the friend died.

Another prominent State Member had his son registered at his house years after he left home. The Federal Electoral roles were checked many times but his son was declared as residing with his family. His son's vote in plebiscites had to be faxed to poling booths because he was always somewhere else. This particular member was known as the king of stackers in Townsville for the A.W.U. in the 1980's. He was stacking branches and paying for membership long before I became a member. He kept membership tickets in his file in his office. On one occasion during a preselection battle for a Council position, membership tickets had to be requested from the files of this State member so that the members from his branch could cast a vote. He won the right to be member for his seat in Townsville, by stacking 100 member into his branch at a meeting that was supposed to have been held New Year's Day. It well known by Prominent Labor Party Officials, and often joked about, that no such meeting was ever held.

The same branch and the same prominent ex-member stacked members for his Faction in the 1996 Townsville Plebiscite. Records were falsified and complaints were made to Party Officials. Another Party Member forged enrolments in the names of members of the Popular local Basketball Club. The Basketball Players were registered as members of an ex State Members Branch, recorded as financial, and as having attended meetings.

A candidate for preselection in a nearby State Seat who encouraged his brother, sister and brother in law to join the party to support him forgot to tell his brother not to accept lifts from his opposing candidate and friends. Having had a few drinks he directed them to his residential address in Mundingburra.

Not the address in Thuringowa where he was registered and voted in the preselection. Two other people voting for this same candidate had long since moved from their registered address. Their enrolments were kept at old addresses so that they could vote for their candidate.

Branches were stacked all over Queensland

3.2 On the same day, Ms Ehrmann's solicitor, Mr Mark Dyer, also filed an affidavit which said the following, in part:

> 20. I … received instructions from the Defendant, following discussions with the Senior Legal Officer of the DPP, that she would be prepared to provide the Australian Federal Police with information which may assist them in any further investigations that they may wish to undertaken against others who she could say had been involved in the same or similar conduct in relation to "branch stacking" and electoral fraud. This was first raised with the DPP in early March of this year and a meeting was set up with the Australian Federal Police on 7 April 2000 when over a period of some three and half (3 1/2) hours general information and some specific information was provided.
>
> 21. In the course of these conversations, for which I was present and the majority of which were taped, the Defendant provided information as to the general scheme that was followed within the Australian Labor Party in Queensland and she provided information indicating the extent to which it was practiced across the State in a widespread manner. She provided the Australian Federal Police with some history of the development of the practice and the names of those who she knew to be involved. She provided information as to the period of time during which this practice was being used and that it was known about, understood and encouraged within some factions of the Labor Party at the highest level. She also outlined the relationship of some of the Unions in relation to the relevant factions of the ALP, including the people involved to her knowledge.
>
> 22. In addition to this general information, the Defendant provided the names of certain people whom she had actually witnessed forge documents relevant to the outcome Mundingburra By-Election in 1996. She also advised of having witnessed the forging of electoral enrolment forms for people in the seat of Thuringowa and she provided names of some of the people who were involved in relation to that. That information was provided so that those forms and documents could be accessed in the same way as had been achieved in the investigations of this matter and the charges against Foster. Some of the people the Defendant specifically implicated are directly linked to one of the more prominent political figures in Townsville at the moment. The same applies in relation to false enrolments which were undertaken with respect to the Mundinghurra By-Election in 1996 and false Applications for Postal Votes. She also provided direct information concerning fraudulent activity in relation to the pre-selection for the seat of Townsville in 1996.
>
> 23. She also advised of attempts by others who she named to have her falsely witness enrolment forms and other documents which she refused to do. She indicated that by her refusal to do so, she alienated herself from this faction which indirectly led to a campaign by members of this faction against her which, in turn, led to information being passed on about her to her other political opponents. This led to these initial investigations. She indicated that

she had been threatened on many occasions and gave examples of the intimidation that was used by these people within the Labor Party and the Unions. She indicated that she was in fear of them and that they had told her that they would destroy her politically and publicly.

24. Despite this additional information having been provided by the Defendant and the particulars with respect to documents and individuals implicated of which she had first hand knowledge, the relevant authorities have not chosen to further their investigations. I crave leave to refer to Exhibit "A" hereof and, in particular to the last sentence of the last paragraph where it is stated that the Crown will maintain that the information provided "was not of sufficient particularity to assist the Australian Federal Police in any investigation".

25. Since it has been known publicly that the Defendant would be entering pleas of guilty to various counts, there have been some developments which are also relevant not only with respect to the extent to which she has attempted to cooperate with the authorities, but from the point of view of the stress and anxiety which has been caused to her by these matters. Both on my advice and on Queens Counsel's advice, the Defendant began the process of gathering references from referees who may have been able to assist. One such referee is a past Townsville City Council employee who has been residing for approximately two (2) years in Los Angeles in the United States. The Defendant had a close working relationship with her until she left Townsville. She has provided a reference for the purposes of these proceedings and it is the reference dated 11 July 2000. In addition to the Defendants contact with her concerning the provision of a reference, the Defendant was contacted by her by Email on Tuesday 25 July 2000 where she indicated that she was receiving some "very weird phone calls from strangers in Australia'. She invited the Defendant to contact her. She added the writer, "I don't like what's going on". As a result the Defendant had a long telephone conversation with her to the United States and exchanged further Emails. She described how she been contacted by a number of men, one of whom identified himself by name, who described themselves as well known local business men in Townsville. In short, they indicated that they wanted to assist the Defendant and that they would be in a position to provide her with a substantial sum of money if she was prepared to implicate a certain well known political figure and Member of Parliament in Townsville in the course of these proceedings. At the same time, other acquaintances of the Defendant were contacted by another person who identified himself and who indicated that he wanted to set up a meeting with the Defendant in Townsville in order to put a proposal to her. She was invited to call this person back and was provided with a telephone number in order to set up a meeting.

26. On 26 July 2000 the Defendant attended at my offices and provided me with information. I provided to her certain advice and as a result of that advice I contacted the Senior Legal Officer at the DPP and I also contact the investigating Police Officer of the Australian Federal Police. This information, all the names and copy Emails was provided to the Australian Federal Police and their assistance was sought to further investigate these matters. The Defendant was provided ultimately with a recording device so that telephone conversations she had could be taped. The Defendant then contacted the person identified as the leader of the syndicate of local business operators and attempted to set up a meeting with him. This was the contact who had approached the referee in the US. Independently, she was contacted by

> another person who identified himself as "Paul" and another offer was made to her to implicate this prominent local Politician in wrongdoing. The concern is, that based upon the Defendant's instructions, she does not acknowledge any wrongdoing on the part of the person she has been requested to implicate in exchange for a substantial consideration. The reward that was offered included a sum of money sufficient to cover her legal expenses and some additional assistance. I have provided advice to the Defendant during this period and we have been in consultation with the Australian Federal Police as to how these matters should be handled. The Defendant was prepared to play along with these proposals in an attempt to gain further evidence which could constitute an attempt by these persons to pervert the course of justice or at least a conspiracy to do so. The Defendant, at her first opportunity and despite her concern and anxiety for her own well being and the well being of those close to her, elected to provide this information to me and to follow my advice in relation to how the matter should be dealt with. She has cooperated with the Australian Federal Police in relation to this matter at a stage where her own health has suffered as a consequence…..
>
> 27. She has now received a letter from the contact who identified himself as "Paul" which has been more specific in the requirements with respect to implicating this local Politician. This has been provided to the Australian Federal Police. As recently as the evening of Monday 7 August 2000 she was contacted again by telephone by this person. The conversation was taped in full and the tape was provided to the Australian Federal Police for their further action.

3.3 On 18 August 2000, the Chairperson of the Queensland Criminal Justice Commission (CJC), Mr Brendan Butler SC, confirmed in a press release that the Queensland Electoral Commissioner, Mr Des O'Shea, had referred material concerning electoral fraud allegations to the CJC. Mr Butler said that the CJC was already actively pursuing preliminary investigations into the allegations referred to it by the ECQ, and that the material referred consisted of court transcripts and affidavits.

3.4 The Queensland CJC was established by the *Criminal Justice Act 1989* (Qld) on the recommendation of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (known as the Fitzgerald Inquiry). Since 1989 over 22,000 complaints have been received by the CJC, which has the duty to monitor, review and initiate criminal justice reform in Queensland, and as part of this, to investigate official misconduct as defined in the Act. The CJC is headed by a Chairperson and four part-time Commissioners. The Minister responsible for the CJC is the Premier, Mr Peter Beattie, and the responsible parliamentary committee is the Parliamentary Criminal Justice Committee of the Queensland Legislative Assembly.

3.5 On 22 August 2000, the CJC publicly notified the following facts:

- On 11 August 2000, Karen Lynn Ehrmann pleaded guilty in proceedings in the District Court of Townsville to 24 counts of forging and 23 counts of uttering Commonwealth Electoral Enrolment forms and was sentenced to three years imprisonment;

- During the course of the said proceedings documents were filed on behalf of Karen Lynn Ehrmann alleging the involvement or possible involvement of Australian Labor Party (ALP) members, including elected representatives, in electoral fraud;

- On 15 August 2000, allegations were made in the Senate by Senator Brandis that in 1998 Jennifer Hill, an ALP Councillor in the Townsville City Council, fraudulently caused a person to be recorded as a member of the ALP;

- On and from 15 August 2000, the Criminal Justice Commission (the Commission) has operated of its own initiative, in conducting preliminary investigations of the allegations referred to in paragraphs (2) and (3);

- By letters to the Commission dated 17 August 2000 and 21 August 2000, the Leader of the Opposition, the Honourable R J Borbidge MLA, called for a full and independent inquiry into the allegations made by Ms Ehrmann and the issues relevant to them;

- By letter to the Commission dated 18 August 2000 and 21 August 2000, the Electoral Commissioner, Mr D J O'Shea, referred to the Commission documents relating to the said proceedings against Ms Ehrmann and requested the Commission to conduct an investigation into allegations of electoral fraud raised by Ms Ehrmann or to refer those allegations to the Queensland Police Service where the Commission does not have the power to do so.

3.6 The CJC made the following resolution in relation to those facts:

To engage the services of an independent qualified person pursuant to section 66 of the Act:

(a) to examine the information gathered during the Commission's preliminary investigation relating to the allegations referred to in paragraphs (2) and (3);

(b) to direct and supervise such further investigations as counsel considers appropriate in order to assess whether a reasonable suspicion of official misconduct exists in respect of the allegations referred to in paragraphs (2) and (3);

(c) to advise if a reasonable suspicion of official misconduct exists in respect of the allegations referred to in paragraphs (2) and (3), and, if it does, to advise on:

(i) the nature of the investigation of the suspected official misconduct that the Commission should conduct
(ii) whether, having regard to section 90 of the Act, an open hearing should be held for the purpose of such investigation
(iii) the terms of reference of any such open hearing;

(d) to advise, in respect of any allegations referred to in paragraphs (2) and (3) not giving rise to a reasonable suspicion of official misconduct, whether such allegations should be referred to the Queensland Police Service or any other agency for investigation of criminal offences.

3.7 On 22 August 2000, the CJC Chairperson also announced the appointment of independent counsel, Mr Philip McMurdo QC, to assess the electoral fraud allegations, and to direct and supervise any further inquiries as appropriate, in order to advise whether there is a reasonable suspicion of official misconduct.

3.8 On 6 September 2000, the CJC published a Report from Mr McMurdo QC, entitled "Allegations of Electoral Fraud", which contains his legal advice on future directions for the CJC inquiry (**Attachment 8**). At paragraphs 35 to 41 of his advice, Mr McMurdo summarises his understanding of the Ehrmann allegations as follows:

> 35 Ehrmann pleaded guilty to 24 counts of forging and 23 counts of uttering Commonwealth electoral enrolment forms. Her purpose in each case was to advance the prospects of herself or others in pre-selection contests within the ALP. At all material times, a party member's entitlement to vote in the selection of candidates for the House of Representatives, the Legislative Assembly and local government, was effectively dependent upon that person being entered on the Commonwealth electoral roll at an address which corresponded with a branch within the relevant electorate or local government area. Ehrmann's conduct followed a pattern, described by Mr Hanson QC for the Crown, and not disputed by Ehrmann, as follows:
>
> > "In 1993 Mrs Ehrmann and a Shane Foster, also a city council alderman and ALP member adopted a plan to stack an electoral division with voters who did not live there so that those names could be used in a preselection ballot in an attempt to secure the endorsement on a particular candidate for the city council election favoured by both of them. Known persons were enrolled without their knowledge and consent at addresses within the electorate, whereas, they, in fact, lived elsewhere. Residential addressed were chosen - residential addresses were chosen which were occupied by people she knew, such as her parents, her children and one particular accommodating party member.
> >
> > Post office boxes, which she and Foster either already had or took out for the purpose, were utilised in the scheme, as I'll explain in a moment. There were three post office boxes in her name, one in her mother's name, three in the name of Shane Foster and one in the name of Foster's wife. You'll see these forms in a moment and you'll see that there's provision for a residential address and a postal address, and where a postal address is shown on the electoral enrolment form which is different from the residential address, the practice of the electoral office is to send mail for that voter to the postal address, for example, to a post office box rather than to the residential address.
> >
> > The same practice is followed by the ALP returning officer. The practice was to - in a plebiscite - to utilise the postal address shown on the electoral roll. So that plebiscite ballot papers therefore went to the post office boxes controlled by Ehrmann and Foster. In some cases where ballot papers did go to the residential address on the roll she

was, of course, also able to collect them." (Transcript of hearing before Chief Judge Wolfe, 11 August 2000 pages 6-7)

36. At least according to the Crown submissions, there were three distinct periods in which this activity was undertaken. The first was in 1993, when the applications for enrolment were "designed to support the pre-selection of a candidate in the local council elections" (Transcript page 10). Secondly there were offences in 1994 in anticipation of a pre-selection ballot to follow from what was then an anticipated retirement of a member of the Legislative Assembly. Thirdly, there were offences committed in 1996, which were said to be for the purpose of securing Ehrmann's pre-selection for a State seat. In late 1996, Ehrmann was selected as the party's candidate to contest Thuringowa.

37. Ehrmann swore an affidavit which was tendered at her sentence hearing, where she swore to the contents of a document written by her which was annexed to that affidavit. As I have mentioned, the relevant allegations are those of conduct which constitutes or could constitute a criminal offence. As best I can distil the allegations of criminal misconduct which are there asserted they are as follows:

> (1) Ehrmann was asked to "take part in a situation, in the Mundingburra Bi-Election (sic) where people voted, using forged enrolments", whereupon she "refused".
>
> (2) The forged enrolments "did not give me any real advantage in any plebiscite. I won outright without them…The only advantage was to the A.W.U. The extra votes were used to elect their other candidates".
>
> (3) Particular individuals who were not named but were referred to as "a prominent local State politician", "another prominent State Member" and "another Party Member" are said to have forged enrolments at various times.

38. Ehrmann's references to "branch stacking" do not necessarily suggest criminal conduct and thereby even the potential for official misconduct.

39. Ehrmann's solicitor, Mr Mark Dyer, also swore an affidavit. He deposed to discussions in a meeting he and Ehrmann had with officers of the Australian Federal Police in April this year. A transcript of that meeting was made by the AFP and has been provided to the commission and briefed to me. Care must be taken in the reading of Mr Dyer's affidavit where he refers to a "general scheme that was followed within the Australia Labor Party in Queensland ... which ... was practiced across the State in a widespread manner", as some of the conduct referred to (at least when regard is had to the transcript of that meeting) could not constitute a criminal offence or amount to official misconduct.

40. As I mentioned, in 1996 Ehrmann was seeking pre-selection for the seat of Thuringowa but, through her counsel, she said that she forged some enrolments so as to place some voters within the electorate of Townsville, the "object of the exercise" being to support a particular candidate in the plebiscite for the selection of the Labor candidate for that seat (Transcript of hearing before Wolfe CJDC p 32).

> 41. It is difficult to identify the scope of the Ehrmann allegations, because many of them are general and ambiguous, especially when regard is had to her meeting with the AFP in April this year. It is necessary to distil, if possible, her allegations to something more specific, so that it can be assessed whether there is a factual basis for a reasonable suspicion of official misconduct. In particular, that is necessary to assess whether there could be a reasonable suspicion of an actual or potential impact upon the performance of someone who held a relevant appointment. Some of her allegations have been made more specifically. It is undesirable that I detail them here, beyond what appears already from the hearing in the District Court, for several reasons. First there is a potential unfairness to the individual concerned, who has not had an opportunity to learn of Ehrmann's assertion, let alone to answer it. I have been informed by the commission that this opinion will be made public. Secondly, in many cases the assertion is ambiguous or else so general as to be potentially misleading, and Ehrmann has refused to provide any detailed explanation except if she is compelled to do so, Thirdly, I am not involved in a process of a fact finding at the end of a completed investigation: my job is to advise whether a further investigation is permitted and warranted. A close and published examination of the present evidence might not only be unfair to individuals concerned, but detrimental to the conduct of a fuller investigation.

3.9 At paragraph 51 of his advice, Mr McMurdo warned that the Ehrmann allegations about "branch-stacking" might not amount to either criminal conduct or official misconduct:

> 51 As I recommend at the conclusion of this opinion, whoever further investigates those matters should be appointed also to conduct an investigation into such other allegations as give rise to a reasonable suspicion of official misconduct concerning criminal conduct in respect of ALP plebiscites within a defined period. The particular allegations within this category involve conduct at different times, but none of them is earlier than 1993 or later than 1997. There must be some focus upon allegations which, according to their facts and circumstances, might involve official misconduct. As I mentioned, much of what is alleged by Ehrmann as having occurred for many years, by way of "branch stacking", falls short of an allegation of criminal conduct and still further, official misconduct. The legitimate purposes of the investigation I recommend would not be served by terms of reference which go beyond conduct which is reasonably suspected to be official misconduct. I add that some of the specific allegations within the category mentioned in this paragraph suggest conduct which could constitute a criminal offence, although not by way of forging electoral enrolments.

3.10 In conclusion, Mr McMurdo recommended to the CJC that an open inquiry be held with the following terms of reference:

> (1) Any alleged official misconduct, by way of conduct which constitutes or could constitute a criminal offence or offences:
>
> > (a) affecting the electoral roll relevant to the conduct in 1996 of a plebiscite within the Australian Labor Party to select its candidate for the State electorate of Townsville;

(b) affecting the electoral roll for the by-election for the seat of Mundingburra held in 1996;

(c) affecting the electoral roll relevant to the conduct in 1993 of a plebiscite within the Australian Labor Party to select its candidate for the Brisbane City Council ward of East Brisbane;

(d) affecting the electoral roll relevant to the conduct in 1993 of a plebiscite within the Australian Labor Party to select its candidate for the Brisbane City Council ward of Morningside.

(2) Such other alleged conduct, which constitutes or could constitute a criminal offence in respect of any plebiscite conducted within the years 1993 to 1997 inclusive for the selection of the candidate of the Australian Labor Party for any electorate of the Legislative Assembly or the position of councillor of any local government within Queensland, in respect of which there could be a reasonable suspicion of official misconduct.

3.11 On the same day as the publication of the McMurdo Report to the CJC, the Chairperson of the CJC announced that the parliamentary Criminal Justice Committee had approved the appointment of a retired judge, the Honourable Tom Shepherdson QC, to conduct the inquiry into the Erhmann allegations and preside over the inquiry.

3.12 In summary, the Shepherdson CJC inquiry will examine whether there has been any official misconduct in relation to the 1996 ALP preselection ballots for the district of Townsville or for the district of Mundingburra, and in relation to the 1993 ALP preselection ballots for the East Brisbane and Morningside wards of the Brisbane City Council. “Official misconduct” is taken to mean the commission of a criminal offence by an elected member of the State Parliament or a local government council, or a criminal offence by a person who could affect the discharge by an elected member of their functions or powers. Such criminal offences might include enrolment fraud against the Commonwealth Electoral Roll.

3.13 On 3 October 2000, the first day of hearings in the Shepherdson CJC inquiry, Ms Ehrmann alleged, on the basis of hearsay, that an “insider” from the “Electoral Commission” assisted the ALP in branch-stacking. This is the first time that Ms Ehrmann has made this allegation, despite (a) being interviewed by the AFP on a number of occasions over a number of years; (b) plea-bargaining with the DPP prior to the laying of charges; and (c) presenting an affidavit containing a number of serious allegations about a widespread branch-stacking conspiracy to the court during her sentencing, as reproduced above.

3.14 Although the AEC is obtaining the daily transcripts from the CJC, there is a non-publication order which prohibits the AEC reproducing the relevant passages. The AEC can do no more in this submission than discuss Ms Ehrmann’s testimony in general terms, as have journalists in the major daily newspapers. (Note that, at the request of the JSCEM and the Special Minister of State, and with the approval of the CJC, the AEC is providing copies of the transcripts to the JSCEM and the Minister.)

3.15 In her evidence to the inquiry, Ms Ehrmann spoke about "white cards", issued by the "Electoral Commission", which were used to identify people as being enrolled, for preselection ballot purposes. Mr Ehrmann said that another person had told her that "they" had someone on the inside at the Electoral Commission. Ms Ehrmann was not sure how the white cards were obtained, but she said she was told that "they" filled in the white cards with people's names, thereby qualifying these people to vote in preselection ballots, when they were not actually on the roll. Ms Ehrmann was unable to say whether these people were real or not, and did not know whether what she was told was true or not.

3.16 On 9 October 2000, in giving evidence to the inquiry, Ms Joan Budd, the ALP returning officer for preselection ballots in Queensland, alleged that the "white cards" were photocopies, used in relation to the Brisbane City Council elections in 1993.

3.17 The "white cards", which Ms Ehrmann alleges she was told were obtained from an "insider" at the "Electoral Commission", must refer to the enrolment acknowledgment cards that are issued by the AEC once an enrolment has been correctly processed by RMANS. These cards are currently issued from Canberra as part of an automated RMANS procedure, and not from Queensland (or the Division of Herbert). However, six or more years ago, before this centralised and automated despatch procedure had been implemented on RMANS, supplies of blank enrolment acknowledgement cards were available in Divisional offices to enable AEC staff to replace lost or damaged cards, after the originals had been printed out from RMANS.

3.18 On the morning of 4 October 2000, the day after Ms Ehrmann's hearsay allegations were made to the Shepherdson CJC inquiry, the acting Electoral Commissioner, Mr Mark Cunliffe, took steps to initiate an urgent official inquiry into the possible existence of an AEC "insider" at the time of the branch-stacking activities in question.

3.19 On 6 October 2000, the *Australian Financial Review* reported on page 6 that the AEC had been ordered to conduct an inquiry by the Special Minister of State, Senator Chris Ellison:

> The Federal Government has ordered an urgent inquiry into claims that an Electoral Commission insider helped Queensland ALP figures conduct the vote-rigging rort now threatening to engulf the Queensland Labor Government. The Special Minister for State, Senator Chris Ellison, ordered the inquiry after the claims were made by convicted vote-rigger Karen Ehrmann in evidence to the Criminal Justice Commission inquiry into electoral rorting. A spokesman for Senator Ellison said it was not clear from Ehrmann's evidence whether she was referring to the Federal or Queensland Electoral Commission, and the senator wanted the matter clarified as soon as possible. Government sources said the Federal Electoral Commission in Townsville, where the alleged rorts took place, had in fact detected and reported the original breaches of the Electoral Act.

3.20 Late on 6 October 2000, Mr Cunliffe issued an internal AEC circular advising that, following consultation over the previous two days with the Chairman of the Electoral Commission, the Honourable Trevor Morling QC, and other members of the Electoral Commission, including the Electoral Commissioner, Mr Andy Becker (on leave at the time), an independent inquiry would be conducted into the possible existence of an AEC "insider" (**Attachment 9**) at the time of the branch-stacking activities in question.

3.21 On 7 October 2000, similar media reports appeared about the Special Minister of State ordering the AEC to conduct an investigation in the *Weekend Australian* (page 8) and the *Canberra Times* (page 2). It is questionable whether, under section 7(1)(b) of the Electoral Act, which provides for the powers and functions of an independent AEC, the Minister has the authority to issue such an order. In any event, the AEC has not received such an order from the Minister.

3.22 The AEC will provide a supplementary submission to the JSCEM detailing the outcomes of the independent inquiry into the allegations of an "Electoral Commission insider" as soon as they are available.

4. The Queensland Parliamentary Committee Inquiry

4.1 The JSCEM of the Federal Parliament is paralleled in the Queensland Legislative Assembly by the Legal, Constitutional and Administrative Review Committee (LCARC), established under the *Parliamentary Committees Act 1995* (Qld). LCARC has conducted a series of inquiries into aspects of the Queensland electoral system, and the provisions of the *Electoral Act 1992* (Qld). LCARC reports of particular interest to the JSCEM in recent times have included:

- Report No 18 of September 1999 on second preference how-to-vote cards and the Court of Disputed Returns;
- Report No 19 of March 2000 on the implications of the federal *Electoral and Referendum Amendment Act 1999;* and
- Report No 23 of May 2000 on issues of electoral reform arising from the 1998 State election and amendments to the federal legislation.

4.2 On 22 August 2000, in the Queensland Legislative Assembly, Mr Springborg MLA asked the following question in the context of the conviction of Ms Karen Ehrmann and her subsequent allegations of widespread branch-stacking in the Queensland ALP:

> I ask the Attorney-General and Minister for Justice: given that it is easier to file a fraudulent electoral enrolment than hire a video and given the proven electoral corruption within the ALP, will he now withdraw his opposition to basic reforms such as minimum identification requirements, which would help restore the integrity of our electoral roll in Queensland? (*Hansard, p 2513*)

4.3 The Queensland Attorney-General and Minister for Justice, Mr Foley, described the series of actions taken by the Queensland Government in response to the Ehrmann allegations, as follows:

> The actions that I have taken with regard to the allegations of electoral fraud have been prompt and have been thorough. Upon the matter having been drawn to my attention following the appearance in the Townsville District Court, I asked for a copy of the transcript. That transcript made reference to certain affidavit material. I asked for a copy of that. I received it on the Monday. I considered it. I consulted Crown Law. I consulted with the Premier on the Tuesday morning. I referred that material to the Electoral Commissioner.
>
> The reason I did that was to satisfy myself, as the responsible Minister, that any allegations of breaches of Queensland electoral law were properly investigated and properly dealt with. The matter had been the subject of investigation by the Australian Federal Police for quite some time, but the principal purpose of referring it to the Queensland Electoral Commission was to ensure that there should be thorough and proper examination of the material. That material, I hasten to add, was disputed in the court proceedings in a number of respects by the Commonwealth prosecution, and that should be taken into account.

> With respect to any reform of Queensland's electoral laws, one of the basic principles that the Electoral and Administrative Review Commission set out in its reform of the corrupt electoral laws under the National Party and the Liberal Party regimes was that these reforms should be addressed by an all-party parliamentary committee in order to overcome the petty point scoring that previously characterised and demeaned the debate on electoral law in this State. If the honourable member believes that the laws are ineffective or inadequate, I would have expected him to draw that to the attention of the all-party Legal, Constitutional and Administrative Review Committee….. (*Hansard p 2513-2514*)

4.4 On the same day, 22 August 2000, Mr Wellington, the Independent MLA for Nicklin, moved the following motion:

> That this House requests the Legal, Constitutional and Administrative Review Committee to investigate and report back to State Parliament by 14 November 2000 on the best way to minimise electoral fraud at elections, where the Queensland State electoral roll is used (*Hansard p 2567*).

4.5 In support of the motion, Mr Fenlon MLA, the ALP member for Greenslopes and Chair of the Legal, Constitutional and Administrative Review Committee, said the following, in part:

> For such an openly democratic system built upon pillars of public trust, history reveals very little evidence of electoral fraud that would affect the result of an election. Report No. 19 regarding the implication of the new Commonwealth enrolment requirements cited the Joint Standing Committee on Electoral Matters on the 1996 Federal Election and found that –
>
> > "Electoral fraud can encompass multiple voting (in the names of existing electors, or in false names deliberately placed on the roll for that purpose), being enrolled for the wrong House of Representatives electorate, or being a foreign citizen or underage. Obviously some of these circumstances can also arise through misunderstanding on the part of electors, rather than deliberate attempts at fraud. The inquiry did not reveal improper enrolment or voting sufficient to affect any result at an election."
>
> The subject of dual and multiple voting also arises, and in its submission dated 10 October 1999 to the JSCEM the commission also stated –
>
> > "There are comprehensive checks and balances in the Electoral Act, and in AEC administrative procedures, that ensure that instances of multiple voting are detectable. Individual cases of multiple voting are prosecuted after every Federal election, but there is no evidence that the result in any Federal election since the establishment of the AEC in 1984 has been compromised by widespread and organised fraudulent enrolment and voting, despite the claims to the contrary made by critics of the Federal electoral system."
>
> I provide these quotations not as any suggestion of complacency regarding these matters, but to urge a sense of reality as a starting point for such an endeavour. Any prospect of moving toward greater regulation of these areas may come at a cost, as Professor Colin Hughes cautioned in relation to

Commonwealth moves towards tightened enrolment procedures when he stated –

> "It would have costs that would operate to the detriment of relatively disadvantaged elements of the community and that any decision to change major elements of the present system needs to weigh those costs very carefully."

There are, however, very positive directions that I will recommend to the committee as important positive starting points to such an inquiry. These include the development of continuous roll updating procedures, the move towards an address-based roll management system and revisitation of the issue of abandoning the joint roll arrangements with the Commonwealth and any advantages that Queensland might obtain from pursuing that course (*Hansard, p 2568-2569*).

4.6 The motion from the Independent MLA, Mr Wellington, to request LCARC to investigate and report back to State Parliament by 14 November 2000 on the best way to minimise electoral fraud at Queensland elections, was therefore passed by the Queensland Parliament.

4.7 On 28 August 2000, the Queensland Attorney-General Mr Foley, announced that the Queensland Cabinet had adopted the unanimous recommendations of the LCARC Report No 23 of May 2000. The recommendations from this report include the adoption of enhanced Continuous Roll Updating (CRU) and data-matching, and the use of driver's licence applications as enrolment applications subject to privacy safeguards. In his press release the Queensland Attorney-General said the following:

> The all-party report unanimously recommended that the Electoral Act be amended to provide for enhanced electoral roll updating by allowing the Electoral Commission of Queensland to obtain information from government agencies. These reforms would allow the Electoral Commission to collect name, address and date of birth data to trigger further enquiries to confirm the accuracy of the roll.
>
> Attorney-General Matt Foley said "A practical reason for this amendment to the Electoral Act would be to reduce the opportunity for fraud with incorrect registration of voters."
>
> Premier Peter Beattie and Attorney-General Matt Foley said the proposal to require voters to provide identification when they vote could be considered by the all party committee to which the government had referred electoral fraud safeguards in parliament last week; however the same all party parliamentary committee had unanimously rejected in March 2000 the Commonwealth proposal which would result in making it more difficult for voters to be enrolled.
>
> Coalition members of the committee, former Attorney-General, Mr Denver Beanland and his Coalition colleague Ms Judy Gamin, had agreed in the March 2000 report that the Commonwealth proposals were flawed because they had the potential to effectively disenfranchise a significant number of eligible voters. Attorney-General Matt Foley said that the Commonwealth

proposal was the thin edge of the wedge to bring in by the back door optional voting.

4.8 On 5 September 2000, Dr David Watson MLA, Leader of the Opposition in the Queensland Legislative Assembly, moved the following, as reported in the relevant *Votes and Proceedings*:

> In view of the conviction of three ALP identities for electoral corruption by rorting the electoral rolls for Federal, State and Local Government elections, this House calls on the Queensland Government to amend the Electoral Act to require proof of identity and address from all voters before ballots are cast, and calls upon the Commonwealth to amend the Commonwealth Electoral Act to require proof of identity and address before a person may be registered on the electoral roll.

4.9 The Attorney-General Mr Foley then successfully moved that the following words be inserted before the words moved by Dr Watson:

> 1. The House notes the conclusion in Report No 19 of March 2000 by the all-party Legal, Constitutional and Administrative Review Committee that the Commonwealth's "new enrolment requirements have the potential to effectively disenfranchise a significant number of voters";
>
> 2. The House further notes that on 22 August 2000 it requested the Legal, Constitutional and Administrative Review Committee to "investigate and report back to State Parliament by 14 November 2000 on the best way to minimise electoral fraud at elections, where the Queensland State electoral roll is used", and
>
> 3. The House requests the Committee to include in the said investigation and report consideration of Dr Watson's motion…"

4.10 On 8 September 2000 LCARC tabled an Issues Paper entitled "Inquiry into the prevention of electoral fraud" in the Queensland Legislative Assembly, and on 9 September 2000, LCARC advertised for submissions to the inquiry. In the Issues Paper (**Attachment 10**), LCARC stressed that the investigation of specific allegations of past instances of electoral fraud is properly a matter for the relevant law enforcement agencies and anti-corruption agencies.

4.11 In the Issues Paper, LCARC canvassed the current checks and balances already in place to deter, detect and act upon electoral fraud and to ensure the integrity of the electoral process, including:

- the independence of the electoral commission;
- the ongoing upgrading of the RMANS system by the AEC;
- the move from the periodic national "door-knock" to CRU;
- administrative safeguards for the prevention/detection of electoral fraud;
- post-election checks including electronic scanning, "please explain" letters and police investigations;
- the presence of scrutineers at the polling and the count;
- inquiries by the Court of Disputed Returns; and

- inquiries by LCARC.

4.12 After noting in the Issues Paper that previous inquiries into electoral fraud by the JSCEM, the Queensland Electoral Commissioner and the Queensland Supreme Court have found no evidence to support allegations of widespread and organised electoral fraud, LCARC asks whether the Queensland electoral system needs any further legislative "tightening up", or whether the potential for electoral fraud could be addressed by less intrusive administrative methods, that would not impact on the franchise. These will be discussed further later in this submission.

4.13 Submissions to the LCARC inquiry closed on 6 October 2000 and LCARC is required to report on its inquiry by 14 November 2000. LCARC invited the Special Minister of State, Senator Chris Ellison, to provide a submission, but did not issue a separate invitation to the AEC. Instead, the Queensland Electoral Commissioner, Mr Des O'Shea, was encouraged by LCARC to liaise with the AEC AEO Qld, Mr Bob Longland, in the preparation of the QEC submission, in particular in relation to joint roll matters.

5. JSCEM Inquiry Terms of Reference

5.1 The terms of reference for this JSCEM inquiry into the Integrity of the Electoral Roll are as follows:

- The adequacy of the Commonwealth Electoral Act for the prevention and detection of fraudulent enrolment;
- Incidents of fraudulent enrolment;
- The need for legislative reform.

5.2 The JSCEM inquiry was stimulated by a letter, dated 23 August 2000, to the Chairman of the JSCEM, Mr Gary Nairn MP, from the Special Minister of State, and the Minister responsible for electoral matters, Senator Chris Ellison. In his letter to the Chairman, which was issued as part of a media release on the same day, the Minister said the following:

> I am writing to you and the Joint Standing Committee on Electoral Matters in relation to the recent events in Townsville, specifically the conviction of Ms Karen Ehrmann on 23 counts of forging and 24 counts of uttering. As you no doubt would be aware, these offences related to the integrity of the electoral roll. There have been two other cases of fraudulent voter enrolment in Queensland in the last three years. One involved a Mr Kehoe in 1997 and the other a Mr Foster in 1999. The latter case related to Ms Ehrmann.
>
> As the Minister responsible for the Commonwealth Electoral Act 1918 (CEA) I treat such matters very seriously. I am especially concerned about allegations that such fraud was part of a systematic campaign by various people. It is fundamental to any democracy that people have confidence in the integrity of the electoral roll. I note that the Queensland Government is so concerned that it has referred some aspects of the Ehrmann matter to their anti-corruption authorities.
>
> As you are aware, the Government is currently considering amending the Regulations of the CEA to help prevent enrolment fraud.
>
> I would appreciate it if your Committee could look at the events that have occurred, and the allegations raised by Ms Ehrmann in relation to a broader conspiracy, and report back on how these events impact on the CEA, including any changes to legislation and regulations that may be required to correct any deficiencies.
>
> Given that there will be a Federal election next year, these issues are all the more relevant and I would appreciate it if they could be considered by your Committee with some urgency.

5.3 On 30 August 2000, the Minister issued a further press release, entitled "Queensland Electoral Reform a Fraud", which said the following:

If Queensland Premier Peter Beattie is serious about having an "honest electoral system" as he claimed on Friday, he should support Commonwealth regulations aimed at preventing electoral fraud, Special Minister of State, Senator Chris Ellison, said today.

"Peter Beattie claims to want an "honest electoral system" but can't even get his own Cabinet to agree to identification provisions aimed at strengthening the integrity of the electoral roll and enrolment provisions," Senator Ellison.

"Continuous updating of the electoral roll from agency information as proposed in Queensland is already in place in many states and at the federal level. It is a half-hearted patch-up job that will do nothing to prevent enrolment fraud."

Senator Ellison said last year the Commonwealth Government had introduced amendments to the Commonwealth Electoral Act following a report by the Joint Standing Committee on Electoral Matters (JSCEM), that were not supported by the Queensland Government and opposed by the Labor Party in the Senate.

The regulations include provisions for witnessing and identification requirements for electoral enrolments. The regulations do not require voters to produce identification at the polling booth.

To ensure that there would be an adequate number of witnesses in regional and rural areas the regulations specify a wide range of witnesses including teachers, accountants, police persons, pharmacists, JPs, the Electoral Commission, soldiers, solicitors and aboriginal elders.

The proposed regulations would also require one original form of identification, for example a driver's licence, student ID card, pensioner card, birth certificate, passport or proof of age card to be produced and shown to an eligible witness at the time of application.

"These are sensible regulations that would ensure the integrity of the electoral roll is maintained, without placing an undue burden on voters," Senator Ellison said.

"The witnessing and identification provisions proposed by the Commonwealth would only occur at the time of enrolment and can by verified by a dozen different forms of everyday identification."

"Now that criminal acts of electoral fraud have been proved in Queensland, and allegations of systematic electoral fraud within the ALP have been made, Premier Beattie should get serious about stamping out electoral rorting and supporting the Commonwealth's electoral reforms," Senator Ellison said.

5.4 The lack of support in the Queensland Government for the *Electoral and Referendum Amendment Act 1999*, as noted by the Minister in his press release, is consistent with Report No 19 of March 2000 of the Legal, Constitutional and Administrative Review Committee of the Queensland Legislative Assembly. The Report is entitled "Implications of the new Commonwealth enrolment requirements", and expressed the view that the federal legislation could disenfranchise many citizens, particularly the young. Extracts from the report, including comments by the Committee on the wider debate on electoral fraud to which the federal legislation is a response, and the conclusions of the Committee are extracted at **Attachment 11**.

5.5 The other State/Territory Joint Roll partners have expressed similar deep concerns, through the Electoral Council of Australia, about the new federal legislation, because of the possible impact on the franchise.

5.6 In his press release of 30 August the Minister refers to Continuous Roll Updating (CRU) as "a half-hearted patch-up job that will do nothing to prevent enrolment fraud". A similar view was expressed by the *Courier Mail*, in an editorial advocating voter identification, on 1 September 2000:

> Unfortunately the Commonwealth has abandoned the use of door-to-door surveys (habitation checks) in favour of reliance on computer-supplied information to keep the rolls up to date….

5.7 The AEC does not share these views. CRU was unanimously recommended in the November 1994 JSCEM Report (recommendation 21) as an improvement on the two-yearly national "door-knock" undertaken for the purposes of "roll-cleansing" under section 92 of the Electoral Act, and was supported by the Government in its response to the JSCEM recommendation. Further, extended data-matching was unanimously recommended in the June 1997 JSCEM Report (recommendation 4) as a necessary corollary to CRU, and was supported by the Government in its response to the JSCEM recommendation. The AEC has summarised the progressive implementation of CRU and related data-matching activities in parts 4.3 and 4.4. of submission No 88 of 12 March 1999 at **Attachment 12**.

5.8 It is important that the various improvements to roll integrity methods that have been developed by the AEC on the computerised RMANS system, such as the Address Register, and the significant improvements that are occurring with CRU data-matching and data-mining, are not lightly dismissed. These systems developments effectively permit a continuous audit of the enrolment process, and increasingly allow the accuracy of enrolment information to be interrogated at the "global" level so that any anomalies exposed can be further researched or targeted for field investigations by Divisional staff as necessary. The costs savings achieved by the AEC in the abandonment of the national two-yearly "door-knock" can now be applied to enhancing systems development and more focussed fieldwork that yields significantly improved results in roll accuracy.

5.9 It is notable that critics of the federal electoral system rarely acknowledge the significance of these systems developments in maintaining the integrity of the rolls and improving roll accuracy, and instead, continue to press for more traditional methods of deterring electoral fraud, of the "neighbourhood watch" kind (see para 3.19 of submission No 210 of 23 July 1999), and "limited vote tracing" (see part 10.3 of submission No 88 of 12 March 1999). A return to the older methods would not only be retrogressive in terms of costs and efficiencies, but also would ensure that the rolls remain less accurate than they could be, and more, rather than less, vulnerable to enrolment fraud.

6. The Electoral and Referendum Amendment Act 1999

6.1 At the same time as his letter to the JSCEM requesting an inquiry into enrolment fraud and the integrity of the rolls, on 23 August 2000, the Minister also issued a media release indicating that the context of his concerns was the ALP opposition in the Senate to the passage of the *Electoral and Referendum Amendment Act 1999*, which will require enrolment witness identification on the passage of enabling regulations. The media release reads as follows, in part:

> The forging of electoral enrolment forms is an extremely serious matter that should be fully investigated. Allegations of systematic electoral rorting in Queensland threaten the very integrity of the electoral process….The Joint Standing Committee has the power to fully investigate these matters, to make recommendations about the effectiveness of the Commonwealth Electoral Act in preventing fraud and to ensure the integrity of the electoral system remains sacrosanct….Following the 1998 election, the Howard Government introduced amendments to the Commonwealth Electoral Act that would have introduced enrolment witnessing and identification provisions that would have made this type of fraud virtually impossible. The Labor Party opposed these important provisions in the Senate".

6.2 The AEC is unable to agree that the new enrolment witness identification provisions would have made the enrolment fraud perpetrated by Kehoe/Foster/Erhmann virtually impossible. The new witness identification provisions will only apply to new enrolments, not transfers of existing enrolments, and the requirement for enrolment witness identification would not have deterred a determined forger (see **Attachment 13**, for example).

6.3 The enrolment witness identification provisions in the 1999 amending Act were recommended by the coalition government majority members of the JSCEM, in the June 1997 JSCEM Report, on the basis of a major AEC submission to the JSCEM in 1996, and in the following context.

6.4 Following the election of the Keating Government at the 1993 federal election, and on the election of the Howard Government in 1996, the AEC was made aware of an increasing interest amongst the coalition government members of the JSCEM in "tightening up" the electoral system, on the basis of the oft-repeated nostrum that "it is easier to enrol that to register at the local video store". Critics of the federal electoral system submitted to the JSCEM that the "user-friendly" electoral system, developed as part of the major electoral reforms in 1983-4 in the context of compulsory enrolment and voting, had become an "abuser-friendly" electoral system, although this conclusion was drawn on the basis of no solid evidence of electoral fraud.

6.5 In a climate of increasing allegations of electoral fraud (none of which have been substantiated, and many of which were "recycled" allegations that had been discredited by previous inquiries), in 1993, and again in 1996, the AEC undertook a major critical review of the practical implications of various proposed measures to "tighten up" the electoral system.

6.6 The AEC submission to the JSCEM inquiry into the conduct of the 1993 federal election (**Attachment 14**) did not recommend for implementation any of the measures reviewed, and submitted that:

- Any significant changes to enrolment procedures would have profound effects on the management of the joint rolls.
- Such changes would add, in varying degrees, very significantly to enrolment costs.
- Such changes would in some cases have a major impact on what is possible for close of roll arrangements.
- Such changes would add considerably to the "red tape" burden to be carried by electors in their enrolment transactions.

6.7 Accordingly, the majority ALP members of that JSCEM, in the November 1994 JSCEM Report, did not recommend any substantial changes to "tighten up" the electoral system. The minority coalition members of the JSCEM dissented, on the basis that the potential for electoral fraud should be addressed.

6.8 However, with the change of government following the 1996 federal election, it became clear that the now majority coalition government members of the JSCEM were strongly inclined to recommend some changes to the electoral system, and in this context, the AEC submission to the JSCEM inquiry into the conduct of the 1996 federal election (**Attachment 15**) submitted that:

- Thorough feasibility studies would have to precede the implementation of any substantial changes to current arrangements. The AEC is also taking it as axiomatic that any scheme implemented should enable voters to enrol and vote at no cost and minimum inconvenience.
- An upgrading of the witnessing of the electoral enrolment form into a proof of identity declaration (POID) is possible, provided that the class of eligible witnesses was sufficiently wide to ensure that no person qualified to vote could be expected to face difficulties in finding a witness.
- There is merit in the expansion of matching personal elector data with external databases, provided that the relevant technical and statutory issues can be resolved.
- In the light of the need to ensure that the polling proceeds smoothly, the only form of proof to be considered for production at the polling place should be proof of identity.
- If a scheme for the use of voter identity cards were introduced, consideration could be given to the marking of such cards during the polling to discourage multiple voting.
- The AEC does not support the introduction of precinct voting, because it will increase queuing time at polling places, will delay the finalisation of election results, and is unlikely to be effective in preventing personation.

6.9 On the basis of this analysis by the AEC, the majority coalition government members of the JSCEM, in the June 1997 JSCEM Report, therefore recommended the implementation of enrolment witness identification. The ALP minority members of the JSCEM dissented strongly

from this and related recommendations to "tighten up" the electoral system, as follows:

> This is a general operational recommendation for a series of specific proposals that would collectively undermine the participation of millions of Australians in our electoral processes. It is premised upon unsubstantiated and, in many cases, discredited claims of electoral fraud. The AEC has effectively countered the statistical, legal and practical bases of these assertions. Even the Majority Report has detailed that, "the inquiry did not reveal improper enrolment or voting sufficient to affect any result at the election"….The use of wildly exaggerated allegations of fraudulent conduct must further undermine respect for the integrity of our political system (*June 1997 JSCEM Report, page 120)*.

6.10 Despite this strong dissent from the minority ALP members of the JSCEM, the Government supported the recommendation of the majority coalition government members of the JSCEM for enrolment witness identification, and the *Electoral and Referendum Amendment Act 1999* was passed by the Parliament. However, the provisions of the amending Act cannot be implemented until enabling regulations are made, and the cooperation of the Joint Roll partners in the States and Territories is secured. The negative reactions of the Joint Roll partners to the possible impacts on the franchise of the amending Act have already been noted above.

6.11 The Minister's concerns about securing the cooperation of the Joint Roll partners, including Queensland, in relation to the enrolment witness identification provisions of the amending Act, are understandable given the background to the passage of the legislation. However, in part 2 of submission No 88 of 12 March 1999, the AEC warned of the difficulties that are likely to be encountered in the passage of "reform" legislation that does not have bipartisan support on the JSCEM (**Attachment 16**).

7. Previous JSCEM Inquiries into Electoral Fraud

7.1 Many of the present critics of the federal electoral system believe that the major platform of electoral reforms to the *Commonwealth Electoral Act 1918* (the Electoral Act), introduced in 1983-84 by the Parliament, deliberately weakened the electoral law and opened the way for widespread and organised electoral fraud. This view has been expressed by Dr Amy McGrath of the H S Chapman Society, for example, in past submissions to the JSCEM.

7.2 This is not a view that is shared by the AEC. The 1983-84 electoral reforms, recommended by all major political parties represented on the Joint Select Committee on Electoral Reform, have ensured that federal redistributions, the maintenance of the electoral rolls, and the conduct of federal elections are now administered on a more independent, transparent and accountable basis than previously, without in any way diminishing the franchise.

7.3 It has been concluded by every JSCEM inquiry into the conduct of federal elections, since the AEC was established in 1984, that there has been no widespread and organised attempt to defraud the electoral system; that instances of electoral fraud that do occur show no pattern of concentration in any Division, marginal or otherwise; and that the level of fraudulent enrolment and voting is not sufficient to have overturned the result in any Division in Australia. That is, there is no evidence to suggest that the results of the 1984, 1987, 1990, 1993, 1996 and 1998 federal elections were affected by fraudulent enrolment and voting.

7.4 The AEC has made numerous submissions to the JSCEM over the years on all aspects of electoral fraud, many in response to specific allegations that were demonstrably false, and many in response to proposals for “reform” that would in fact be highly retrogressive.

7.5 At **Attachment 17** is a list of AEC submissions on electoral fraud to the JSCEM inquiry into the conduct of the 1996 federal election, which can be accessed on the AEC website. Although recommending a number of major changes to the federal electoral system to avoid the potential for electoral fraud, which eventually gave rise to the *Electoral and Referendum Amendment Act 1999,* the June 1997 JSCEM Report concluded that:

> The inquiry did not reveal improper enrolment or voting sufficient to affect any result at the election.

7.6 At **Attachment 18** is a list of AEC submissions on electoral fraud to the JSCEM inquiry into the conduct of the 1998 federal election, which can also be accessed on the AEC website. The June 2000 JSCEM report concluded that:

> The Committee has seen no evidence of widespread and organised fraud having occurred at the 1998 federal election. All examples of electoral fraud provided to the Committee as part of this inquiry appear to be either based on hearsay or have a reasonable explanation.

7.7 It might be noted in the context of this current inquiry that the Queensland enrolment fraud cases at issue were mentioned by the AEC in passing (because they did not relate directly to the 1998 federal election) at paragraphs 46.14 to 46.15 of AEC submission No 210 of 23 July 1999.

7.8 The AEC welcomes well-informed and unbiased criticism of electoral law and procedures as an important contribution to public debate about the health of Australian democracy. Such constructive criticism usually results in progressive electoral reform. However, ill-informed and possibly partisan criticism of the electoral system has the potential to undermine public confidence in the integrity of democratic processes and the legitimacy of governments.

7.9 The most prolific critic of the federal electoral system has been Dr Amy McGrath of the H S Chapman Society. The H S Chapman Society has claimed some credit for the introduction of the *Electoral and Referendum Amendment Act 1999*, in the following, now dated, terms:

> An Electoral Bill proposing significant reforms to the Commonwealth Electoral Act was reintroduced to Parliament and debated in the House of Representatives on 3 December 1998. It is still before the Senate but sections of it are opposed by the Labor party and the Australian Democrats. The Society believes that the pressure it has exerted, with the support of its members, has contributed to electoral reform being back on the Parliamentary agenda *(see the H S Chapman Society website linked to the Australian Parliament House website)*.

7.10 Mr Alan Jones, the Sydney radio identity, has conducted numerous broadcast interviews with Dr McGrath, and lends his approval to her views about the existence of electoral fraud, and her advocacy of "limited vote tracing" (for further discussion see part 10.3 of submission No 88 of 12 March 1999). Mr Jones frequently suggests that previous federal elections might have been won by fraudulent means, despite the contrary findings of the AEC, the JSCEM, and the Court of Disputed Returns.

7.11 For example, on 13 September 2000, Mr Jones interviewed the Queensland Premier, Mr Peter Beattie. The following is an edited transcript of Mr Jones's broadcast:

> …you would know that someone, just call the bloke Bill Smith….could vote for Peter Beattie or John Howard 20 times….When they approach Bill Smith he denies he voted 20 times. He said, oh someone else must have voted in my name and crossed my name off at these many subdivisions. But even if you find out who was responsible for the multiple voting, you don't know how they voted. What score do you take the votes off?…You don't know how they voted….See, I could tell you why I'm asking this.

> When John Hewson lost that unlosable election in 1993 there were 15,000 multiple or plural votes cast, that's someone voting in one or more booths. But there were 45,620 names reinstated. That's where someone…whose name has been removed from the roll, they just rock up, say well look, I'm Alan Jones and I live in Burton Street, Castle Hill. And they just shove your name back on the roll and you vote….
>
> Hewson called the election on February 8, the rolls closed on February 15….But the day the rolls closed 450,000 people enrolled to vote. Now no-one would be able to check across this nation whether they were fair dinkum or not. Yet the election was lost by 1,550 votes in 15 seats who are fewer than 500….

7.12 Further, on 7 September 2000, in commenting on the CJC inquiry, Mr Jones said the following:

> A couple of things I'll say which I've said all along. This is an investigation into electoral fraud. No-one will convince me that this isn't happening right across the country. And one further question, how legitimate are the governments by which we are governed?

7.13 The AEC is not suggesting that there should be any interference with Mr Jones' undoubted right to criticise and condemn public institutions according to his own conscience. However, the AEC is suggesting that the constant repetition, to a very wide audience, of his suggestions of widespread electoral fraud, inadequate detection methods, compromised elections, and possible illegitimate governments, eventually must have an impact on public confidence in the federal electoral system, particularly in the State of New South Wales (see also Attachment 24). The AEC has attempted in the past to convince Mr Jones that his doubts about the integrity of the federal electoral system are not supported by the facts, but without success.

7.14 The AEC expressed its concerns about the broadcasting activities of Mr Jones (and others) after the 1993 federal election, in the context of their impact on public confidence in the electoral system, particularly in the Sydney metropolitan area. For example, AEC submission No 107 of 14 September 1993 was as follows:

> A number of submissions to your current Inquiry raise concerns about the possibility of fraudulent enrolment or multiple voting at the 1993 election. In the Commission's own submission we draw the Committee's attention to similar allegations (see section 14, page 35) and to investigations we have carried out in those cases where we were provided with details which, it was claimed, supported the allegations. You will recall that the result of these investigations was that there was no evidence to support the claims made. The Commission hopes to make a supplementary submission in which we will look in more detail at issues relating to possible electoral fraud.
>
> During the election period, and on occasions since then, the issue of fraud was given considerable airing in sections of the media, particularly on talk-back radio shows. Commission staff made themselves available to discuss these issues on air, usually, however, with little success. The Minister, too,

spoke with Alan Jones on radio 2UE about these matters in the immediate post-election period. Mr Jones and Brian Wiltshire from Radio 2GB have been persistent over the years in promoting the view that electoral fraud is rife in Australia and that such fraud is part of a wider conspiracy. I have attached transcripts and clippings which give an indication of the manner in which they have dealt with this topic.

On-air comments made by Mr Jones and Mr Wiltshire have contained direct or indirect references to a Report to the New South Wales Parliament in 1989 *("Inquiry into the Operations and Processes for the Conduct of State Elections")* which found, in relation to multiple voting, that current electoral practice had "opened up the opportunity for even greater abuse of the system" (page 42). No evidence of widespread electoral fraud was found, however. It is of some interest that this Report also makes the point that "over the years the public's confidence in the electoral system has been eroded due largely to misinformation which is peddled in the media and otherwise and to lack of information as to the checks and balances which do exist." (page 10).

In discussing concerns of electoral fraud with people like Messrs Jones and Wiltshire, and any members of the public who contact us on this issue, Commission staff explain the current procedures which are in place to ensure the integrity of the system. They then invite the complainants, should they not be satisfied with our explanations, to put their views, together with any evidence they may have, to your Committee.

Some individuals have done this but the major promoters of the view that the system is systematically being abused - who together have a very large radio audience - have once again not taken up this suggestion. In view of the potential damage the promotion of these views may do to public confidence in the election process I suggest that the Committee might consider inviting Messrs Jones and Wiltshire, in the public interest, to appear before the Committee and to provide the Committee with any evidence they may have for the claims they make.

7.15 In part 9 of submission No 129 of 7 February 1997, entitled "Dual and Multiple Voting", the AEC made the following observations:

9.6 Two-thirds of all suspected multiple voters nationwide are concentrated in the Sydney metropolitan area. It is notable that the major critics of the federal electoral system are also concentrated in the Sydney area, and that at least one of these critics has the powerful medium of talk-back radio at his disposal. It is not possible of course to draw a direct causal connection between the message being relayed to the people of Sydney, that the federal electoral system is wide open to fraud, and the large number of suspected multiple voters who appear to be testing the system in that city, but such facts are suggestive indeed.

7.16 The AEC repeated these same observations in part 6 of submission No 239 of 15 October 1999, entitled "Dual and Multiple Voting, as follows:

6.8 It is notable that the majority of suspected multiple voting cases across Australia were concentrated in metropolitan Sydney, suggesting that there may be some unusual local factor encouraging electors in Sydney to attempt to defraud the system. Although suspected multiple voters were

concentrated in Sydney, they were not concentrated in any particular Division and it is apparent from the small numbers involved that there was no widespread and organised conspiracy to defraud the system.

7.17 The AEC is confident that the current JSCEM inquiry will give proper consideration to the potential impacts of this inquiry and its outcomes on public confidence in the federal electoral system, and that there will be a balanced assessment of all allegations of electoral fraud, many of them previously discredited, that are now reaching a larger audience, particularly through radio broadcasts and the Internet.

7.18 To this end, at **Attachment 19**, there are two examples of major allegations of electoral fraud that have been comprehensively examined and dismissed by either the JSCEM or the Court of Disputed Returns. Nevertheless, these same allegations continue to be recycled to this day in various forums.

8. Incidents of possible enrolment fraud over the last decade

8.1 In response to the second term of reference for this inquiry (incidents of fraudulent enrolment), the AEC has reviewed all cases of possible enrolment fraud that are on record for the past decade (1990-2000). This has involved staff in all AEC State Head Offices and Central Office extracting files from stores and archives and reconstructing an account of all cases that came to the attention of the AEC over this period. It is not guaranteed that all cases have been retrieved, but it is certain that the most significant cases have. A summary table of the 71 cases over the past decade is presented at **Attachment 20.** For obvious reasons relating to the public record, the table does not include the names or addresses of the persons involved, as the majority of cases were not prosecuted through the courts and could involve persons innocent of any misconduct.

8.2 The summary table shows that about three-quarters of the cases arose in the State of New South Wales (*cf* paragraphs 7.15 to 7.16 above). Most of the cases involved individuals whose enrolment activities amounted to either frivolous misconduct, inadvertent non-compliance with the law, or exercises in "testing the system". There were also a number of cases of under-aged persons seeking to enrol fraudulently, apparently so as to gain adult privileges such as entry to licensed premises. It is not in the public interest to prosecute such cases; rather they are resolved by administrative action, supplemented at times by the issuance of warnings.

8.3 There were no cases that disclosed any organised conspiracy against the Electoral Roll for federal electoral purposes (including the Ehrmann cases at issue in this inquiry, which involved party preselection ballots), although there are a number of cases that indicated the possibility of organised activities to defraud the rolls for council elections.

8.4 Perhaps most significantly, about one-sixth of the total were cases of identity fraud, involving fraudulent enrolment as only one element in the creation of false identities for personal gain or benefit from the Commonwealth, or some other criminal intent. These individual cases do not disclose any widespread and organised conspiracy against the Electoral Roll, and cannot be categorised as enrolment fraud for the purposes of affecting the result of a federal election.

8.5 Identity fraud is a problem affecting many government departments and agencies, in the sense of "fraud against the Commonwealth" for personal gain or benefit. The process of establishing a false identity for such purposes is not a simple one (see Attachment 13), and fraudulent enrolment is just one element in such a process, which might also involve identity fraud against motor registries, BDM registries, the passports office, and public utilities, for example.

8.6 The AEC first raised the issue of identity fraud for other than electoral purposes with the JSCEM during its inquiry into the conduct of the 1987 federal election, in submission No 44 of 11 October 1988, which reported as follows:

> The Commission's submission to the Joint Standing Committee entitled Conduct of the 1987 Election (September 1988) stated:
>
> > The Commission is currently investigating relevant electoral records with a view to establishing whether persons convicted of social security fraud have made use of enrolment procedures in their fraud. A sample of cases has been supplied by the Department of Social Security. A report will be forwarded to the Committee when the investigations are complete. (p.7)
>
> The outcomes of those investigations into Commission records dating from the beginning of 1980 (1984 for Fraud 4) are as follows:
>
> Fraud 1 Involving assumed and fictitious identities (NSW)
> 8 identities with separate birth dates (spread over for a decade); 1 match with elector (same birth date) but elector never at the address used with DSS; 7 identities no match between assumed identities and electoral records.
>
> Fraud 2 Involving assumed identities (NSW)
> 6 identities with separate birth dates (spread over 3 decades); 1 match with elector (same birth date) but elector never at the address used with DSS; 5 identities no match.
>
> Fraud 3 Involving assumed and fictitious identities (NSW)
> 15 identities with separate birth dates (spread over 5 years); 5 matches with electors (same birth dates) but electors never at addresses used with DSS in 4 cases and 1 case of same address; 10 identities no match
>
> Fraud 4 Involving assumed identities of deceased persons (QLD)
> 7 identities with separate birth dates (spread over 4 years); all no match
>
> Fraud 5 Involving fictitious identities (NSW)
> 6 identities all with the same birth date, 5 with same surname; all no match.
>
> Fraud 6 Involving fictitious identities and using enrolment acknowledgment cards as proof of identity (WA)
> 5 identities, 3 with same birth date, others same day and month as well, spread over 3 years; 2 no match, 3 past enrolments but removed by objection action, 2 were for same address, in one case had transferred there from previous address in different Division but in other no match; in other 2 matches also had enrolled for previous address and then transferred to one used for DSS.
>
> The sample is small, but suggests that use of bogus enrolments to corroborate fraudulent claims on the DSS occurs relatively rarely. The claim cards in these cases appear authentic and would not have attracted the attention of Divisional staff processing them. Offenders sometimes failed to invent different birth dates, but the average Division will have 180-200 electors per each day of the year and consequently duplication of birth dates would not attract attention.

8.7 More recently, the AEC made reference to the issue of identity fraud in submission No 210 of 23 July 1999, in response to a submission from Dr Amy McGrath, as follows:

> 46.11 On page EM86 of the transcript, Dr McGrath says, "…there is no penalty in the act for putting the name of a person who does not exist on the roll. Were you aware of that?" In fact, section 339(1)(k) of the Electoral Act makes it an offence to "make a statement in any claim, application, return or declaration…that, to his or her knowledge, is false or misleading in a material particular." It might also be noted that section 339(1)(b) of the Electoral Act makes it an offence to "impersonate any person for the purpose of voting". The penalty for each of these offences is imprisonment for 6 months. (Dr McGrath made the same claim to the previous JSCEM in her submission No 69 of 3 August 1996)
>
> 46.12 In the context of defining "electoral fraud", which has been addressed in general terms above in part 3 of this submission, Dr McGrath asks, at page EM86 of the transcript:
>
> > How can you prove that a person does not exist? The law does not provide for it.
>
> 46.13 Presumably, the need to prove that a person does not exist would arise in the context of someone claiming a right or a benefit in the name of another person who is not claiming that right or benefit, or is deceased. While it may be possible in some circumstances to "invent" a person, and claim a benefit or right in the short term, the checks and balances available in the administrative processes of government ensure that such cases are usually detected and exposed over time. In relation to electoral enrolment, for example, there is an array of enrolment verification techniques and procedures available to the AEC, ranging from personal contact during electoral roll reviews, to the various data-matching techniques adopted by the AEC on the recommendation of the previous JSCEM (see part 4 of submission No 88).
>
> 46.14 In the shorter term, the AEC is confident that any inexplicable surge in enrolments leading into an electoral event, which Dr McGrath might take as an indicator of a significant number of 'ghost' electors enrolling in a Division for the purposes of an election, would be picked up by those AEC officers charged with processing enrolments applications and maintaining the roll, at the Divisional level. And indeed, this occurred relatively recently, when AEC staff in the Division of Herbert in north Queensland noticed certain anomalies when processing enrolment claim cards during the time of an ALP preselection ballot prior to a State by-election.
>
> 46.15 The suspicions raised by AEC staff were investigated by the AFP, and the perpetrators were prosecuted and convicted for forgery of enrolment claim cards under section 344 of the Electoral Act and under section 67 of the *Crimes Act 1914*. The early detection of these forgeries was sufficient to ensure that any corruption of the roll was forestalled, and there was no suggestion raised by the Queensland State Electoral Commission that the result of the State by-election was affected. It is noted that Dr McGrath does not mention these widely-publicised convictions for "electoral fraud" that were

detected in the first instance by AEC staff, except in a passing reference at page EM93 of the transcript.

46.16 At a more general level, the invention of identities, for the purposes of claiming rights or benefits from any government agency, could be addressed by more stringent public security measures such as the introduction of an 'Australia Card', but such measures have so far been rejected by the Parliament, as unnecessarily intrusive of personal privacy.

8.8 Finally, the House of Representatives Standing Committee on Economics, Finance and Public Administration tabled a Report in August 2000 entitled "Numbers on the Run", which examined the issue of identity fraud as it affects the Commonwealth taxation system, and concluded that, "Identity fraud is a significant and growing problem that represents a significant cost to the community." It is recommended that the JSCEM review Part 6 of this Report, in particular.

8.9 However, the AEC stands by its view that identity fraud is not a significant problem in the federal electoral system (as distinct from identity fraud against other government departments and agencies for personal gain or benefit). Apart from the lack of evidence available to the AEC of any widespread and organised conspiracy involving identity fraud (including the disclosure of cases of identity fraud through data-matching with other affected agencies), it must be acknowledged that there are very significant difficulties in organising an identity fraud conspiracy of sufficient magnitude to affect the result in a federal Division, containing some 70,000 voters.

8.10 The unlikelihood of such a massive conspiracy remaining secret and affecting an election result, even in marginal Divisions, has been commented on by Dr Colin Hughes in his article entitled "The Illusive Phenomenon of Fraudulent Voting Practices" (*Australian Journal of Politics and History*, Vol 44, No 3, 1998, pp 471-91), reproduced as Attachment 27 to submission No 88 of 12 March 1999).

9. The Commonwealth Electoral Roll

9.1 A Continuous Roll

9.1.1 The Commonwealth Electoral Roll is a "continuous" document, with enrolment additions, transfers and deletions occurring as a continuous stream of changes, rather than a "static" document compiled at one time for a particular electoral event. For example, in 1999-2000, the AEC processed a total of 2.46 million enrolment forms, including changes to enrolment details, transfers of enrolment and re-enrolments, as well as new enrolments. In addition, there were 329,219 deletions from the Roll, made up of 221,996 enrolment objections, 99,637 death deletions and 7,586 de-duplications.

9.1.2 As the penalty for slow compliance with the compulsory enrolment requirement under the Electoral Act is not a substantial one, many people do not immediately advise the AEC of changes to their enrolment status until an election is imminent. This is the reason why the Roll can never be 100% accurate at any random point in time, such as at the close of rolls for an electoral event. However, a continuous Roll is likely to be more accurate at any random point in time than a Roll that is compiled, for example, once a year. It might be of interest that, on the basis of the Australian experience, Canada has adopted a continuous roll, and a continuous roll has been recommended for adoption in the United Kingdom (see part 10.3 of submission No 88 of 12 March 1999 and Attachment 2 to submission No 210 of 23 July 1999).

9.1.3 Embedded in the legislative framework in the Electoral Act are a number of broad democratic principles that contribute to maintaining the integrity of the Commonwealth Electoral Roll.

9.2 Transparency of the Roll

9.2.1 The most important means for maintaining the integrity of electoral rolls, and in deterring and detecting enrolment fraud, is the transparency of those rolls. It is a universally agreed democratic principle that electoral rolls should not be hidden documents administered in secret, but should be open and accessible to all citizens, so that they can check their own enrolments and those of others, and make complaint and seek amendment if any errors or inaccuracies are discovered. Part IX of the Electoral Act allows for objections to the enrolment of any elector by any other elector, as well as extensive appeal procedures for both parties.

9.2.2 Any elector can object against the enrolment of another elector in the same Division. The objecting elector provides reasons for the objection to the Divisional Returning Officer (DRO) along with a deposit of $2. The DRO writes to the objected elector seeking confirmation of the reasons and determines whether the objection is upheld or rejected. If the objection is upheld, the $2 deposit is refunded to the objector. Despite the objection forms being readily available from any Divisional Office, the refundable nature of the objection

deposit, and the concerns expressed by many critics of the federal electoral system about the state of the rolls, very few private objections are lodged with the AEC.

9.2.3 An "unsound mind" objection can be made on the basis of section 93(8) of the Electoral Act, which prohibits the enrolment and voting of anyone incapable of understanding the nature and significance of enrolment and voting. Such objections can remove the legal obligation to vote from the intellectually disabled, or the elderly and infirm. Those objecting, usually family, friends or carers, must provide a medical certificate in support of the objection. These objections are relatively rare, probably because carers are reluctant to take such steps for emotional reasons, and medical practitioners are wary of attesting that their patients are of unsound mind, as this might have more serious implications under mental health legislation.

9.2.4 As the JSCEM would be aware from previous inquiries a number of objections to enrolment may arise from return-to-sender (RTS) mail, particularly mail sent from members of parliament to constituents that is returned unclaimed (**Attachment 21**). If this RTS mail is referred to the AEC for action, it is treated as "official" mail and an attempt is made by DROs to contact the electors concerned. Where contact cannot be made, the DRO will institute objection proceedings in accordance with the Electoral Act. This kind of objection activity fluctuates markedly throughout the electoral cycle and between Divisions. Not surprisingly, the level of RTS mail forwarded to the AEC increases in the lead-up to known or likely election dates, when the time available to process an objection to make any necessary adjustments to the Roll is limited. However, many of these cases do result in amendments to the Roll.

9.2.5 Most objection action is undertaken by the DRO in response to non-voter processing following an electoral event, and information derived from RMANS reports and CRU activities. Other sources of information provided to DROs, such as direct advice from other electoral authorities, will also initiate the objection process. It is important to note that in each and every case, the elector will be notified of the intention to remove his/her name from the Roll and has 20 days in which to respond before the determination is made and advised. In most cases, a minimum of three letters from the AEC will have been sent to the elector at the enrolled address before he/she is removed from the Roll.

9.2.6 The objection process, in the environment of a transparent Roll, can be seen as a corollary to the presence of scrutineers during election periods, when voting and counting procedures are as transparent as possible, and scrutineers are empowered to object to voters and to ballot papers.

9.2.7 Part VI of the Electoral Act provides for public access to the Commonwealth Electoral Roll. The AEC recently recommended to the JSCEM, at **Attachment 22**, that public access to the elector names and addresses on the Commonwealth Electoral Roll be facilitated by publication on the Internet, with monthly updates, so as to improve the transparency of

the Roll. This would allow electors to more conveniently check the correctness of their personal enrolment information; to check the correctness of the enrolment of other persons for objection purposes, and to investigate for themselves any suspicions of fraudulent enrolment for the purposes of a petition to the Court of Disputed Returns. The June 2000 JSCEM Report agreed with the AEC recommendation, subject to further research (recommendation 11).

9.2.8 The Commonwealth Electoral Roll is maintained by the AEC on the computerised Roll Management System (RMANS), which contains publicly available name and address information on some 12.2 million electors. The Electoral Roll also contains private enrolment information on electors, as provided by them at the point of enrolment, such as gender and date of birth information, for internal cross-checking purposes. The use of this private enrolment information is subject to the *Privacy Act 1988*, to exemptions in the *Freedom of Information Act 1982*, and is controlled by penalties for misuse contained in the Electoral Act. Private enrolment information is made available to other departments and agencies under strict conditions (currently under legislative review), for purposes such as law enforcement and medical research, and to registered political parties and Members of Parliament, for constituency purposes.

9.2.9 For further information on the privacy aspects of access to enrolment information, **Attachment 23** reproduces an AEC submission provided to the House of Representatives Standing Committee on Legal and Constitutional Affairs on 12 May 2000 in relation to its inquiry into the Privacy Amendment (Private Sector) Bill. Recommendation 13 of the Committee's June 2000 Report was that political parties or representatives should not be permitted to sell or disclose personal information collected in the course of their duties to anyone not covered by the draft exemptions provided in the Bill. The September 2000 Government Response did not accept this recommendation on the grounds that it might restrict freedom of political communication, and because there are penalties already available in the Electoral Act for misuse of private enrolment information.

9.3 Joint Responsibility for the Roll

9.3.1 Another significant means for ensuring the integrity of the Electoral Roll is the federal system of government in Australia, which encourages joint responsibility for the maintenance of the electoral rolls. Under section 84 of the Electoral Act the Commonwealth Electoral Roll is managed cooperatively through Joint Roll Arrangements between the Commonwealth and the various States/Territories, although the AEC takes primary responsibility for the actual processing of all enrolments.

9.3.2 Under these arrangements, and State/Territory electoral laws, amendments to the rolls can be made either through any Divisional Office of the AEC, or through the offices of the State/Territory Electoral Commissions. In addition, the AEC provides various roll products to the State/Territory Electoral Commissions, including the rolls for some State/Territory elections.

(This general rule currently excludes the States of Victoria and Western Australia, which manage their own roll databases, although Victoria has recently opened the management of its database to tender.)

9.4 Accountability for the Roll

9.4.1 The AEC must be accountable in its management of the Commonwealth Electoral Roll to various agencies of the Executive Government, the Parliament, and the Judiciary. Executive Government scrutiny of the Electoral Roll can be conducted by the Australian National Audit Office, the Commonwealth Ombudsman and the Privacy Commissioner. The integrity of the Electoral Roll can be scrutinised by the Parliament through the JSCEM, in its various inquiries such as this one, and through other parliamentary committees such as the Public Accounts and Audit Committee, and the Senate Estimates Committee. The High Court of Australia, sitting as the Court of Disputed Returns, has the power to inquire into any offences committed under the Electoral Act, such as enrolment fraud, that might compromise the validity of an election (although the Court cannot directly inquire into the correctness of the Roll for reasons that have been explained in paragraph 46.23 of submission No 210 of 23 July 1999).

9.5 AEC Independence

9.5.1 In February 1984, as a consequence of the major platform of electoral reforms recommended by the Joint Select Committee on Electoral Reform, and passed by the Parliament in 1983, the AEC was established under the Electoral Act as an independent statutory authority. Part 1 of the Electoral Act establishes an independent Electoral Commission, with a Chairperson who must be a Federal Court Judge (or retired), and section 7 of the Electoral Act provides for powers and functions of the AEC.

9.5.2 It is recognised internationally that the organisation that conducts parliamentary elections should be independent of political direction or influence, and in many countries, such as the newly established democratic Republic of South Africa, this independence is entrenched in the Constitution, in a similar fashion to the independence of the Judiciary. In the United Kingdom, moves are now underway to establish an independent Electoral Commission along the lines of the Australian version (see Attachment 2 to submission No 210 of 23 July 1999).

9.5.3 That is, with respect to the integrity of the Electoral Roll, the AEC is not subject to specific direction by any government, which might have an interest in compromising the federal electoral system for politically partisan purposes (although the independence of the AEC can be circumscribed by funding constraints imposed by the government of the day, as discussed in paragraph 5.3.7 of submission No 232 of 28 September 1999.)

9.6 Offences and Penalties

9.6.1 The AEC has a statutory responsibility to institute investigations and prosecutions where it has uncovered possible breaches of the law that might indicate enrolment fraud. Allegations made by concerned citizens can constitute an important source of such information. The offences and penalties under the Electoral Act that are relevant to enrolment fraud include false witnessing (sections 337 and 342), personation (339(1)(a)(b)), false and misleading statements (section 339(1)(k)), and forging and uttering (section 344). There are a number of related offences in the *Crimes Act 1914*.

9.6.2 As a further deterrence to enrolment fraud, on the passage of enabling regulations for the *Electoral and Referendum Amendment Act 1999* (discussed above at part 6) the Electoral Act will require all new enrolment applicants to produce at least one original proof of identity document for the witness to check. The regulations will also restrict witnessing of electoral enrolment forms to a prescribed class of witness.

9.6.3 The vast majority of possible enrolment fraud cases are resolved administratively because they disclose no more than an innocent error on the part of the elector concerned, or on the part of electoral officials. Other cases indicate that prosecution is not warranted in the public interest. (A similar situation exists with the vast majority of dual voting cases that arise from electoral events, as reported in submission No 239 of 15 October 1999.)

9.6.4 Those enrolment fraud cases that do disclose sufficient evidence to indicate a deliberate intention to defraud the electoral system are referred to the AFP for investigation and the DPP for advice on prosecution. Assuming prosecution is recommended under the terms of the *Prosecution Policy of the Commonwealth* it is then for the courts to decide whether an offence has been committed and what penalty should apply within the statute.

9.6.5 Finally, it is important to note that in the experience of the AEC, most cases of electoral fraud that do proceed to prosecution, including multiple voting cases, do not suggest any widespread and organised conspiracy. They are mostly individual cases, often involving people "testing the system", or attempting to establish fraudulent identities for other purposes, and they are not concentrated in any particular marginal Division.

9.6.6 The AEC is aware that organised electoral fraud is always a potential threat to the electoral system, however extensive the protective systems are to deter and detect such fraud, as the defrauding of the Herbert Divisional roll has demonstrated. Nevertheless, the enrolment fraud in Herbert was detected and prosecuted, resulting in the imprisonment of one of the perpetrators, and the later allegations of a wider conspiracy are now the subject of three separate inquiries at the highest level.

10. The Roll Management System (RMANS)

10.1 In a steady climate of resource constraint across government departments and agencies, the AEC has actively sought out more efficient and cost-effective methods of maintaining the integrity of the Electoral Roll, otherwise than by extensive, and expensive, field work, or "national door-knocks". Quality assurance methods have increasingly focussed on technological enhancements to the computerised RMANS system, on which the Electoral Roll is stored by the AEC. The following detailed account of how a single electoral enrolment card is processed by the AEC provides an overview of how the quality assurance methods available on RMANS operate to maintain the integrity of the Electoral Roll.

10.2 When a person applies for federal enrolment, they must complete an electoral enrolment form and provide their full name, residential address, phone number, postal address, former surname, date of birth, country of birth, citizenship details, former enrolled address, and make a signed and dated declaration that they are eligible to enrol and that the information they have provided is true and complete. The electoral enrolment form must also be signed and dated by a witness, who must declare that they saw the applicant sign the form and that they are satisfied that all statements made by the applicant in the form are correct. Divisional staff are generally responsible for receiving and processing these electoral enrolment forms.

10.3 Divisional staff must ensure all information on the electoral enrolment form is complete, and where this is not so then further inquiries will be made of the applicant. The information on the enrolment form is then entered into the computerised RMANS system on-line in each Divisional office, and an automatic match is made of the new application against existing records on RMANS for that person. Previous enrolment records are held on-line back to 1997 in the case of South Australia (see part 4.4 of submission No 30 of 29 July 1996), and at least to 1991 for all other States and Territories.

10.4 Enrolment records are identified within the RMANS database as being on the Current File, the Deleted File or the Archived File. The main benefit of such file attribution within a single database is that it limits the number of searches required to match existing records. Where a match is found with a record on the Current File, the information on the new application is linked, and the matched previous record is moved to the Deleted File.

10.5 RMANS uses "Sounds-like" (Soundex) name matching software for on-line enrolment inquiries by Divisional staff and other authorised personnel. In addition, the AEC has developed a number of in-house software applications for RMANS that allow various inquiry criteria to be used. These include inquiry by address, by given name and surname variations, by recognised substitute given names and surnames ("Mike" for "Michael" etc.) and by "fuzzy" date of birth.

10.6 In cases where a match is found with a deleted record, RMANS provides a warning if the deletion reason indicates that the matched record belongs to a deceased person. Any such matches are followed up by Divisional staff. Where no valid match with a previous enrolment record is found, the enrolment is flagged as new to RMANS. In cases where it appears that an enrolment applicant may have a previous enrolment history or where there is a possibility of change of name (such as by marriage) further RMANS searches are undertaken and enrolment applicants may be required to provide further information.

10.7 All electoral enrolment forms are digitally imaged and the images can be retrieved at the Head Office level should Divisional staff wish to check, for example, the signature of an applicant or witness for electoral enrolment. The AEC is currently completing the tender process for an out-sourced storage and retrieval imaging service. The service will be web-based and consequently provide more timely and efficient access to images by Divisional staff.

10.8 Once Divisional staff have processed a new electoral enrolment or processed a change to an existing enrolment, the AEC writes to the elector acknowledging their enrolment. (Note that these AEC enrolment acknowledgment cards are presumably the "white cards" referred to in Ms Ehrmann's allegations of 3 October 2000 in part 3 above.) Any of this mail that is marked "return to sender" is followed up by Divisional staff and, where necessary, action is taken to correct enrolment details or remove names from the Roll.

10.9 The AEC undertakes regular de-duplication exercises on RMANS at the State or Territory level. A third party name matching routine (NADIS) is used to investigate possible duplicate enrolments which may have been missed by the Soundex matching software or by the manual processing. In 1999-2000, there were 7,586 duplications picked up by the RMANS de-duplication exercises. It should be noted that whilst possible duplications might be signalled by RMANS at the original point of enrolment entry, they are not cleared from the system until the AEC is able to verify that they are in fact duplications, in order to protect the franchise. The administrative process of de-duplication, undertaken on RMANS at the State/Territory level, should not be taken as an indicator of enrolment fraud.

10.10 Once an elector is recorded on RMANS the enrolment history of that elector can be tracked over time. When an elector wishes to transfer enrolment on moving address, the elector must advise the AEC so as to enable the RMANS enrolment record for that elector to be amended. In the processing of an enrolment transfer, RMANS requires the operator to confirm that the enrolment transfer relates to the elector already recorded on RMANS for another location before processing can proceed.

11. Continuous Roll Updating

11.1 Development and Implementation of CRU

11.1.1 Prior to amendments to the Electoral Act in 1995, section 92 required the AEC to conduct Electoral Roll Reviews (ERR) by a national "door-knock" at least once every two years. These ERR exercises were on the scale of the five-yearly national census and were highly resource intensive, requiring the employment of thousands of ERR Officers to visit every habitation in the nation. However, because of the high mobility of the Australian population, this periodic snapshot of the Roll became rapidly dated, particularly around the time of the close of rolls for an election. Further, ERR exercises typically produced almost 60-70% no-change information every two years. And finally, tensions between the Joint Roll partners arose over when to conduct an ERR, with each jurisdiction wanting the ERR as close as possible to their own electoral event.

11.1.2 Recommendation 52 of the September 1992 JSCEM Report entitled "The Conduct of Elections: New Boundaries for Cooperation" was that section 92 of the Electoral Act be amended to allow more flexibility in the timing of electoral roll reviews. This was reiterated by recommendation 21 of the November 1994 JSCEM Report, that section 92 of the Electoral Act be amended to allow more flexibility in the timing of electoral roll reviews and so as to ensure that roll reviews are conducted between elections on an ongoing basis. Section 92 was then amended by the *Electoral and Referendum Amendment Act 1995,* to allow for Continuous Roll Updating (CRU).

11.1.3 As reported in part 4.4 of submission No 88 of 12 March 1999, in 1995-96 the then Australian Joint Roll Council commissioned a report from Australian Strategic Planning on the effectiveness of existing roll review procedures and options for moving to CRU. As a result of that report, trials were undertaken in Queensland during 1996-97 using change of address data provided by Australia Post. This trial demonstrated that CRU procedures were effective, especially if used in conjunction with the RMANS Address Register.

11.1.4 In April 1997 an extensive mail-out to 'vacant' addresses (known addresses on RMANS at which there is no current enrolment) resulted in an estimated 240,000 enrolments being received, as well as a significant volume of address information used to update the Address Register. A separate national mailing at this time, using Australia Post change of address information, resulted in further enrolments, and highlighted some problems in the use of external data.

11.1.5 During 1998 the AEC undertook investigations with the Joint Roll partners, through the CRU Implementation Steering Committee (CISCO) of the Electoral Council of Australia. This work included a further posting to 'vacant' addresses in Tasmania and South Australia, the successful negotiation with Australia Post of a business agreement for the use of residential Change of Address information, and the development of RMANS

systems and reports for use by Divisional staff. Separate initiatives were undertaken by a number of the State/Territory electoral authorities during 1998 to collect enrolments forms as part of other civic transactions such as motor vehicle license renewals and electricity connections.

11.1.6 In June 1998, the Special Minister of State wrote to all Members and Senators advising of the changes to the way in which the AEC now maintains the Roll, including the introduction of the Address Register, and the national implementation of CRU. The Electoral Council of Australia produced a report on national CRU activities in 1999 and copy was lodged with the Senate Estimates Committee in March 2000.

11.1.7 Fieldwork at the Divisional level continues with the advent of CRU, but in a more cost-efficient targeted form, to confirm address information and enrolment details, particularly in areas of high elector turnover. For example, in NSW recent fieldwork has targeted areas of high elector turnover and new residential developments. This fieldwork was undertaken in an average of 20% of the walks in each NSW Division. Earlier this year, similar fieldwork was undertaken in Tasmania and the Northern Territory. In Queensland, recent fieldwork was undertaken at individual addresses where there had been no response to CRU mailout letters.

11.1.8 A more limited type of fieldwork has also been piloted in Tasmania to verify the accuracy of the Address Register. This fieldwork does not involve door-knock activity, but rather visual inspection, and the emphasis is on correct street numbering and “enrollable” addresses, using information from State lands departments and local councils. The results of the pilot are being evaluated and future fieldwork such as this will be undertaken where it is justified.

11.1.9 Other processing work includes following up return-to-sender (RTS) mail referred by Members of Parliament, and enrolment information collected at State/Territory and local government elections. This is used to amend elector enrolment details or to commence objection action to remove electors from the Roll on the basis that they no longer reside in the Division for which they are enrolled.

11.1.10 In summary, unlike the resource intensive, two-yearly snapshot of the Roll obtained through the ERR process previously required under the Electoral Act, CRU effectively audits the ‘moving’ population of electors, rather than the much larger ‘static’ population, and has five key elements:

- Data-matching
- Data-mining
- Direct enrolment
- Marketing enrolment
- Geographic Information System (GIS) technology.

11.1.11 The complete transition from periodic electoral roll reviews to a national CRU program is expected to take some time. However, even at the current state of CRU development, the AEC is producing ongoing enrolment transaction volumes equal to or exceeding those previously achieved through ERR methods. Progress achieved so far against the five key elements of CRU is detailed below.

11.2 CRU and Data-Matching

11.2.1 In seeking to improve the effectiveness of CRU, and to make better usage of computer systems in maintaining the integrity of the Roll, the AEC recommended data-matching to the JSCEM in submission No 118 of 3 December 1996, as follows:

> …that in cooperation with relevant Commonwealth, State and Territory departments and agencies, the AEC conduct a study identifying costs, benefits, methods of implementation, and requirements for legislative amendment of the following options for the expanded matching of enrolment data:
>
> (a) manual provision of data in response to requests for information relating to individual enrolments;
> (b) bulk comparison of data held by the AEC and other departments and agencies;
> (c) on-line connections between the AEC's Roll Management System (RMANS) and the computer systems of other government departments and agencies, enabling validation of data as an enrolment form is entered onto the system; and
> (d) such other options as may appear as a result of the study to appear viable.

11.2.2 The JSCEM supported this approach in recommendation 4 of the June 1997 JSCEM Report, and it was subsequently endorsed by the Government Response. With oversight as necessary by the Privacy Commissioner, data-matching has now become an integral part of CRU, although the prohibitive costs and the security issues involved have prevented the adoption of on-line connections to other departments and agencies for "live" interrogation of other databases. However, CRU data-matching, at the level permitted by AEC resources, has yielded considerable benefits in improving roll accuracy.

11.2.3 In 1999, as part of CRU data-matching, the AEC undertook national mail-outs of enrolment reminder letters to individual electors and householders based on change of address information obtained from Australia Post, and to addresses on the RMANS Address Register which showed no current enrolment (known as 'vacant' mailing). Letters were sent both to addresses to which people had just moved, as well as to addresses from which they had moved. In 1999, the AEC mailed 615,484 'change of address' letters (derived from Australia Post information) and 1,215,461 'vacant' letters (derived from the RMANS Address Register). A total of 687,101 enrolment application forms were received from these mail-outs.

11.2.4 At the same time, data-matches were made with Australia Post address information to confirm the accuracy of addresses on the Roll, and the Address Register was updated with responses from the mail-outs that, for example, disclosed holiday homes and business addresses. Where 'return to sender' mail was notated by Australia Post (22%), it too provided valuable information for updating the Address Register.

11.2.5 The AEC is presently extending the CRU data-matching program to make use of change of address information from Centrelink, whose clients are informed that any information collected on their forms may be used for data-matching with other government agencies. From May 2000 there have been monthly national mailouts based on Centrelink data.

11.2.6 CRU is also being extended to include data-matching with a range of State and Territory agencies such as Motor and Licence Registries and Rental Tenancy Authorities. In each case, arrangements for the provision of this data are negotiated separately with the agencies either directly by the AEC or through the relevant State/Territory electoral authority. However, the Victorian State Electoral Commission (VEC), which manages its own rolls, undertakes direct mail-outs using data from driver's licence records and some power utilities. The resulting enrolments are processed by the AEC, but this is a less satisfactory model in that much of the benefit of data-matching comes from the continuous update of the RMANS Address Register.

11.2.7 As part of CRU data-matching, and following a recommendation in the July 1997 JSCEM Report, the AEC and the Department of Immigration and Multicultural Affairs (DIMA) have been negotiating data provision for a system to enable the AEC to verify the citizenship status of overseas-born applicants for electoral enrolment. DIMA have provided a file of about 5 million records and the inquiry system and load process on RMANS are currently being tested. Negotiations still have to be finalised on the on-going supply and quality of DIMA data.

11.2.8 An essential part of CRU data-matching is to identify and remove the names of deceased electors from the rolls, especially in light of the regular (but mostly apocryphal) allegations of "cemetery" voting (see for example **Attachment 24**). Under section 108 of the Electoral Act the State Registrars-General of Births, Deaths and Marriages (BDM) are required to forward to the DROs in that State a list of all persons over the age of 17 years of age in their Division whose deaths have been recorded in the preceding month, including their name, address, occupation, age, gender and date of death. Each BDM Registrar-General provides this information in various formats separately to the Australian Electoral Officer (AEO) in the relevant State and the Northern Territory.

11.2.9 Section 110 of the Electoral Act requires the AEO for the State (or the DRO as the case requires) to take action to alter the rolls as necessary, on receipt of information from the Registrars-General under section 108. Death information from the Registrars-General, and other sources, is therefore matched by computer with enrolment information on

RMANS on an ongoing basis. Details of matches are then forward to the appropriate DRO for manual deletion.

11.2.10 When death information received from a Registrar-General is found to match enrolment information on the Current File of RMANS, the enrolment record is moved to the Deleted File and coded to indicate death as the reason for deletion. Where no match is found with an enrolment record on the Current File, but a match is found on the Deleted File (and the deletion reason was not because of death, such as "left address") the enrolment record is notated to indicate that death has since occurred.

11.2.11 At all times, but especially during election periods when roll accuracy is a critical issue, death notices in newspapers, and advice provided by the relatives of deceased persons, are monitored by DROs in each Division, and confirmed information is applied to RMANS.

11.2.12 In addition to the above data-matching procedures already undertaken in accordance with the requirements of the Electoral Act, the AEC is currently establishing administrative procedures to verify the death information received from each of the State Registrars-General. The AEC has recently purchased the 1999 Fact of Death File (FDF), a national compilation of death information from all State and Territory Registrars-General. This information has been matched on RMANS and Divisional office staff are currently following up some anomalies. Monthly data from the FDF is also being supplied to the AEC for all of 2000.

11.2.13 For further discussion on managing a database the size of the Commonwealth Electoral Roll, and the CRU data-matching exercises that contribute to its accuracy, **Attachment 25** reproduces the AEC submission of 12 July 2000 to the House of Representatives Standing Committee on Economics, Finance and Public Administration, in relation to its inquiry into the management of Tax File Numbers. The Committee's August 2000 Report commented favourably on the high quality of the AEC enrolment database at para 3.49, as follows:

> AEC data is likely to be higher quality than TFN data for a number of reasons. This includes the fact that AEC has a continual turnover of data due to the range of elections that are conducted throughout the country using the electoral role (sic), as opposed to the ATO where clients are only required to provide a once a year update at the point of lodging a tax return.
>
> The AEC also has a range of quality assurance mechanisms in place to ensure the quality and veracity of electoral role (sic) applications and changes, such as monthly (and at times more frequent) matching against Fact of Death data received from the States, an Address Register 'against which all enrolment transactions are matched' and a range of Continuous Roll Update activities.

11.2.14 Data-matching is of considerable interest to the Commonwealth Privacy Commissioner. That office has been briefed by the Executive Secretary of the Electoral Council of Australia (previously the Joint Roll Council) and an annual report of CRU activities is provided to the Privacy Commission. Public reaction to this process has been encouraging. Anyone seeking details of the source of the data that causes a mail contact is advised and the AEC has had no feedback from participating agencies of any level of public complaint.

11.3 CRU and Data-mining

11.3.1 The continuing technological enhancements to RMANS allows a range of CRU data-mining activities to be undertaken by the AEC at the "global" level to uncover aberrant data on the Roll, which can direct fieldwork in a more cost-efficient manner. As explained in part 4.3 of submission No 88 of 12 March 1999, a major enhancement to RMANS has been the development of the Address Register, commencing in 1997. Prior to the introduction of the Address Register, addresses claimed for enrolment needed only to fit known streets and localities. The confirmation of addresses by the AEC is now more strictly controlled, as each known address is now recorded separately on the Address Register, whether or not the address is occupied by electors.

11.3.2 As well as separately identifying each address, the Address Register lists a range of attributes for each address including a land use code, occupancy status, an enrolment limit, the last review date, and whether the address is 'enrollable' and 'active', that is, valid for enrolment. Provision has been made to store additional geographic data and related locality information against addresses and to include an enrolment turnover indicator. In cases of 'inactivate' addresses, such as demolished or incomplete habitations in a new area, enrolment cannot take place until the address is 'activated'.

11.3.3 The RMANS Address Register, containing approximately 6.9 million addresses, is an increasingly powerful tool available to the AEC to detect and deter fraudulent enrolment, enabling staff to check the validity of addresses and to take follow-up action when claims on enrolment forms are at variance with the information on the Address Register, such as in cases of possible suspicious enrolment at any particular address.

11.3.4 The AEC can identify addresses that are incorrectly described or duplicated, those that have a high number of enrolments and/or an abnormally high turnover of electors, and those that have two or more groups of electors resident with different family names. The Address Register also makes it less likely that a person can apply for enrolment at a non-existent address or a non-residential address, and ensures that official correspondence, including postal ballot papers, is sent to the correct postal address.

11.3.5 For example, during debate on the Commonwealth Electoral Amendment Bill (No 1) 2000, Mr Hardgrave, Liberal MP for Moreton, reported that, in checking his copy from the AEC of the electronic roll, he found the following in relation to the suburb of Annerley:

> …..there are many places there which are small homes and units and it is surprising how many units seem to have four and five people living in what basically are one- and two-bedroom flats. I think the record goes to one house where there are nine people of different names all living in the one house. I look forward…to the Australian Electoral Commission getting serious about playing an even more outstanding role in assisting in making sure that the roll – in my electorate in particular – is without any doubt fully above board (*Hansard, House of Representatives, 3 October 2000, p 18540*).

11.3.6 RMANS records show that there are a number of nursing homes in Annerley, where there are a number of people enrolled with different surnames. The Address Register shows one such establishment with nine electors enrolled for a street address rather than a habitation name (this will be amended on RMANS and should avoid any further possible confusion). However, until Mr Hardgraves advises the AEC of which particular address is of concern to him, the AEC cannot assist him any further on this matter. Mr Hardgraves' suspicions, apparently based on a scan of his electronic roll, do not constitute evidence of enrolment fraud, but do justify further investigation.

11.3.7 Since 1993 the AEC has submitted to the JSCEM that changes are required to the subdivisional-based enrolment system in order to address the anomalies that arise in relation to provisional voting and enrolment re-instatement (**Attachment 26**). Most recently, the AEC recommended, in submission No 159 of 23 March 1999, that the Electoral Act be amended to make the basis of enrolment the elector's address, rather than the elector's subdivision. This was supported in recommendation 7 of the June 2000 JSCEM Report. In conjunction with the operation of the RMANS Address Register, such legislative change might be expected to improve roll accuracy and reduce the potential for enrolment fraud without impacting negatively on the franchise.

11.3.8 An essential attribute of RMANS is the ability to undertake "global" data analysis so as to more effectively target resources in enrolment campaigns or roll-cleansing activities. For example, during 1999 almost 2.3 million enrolment forms were processed, and one million of these forms were received over the three month Referendum period. Analysis of this enrolment data has been complicated by State election activity in NSW and Victoria, but this level of activity compares favourably to years when there has been both a full national door-knock and a federal election. In the Close of Rolls week for the Referendum 315,104 forms were processed.

11.3.9 A particular feature of enrolment activity over the Referendum period was the high number of new enrolments from first time electors (155,000), and the relatively high number of transfers instead of re-enrolments. Of those that transferred, half were at an address which had been written to as part of CRU activities, which is a strong indication that if they had

responded at the time of the CRU mail-out there could have been 100,000 less transfers at the Close of Rolls for the Referendum.

11.3.10 For the Close of Rolls period for the 1998 federal election half of the enrolment forms came in on the last day, whilst for the Close of Rolls period for the 1999 Referendum, enrolment was much more evenly spread. However, there were more new enrolments in the Close of Rolls period for the 1999 Referendum that for the equivalent Close of Rolls period for the 1998 federal election. Of these increased new enrolments for the 1999 Referendums, 18 and 19 year olds made up 75% of the new enrolments, compared to 50% for the 1998 federal election. Further, 60% of all enrolment activity over the 1999 Referendum Close of Rolls period came from the 17-29 year old age group.

11.3.11 That is, youth enrolment was a significant contributor to the Close of Rolls enrolment activity for the 1999 Referendums, and this fact will be taken into account in future AEC enrolment drives. Further, as increased youth enrolment is unlikely to be a primary indicator of enrolment fraud at the close of rolls, consideration should be given to the possibility that the early close of rolls, as recommended by the June 2000 JSCEM report, would probably have a serious and negative impact on levels of youth enrolment.

11.3.12 CRU data-matching and CRU data-mining procedures are undertaken in regular cycles, either monthly, or two to six monthly, depending on the particular process. In total, since CRU went national in 1999, contact has been made with over 3.35 million electors, through CRU data-matching, with Centrelink, Australia Post, the Western Australian Department of Land Administration, the Queensland Rental Tenancy Authority, and the South Australian Motor Registry, and, through CRU data-mining, from 'vacant' and multiple enrolments mailouts. As the procedures and data sources are further refined and expanded, this level of contact will increase.

11.4 CRU and Direct enrolment

11.4.1 As part of CRU, all new Australian citizens now receive a pre-printed enrolment card with their other documents at citizenship conferral ceremonies. AEC staff attend as many of these ceremonies as practicable to collect the enrolment cards and provide advice to new electors. It is estimated that this CRU activity is responsible for the enrolment of 80% of new citizens. The citizenship enrolment program is a good example of how cost-savings derived from the abandonment of the two-yearly national door-knock are now being put to much more productive use in funding AEC staff to attend citizenship ceremonies and enrol new citizens.

11.4.2 In the ACT, a common change of address form is used for a range of government transactions which can be used for enrolment purposes. In Queensland, the Department of Transport change of address form for driver's licences incorporates an enrolment card for completion by the elector and return to the AEC.

11.4.3 Again in Queensland, at the end of the final year of high school, the Board of Senior Secondary School Studies sends a results package to some 35,000 students. The AEC has arranged to include enrolment cards and electoral information in these packages. The Victorian Electoral Commission mails birthday cards enclosing an enrolment card to all 18 year olds.

11.4.4 All of these CRU initiatives are providing excellent returns as people respond to the convenience of the enrolment facility being provided directly to them. In an extension of the direct enrolment process, the AEC has proposed to the Queensland Government that issue of the Queensland CARD18+ be made conditional on prior enrolment. This card is used as identification for people who do not have a driver's licence, and documentary evidence and referees are required before the CARD18+ is issued. The AEC proposal is for that documentary evidence to include an enrolment acknowledgment card. This proposal would keep the business of the two agencies separate and focussed on core business. Early indications are that the proposal is being viewed favourably by the Queensland Government.

11.4.5 An extension of the CRU program that is under consideration by the Electoral Council of Australia (ECA) is direct address change. This is a process whereby the address of a current elector could be changed without the completion of an enrolment card if the AEC received information from another agency that the elector has advised a change of address. Of course, a complete match of all necessary details would be necessary before the enrolment change was made to RMANS. The elector would then receive an enrolment acknowledgment card from the AEC advising them of their new enrolment details.

11.4.6 This direct enrolment proposal is modelled on the Canadian approach to CRU. In Canada, the previous enumeration system for every election had proven to be costly and inaccurate. There had been wide ranging consultation with Australian electoral authorities regarding these problems and a decision was taken by the Canadians to move to a continuous, but non-compulsory, roll. The Canadian electoral authorities now draw data from the Tax Office, BDM Registrars and Motor Vehicle Registries to populate the electoral roll. Direct address change has many benefits in the Australian context and detailed proposals for implementation are being developed (**Attachment 27**).

11.5 CRU and Enrolment Marketing

11.5.1 While the enrolment program is a major AEC activity, it is not marketed other than in the context of roll closes for elections. At that time, the AEC, and State and Territory and some local governments advertise and promote extensively the need for correct enrolment as a necessary part of participating in the electoral process. Of course, stimulating correct enrolment at such times is vital in ensuring that all eligible electors are able to exercise their franchise. However, the early release of some of the election funds that pay for these enrolment drives might assist in raising the awareness of the

Australian population as to their rights and obligations to enrol at the appropriate time.

11.5.2 As a by-product of the extensive AEC community awareness program, it could be said that the enrolment process is marketed. Indeed, visits to high schools by Divisional staff to deliver electoral information often result in the collection of completed enrolment cards.

11.6 CRU and Geographic Information Systems

11.6.1 One of the drawbacks in managing the roll through the CRU process is the sheer volume of text-based material. Reports from RMANS can run into hundreds of pages and much of the analysis and processing requires detailed manual intervention. This material has to be compared with paper maps when "spot-on-the-earth" decisions have to be made by AEC staff. Maps are expensive, date quickly and are being superceded by GIS (Geographic Information Systems).

11.6.2 In 1995 it was recommended by a consultancy to the ECA that the CRU processes incorporate GIS, despite the relatively high implementation and data maintenance costs. To this end, two pilot studies have been approved. In Queensland, an off-the-shelf GIS package has been implemented and is proving to be of considerable benefit. In NSW, a custom-designed GIS program is being written and it has yet to be implemented. The program directly relates the RMANS database to the State's cadastral base. The aim of the pilot is to test the value added by GIS technology to CRU in the management of the Roll. The evaluation of the pilot studies will not be complete until mid-2001, but general market indications are that the application of GIS technology involves significant costs.

12. Future Directions

12.1 Compulsory Enrolment and Voting

12.1.1 Under the provisions of the Electoral Act, enrolment and voting for federal elections is compulsory. Penalties apply for any failure to enrol and vote. Compulsory enrolment imposes a statutory responsibility on the AEC to provide the means for every eligible person to be entered onto the Commonwealth Electoral Roll at any time. Compulsory voting imposes a statutory responsibility on the AEC to provide the means for every elector to cast a vote during election periods.

12.1.2 Conducting a federal election is one of the largest peace-time activities that any nation undertakes. In a country as geographically large and as culturally diverse as Australia, the AEC must provide equitable access to voting facilities for some 12.2 million electors, on a single day every few years. If the AEC failed to provide equitable access to voting facilities, in the desert, the bush and in the cities, at foreign missions and in nursing homes, for example, the AEC would be failing in its statutory responsibilities and should be held accountable. In fact, Australia has a very high international reputation for the delivery of the franchise over vast distances in the most difficult of terrains and conditions within a restricted time period.

12.1.3 Allegations of electoral fraud are frequently accompanied by claims that the electoral system should be "tightened up" by requiring identification at enrolment and voting, for example. However, it is essential that the electoral system not be made so difficult to access that citizens are prevented from delivering on their legal responsibilities, and thereby risk being penalised. This is a serious issue for many electors, particularly those living in remote areas of Australia, as well as for the socially disadvantaged, who may not be able to easily produce identification documents, or find a suitable official witness, or simply present at the local school to cast their vote on a Saturday.

12.1.4 That is, in an electoral system where enrolment and voting are legal responsibilities carrying the threat of penalties for any failure to comply, the law must strike a sensible balance between making the system so easy to access that concerns are raised about the potential for electoral fraud, and making the system so difficult to access that some citizens find themselves unable to discharge their legal responsibilities, through no fault of their own, and face penalties accordingly.

12.1.5 If the JSCEM concludes that the Ehrmann allegations, and/or the evidence of possible enrolment fraud over the past decade, suggest that the integrity of the Electoral Roll is seriously under threat, then there are two possible pathways that might be investigated to "tighten" up the electoral system to further deter the potential for enrolment fraud. However, in the view of the AEC, it is essential that any measures recommended by the JSCEM for adoption do not impact negatively on the franchise, or the efficient and cost-

effective conduct of federal elections. The first avenue for consideration is legislative change and the second avenue for consideration is administrative change.

12.1.6 Legislative changes might include: the early close of rolls for an election; the introduction of voter identification; the introduction of subdivisional/precinct voting; an increase in penalty levels for offences under the Electoral Act; and the AEC conduct of party preselection ballots. Administrative changes might include: audits of the Electoral Roll; and RMANS upgrading. These will be discussed in turn below.

12.2 Legislative Change - Early Close of Rolls

12.2.1 Section 155 of the Electoral Act provides that the date fixed for the close of rolls for an election shall be 7 days after the date of the writ. The writs are generally issued by the Governor-General and the Governors of the various States immediately following an announcement by the government of the day that an election is called. For the 1998 federal election, for example, the Howard Government announced the election on Sunday 30 August 1998, and Parliament was dissolved and the writs issued on Monday 31 August 1998, and the close of rolls was on Monday 7 September 1998 (see part 1.4 of submission No 88 of 12 March 1999).

12.2.2 There have been many submissions to the JSCEM over the years recommending that the rolls be closed at the announcement of a federal election (or the issue of the writs), instead of 7 days after the issue of the writ. It is argued that this would shut down the opportunity for enrolment fraud during the rush period when the AEC is not resourced to double-check the validity of every new and transferring enrolment.

12.2.3 However, the early close of rolls would also shut down a last-minute opportunity for electors to amend their enrolments to secure their franchise, and for new enrollees, particularly young people, to take up their franchise (see paragraphs 11.3.8 to 11.3.11, for example). It is a fact of life that many electors do not keep their enrolments up-to-date at all times, and it has long been recognised that many electors will not attend to this legal responsibility until it is absolutely necessary. It is also worth noting that no evidence has been uncovered by the AEC or the JSCEM since 1984 that there has been any widespread and organised conspiracy to defraud the Electoral Roll at the close of rolls. The history of the debate about the early close of rolls is provided at **Attachment 28** for the convenience of the JSCEM.

12.2.4 The majority coalition government members, in the June 1997 JSCEM Report, and again in the June 2000 JSCEM Report, recommended the early close of rolls despite strong dissent from the ALP minority members of the JSCEM. The Government has still to respond to recommendation 3 of the June 2000 JSCEM Report.

12.2.5 The view of the AEC on the proposed early close of rolls remains unchanged, and the issues of concern are summarised as follows:

- The AEC is concerned about the emphasis the June 2000 JSCEM Report has placed on the lack of field checking during the close of rolls, and the potential enrolment inaccuracies that might result. These perceived problems have not been properly balanced by an acknowledgment that the RMANS enhancements and the related CRU developments have improved, and will improve further, the overall accuracy of the rolls in advance of the close of the rolls, and that the AEC has no evidence that any substantial attempts at enrolment fraud during the close of rolls period have been made in the past.

- Expert opinion within the AEC is that the early close of rolls will not improve the accuracy of the rolls for an election, simply because the need for field checking or any other kind of checking will be eliminated, or because the potential for enrolment fraud has been closed off. In fact, the expectation is that the rolls for the election will be *less accurate*, because less time will be available for existing electors to correct their enrolments and for new enrolments to be received. This expected outcome is in direct conflict with the stated policy intention of the Government to improve the accuracy of the rolls. Further, it will undoubtedly have a negative impact on the franchise, an outcome which the AEC cannot support.

- If the accuracy of the rolls decreases as the result of the early close of rolls, then a rise in the level of declaration voting could be expected, with consequential delays in the provision of election results.

- Of particular concern is the possible impact of the early close of rolls on young people who wish to take up their franchise for the first time but are usually only motivated to do so by the announcement of an election.

- The early close of rolls for federal elections would place the federal electoral system out of line with some State and Territory close of rolls legislation, possibly leading to public confusion and complaint.

12.3 Legislative Change - Voter Identification

12.3.1 There have been many submissions to the JSCEM over the years recommending the introduction of voter identification at the polling booth. In submission No 98 of 23 October 1996 the AEC provided the JSCEM with a comprehensive review of voter identification (see Attachment 15) and concluded that whilst its introduction is not impossible, there would be significant start-up and ongoing costs, voter inconvenience and possible disenfranchisement, and possible delays in election results, as levels of declaration voting increase. The June 1997 JSCEM Report recommended the introduction of enrolment witness identification, but did not recommend the introduction of voter identification.

12.3.2 If this JSCEM concludes that the introduction of voter identification is necessary, then due consideration will have to be given to the cost of the introduction of a national system of voter identification, including the costs to voters, the impacts on the franchise and on the efficient conduct of federal elections, including queuing at polling booths and possible delays in the provision of election results as the level of declaration voting increases.

12.4 Legislative Change - Subdivision/Precinct Voting

12.4.1 There have been many submissions to the JSCEM over the years recommending the introduction of subdivision/precinct voting (as opposed to the present Division-wide voting), and the history of the debates on this issue is provided at **Attachment 29** for the convenience of the JSCEM.

12.4.2 If this JSCEM inquiry concludes that the introduction of precinct or subdividisional voting is necessary, then due consideration will have to be given to the impacts on voter convenience, on compliance with compulsory voting, on queues in polling booths, on the level of declaration voting, and on the possible consequential delays in the provision of election results.

12.5 Legislative Change - Increased Penalty Levels

12.5.1 Fraudulent enrolment is prohibited by a range of offences in the Electoral Act, including false witnessing (sections 337 and 342), personation (330(1)(a)(b)), false and misleading statements (section 339(1)(k)), and forging and uttering (section 344). Fraudulent voting, such as multiple voting, is prohibited by section 339(1A)(1B), now a strict liability offence. The penalty levels for electoral fraud offences in the Electoral Act are low compared to similar offences in the *Crimes Act 1914*, for example. As far back as 1988, the AEC recommended that the penalty levels for electoral fraud be increased (**Attachment 30**).

12.5.2 More recently, in part 8 of submission No 239 of 15 October 1999, the AEC made the following comments about the low penalty levels attached to the offence of multiple voting. The same observations are pertinent to any consideration of the penalty levels for enrolment fraud:

> 8.1 It has become apparent over the past decade, that the level of the penalty for the multiple voting offence under the Electoral Act is set at such a relatively low level (6 months imprisonment or a pecuniary penalty averaging $500 prior to 1998, and a pecuniary penalty of $1,100 after 1998) that the AFP is unable to give the offence high enough priority for investigation, in a climate of limited resources. This impacts in turn on the number of prosecutions that finally reach the courts, and the number of convictions that the AEC is able to secure for the offence of multiple voting.
>
> 8.2 The level of penalties for offences under the Electoral Act has been a matter of concern to past JSCEMs, and in submission No 30 of 29 July 1996, the AEC provided an overview of the problem and recommended a review

(Attachment 3). Recommendation 51 of the June 1997 JSCEM Report was as follows:

> That a review of the level of penalties for offences under the Electoral Act and the Referendum Act be undertaken by the AEC with the assistance of the Attorney-General's Department, with a view to bringing the penalties into line with penalty rates for comparable offences under other Commonwealth statutes.

8.3 This recommendation of the 1996 JSCEM has not been progressed, as indicated at paragraphs 21.5 to 21.6 of AEC submission No 210 of 23 July 1999, for the following reasons. Firstly, the penalty units system is gradually being inserted into the Electoral Act to replace the old penalty system specifying actual dollar amounts for pecuniary penalties and in some cases, terms of imprisonment, as individual sections of the Act are amended (see for example section 91A(1AA)). The effect of these changes on the sentencing practices of the courts is still under observation, particularly in relation to the multiple voting offence in section 339(1A), for which the penalty units system is being applied by the courts for the first time for the 1998 federal election.

8.4 Secondly, it is understood by the AEC that the *Criminal Code Act 1995* will be gradually amended over the next few years in order to incorporate all similar criminal offences now spread throughout various Commonwealth statutes, including the Electoral Act. Section 326 of the Electoral Act, in relation to electoral bribery, for example, is apparently one such offence to be moved into the *Criminal Code Act 1995* in due course. This process will probably have the effect of standardising the penalty rates for similar offences presently in different statutes, and suggests that any movement at this stage to change penalty levels across the board in the Electoral Act would be premature.

8.5 Finally, the AEC has been informally advised by the Criminal Law Branch of the Attorney-General's Department that any review of the level of penalty levels in the Electoral Act would have to be conducted within given policy guidelines concerning desirable and specified penalty levels. The AEC is now of the view that such policy guidelines should more appropriately come from the JSCEM rather than the AEC, and should be evaluated by the JSCEM for each particular offence in question (see also pargraphs 21.5 to 21.6 in AEC submission No 210 of 23 July 1999).

8.6 At this stage, the JSCEM might consider whether the level of the penalty for multiple voting in section 339(1A) of the Electoral Act, and section 130(1A) of the Referendum Act, which currently stands at $1,100, is just and sufficient, given the perceived relevance of the offence to the integrity of the electoral system, and the wider public interest involved. If the pecuniary penalty level of multiple voting were to be increased, it is also worth considering whether the pecuniary penalties for other offences relating to electoral fraud might also be increased. (It is understood that the offences in section 339 of the Electoral Act are not being considered for removal into the Criminal Code.)

8.7 The AEC therefore makes the following recommendation in relation to pecuniary penalty levels:

> Recommendation 1: That the JSCEM consider increasing the pecuniary penalties for the offences under section 339 of the Electoral Act and section 130 of the Referendum Act, including the multiple voting offence.

> 8.8 Further (and this might require a comment from the Criminal Law Branch), the JSCEM could consider whether the penalty for multiple voting should be amended to additionally provide a term of imprisonment for a period of greater than 6 months. This would have the effect, under section 15B(1) of the *Crimes Act 1914*, of allowing prosecution of the offence to commence at any time.

> 8.9 At present the commencement of prosecutions for multiple voting is limited to one year after the commission of the offence, which means that AFP investigations have to be completed well within that period so that evidence briefs can be prepared for the purposes of prosecution. Despite their best efforts, it is apparent the AFP experiences difficulties in delivering in the time frames available, given other priorities in relation to more serious offences in the Commonwealth.

> 8.10 In addition, if any evidence comes to light after a period of one year that a person has voted more than once, then with an extended time frame consequent upon an imprisonment penalty greater than 6 months, prosecutions might still be possible well after the commission of the offence.

12.5.3 The June 2000 JSCEM Report reviewed the low level of penalties for multiple voting and concluded as follows:

> 3.128 The Committee strongly believes that deliberate multiple voting is a serious offence that can have significant impact on the effective operation of the democratic process. Authorities need to take this matter seriously.

12.5.4 The significance of the relatively low level of penalties in the Electoral Act is simply that investigations of such offences by the AFP are accorded a lower priority in a climate of limited resources than investigations of offences with significantly higher penalties. Further, a good proportion of possible breaches of the law are rejected at the outset for investigation by the AFP. This in turn means that the institution of proceedings is less likely, and prosecutions for electoral fraud remain at a relatively low level, despite detection by the AEC.

12.5.5 The following case is outlined as an example of the responsiveness of the AFP in NSW to requests for investigations of possible enrolment offences. On 11 July 2000, Mr Laurie Ferguson, Member for Reid, and Deputy Chair of the JSCEM, complained to the Australian Electoral Officer (AEO) NSW about a case of possible enrolment fraud in his Division. The matter was investigated through RMANS and a brief of documentary evidence was referred by the AEO NSW to the AFP on 14 July 2000 for investigation, including interviewing possible suspects.

12.5.6 On 14 July 2000 the AFP wrote to the AEC NSW advising that it did not intend to take any further action, and advised the reasons in the following terms:

> This matter has been assessed by our Operations Monitoring Centre (OMC). The OMC took into account a number of factors including the gravity/sensitivity of the matter, the current investigational workload, available resources, and whether any Commonwealth laws have been breached. The AFP is not resourced to investigate every complaint made to it and must consider each case to decide whether or not to allocate the required investigative resources. It is not possible that the AFP can investigate all allegations made, even when there is sufficient information to suggest a breach of the law.
>
> As part of the priority setting process, regard must also be had to the existence and nature of any alternative solutions to the particular problem. Those alternative solutions may include investigation by other bodies or agencies, regulatory action, or civil process notwithstanding prima facie evidence of a criminal offence.

12.5.7 On 4 October AEO NSW wrote again to the AFP in the following terms:

> You mention in your letter that the Operations Monitoring Centre is mindful of the gravity and sensitivity of matters referred for investigation. You may not be aware that the Joint Standing Committee on Electoral Matters (JSCEM), of which Mr Ferguson is Deputy Chair, is currently conducting an inquiry in enrolment fraud. The JSCEM will be reporting to Parliament on the adequacy of the Commonwealth Electoral Act for the prevention and detection of enrolment fraud and on incidents of enrolment fraud.
>
> In your letter of 29 August 2000 you suggested a number of alternative solutions to the problem, including investigation by other bodies. For your information, I did refer the matter to the Commonwealth Director of Public Prosecutions (DPP). They advise that this matter depends on the gathering of evidence. In the absence of evidence of attempts to interview witnesses, a prima facie case in respect of Section 337 and 339(1)(k) of the *Commonwealth Electoral Act* may not be established.
>
> DPP advice is that potential witnesses, including Mr [xxx], need to be interviewed however they strongly advise us to receive advice as to conducting such interviews. Clearly, Australian Electoral Commission staff are not trained to carry out investigations of this sort.
>
> Accordingly, I am now asking you to reconsider your decision not to take further action in relation to this matter.

12.5.8 The AEC has received no further communication from the AFP on this matter. This is one example only of the many cases of detected electoral fraud that cannot be brought to the point of prosecution, without the provision of a brief of evidence from the AFP. The AEC understands that the Criminal Justice Branch of the Attorney-General's Department is providing a submission to this inquiry on the level of penalties in the Electoral Act. The

AEC would welcome any increases in penalties for electoral offences that might be canvassed by the Attorney-General's Department.

12.6 Legislative Change - AEC Conduct of Party Preselections

12.6.1 Senator Murray of the Australian Democrats, and long term member of the JSCEM, proposed that the AEC take responsibility for the conduct of political party preselections in his submission No 4 of June 1998 to the Senate Finance and Public Administration and Legislation Committee, during its consideration of the Electoral and Referendum Amendment Bill (No 2) 1998. At pages 9-10, Senator Murray submitted the following:

> Greater regulation and scrutiny of political parties by the AEC would enhance fairness, transparency and legitimacy in the eyes of the public and members of political parties…..
>
> Advantages of Greater Scrutiny by the AEC:
>
> - Including the AEC in some way in the pre-selection process would help secure an authentic ballot.
> - If external independent scrutiny is desirable, the pre-selection ballots could be run by the AEC rather than by the party-controlled cabal.
> - The AEC could conduct the count, which would increase transparency and ensure fairness through the use of a neutral umpire. It would also mean that parties could use fairer, but more complicated, voting systems.
> - In this way, the public could be reassured that preselection was not some private, corrupt, dishonest, and rigged intra-party affair, and that the successful candidate got up fairly.
>
> In noting that some of the regulation appropriate for companies is similarly appropriate for political parties, some of the protections are too. Like many companies, political parties guard some of their internal processes and information zealously, because politics is a highly competitive activity. The competitive edge each party feels it has, is vital to it. Legislation that provides for sufficient transparency and good process, without affecting political parties' ability to retain confidentiality where essential, can be achieved. Like the present disclosure regulation, any further regulation would need to be equally applicable to all.
>
> Recommendation 1: that the Commonwealth Electoral Act 1918 be amended to provide for the regulation of political parties.

12.6.2 The AEC is not inclined to support Senator Murray's 1998 proposal, prescient though it might have been given the background to the current inquiry. AEC involvement in the preselection of candidates for elections conducted by the AEC could be seen as compromising political neutrality. It is also considered improbable that the major political parties, the Liberal Party and the ALP, would be amenable to external regulation of their preselection ballots. Further, for the AEC to take on such a responsibility would involve substantial establishment and ongoing costs that would have to be specially resourced.

12.7 Administrative Change - Audits of the Electoral Roll

12.7.1 Audits can be conducted internally by the AEC or externally by other agencies. With respect to external audits, on 19 July 2000 the Australian National Audit Office (ANAO) advised the AEC of its planned Audit Work Program for the financial year 2000-2001, covering performance audits and assurance audits, after consultation with the parliamentary Joint Committee of Public Accounts and Audit. A proposed performance audit signalled in the ANAO advice was into the Integrity of the Electoral Roll:

> The goal of the AEC is to ensure the electoral roll is accurate, complete and meets client's needs. The proposed audit will examine the effectiveness of the AEC's management of the electoral roll in achieving this goal paying particular attention to performance in relation to maintenance of electoral roll accuracy.

12.7.2 However, the ANAO recently advised the AEC that the proposed audit into the Integrity of the Electoral Roll would be postponed until the JSCEM inquiry has concluded.

12.7.3 Internal audits into the conduct of federal elections and the integrity of the rolls at the time of the close of rolls have been conducted in previous years by the AEC and reported to the JSCEM. The results of such special audits are presented in the extracts from previous AEC submissions on the close of rolls in Attachment 28.

12.7.4 It has already been noted by the JSCEM that the Queensland LCARC Issues Paper (see Attachment 10) foreshadowed a consideration of enrolment audits, to be published periodically. Further, Senator Murray has pursued the issue of electoral fraud audits through the Senate Estimates (see for example Hansard F&PA 18 of 16 June 1998). The AEC would support any recommendation from the JSCEM for increased enrolment auditing, on the understanding that CRU already constitutes a continuous auditing process.

12.8 Administrative Change - RMANS Upgrading

12.8.1 If the JSCEM were to conclude that the functionality of RMANS should be upgraded, it would be possible to increase the frequency and improve the precision of reports generated for roll auditing purposes, to improve the accuracy of the roll and to detect enrolment fraud. For example, RMANS can produce reports showing multiple enrolments at single addresses; reports on enrolments in excess of benchmarks for particular types of residences; and reports linking single postal addresses with multiple enrolled addresses. Any anomalies uncovered can then be targeted for mail-outs or fieldwork.

12.8.2 RMANS reports presently include unnecessary and irrelevant detail, such as establishments with *bona fide* large enrolments, such as military bases and nursing homes, and these must be manually culled from the reports. Further, these RMANS reports can only be generated within a six-monthly cycle. More frequent and precise reports would more effectively target moving populations of enrolments, particularly any anomalous movements around electoral events. (The AEC understands that such reports are routinely run in the Department of Social Security to detect possible fraud). However, this would be expensive and is presently beyond AEC resources.

12.8.3 If the JSCEM considers that there should be additional or amended automation on RMANS then the AEC would be pleased to provide a supplementary submission, containing further technical detail and costings.

13. Conclusion

13.1 In summary, as detailed at length in previous AEC submissions to the JSCEM, the AEC does not support major amendments to the Electoral Act for the introduction of early close of rolls, voter identification, or subdivisional/precinct voting, because of the following possible impacts on the federal electoral system:

- a reduction in the franchise, particularly affecting the young and the socially disadvantaged;
- a decrease in the accuracy of the rolls at the close of rolls;
- a reduction in compliance with the legal requirement for compulsory voting;
- queuing delays, confusion and inconvenience at polling booths;
- an increase in declaration voting;
- delays in the delivery of election results.

13.2 Further, the AEC does not believe that legislative amendment to require the AEC to conduct internal party preselection ballots, as an antidote to party branch-stacking involving the Electoral Roll, is a viable option. It is unlikely that such an option would be welcomed or supported by the major political parties.

13.3 However, if the JSCEM remains of the view that the Ehrmann allegations of an organised branch-stacking conspiracy in the Queensland ALP, and the evidence of possible enrolment fraud over the past decade, requires a legislative or an administrative response, then the AEC would support the following:

- enhancement of CRU and upgrading of RMANS to improve auditing of the enrolment process.
- an increase in penalty levels for all electoral fraud offences.

13.4 The AEC would appreciate the opportunity to provide supplementary submissions to the JSCEM on any aspect of this submission, as requested.