

AEC submissions on return-to-sender mail

1. Extract from submission No 91 of 3 August 1993

14.4 Return to Sender MP Mail

14.4.1 This investigation centred on mail sent to electors in a marginal Division which was returned unclaimed. Details were provided to the AEC by a political party. The AEC has been conducting a thorough examination of this data as a case study of the nature of elector mail returned unclaimed to political parties, candidates and Members. Information provided by the party has been compared to the consolidated list of voters for the Division. Where the turned unclaimed mail was addressed to an elector at the address for which he/she appeared on the certified list for the election, the type of vote, place of voting and any subsequent re-enrolment by the elector is being examined. Samples of those electors who cast an ordinary vote, and all those electors who cast a declaration vote at a polling place outside this Division and have not subsequently re-enrolled elsewhere are being followed up by personal visit. While the study is not yet complete, a number of significant findings have emerged at this stage.

14.4.2 The first stage of the AEC's investigation strongly indicated that the mailing list was not derived from the close of roll data provided by the AEC. For example, of the 1,410 individual names that could be identified from the 1,035 generically addressed mail items (eg Mr & Mrs Jones, The Smith Family) which were "returned unclaimed", 346 (25%) were names that were not on the roll for the Division concerned as at the close of rolls for the election. Later discussions with the party concerned have confirmed that end-December 1992 enrolment data - data that was six weeks out of date - was used as the basis for the mailing. Given that the turnover rate of electors averages naturally around 20%, it would not be unusual for some 1,600 mail items to be returned unclaimed in an average Division if six week old enrolment data were used. The number actually returned - 1,035 - was significantly fewer than what would be expected with the normal turn-over of electors in the average Division.

14.4.3 Upon further investigation of those names (1,058) listed on the electoral roll for the particular Division, it was found that 224 (21%) did not vote at the election. This was much higher than the 3% non-voter rate for the Division as a whole and would indicate that these people were no longer living in the Division. They certainly played no part in the election. A further 17 had been noted prior to polling day as returning deletion from the electoral roll, generally because of death after the close of the roll. No vote was recorded for any of these names.

14 4.4 The remaining 817 electors voted in the election. Of these 608 cast an ordinary vote, of which 90% were cast in the same town, or a nearby town, as that for which the electors were enrolled. Given the rural nature of this particular Division, that would tend to indicate that those electors were still living at, or nearby, the address for which they appeared on the electoral roll. Investigations have shown that of those 608 ordinary voters, 74 re-enrolled in the period February to May 1993 for another address within the same Division.

14 4.5 The remaining 209 of the "unclaimed" electors voted by declaration - 124 absent, 36 postal, 47 pre-poll and 2 provisional. For all except the absent voters, this represents a similar percentage to that experienced in the Division as a whole. The proportion voting absent is significantly higher than for the Division as a whole - 12%

as. against 5%. Amongst these absent voters from whose addresses mail was returned unclaimed, was a significant proportion (25%) who had re-enrolled in the period between close of roll and end-May 1993. This was to be expected: included in this figure are electors who had moved to an address outside the Division either prior to the close of roll and were not yet entitled to re-enrol for their new address or had neglected to re-enrol, or had moved after the close of roll. In the AEC's experience, numbers of electors wait until polling day to advise of their changed address.

14.4.6 Additionally, the AEC believes, and officers of the party concerned have agreed, that a significant, but as yet unquantifiable proportion of electors will mark for return unsolicited mail received - often in the hope that this action will prevent further unsolicited mail from the same source.

14.4.7 Two points have become strongly evident from this study. Firstly, it has uncovered no evidence of fraudulent enrolment: the evidence examined has tended to reinforce the view that the enrolment system is operating as intended. Secondly, those electors from whom mail had been returned unclaimed had been enrolled for at least two months prior to the announcement of the election and generally have been longer term residents in this Division, that is they were not a close of rolls influx.

14.4.8 The AEC has in the past emphasised to political parties, Members and Senators the need to use only the most up-to-date enrolment information when mailing electors, due to the significant levels of on-going elector movement. To do otherwise unfortunately gives rise to unfounded allegations of gross inaccuracies or fraud in the rolls used at elections.

2. Extract from AEC submission No 120 of 10 November 1993

Checks stimulated by mail returned unclaimed

136. The AEC already maintains quality control through analysis of mail returned unclaimed. Official AEC mail returned unclaimed will result in objection action being initiated by the AEC. There exists the possibility of requiring thorough investigation of all mail returned unclaimed from mailing by all, or particular, external bodies using electoral roll data. This could be in relation to all mailings, or to mailings at specific times – for example in the election period.

137. Significantly, analysis of mail returned from non-AEC mailings shows that much of this returned mail is the result of old address data being used for the mailing. In the one major analysis the AEC has undertaken of mail returned unclaimed from a pre-1993 election political party mailing, end-of-December 1992 roll data were used for a March 1993 mailing. Of 1035 letters returned, 25% were addressed to electors whom the AEC had removed from the roll by the time of the mailing. Only a very small proportion (around 5%) were returned "not known at this address". Some mail was obviously returned because the recipients did not like the message, rather than because the recipient did not exist. Due to the age of the roll data used for this mailing, this returned mail was not relevant to close of roll enrolment activity. As acted information on returned mail from external sources cannot be acted on with confidence, corroborating information that an elector is no longer at an enrolled address is generally required before action in respect of enrolment is taken.

138. It is always open, of course, for those organisations who believe that mail returned unclaimed to them indicates that electors are no longer at enrolled addresses to institute objection action against these electors themselves, as provided for in subsection 114(1) of the Commonwealth Electoral Act 1918. Despite

indications from certain organisations that mail returned unclaimed from their mailings indicates that electors are wrongly enrolled, there has been a dearth of such private objection action.

3. Extract from submission No 176 of 4 May 1999

9.1 The issues of return-to-sender (RTS) mail and the accuracy of the electoral roll have been the subject of similar complaints by Members of Parliament since 1992. In submission No 91 of 3 August 1993 (Attachment 04), and in submission No 120 of 10 November 1993 (Attachment 05), the AEC addressed these complaints in detail. The November 1994 Report of the JSCEM concluded as follows:

4.8.8 Submissions from several individuals and MPs expressed concern about apparently high rates of return-to-sender MP mail, suggesting that such mail indicates a high level of incorrect names or addresses on the electoral rolls. These claims are refuted by the AEC, which advised the Inquiry that it investigates names and addresses on return-to-sender mail forwarded to it.

4.8.9 One recent investigation in a marginal Division produced no evidence of fraudulent enrolment; indeed, "the evidence examined has tended to reinforce the view that the enrolment system is operating as intended". In the study in question, late-December 1992 roll data was being used for a March 1993 mail-out. The AEC has emphasised the importance of Members and Senators using only the most current enrolment information for mail-outs; failure to do so can give rise to unfounded allegations of inaccuracies in the rolls.

4.8.10 Those organisations who believe that mail returned unclaimed to them indicates inaccuracies in the rolls always have the option of instituting objection action against the electors in question, as provided for in subsection 114(1) of the Electoral Act. As the AEC points out, there has been a dearth of such private objection action.

9.2 New procedures were implemented in 1995 for the investigation of RTS mail by Divisional staff of the AEC, and accordingly, the Electoral Commissioner wrote to all Members and Senators, including Senator Reid, on 22 March 1995, as at Attachment 06.

9.3 On 22 March 1999, Senator Reid wrote to the Special Minister of State complaining about RTS mail, and asking for confirmation that the people to whom the letters were addressed did not actually vote at these addresses. On 19 April 1999 the Minister responded, on advice from the AEC, to the effect that the RTS mail in question should be forwarded immediately to the Australian Electoral Officer for NSW for investigation, and that no confirmation of the kind requested could be provided, as information on the voting behaviour of individuals is protected from disclosure by the *Privacy Act 1988*.

9.4 With reference to the concerns raised by Senator Reid in submission No 26, that hundreds of her letters to constituents were returned undelivered, the volume of RTS mail would depend on the accuracy and currency of the mailing list used. If the mail was posted within a matter of days after the close of rolls, as indicated by Senator Reid, then it is highly likely that the addresses used did not include the 5,000 enrolment transfers processed by the AEC during the close of rolls period for the A.C.T. at the 1998 federal election.

9.5 Further, the AEC ran a large batch of enrolment deletions following objection action in the A.C.T. on 31 July 1998, and if the mailing list used by Senator Reid was even a month old at the time of posting, it would have included these electors at their old addresses. It is noted that no indication is given in the submission as to the source of address information used on the mailing list, or whether external enrolment information obtained otherwise than from the AEC was combined with AEC enrolment information.

9.6 After the close of rolls for the 1998 federal election, A.C.T. residents still continued to change address and, if the 1997/98 A.C.T. average of 900 enrolments per week continued to apply (including new enrolments and re-enrolments), it is possible that many people voted for the address at which they were living and were enrolled for at the close of rolls, but from which they had moved by polling day.

9.7 When mail is returned unclaimed, Australia Post may provide reasons for non-delivery on the envelope. The accuracy of the reasons given on envelopes is a matter best taken up with Australia Post, but the AEC is aware that the reasons are not always correct. As well, notations such as "no such address" may apply to addresses obtained from sources other than the AEC, or to addresses subject to subsequent processing, such as caravan parks and hostels. It would be most unusual for an elector to enrol for an address in the A.C.T. that is not known to the AEC, given the high quality of address data available.

9.8 In response to the specific questions posed by Senator Reid in her submission, the following responses are provided:

(a) What can be done to improve the integrity of the roll? The AEC has carried out regular Electoral Roll Reviews in the A.C.T. in accordance with the requirements of the Electoral Act, and in addition, has developed new methods to improve roll maintenance, such as the address-based register and continuous roll updating, as discussed in parts 4.3 and 4.4 of submission No 88.

(b) What should I do with these letters? The RTS letters should be provided to the Australian Electoral Officer for New South Wales, the senior officer responsible for the administration of all NSW and A.C.T. federal Divisions.

(c) How can I assure myself that the roll was correct? Candidates at federal elections are provided with copies of the roll for the election as soon as it is printed. Any elector is entitled to object to the enrolment of another person under the provisions of Part IX of the Electoral Act.

(d) Would it be helpful if I delivered all these letters to you or should I send them to the Electoral Commissioner? See (b) above.

TO ALL SENATORS AND MEMBERS

RETURN TO SENDER MAIL ARISING FROM POSTINGS USING ELECTORAL ROLL DATA INFORMATION FOR MEMBERS AND SENATORS

As you are aware, the Australian Electoral Commission (AEC) provides the offices of Members and Senators with monthly updates to the electoral roll on floppy disc*. These updates include new electoral enrolments, amendments and transfers of enrolments. Over the last 2 years the volume of Members and Senators mail returned to sender by Australia Post (RTS mail) and subsequently forwarded to the AEC for investigation has increased.

To assist Members and Senators, the AEC is providing the following information on the procedures which will shortly be adopted by AEC Divisional staff to investigate returned mail.

1. On receipt of RTS Mail, Members are requested to forward the returned mail envelopes to the relevant AEC Divisional Office or, in the case of mail returned to Senators, to AEC State Head Offices.

2. AEC staff will check the enrolment details of addressees against the electoral roll provided that:

- the addressee's name (including given names) and address is shown in sufficient detail to allow a positive match with an entry on the electoral roll; and
- the returned envelope is marked with an official Australia Post "Return to Sender" stamp or with other clear information indicating that the addressee may have left their enrolled address.

3. In carrying out checks against the roll, AEC staff will terminate enquiries if they have prior information indicating that electors are correctly enrolled e.g. electors are temporarily overseas or enrolled for addresses where there are known mail delivery problems, including delays in the collection of mail from poste restante delivery addresses or where an incorrect postal address was used. In these cases the envelopes will be endorsed with the reason for the termination of investigations and set aside for return to the Senator or Member.

4. In those instances where preliminary checks indicate that an elector may have left their enrolled address, the AEC will make further enquiries by phone call to the elector's residence (particularly in remote areas) or by the posting of an enquiry letter, an example of which is at Attachment A.

5. Further action by AEC staff will depend on the nature of replies received from electors and on the endorsements noted on any resumed, unopened enquiry letter envelopes. In cases where the responses to the enquiry letters indicate that electors have permanently left their enrolled address (including no reply or returned unclaimed), official objection action under Part 9 of the *Commonwealth Electoral Act 1918* will be commenced.

6. Upon completion of all investigations for a batch of RTS mail, Members and Senators will be provided with information regarding the results of AEC enquiries. In cases where investigations take the form of an official enquiry letter, the AEC will

retain the original RTS mail as evidence in support of ongoing enrolment action, and a summary listing the names of electors and the results of investigations will be provided (see Attachment B) RTS mail envelopes which were not subject to further investigation, i.e. an enquiry letter was not sent, will be returned with the summary listing.

In investigating reasons for the return of mail addressed to electors it is important to be aware that no matter how efficient and effective enrolment processes may be, there will always be electors whose enrolment details are not correct at a given moment and that this will result in a proportion of mailings being returned.

The basic reasons for this are twofold. First, on average around 15% of the Australian electorate changes address each year. This means that in a typical federal division with an enrolment of 78,000, almost 12,000 electors will change address each year, or about 1,000 per month.

Second, persons are obliged under the *Commonwealth Electoral Act 1918* to advise the AEC of a change of address when they have lived at a new address for one month (or 21 days if within the same division). They are not permitted to do so earlier. In practice, a fair proportion of people do not provide new enrolment addresses immediately after the relevant period has expired. Periodic electoral roll reviews address this problem to a limited extent and election roll closes also prompt a lot of people to update their enrolments.

Taking these two factors together it is clear that, on average, in excess of 1000 addresses in any list of electors for a division will be out of date at any given time. The enrolment records cannot be more accurate than this and Members and Senators should expect some mail to be returned. Rates of population movement may vary considerably between divisions, so the above numbers are only indicative of average levels of RTS mail. As well, the above figures apply only to mailings using up-to-date information. It is essential that the most recently available enrolment details (including postal address) are used for mailings and that printing arrangements do not unnecessarily delay posting. In order to minimise the volume of returned mail, Senators and Members are urged to mail correspondence within one week of receipt of the updated monthly enrolment data.

Further RTS mail problems may inadvertently arise from the reformatting of AEC roll data by Members' and Senators' offices to produce mailing lists with abbreviated given names and gender specific titles which are not provided by the AEC on their base data. The AEC cannot always investigate RTS mail where envelopes are, for example, addressed to a whole family or where individual electors cannot be clearly identified at the claimed address on the electoral roll.

Please contact the Australian Electoral Commission, Enrolment Section - Client Services Unit on 06 2714464 if you have any queries regarding the processing of address data supplied as part of the AEC's monthly update of enrolment information for Members and Senators. Further information regarding the handling and investigation of RTS Mail can be provided by AEC Head Offices in each State capital and Darwin or by individual Divisional Offices of the AEC.

Bill Gray
Electoral Commissioner
12 March 1995

** Note that monthly updates of electoral roll information is now supplied to Members and Senators on CD-ROM rather than on floppy disc.*

Extract from submission No 88 of 12 March 1999, "Public Access to the Roll"

4.7 Public Access to the Roll

4.7.1 Recommendation 53 of the June 1997 JSCEM Report was:

that sections 89 to 92 of the Electoral Act, concerning improper use of roll information, be reviewed to take account of developments in computer technology. The existing entitlements of MPs and registered political parties should be maintained.

4.7.2 An extensive legislative and policy review of these enrolment provisions of the Electoral Act is currently underway, and the AEC will provide a supplementary submission to this JSCEM as time permits.

4.7.3 In the meantime, this submission makes an early recommendation to facilitate the provision of the Commonwealth Electoral Roll on the AEC Internet site, in order to improve public access to enrolment information as soon as possible. Such an innovation would allow electors, wherever electronic communications are available in Australia, to 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.

4.7.4 It is proposed that the inquirer should be able to search the Internet roll by name and address/locality, a similar form of public access to that already available in the printed rolls and telephone directories. A downloadable enrolment form is available on the AEC Internet site to allow anyone whose name cannot be found on the roll to print out the form, fill it in and deliver it (by other means) to the AEC. It would not be possible to print out, copy, or alter the Internet roll in any way.

4.7.5 The New Zealand Electoral Commission already has an Internet roll in operation, but requires the inquirer to provide a birth-date in addition to the name and address, thereby limiting public access to 'own' enrolment information (see Attachment 04). In the view of the AEC, the Internet roll in Australia should be more accessible than this, allowing the enrolment of other electors to be checked for objection and petition purposes. In this way, the Internet roll would serve the important democratic function of allowing citizens to confirm for themselves that the roll is as accurate as possible, in the same way as the printed roll already does, but in a less convenient way.

4.7.6 Over recent years, access to enrolment information by registered political parties and parliamentarians has been gradually increased through successive amendments to the Electoral Act, and through improvements in electronic data provision. For example, the Electoral Act now entitles registered political parties and parliamentarians to request at any time from the AEC a tape or disc containing the name, address and gender of all relevant enrolled electors. In practice, the AEC provides CD-ROMS containing a complete enrolment history on every relevant elector to all registered political parties and parliamentarians on a monthly basis, free of charge.

4.7.7 It is generally understood that parliamentarians and registered political parties gradually enhance their enrolment databases with other information on electors that

may come to their attention (see, for example, Part 8.6), so that these databases, held in the headquarters of political parties or in the electorate offices of parliamentarians, become very powerful tools for targeting political campaign activities, such as elector mail-outs. The Electoral and Referendum Amendment Bill 1998, currently before the Parliament, would require the AEC to additionally provide to all parliamentarians and registered political parties, date of birth and salutation information on each elector, so as to further refine the targeting of political campaign advertising.

4.7.8 By comparison, over recent years, the public at large has been less well serviced in relation to access to the rolls. The AEC is required under section 89 of the Electoral Act to provide, for public access and sale, a hard-copy bound print of the rolls at least once during the period of two years after the commencement of the first session of the Parliament after a general election, and to provide supplemental rolls as necessary. These printed rolls are made available for public access at AEC Divisional Offices and public libraries, where they have become an important part of the historical record.

4.7.9 However, because of population mobility and the rapid computerised processing by the AEC of new enrolments and transfers, the printed rolls are obsolete the moment they are printed. Although costs are recovered to some extent by the sale of these printed rolls at \$25/Divisional roll, it has long been recognised that the section 89 printed rolls represent an increasingly inefficient and ineffective means of providing public access to the rolls.

4.7.10 In practice, electors who wish to investigate the rolls, either to check their own enrolments or those of family or friends, or to prepare for objection action against the enrolment of other electors, or to prepare evidence for a petition to the Court of Disputed Returns, will need to look at not only the printed rolls, but also the supplemental rolls, or the 'the additions and deletions lists' as they are known generally, which are made available on a weekly to monthly basis for public inspection in each Divisional Office. The AEC also provides the rolls on microfiche for viewing and for sale on a six-monthly basis, but these suffer the same time-lapse problems as the printed rolls.

4.7.11 This means that public access to roll information is presently a tiresome and difficult process, involving the comparison of hard-copy or microfiche roll information with the more recent information from the supplemental rolls held in Divisional Offices. Those who live in remoter areas of Australia, without ready access to a Divisional Office, are doubly disadvantaged.

4.7.12 The provision of the Commonwealth Electoral Roll on the Internet has already gained the nominal support of the Government. Recommendation 9 of the June 1997 JSCEM Report was: "That electoral rolls for a division or subdivision again be made available for inspection in local libraries and Post Offices." However, the cost of increasing the distribution of printed rolls as recommended was estimated to be in the order of \$396,000 per year. Accordingly, on 8 April 1998, the Government Response was: "Not supported. The Australian Electoral Commission to examine the cost and feasibility of placing electoral rolls on the Internet where they can be readily updated."

4.7.13 On 9 March 1998, the AEC made a submission to the previous JSCEM responding to the first recommendation of the June 1997 JSCEM Report, which was; "that the AEC prepare a comprehensive implementation plan on the Committee's proposed measures to improve the integrity of the enrolment and voting

process....". Part 6 of the March 1998 AEC submission explored the provision of the Internet on the Roll.

4.7.14 On the basis of that submission, it is proposed in this submission that the AEC Internet site include the Commonwealth Electoral Roll with a name and address/locality search facility. Public libraries with Internet access would be able to link to the AEC Internet site, but where the Internet is not available, the AEC could provide a CD-ROM containing the electoral rolls for the relevant State/Territory, and with the same search facility.

4.7.15 The Attorney-General's Department has advised that this proposal would be legally permissible under the current terms of the Electoral Act, and that such provision would not conflict with the *Privacy Act 1988*, as the rolls are already a publicly available document. However, the Privacy Commissioner has commented that:

Serious consideration would also need to be given to how the roll will be updated if it is being made available in a large number of locations. It is important that there are procedures in place to update the Roll on a regular basis, particularly when changes are required because an individual has requested that their name be removed from the Roll because they believe that their personal safety, or that of their family, is at risk.

4.7.16 In the light of these comments by the Privacy Commissioner in relation to the necessity for regular updates of the information provided, it has been concluded that monthly updates of the Internet roll and the CD-ROMs to libraries would be in the public interest. This could be done in conjunction with the monthly update of the same information provided to the parliamentarians and registered political parties.

4.7.17 It is estimated that for monthly updates of the Internet roll the development costs would be \$120,000, the annual running costs would be \$40,000 and the maintenance costs would be \$42,000. It is proposed, however, that the frequency of updating not be expressly provided for in the Electoral Act, so as to allow for any technical problems or other contingencies that might arise from time to time.

Recommendation 1: That the publicly available Commonwealth Electoral Roll be provided on the AEC Internet site for name and address/locality search purposes, and that the Roll be provided in CD-ROM format with the same search facility to public libraries without Internet access, with regular updating.

AEC submission of 12 May 2000 to the House of Representatives Standing Committee on Legal and Constitutional Affairs inquiry into the Privacy Amendment (Privacy Sector) Bill

1. Preamble

1.1 This submission by the Australian Electoral Commission (AEC) is provided to the House of Representatives Standing Committee on Legal and Constitutional Affairs in response to the invitation on 20 April 2000 for the AEC to comment on the Privacy Amendment (Private Sector) Bill.

1.2 The AEC conducts federal elections and referendums under the provisions of the *Commonwealth Electoral Act 1918* (the Electoral Act) and the *Referendum (Machinery Provisions) Act 1984* (the Referendum Act). The Electoral Act also empowers the AEC to conduct ATSIC elections under the *Aboriginal and Torres Strait Islander Commission Act 1989*, and industrial elections under the *Workplace Relations Act 1996*.

2. Compulsory Enrolment

2.1 Under section 101 of the Electoral Act, it is compulsory for all eligible persons in Australia to maintain continuous enrolment on the Commonwealth Electoral Roll for the purposes of federal elections and referendums, and under section 245 of the Electoral Act it is compulsory for all eligible electors to vote at federal elections. In order to vote at referendums a person must be enrolled to vote at federal elections.

2.2 Section 84 of the Electoral Act allows the Commonwealth to enter into Joint Roll Arrangements with the various States and the Territories to ensure that the Commonwealth Electoral Roll maintained by the AEC contains all relevant enrolment information provided to federal, State and Territory electoral offices under the compulsory enrolment provisions of the relevant federal/State/Territory electoral legislation. In return, the AEC, on behalf of the Commonwealth, provides the electoral offices in the States and Territories with enrolment information for the purposes of State and Territory elections (see, for example, section 91(9B)).

2.3 In order to enrol on the Commonwealth Electoral Roll, or to transfer enrolment, for federal/State/Territory electoral purposes, a joint Electoral Enrolment Form must be completed by the applicant and provided either to the AEC, at any one of the 148 Divisional offices across Australia, or to any of the relevant State/Territory electoral offices (see, for example, the joint Commonwealth/ACT Electoral Enrolment Form at Attachment 1).

2.4 Compulsory enrolment for federal electoral purposes requires the applicant to formally declare the following personal information on the Electoral Enrolment Form:

full name	date of birth
residential address	country of birth
phone number	citizenship
postal address	former enrolled address
former surname	

2.5 The name and address information, and other personal information provided by enrolment applicants, is securely maintained on the computerised AEC Roll

Management System (RMANS) for official verification and cross-checking purposes by the AEC. However, as the Electoral Enrolment Form advises applicants, a range of listed Commonwealth government agencies, including Centrelink, the Australian Tax Office, and the Attorney-General's Department, have access to the name and address information, and the other personal information, for purposes permitted by the *Privacy Act 1988*.

2.6 The Electoral Enrolment Form also advises applicants that, in addition to name and address information, other personal information such as salutations, postal address, date of birth and gender, may be provided to Members of Parliament, registered political parties, those States and Territories that have Joint Roll Arrangements, and medical research and public health screening programs, for purposes permitted under the Electoral Act (see Attachment 1).

3. The Commonwealth Electoral Roll

3.1 The names and addresses of all electors on the Commonwealth Electoral Roll are available for public inspection, and in some cases sale, in various formats specified under the Electoral Act (Attachment 2). For example, the AEC is required under section 89 of the Electoral Act to provide, for public access and sale, a hard-copy bound print of the Divisional rolls containing names and addresses at least once in the life of a Parliament, and to provide supplemental rolls (known as the "additional and deletions lists") as necessary. The printed rolls are made available for public inspection at public libraries, and for inspection and sale, at \$25 per hard-copy Divisional roll, at all AEC Divisional offices.

3.2 The public availability of the Commonwealth Electoral Roll plays an essential role in maintaining public confidence in the integrity of federal elections, by enabling electors to check the correctness of their own enrolment information; to check the correctness of the enrolment of other electors; and to investigate for themselves any suspicions of electoral fraud for Court of Disputed Returns petitions. Electors are entitled to object to any enrolled name and address on the payment of a \$2 deposit (Attachment 3).

3.3 However, because the printed rolls available for public inspection become rapidly out of date, because they are printed only once in the life of a Parliament, the AEC has recently submitted to the parliamentary Joint Standing Committee on Electoral Matters (JSCEM) that the Commonwealth Electoral Roll should be placed on the Internet on a secure, read-only basis, with monthly updates (Attachment 4). The JSCEM Report is expected to be tabled in Parliament some time after June 2000.

3.4 The Commonwealth Electoral Roll can never be 100% accurate at any one point in time because it is continuously maintained, and for this reason the Electoral Act prohibits any challenge to an election based on the accuracy of the Roll. However, the AEC ensures the Roll is as up-to-date as is possible, in readiness for a close of rolls for an electoral event, through Continuous Roll Update (CRU) action, including Roll Reviews (door-knocks); information received from Australia Post, State/Territory departments, utilities, and electoral offices; the enrolment objection process initiated by Divisional Returning Officers after every electoral event in response to undeliverable non-voter notices; and other event-related information.

3.5 There are no restrictions placed on the use of the name and address information publicly available in the hard-copy versions of the Commonwealth Electoral Roll. However, indications are that the name and address information from

the Roll is being scanned, or keyed, by commercial organisations, and used for other than electoral purposes, such as mail-order lists for marketing purposes.

3.6 Despite the unease expressed by some about the commercial use of the name and address information from the Electoral Roll (and similarly from telephone books), it is unlikely that it could be effectively prevented or controlled. But in any event, the name and address information on the Commonwealth Electoral Roll must remain available for public inspection purposes, to serve the wider public interest in ensuring the integrity of elections.

4. Provision of Enrolment Information to Political Parties and MPs

4.1 Section 91 of the Electoral Act governs the provision of enrolment information to registered political parties and Members of Parliament (MPs), in print and electronic form. The AEC provides enrolment information electronically in CD-ROM format on a monthly basis to all registered political parties and MPs (Attachment 5). The information includes the names, addresses, salutations, postal address, date of birth and gender of electors. (The *Electoral and Referendum Amendment Act 1999* amended section 91 to add salutation and date of birth information to personal information already provided to registered political parties and MPs.)

4.2 Section 91A of the Electoral Act governs the permitted purposes to which enrolment information provided to political parties and MPs can be put (Attachment 6). Political parties and MPs cannot use enrolment information provided to them in electronic form, including name, address, postal address, salutations, date of birth and gender, for any purpose other than those permitted by the Electoral Act. Section 91B makes it an offence to misuse enrolment information obtained under section 91 for commercial purposes.

4.3 It is worth noting that, whilst registered political parties and MPs who receive enrolment information from the AEC cannot use or pass this information on for commercial purposes, it is still possible for a commercial (or any other) organisation to form itself into a registered political party and field candidates, with no real prospect of electoral success, but with the intention of obtaining personal elector information for later non-electoral purposes. The only drawback might be the rate at which the accuracy of such information decays over time.

4.4 Further, if the enrolment information provided by the AEC were to be repeatedly merged with personal information from other sources, there would come a point at which it might no longer be legally recognised as enrolment information, thereby avoiding the penalties in section 91B of the Electoral Act.

4.5 Registered political parties and MPs are now provided with convenient and regular access to a range of personal elector information that is not available to the average citizen. The significance of the provision of personal enrolment information to political parties on CD-ROM is the ease with which this information can now be manipulated by computer processing. The AEC understands that political parties merge this personal elector information provided by the AEC with other information databases to build detailed elector profiles for purposes such as electoral redistributions, election polling and focus groups, elector mail-outs, and the direct targeting of election campaigns. Whilst the Electoral Act makes it an offence for political parties or politicians to pass on this information to commercial organisations, it is clearly of considerable market value.

4.6 Other personal elector information used by political parties to build elector profiles includes the elector's temporary address and telephone number, and the witness's name and address information, provided on declaration envelopes for postal, absent, pre-poll and provisional voting. Whilst this information is available to party scrutineers after polling day for a short period, the assembling of such details, during the preliminary scrutiny of declaration votes, and through other inspection rights, is an inefficient and time-consuming task.

4.7 A more efficient method of harvesting up-to-date personal elector details from the declaration voting process has emerged over the past few years. The major political parties (the Liberal Party and the ALP) are now actively soliciting postal vote applications from electors during an electoral event, by "blanketing" Divisions with their own postal vote applications together with party political campaign material. The postal vote applications distributed by political parties are similar in all important respects to the official AEC postal vote applications, are consistent with Commonwealth copyright.

4.8 The pre-paid return envelope for these postal vote applications is addressed not to the AEC Divisional Office, but to the electorate office of the political party candidate in the Division, or to an office of the political party. The AEC understands that personal elector details are extracted from the postal vote applications, and merged with national/Divisional elector databases belonging to the party, before the applications are sent onto the AEC for the issuance of postal vote materials.

4.9 The official AEC postal vote application form (Attachment 7) alerts the elector to the fact that the information provided will be available for public inspection from the third day after polling day until 40 days after the return of the writ. However, the postal vote applications distributed by the major political parties have not always included this advice, and do not advise that the elector's personal information may be retained and used by the political party.

4.10 Further, many applications distributed by the major political parties provide a return address which could be misunderstood as an official AEC address. For example, "Postal Vote Officer" at a PO Box number, or "Eden-Monaro Electorate Office" might appear to some to be the office of the AEC Divisional Returning Officer in that Division, when it is in fact the electorate office of a candidate.

4.11 This intervention in the postal voting process by the political parties not only has the potential to mislead electors about the use to which their personal information will be put, but it is also impacting on the franchise. The AEC is increasingly concerned that electors are being disfranchised because candidates and party workers fail to direct the postal vote applications to the AEC in time for the issuance of postal vote materials before polling day, or do not send on the applications at all.

4.12 The AEC has made its concerns known to the JSCEM in a recent submission which highlighted the 130 electors known to have been disenfranchised at the 1998 federal election because their postal vote applications, routed through political party offices, were received too late by the AEC to allow the issuance of postal voting materials (see paragraph 8.6.29 at Attachment 8).

4.13 The AEC is also concerned that the encouragement of postal voting by the major political parties may be gradually altering the nature of the federal electoral process in Australia, so that postal voting prior to polling day is increasingly seen as

a preferred option, rather than an emergency measure available only to those electors unable to attend a polling booth on polling day.

4.14 As the AEC has submitted to the JSCEM, such a potentially major shift in the federal electoral process should not be allowed to develop by default through the self-interested activities of the major political parties, but only after appropriate consideration by the Parliament. The JSCEM Report is expected to be tabled in Parliament some time after June 2000.

4.15 The major political parties contend that their elector information databases make an important contribution to the democratic process, by allowing them to more precisely target their constituencies. The salutation and gender information now provided by the AEC, for example, enables letters to constituents to include appropriate address blocks, and the date of birth information enables specific age groups to be targeted for relevant campaign material. The totality of the information collected on a single individual also allows that individual to be tracked geographically across Divisions as addresses are changed, and through time, as the individual ages and political preferences change.

4.16 However, the AEC remains concerned about the reach and impact of these private databases, based as they are on enrolment information provided by electors as a compulsory obligation under the Electoral Act, and personal information provided by electors, in many cases unknowingly, to political parties intervening in the postal voting process.

5. The Privacy Amendment (Private Sector) Bill 2000

5.1 It is understood that clauses 39 and 42 of the Bill would amend the *Privacy Act 1988* to insert section 7(1)(ee) and section 7C so as to exempt political organisations from the privacy regulations that would apply more generally to the private sector. It is also understood that the new regime for the private sector will not apply to existing databases and will not come into force for another year.

5.2 Under the exemptions provided in the Bill, the elector information databases currently maintained by the major political parties would remain unregulated under the Privacy Act. The most significant consequence is that electors would have no statutory right to check their own information on these databases to ensure accuracy and to avoid misrepresentation. This will not contribute to public transparency and accountability in the electoral process, and could have a longer term impact on public confidence in the integrity of the electoral system.

5.3 It should be emphasised that whilst the Electoral Act prohibits the commercial or non-electoral use of personal elector information provided by the AEC to registered political parties and MPs, there remains a real risk that any person, such as an employee, party worker, or contractor, who is able to access the elector information databases from the electorate offices of MPs, for example, is in a position to use or pass on unexamined personal elector information for non-electoral purposes.

5.4 Access to discarded copies of the database supplied to MPs is also of major concern to the AEC. Although passwords are necessary to access roll details, programmers can circumvent these passwords.

6. Summary

- All eligible electors in Australia are required to provide personal information to the AEC under the compulsory enrolment provisions of the Electoral Act.
- Public access to name and address information on the Commonwealth Electoral Roll is a statutory right, and is essential for maintaining public confidence in the integrity of the electoral system.
- Registered political parties and Members of Parliament are provided, as a statutory right, with personal elector information, including name, address, postal address, salutations, date of birth and gender, in electronic form on a monthly basis.
- Personal elector information obtained by political parties from the AEC is merged with personal information obtained from other sources to build powerful electronic databases for electoral campaign purposes.
- The major political parties have intervened in the postal voting process, with the result that some electors are being disenfranchised, and some electors are not aware that the personal information on their postal vote applications will be added to political party electronic databases.
- The use of personal elector information for purposes other than those prescribed under the Electoral Act is prohibited, but a real risk remains that the information contained on the electronic databases of political parties could be misused without detection.
- Allowing political parties to continue to maintain electronic databases containing personal information on 12 million Australian electors, without allowing electors to check their own personal information, must be regarded as a serious privacy issue.

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

5. Joint Rolls and Electoral Malpractice

61. Three areas, or "instances of electoral malpractice", are identified.

(A) "The use of the cemetery vote in the Castlereagh (NSW) by election"

62. Paragraph 5.4 states:

The Castlereagh (NSW) by election in 1980 received a great deal of publicity and with good reason. The significance is not so much that it was claimed that Labor used the names of 400 dead people to win the seat in a close election. Rather, the significance is that the case is a federal matter.

63. As the Castlereagh by-election allegation is one of the rare instances of particular facts being put forward to support or document more generalised claims of widespread malpractice it will be treated in some detail here. It begins with a statement by Senator Bishop (NSW) in the Senate on 17 March 1988:

The year 1980 saw the calling of the by-election for Castlereagh, a country seat which had been held by Premier Renshaw ... In 1980, when that by-election was called upon the retirement of Mr Renshaw, 28,828 voters were enrolled. Of that number 18,112 in fact voted. Those are most interesting figures. We can see that the margin by which the Labor Party won that seat was in the region of 660 votes. If one-half of those people had changed their vote, of course, there would have been a different result

64. Senator Bishop then quoted from a tape (which she subsequently tabled) of a speech allegedly made by one John Patrick Begg at Wyong Creek Hall in 1984:

...I just sat down one day and I, you know, sort of got myself and I thought to myself this is going to be close Now, you know, I then went down - there's one office, the regional newspaper office, and Castlereagh started at Dubbo and went right through to Bourke - it was huge - big electorate - and I went to the local thing and I went - it took me two days - and I went through twelve months and looked at the obituaries and I got everyone that died in the past 12 months and then I compared them to see if they were on the roll and there were 400 on the roll. So I sent little people out to vote for them on these blokes' behalfs and, do you realise, we won the seat by 330 votes.

65. The Electoral Commission is no position to assess the authenticity of the tape, or to suggest whether the apparent incoherence of Mr Begg in the extract resulted from difficulties in transcribing a poor tape or reflected his condition at the time the recording was made. What it can say, however, is that there are substantial flaws in the story, some of which have already been raised; such that it is astonishing that the Liberal Party submission endeavours to resurrect so discredited an anecdote, not least in the same document in which it advocates a return to subdivisional voting. The NSW State electoral district of Castlereagh was that rare phenomenon, an electoral district in which the number of small subdivisions ought to have provided protection against the personation alleged to have taken place there in 1980.

66. Each of the highlighted passages in Senator Bishop's statement will be considered in turn:

In 1980, when that by-election was called upon the retirement of Mr Renshaw, 28,828 voters were enrolled. Of that number 18,112 in fact voted.

67. The number enrolled at the by-election on 23 February 1980 was 21,828, not 28,828. The effect of misreporting the enrolment is to suggest that a poor turnout (62.83%) reflected a poor roll, whereas the actual turnout of 82.71% (which is shown on the Return printed in the NSW Parliamentary Papers) is unexceptional for a by-election.

the margin by which the Labor Party won that seat was in the region of 660 votes. If one-half of those people had changed their vote, of course, there would have been a different result.

68. The successful ALP candidate polled 9,327, the losing Country Party candidate 8,651, so the difference between them is 676, indeed "in the region of 660". But the allegation is that 400 cemetery votes were cast, and these cannot be counted as changes, transferred from one candidate to the other as in, for example, a miscounting of ballot-papers. Even if 400 spurious votes, cast in the names of 400 dead electors, had been recorded for the ALP candidate, identified and disallowed, his vote would have fallen to 6,927 and he would have won by a margin of 276.

69. Unless the supposition is that had the 400 dead not been voted by the Labor Party they would have been voted by the Country Party, they can be counted on only one side of the equation, not both. Nevertheless, in the face of the obvious arithmetic to the contrary, the Liberal Party submission at paragraph 5.4 repeats the claim "that Labor used the names of 400 dead people to win the seat in a close election (emphasis supplied)".

there's one office, the regional newspaper office

70. As it happens, there is no regional newspaper covering the area which then constituted the electoral district of Castlereagh. One of the problems which the then Australian Electoral Office's Divisional staff responsible for the 2 Divisional rolls which overlapped Castlereagh was that there was no regional paper which could be relied on for death notices (which would have been the source of information rather than obituaries). The names of the subdivisions of Castlereagh-Baradine, Bourke, Cobar, Coonabarabran, Coonamble, Gilgandra, Nyugan and Warren - indicate its scatter of settlements. However if there were to be any newspapers which might be called "the regional newspaper" of Castlereagh the only choices could be the (Dubbo) Daily Liberal and the (Tamworth) Northern Daily Leader.

I went through twelve months and looked at the obituaries and I got everyone that died in the past 12 months and then I compared them to see if they were on the roll and there were 400 on the roll.

71. The 2 newspapers have been searched for 1979, the "twelve months" prior to the by-election. The Liberal for the whole year contained in total 182 death notices of which 141 were for addresses in Dubbo itself; only 11 gave addresses within Castlereagh, and at least one of those was of an infant. The Northern Daily Leader for 1979 contained 437 death notices of which 173 were for Tamworth itself, many others for nearby towns like Werris Creek (12) and Manilla (10), and only 1 for an address in Castlereagh. A further 73 bore no address for the deceased but is

probable that most of these would have been for Tamworth and its vicinity in the light of the distribution of those carrying addresses. It would not have been possible to find the names of 400 dead electors of Castlereagh in either of the newspapers in question or any more than a handful of dead electors of Castlereagh in the pair of them.

72. But then neither would there have been 400 dead electors available to be found on the roll unless there had been an extraordinary lapse in roll maintenance activities, which is presumably the gravamen of the complaint against the Electoral Commission or, in this instance, its predecessor, the Australian Electoral Office. The most stable component of roll transactions, year after year and whichever Government is in office or administrators responsible for the keeping of the rolls, is death deletions. The authoritative input comes from the State Registrars of Deaths, and supplementary information is collected from death notices in local newspapers. Every month a typical Division loses 50, 60 or 70 electors by death deletions. Occasionally batch processing may leave 1 month light and the next heavy, but the likelihood that a Division (or the one-third of it contained in a particular State electoral district) could neglect death deletions for a calendar year is totally implausible.

73. In 1980 (30/11/79 to 9/12/80) for example, the Division of Gwydir which contained all the subdivisions comprising Castlereagh save one recorded 657 death deletions; the Castlereagh subdivisions accounted for 212 (32.3%) of these just as they accounted for 26.2% of the Division's enrolment at the beginning of the period and 25.8% of its enrolment at the end. The remaining subdivision, Coonabarabran, accounted for 31 of the Division of Paterson's 677 death deletions for the year, some 4.6% when it had 5.1% of Paterson's enrolment at the beginning of the year and 5.0% at its end.

74. Death deletion statistics by subdivision for 1979 have not been preserved so far as can be ascertained, and only the Divisional figures can be given. As Gwydir accounts for almost the entire State electoral district of Castlereagh its figures are more significant than Paterson's but both are shown in Table 5 to document the basic stability of the operation. With barely one third of a Division's population, Castlereagh should have had no more than 20-25 deaths per month and accordingly would have taken 16-20 months to accumulate 400.

Table 5

Monthly death deletions 1979: Gwydir and Paterson

	Gwydir	Paterson
Jan	68	71
Feb	63	61
Mar	48	66
Apr	71	30
May	33	45
June	67	64
July	43	37
Aug	114	124
Sept	48	38
Oct	68	59
Nov	82	69
Dec/Jan	75	58

75. In the 12 months for which the death notices supposedly accumulated, death deletions were being recorded at their normal rate. Data from earlier years could be supplied, if this were thought necessary, but as the basis for the story of supposed abuses is the events of 1979 earlier statistics would only go to confirm the regular working of the system laid down in the Commonwealth Electoral Act in these Divisions and throughout the country. Should it still be thought necessary in the light of the evidence already supplied, the Electoral Commission could arrange for the (retired) Divisional Returning Officer for Gwydir to testify as to his regular compliance with the statutory provisions.

76. Thus the story fails in 2 vital particulars. That many relevant names could not have been found in a newspaper that might conceivably meet the specification of "the regional newspaper", and there would not have been that many names of deceased persons on the roll for the by-election. That is not to say that there could not have been 1 or 2, or even half a dozen, electors of Castlereagh who died too close to the close-of-roll to be removed, or after it. That possibility is a matter which the Commission has raised with the Joint Standing Committee in regard to more recent elections. But 400 or a figure anything like it is impossible.

I sent little people out to vote for them on these blokes' behalfs

77. If these votes had been cast as ordinary votes, then personation (and mainly of elderly electors for it is the elderly who are more likely to die) had to be extraordinarily risky. At the by-election only 7 polling places took more than 1,000 votes: Bourke 1,364; Cobar 1,785; Coonabarabran 1,809; Coonamble 1,839; Gilgandra 1,775; Nyngan 1,525; and Warren 1,410. The likelihood that someone could pass themselves off as a deceased elector at a booth of this size in the country is remote. The overwhelming number of booths took fewer than 500 votes. As the then Minister for Home Affairs, the Hon. Senator Robert Ray, said in the Senate (18 March 1988):

It is fairly inconceivable to me that, in a small country electorate with small booths, bodgie votes could be lodged. Nearly all the officials are locals. They know whether Mrs Smith or Mr Jones has passed away in the last couple of years.

78. Senator Michael Baume interjected at that point: "What was the absentee vote?" Of course in a by-election the opportunities for casting an absentee vote are reduced compared to a general election and more use is made of postal voting facilities, but for what they are worth the figures for the 2 previous general elections and the 1980 by-election are given in Table 6. Only half the "usual" number of absentee ballots were cast, again unexceptional for a by-election.

Table 6

Absent and postal voting Castlereagh: 1976, 1978, 1980

	Absent	Postal
1976	2717	203
1978	2 822	196
1980(by)	701	745

79. To the extent that the allegation was that a defective roll, bearing the names of 400 electors who had died in 1979, was supplied to the State, it is a federal matter as the Liberal Party submission says . To the extent that the administration of the State electoral legislation might have allowed 400 acts of personation, it is a State matter.

80. On 22 March 1988 the Minister for Home Affairs, Senator Ray, wrote to the Premier of New South Wales, the Hon. Nick Greiner, indicating his concern that the matter be investigated thoroughly, pointing out that breaches of State law were alleged, and offering the cooperation of the Electoral Commission in any investigations. On 31 March 1988 the Premier replied:

The new Government will shortly be instigating a review of the State Electoral Office. In the course of this review the specific allegations you refer to will be covered in addition to the general status of electoral rolls.

Your offer of assistance and co-operation is appreciated and I will ask the relevant officers to contact the Australian Electoral Commission.

81. On 11 April 1988 the Minister for Home Affairs wrote again to the Premier, saying in part:

Because the allegations about the Castlereagh by-election made by Senator Bronwyn Bishop in the Senate on 17th March raised not only questions of administrative procedure but also breaches of the Electoral Act, I am not sure than a general review would be the most appropriate means of addressing the allegations. I would respectfully suggest that a more appropriate course would be reference, via the State Electoral Office, to the New South Wales police.

At this stage, I have not referred the allegations to the Joint Standing Committee on electoral Matters, or to any other Commonwealth authority, as I believe it is a matter which the New South Wales Government has a more substantial interest in due to the possibility of State Electoral Act breaches. I would therefore appreciate an indication that a New South Wales investigation of possible breaches of New South Wales law will be initiated, to which a Commonwealth investigation could then be supplementary.

82. It is the Electoral Commission's understanding that no reply to that letter has been received. The Commission itself has not been contacted by the State Electoral Commission concerning any inquiry into the matter which it might be conducting. One of the most helpful pieces of evidence to resolve the accuracy of the allegations, the certified list used at the by-election which could then be matched with deaths notified in 1979, is not available as these lists are not normally preserved after elections or by-elections, being treated as election documents subject to destruction once the time for challenging results is past.

(B) the inadvertent placement of provisional voters' names on electoral rolls (NSW)

83. Paragraph 5.2 states "it seems that some thousands of names were not excluded from the master rolls prepared for the NSW election". It is quite true that, as a consequence of a programming error, names of provisional electors who had not turned 18 were printed on the certified lists produced for the State election, and these names had to be identified in a subsequent computer run and crossed-off manually by State Returning Officers prior to the distribution of certified lists to polling officials.

84. The problems was identified by standard quality checks and corrected in ample time to prevent any use of a defective certified list taking place. It was an error which did not occur at the previous federal election, or at any of the other by-elections and elections since then for which the Electoral Commission has had roll responsibility for the production of certified lists. It should be noted that the error with the State rolls

has been turned into claims that provisional voters' names have appeared on other rolls, which has not been the case. The characterisation of this episode as "electoral malpractice" in paragraph 5.6 of the Submission is gratuitous and unsupported by any argument or evidence.

(C) the incorrect allocation of electors' names from one electorate to the neighbouring electorate (NSW)

85. This refers to errors in the coding prior to the redistribution of the rolls consequent on the NSW State redistribution prior to the State election. The numbers of electors involved in the various errors are set out in Table 7.

Table 7

Coding errors following 1987 NSW State Redistribution

Division	State Electoral Districts	Electors
Calare	Bathurst/Goulburn (a)	3
	(b)	7
Charlton	Swansea/Wallsend (a)	73
	(b)	168
Chifley	Londonderry/Riverstone	28
Cook	Miranda/Sutherland	18
Cowper	Coffs Harbour/Port Macquarie (a)	2
	(b)	10
	(c)	3
	(d)	10
Farrer	Albury/Burrinjuck	3
Fowler	Cabramatta/Liverpool	52
Gilmore	Goulburn/Monaro (a)	5
	(b)	5
Gwydir	Barwon/Castlereagh	5
Hughes	Miranda/Sutherland	51
Hume	Burrinjuck/Wagga Wagga (a)	35
	(b)	51
Lindsay	Mulgoa/Penrith	57
Lowe	Drummoyne/Strathfield	10
Mackellar	Davidson/Wakehurst	80
Macquarie	Hawkesbury/Londonderry (a)	60
	(b)	30
North Sydney	Lane Cover/Middle Harbour	71
	Mosman/North Shore (a)	95
	(b)	46
Riverina-Darling	Lachlan/Murrumbidgee	12
Reid	Auburn/Granville	114
Sydney	Balmain/McKell	109
	Balmain/Marrickville	18
Throsby	Illawarra/Kiama	7
	Kiama/Southern Highlands	7
Werriwa	Camden/Campbelltown	28

86. The procedures followed after the 1986-87 State redistribution were:

87. Because subdivisions are still used in NSW, the task reduces to one of changing the subdivisions for which electors are enrolled. To cut down on the number of changes involved, and therefore the likelihood of error, this is done hierarchically: if possible whole subdivisions of electors are moved; then whole suburbs/towns; whole streets; parts of streets; and finally individual electors. Some 2,000 transactions were required, but had each street list entry required recoding some 20,000 transactions could have been needed.

88. Shifts of whole subdivisions were done centrally. Where a subdivision had to be split the DRO for the Division that contained that subdivision was supplied with a specially formatted printout listing all the streets in the subdivision, on which to mark the shifts to be made, by changing subdivisions codes, habitation walk numbers, and number ranges in the case of parts of streets.

89. Once this recoding has been done, the printout was checked to ensure that no required subdivision split had been simply left out; was then punched onto a tape which was run through an edit program to check for basic validity; and then went through a "validate" program which produced statistics of the number of people who would finally be enrolled for each subdivision if the changes on the tape had been applied to the rolls.

90. These figures were then checked against the figures for the proposed shifts of electors contained in the Report of the Redistribution Commissioners (which in turn were based on May 1986 enrolments), and against the April 1988 enrolment projections also put forward in the Report. Any figures which varied by more than 6-8% from what would have been expected on the basis of either of those figures were queried. As a result of the "validate" process a number of coding errors were detected on the tape.

91. At a Commonwealth redistribution where there is normally only a short period between the striking of the quota and the ultimate changing of the rolls, a much lower tolerance, say 1 - 2%, would have been applied. However because of the 18 month time-lag in this instance, and because of the intervening 1986-87 electoral roll review and the 1987 Commonwealth election, so restricted a tolerance would have been useless on this occasion. Nearly all figures would have varied by more than 1-2%.

92. After the "validate" process checking had been concluded, new street lists were provided to DROs for checking and as a result further corrections were made to the tape. Yet another street list was then produced and sent out for checking, and as a result further "validate"s were run and further corrections made to the tape.

93. Only after this process had concluded were transactions on the tape made to live elector files. DROs were then supplied with new street lists, rolls and microfiche, and some notified further errors which were corrected prior to the election.

94. Commencing on 3 March with the identification of problems in the Division of Werriwa, on each occasion a group of mislocated electors was identified the State Returning Officer(s) concerned were provided with copies of lists of the names so that these might be issued to polling officials. On 21 March a circular was sent to all DROs pointing out that coding errors had been identified in 10 Divisions:

In respect of then ten Divisions of which we are already aware (unless there have been additional errors which have come to light as a result of State Section Votes) those Divisions concerned need not reply to this memorandum.

All remaining Divisional Returning Officers should advise on the attached proforma any errors in their street file caused by the incorrect coding of the redistribution lists which have now come to light as a result of polling for the State election.

This advice should be resumed in courier bag of Tuesday 29 March 1988.

95. The most notorious error, Riley Street involving the safe district of McKell and the marginal district of Bligh, was not identified before polling day.

96. These errors are better described as “defective checking” rather than “inadequate checking” because elaborate procedures were put into place, but certainly Commission staff made mistakes which they should not have made. The comment that “the Australian Electoral Commission knew of the mistake 12 days before the poll but apparently did nothing about it (emphasis supplied)” is misleading when applied to the Bligh/McKell mistake which was not known and inaccurate when mistakes did lead to action being taken. As each mistake was identified it was dealt with and preventive steps taken as quickly as possible; some mistakes were uncovered only on polling day.

97. Some coding errors are inevitable, particularly in rural areas where addresses are frequently ill-defined and only a “spot-on-the-earth” enrolment system will prevent them. But having said that, the problems revealed in metropolitan areas have been a source of great concern to the Commission. It is proposed that at future Commonwealth redistribution groups of electors to be transferred be identified with greater particularity than previously and State redistribution authorities be encouraged to do the same. The use of CD/walk (Victoria) and locality (Western Australia) data in the pending redistributions is a considerable step in this direction. It may also be necessary to institute a check of the accuracy of coding by a second Divisional Office.

98. In Paragraph 5.6 the Liberal Party submission states:

There is considerable anecdotal evidence around to make us concerned that rorts including multiple voting, electorate stacking, and incorrect statistical information being provided in order that certain electorates remain well under the quota while other and coalition electorates are given growth areas may be occurring at the present time. To reiterate, these are matters where anecdotal evidence is constant but proof is missing.

99. If “anecdotal evidence” means particulars of individual cases, although the frequency or incidence of such events cannot be established, then the Commission is unaware of anything other than isolated cases, such as those involving Messrs Hinton and Lane MLAs and the late Mr Haantjens. However the general tenor of, the submission suggests that what its authors understand by that phrase is non-specific allegations of malpractice.

100. Multiple voting has already been dealt with above. As to “roll stacking”, the submission in paragraph 5.7 apparently adopts the “evidence” provided by Mr Frank Hardy in a radio interview on 23 March 1988:

Mr Hardy discussed the cemetery vote and the way it was implemented, phantom voters, the inadequacy of roll cleansing, and voting fraud generally.

Again the information is anecdotal even when presented on a top-rating radio show and a similar format featured on the Schildberger programme the following day - but the queries remain.

101. Mr Hardy's remarks warrant a fuller account than that. After some comments on the recent State election he called on the incoming Premier, the Hon Nick Greiner, to set up an investigation into the electoral system:

Alan Jones: You're on to that, aren't you, the electoral system?

Frank Hardy: I've been on to it ever since last July.

Alan Jones: Tell me what you think of it.

Frank Hardy: There's some fraud going on. I got a phone call from a bloke in Melbourne the day after the election and on the Monday morning you got several phone calls from people who said - this is when I first got on to it a bit - that they went to vote and they'd already been voted for. Do you remember that?

Alan Jones: Yes, I do.

Frank Hardy: Some others got some calls, too. We have none less than Senator Bishop, the good lady herself, saying that an employee of the then Premier Marmaduke - voted for 400 dead people. He put it brilliantly this bloke in the tape that was put in the Senate: "I got everyone that died in the past 12 months and I compared it to see if they were on the electoral roll." He voted for 330 of them.

I tell you Big Brother is going to do it to you so it has to be. "Do unto others as they do to you". says this bloke.

This is the front page story of The Sydney Morning Herald and no one has denied it and there's no inquiry into it.

A fellow named Simon Davies, do you know him?

Alan Jones: Yes.

Frank Hardy: He's also been doing some investigating. He had an article in the Herald about two or three weeks ago on how late registration of tens of thousands of voters - 20% of the electorate shifts every year, moonlight flits and that sort of thing - register late.

He quoted Jim what's his name, the senator who is now the Shadow Minister for Home Affairs, saying that he sent out 3000 letters in his electorate and hundreds of them came back "not known at this address".

What's happening is that phantoms are voting. That is to say someone is registered at an actual address but they don't live there and they vote, and the dead are voting. there's an example.

Sugar Roberts said he once knew a woman - this is the famous ballot rigger for John Wren in "Power Without Glory". Sugar said to me, "There's an old sheila who went over to Kew. - Got a few quid and crossed the river. She's dying. She said, 'I want to see you, Sugar. I'm dying, I want to die in Collingwood'. He said 'Why?' She said, 'Because I want to vote labor in the next election.'"

It's interesting that Mr Loosely told that story about Mayor Daley during the election campaign and off the record and it got into The Australian. The woman in New York who wanted to vote for Mayor Daley wanted to be buried in New York.

He said something that's not a fact, that the rolls are cleansed immediately before the election, that's not true. They're cleansed every two years by sending out a card.

The Electoral Commission have made an extraordinary statement. After Simon's article appeared - I'm on a hobby horse here because you and I will be found in the harbour with concrete boots on if we go much further. But he said: "There is undoubtedly large discrepancies between his figures and the actual vote." He sent a memo which was leaked to the press. That was published only in The Sydney Morning Herald and The Telegraph, I think.

He said six seats are being investigated of the last federal election. Now it turns out they're random seats. The seats that need checking were the close marginal seats.

I'm asking questions. Did the Hawke government introduce the bill that allows people to vote at any one of several booths when before they had to vote at their own local booth? If so, why?

Simon Davies' article in The Sydney Morning Herald - a respectable publication whether run by the son or the uncle - said roting of a federal election was possible. It was only a question of whether it could or had been had.

I'm not saying what happened to making any accusations but I intend to publish, if necessary overseas, the information that I've got. That is there should be a Royal Commission or some inquiry into the electoral rolls, into the dead voting and a check made after this election and the federal election of the people who died in the year before, if any of them were voted for.

A check should be made of the new people who move into the electorate to find out in fact if they did live in these places.

It may seem a funny thing but ballot rigging is a way of life in the labor movement, I've been in it all my life and all the jokes are about ballot rigging.

The Victorian Labor Party used to be the past masters. The greatest ballot riggers of all time were, shall we say, the labor wing at the trades hall.

Alan Jones: We're talking about vote rigging, do the dead vote and do people actually rig? Who does vote? You're saying they do, Frank.

Frank Hardy: Yes, I'm saying they do.

Alan Jones: Who organises it?

Frank Hardy: People close to the right wing headquarters of the ALP are one group that are organising it. Yabsley wants the dead barred from voting. You know who Yabsley is?

Alan Jones: Yes.

Frank Hardy: He says "It's a case of vote early and vote often." That's what Sugar Roberts used to say, "The halt, the lame and the dead will vote early and vote often." He said people unlawfully took dead voters.

The Electoral Commissioner, Mr Dixon, said: "We could bring in a system in NSW to stop multiple voting by requiring people to vote at particular polling booths. But I don't think that would be with public opinion."

You're going to have public opinion allowing - for instance, the EFF candidates - they're on the opposite pole to me - but a bloke who works for them rang me up and they went out to check the rolls in Rockdale and they sent for the police on Saturday night, sent for the police.

Alan Jones: Who sent for the police?

Frank Hardy: The Labor candidate's scrutineers sent for the police.

Alan Jones: Why did they want to check the rolls?

Frank Hardy: They wanted to check the provisional roll and the present roll - they just wanted to check the roll to see if there were any funny names there.

They demanded a Royal Commission, by the way, the EFF.

Alan Jones: What do they stand for? Something "for family and freedom" or something. "Enterprise Freedom and Family."

Frank Hardy: In other words they're concerned about it.

Alan Jones: The union movement over many years, I mean to what extent - we're talking about the BLF, BWIU, those sorts of unions, has there been vote rigging there?

Frank Hardy: Unquestionably. Ballot rigging - certainly hasn't denied it, "the others are doing it, you'd better to it better than them".

Alan Jones: How easy is it?

Frank Hardy: Very easy.

Alan Jones: How do you find out someone is dead?

Frank Hardy: Obituary notices in the paper.

Alan Jones: Exactly, that's what I was going to say. You just have one keeping all those notices in the paper, they give addresses.

Frank Hardy: Say your father or your mother died the first thing you would do wouldn't be to rush in and change - you'd think of a million other problems. You'd have a good cry and a good wake. 90% of people who die don't cross themselves off the roll and a lot of them vote.

This only happens where it's close and where the seat is marginal. There's no point in doing it in a big Labor or big Liberal ...

Alan Jones: At the last federal election I asked the Electoral Commissioner on this programme whether or not if I voted at six booths on the one day in the one electorate or at six booths in different electorates - both of which I'm allowed to do - would I be detected. He said, yes, I would.

Frank Hardy: No way they could detect you. Unless they checked immediately after the election, in the weeks after the election they couldn't detect you. How would they know, you're not marked off on that roll when you go in.

Alan Jones: No, the name is not taken. Just take an example for listeners to understand. I drive to Newcastle and say I'm Alan Jones and I live at Newtown and they find the name. I've said I want to vote absentee. So I vote absentee there and they've crossed Alan Jones off. Then I go out to Newtown and I vote there. Then I go to Parramatta and I do the same thing.

The one thing they can't prove, surely, if 30,000 people go through that poll every day that it's Alan Jones that's actually crossed his name off in each of those electorates.

Frank Hardy: No way, no way, they couldn't prove it and it's happening. Both the federal and state electoral commissions admit that it's open to rot.

In the Herald article they said it's open to very substantial fraud.

Alan Jones: How would you prevent the fraud?

Frank Hardy: The first thing is vote where you live and secondly cleanse the roll. All they do now in cleansing the roll is send a card out, they put a card under the door. It doesn't help at all once every two years. But it's in the week or two before the election that it happened.

Do you know why I think Bronwyn Bishop released that tape?

Alan Jones: So they wouldn't have a go this time. In The Sun-Herald she said "I did it because I didn't want them to think they could win at any cost or by any other means." In other words to warn them about Saturday. It's not an accident.

102. On closer examination Mr Hardy's evidence comprises the Castlereagh story, some second-hand reminiscences of political life in Richmond about the turn of the century, and a display of dismal ignorance as to well-documented procedures in respect of absent voting, habitation reviews, death deletions and the date when subdivisional voting replaced locality voting. If what is said on "top-rating radio shows" is to constitute the basis for the Liberal Party's argument, it might just as well have used a different radio interview, of Joe Bryant, Deputy Mayor of Blacktown and founder of the Independent Freedom and Family movement and President of the Independent EEF party, by Brian Wiltshire on 24 June 1988:

Brian Wiltshire: Well it seems to me the main problems fall into two areas, the first area. It's very hard to get proof, and that is where you hear of people boasting that they've voted more than once, in order to maximise the effect of their opinion, and of course it's hard to get evidence unless someone actually admits to it, and is then put through the Court process and that's happened with one person so far, as I know because he admitted to it. And the other category is where people turned up to vote, and found they weren't on the roll or found that their name was down twice.

(a discussion of a possible amnesty for electoral offenders followed)

Brian Wiltshire: But even if they're not able to prosecute many people. Even if the problems appear to be a whole heap of mistakes, all pointing in the one direction. The important thing is that they clean up all the loop holes before we have another election, isn't it?

Joe Bryant: That's right, and most probably the whole thing is a series of mistakes and oversights, and the system they have no doubt could run efficiently if everybody was completely honest, and this is the problem.

Brian Wiltshire: Well people are entitled to say, well these are honest mistakes or we can blame it on the computer, but if we find that thousands of names have moved from one electorate to another. What are we entitled to say? That whoever handled the programming should be jailed or it's just one of those mistakes. Cosmic rays going through the computer's brain or something.

Joe Bryant: You're right. I believe it's probably too late for jailing anybody. What we need to do is, we found the problem with the system, we need to sort the system out. There's no doubt in my mind, that there's been a transfer of names from one electorate to another, no doubt at all.

Brian Wiltshire: Hmm.

Joe Bryant: It meant that one electorate was padded with a lot of names that it shouldn't have had, and those names were short in another electorate ...

103. Here there is mention of "thousands" of electors being wrongfully transferred from one electorate to another. Table 7 identifies 3 instances of misplaced i.e. miscoded electors numbering more than 100: 109, 114 and, the largest involving Swansea and Wallsend, 168. Bearing in mind that the redistribution and the subsequent miscoding would have taken place before nominations were lodged, if there were a conspiracy to move electors to marginal seats (i) assumptions would have to be made about which new districts would be marginal, and (ii) assumptions would have to be made about the voting propensities of small groups of electors living just across the boundary of that marginal district - for all the defective transactions involved boundary areas. An experienced political eye cast over Table 7 would conclude that only Bligh had a voting record to attract malpractice if this were being contemplated, but if so it was on a very modest scale - 32 electors.

104. If the submission is going to rely on talk-back radio as the source of its documentation it might also have utilised the anonymous caller to Alan Jones on 16 August 1988:

Caller: I put a case to a bit of a test a couple weeks ago. With the referendum coming up they said you had to register and I registered under a false name. - I got a card back the other day registering me as a voter. How foolproof is the system?

They sent me back a card in this false name that entitles me to vote. I've found a bit of a loop in the system. Surely the powers that be that run this country and this State must know that as well.

Alan Jones: You're dead right.

Caller: They can pay off people to do all that in marginal seats and stuff. Alan, I have got the card, mate. It got pushed through my letter box in this other name.

Alan Jones: That is absolutely fantastic and I'll ask some questions about it. You're an inventive and entrepreneurial Australian. You should be a millionaire. Thanks for your call. Isn't that extraordinary? We'll follow that up.

105. It is difficult to follow up the claims of anonymous callers. In the one instance where an individual did identify himself on radio as having made a false enrolment claim, the matter was promptly referred to the police and the police report has now been referred to the Director of Public Prosecutions.

AEC submission of 12 July 2000 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

Preamble

On 14 June 2000 the Principal Research Officer of the House of Representatives Standing Committee on Economics, Finance and Public Administration invited the Australian Electoral Commission (AEC) to provide a formal written submission to the inquiry into the Management of Tax File Numbers (TFN) and the ANAO Report No 37 of 1998-99.

The AEC was apparently raised during the inquiry as an agency engaging in good practice in the management of data and systems. It was considered that the Commonwealth Electoral Roll was of very high quality, in contrast to the TFN database, which has been shown to be of very poor quality.

During the course of drafting the Committee Report, discussions between AEC officers and the Committee Secretariat suggested that formal AEC advice to the Committee on administrative procedures and the legislative framework in the *Commonwealth Electoral Act 1918* (the Electoral Act) would be useful. Accordingly, a list of questions was compiled, to which the AEC now responds in this submission. (The Electoral Act can be accessed on the AEC website at www.aec.gov.au.)

1. *What is the extent of data matching by the AEC against Fact of Death data, and when did this matching commence?*

1.1 Under section 108 of the Electoral Act, the State Registrars-General (of Births, Deaths and Marriages) are required to forward to the Divisional Returning Officers (DROs) in that State, a list of all persons over the age of 17 years of age in each Division, whose deaths have been recorded in the preceding month, including their name, address, occupation, age, gender and date of death. Each Registrar-General provides this information in various formats separately to the Australian Electoral Officer (AEO) in the relevant State and the Northern Territory.

1.2 This requirement has been in force since the turn of the century. Section 66 of the *Commonwealth Electoral Act 1902* required the Registrar-General of Deaths in each State to forward to the DRO in March, June, September and December, the names, addresses and occupations of people aged 21 and over, who had died in the preceding three months. The DROs were required to strike these names from the rolls.

1.3 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 the AEC Roll Management System (RMANS) on an ongoing basis.

1.4 Where 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.

1.5 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.

1.6 In addition to the above data-matching procedures 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.

1.7 The AEC has recently purchased the 1999 Fact of Death File, a national compilation of death information from all State and Territory Registrars-General. This information is to be matched on RMANS and any anomalies will be followed up by Divisional office staff. Monthly data from the Fact of Death File is also to be supplied to the AEC for all of 2000. This verification process is currently being tested and will go into production within the next month.

2. *What process does the AEC use for the archiving of electronic records?*

2.1 The AEC maintains all current enrolment records on-line in the computerised RMANS system. Previous records are also held on-line extending back to 1997 in the case of South Australia, and at least to 1991 for all other States and Territories. Records are identified within the 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.

2.2 An enrolment record on the RMANS Current File is moved to the Deleted File under the following circumstances:

- The elector provides an enrolment application form indicating a change of information, for example, that the elector has transferred address;
- Amendments to an enrolment record to correct an administrative error;
- Administrative amendments made for reasons such as street and locality name changes, and rural road re-numbering;
- It is determined that an elector is no longer entitled to remain enrolled due to non-residence, or for other reasons such as unsound mind;
- Information is received that the elector is deceased.

2.3 A record on the Deleted File is moved to the Archived File only if there are two or more records relating to the elector on the Deleted File. The most recent record on the Deleted File is retained on the Deleted File.

3. *What checks does the AEC carry out on new registrants to check that they do not have an existing registration on the Electoral Roll?*

3.1 When a person applies for enrolment, they must complete an enrolment application form providing details of name, address, date of birth, citizenship etc. The enrolment form also contains a declaration that the information they have provided is true and complete. The enrolment application form must also be witnessed. When signing the form, witnesses 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 true.

3.2 The information on the enrolment application is then entered onto RMANS and an automatic check is made of the new application against 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.

3.3 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 and by name.

3.4 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 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.

3.6 It should be noted that, on the passage of enabling regulations, the *Electoral and Referendum Amendment Act 1999* amends the Electoral Act to require new enrolment applicants to produce at least one original proof of identity document. It will also restrict witnessing of enrolment application forms to a prescribed class of witness.

4. *What range of quality assurance mechanisms does the AEC have in place to ensure the quality and veracity of Electoral Roll applications and changes?*

4.1 In 1999-2000, a total of 2.46 million enrolment application forms were processed on RMANS. This figure includes changes to enrolment details, transfers of enrolment and re-enrolments, as well as new enrolments. In addition there were 393,552 deletions to the Roll, made up of 283,737 objections, 100,265 deaths and 9,550 duplications.

4.2 As mentioned above, every enrolment application form must be witnessed and this information is then checked on RMANS. In addition, the AEC writes to every elector when they enrol for the first time and each time they change their enrolment details. 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.

4.3 Section 92 of the Electoral Act enables the AEC to demand information from other agencies in relation to the preparation, maintenance or revision of the Rolls, and requires the AEC to conduct periodic reviews of the Roll. In accordance with these provisions, the AEC undertakes a range of activities to maintain the accuracy of the Roll. The traditional two yearly Electoral Roll Review (ERR) or national door-knock has not been undertaken since 1998. On the recommendation of the Joint Standing Committee on Electoral Matters (JSCEM), the ERR is being replaced by a wider range of alternative enrolment maintenance activities collectively described as Continuous Roll Update (CRU).

4.4 CRU activities range from localised door-knocks to mail reviews targeted at people who complete Australia Post Change of Address Advices, and more recently,

Centrelink Change of Address Advices. The AEC also conducts CRU mailings on behalf of the Joint Roll partners (see section 84 of the Electoral Act), using data from State agencies such as Motor Registries.

4.5 RMANS also allows de-duplication procedures which can disclose entries on RMANS for applicants who were not matched at the time of enrolment. De-duplication is undertaken regularly and before all major federal and State/Territory electoral events. In 1999-2000 there were 7586 duplicates detected and corrected.

4.6 RMANS also contains an Address Register containing approximately 6.9 million addresses which are valid for enrolment and against which all enrolment transactions are matched. Enrolment applications received for addresses not known to RMANS or marked as "invalid" on the Register are followed up by Divisional staff.

4.7 The AEC is reviewing addresses on the Address Register at which, for example, no electors are enrolled, or where a number of electors with different surnames are enrolled. This last situation generally occurs where people have moved address without updating their enrolment. They remain enrolled for their previous address where new residents may have subsequently enrolled.

4.8 The AEC is undertaking extensive matching of the RMANS Address Register with Australia Post to improve the accuracy of the Address Files of both agencies. In addition, the AEC has received address data from lands departments in a number of States and the ACT. This information is used to improve the Address File.

4.9 The AEC also processes all 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 federal Division for which they are enrolled.

4.10 Finally, it should be noted that all Electoral Enrolment Forms are electronically imaged and stored. When there is a problem with an enrolment application which cannot be resolved in any other way, the signatures on the original enrolment application form can be checked. Signatures are also compared to resolve identification link inconsistencies disclosed during data integrity checks.

5. The ATO has advised the Committee that it gets regular updates of electoral information, and that this information is used on a case by case basis. Are there any legislative impediments to the ATO using this information for more systematic data matching? If so, what are they?

5.1 The AEC is responding to this question only in relation to the relevant provisions of the Electoral Act, which can be accessed on the AEC Website at www.aec.gov.au. The ATO should seek further and more specific comment from the Privacy Commissioner, who is responsible for the service-wide guidelines on data matching, within the terms of the *Privacy Act 1988*.

5.2 Section 91(10) of the Electoral Act allows the AEC to provide prescribed authorities with a microfiche of the Roll, showing publicly available name and address information, as well as personal information such as date of birth, gender and occupation. Schedule 2 to the Electoral and Referendum Regulations lists the prescribed authorities, which are all Commonwealth government departments and agencies, including the ATO. Legal advice from the Attorney-General's Department and the Australian Government Solicitor, dating as far back as 1991, indicated that section 91(10) of the Electoral Act permitted the AEC to provide prescribed

authorities with electoral information in electronic format, in addition to microfiche format.

5.3 On 8 June 2000 the Solicitor-General advised that section 91(10) of the Electoral Act did not allow the AEC to provide prescribed authorities with enrolment information in electronic format, but could provide in electronic format under paragraph 91(4A)(e) of the Act. However, the supply of enrolment information in electronic format under paragraph 91(4A)(e) will require regulations under section 91A of the Electoral Act, in order for prescribed authorities to be able to make use of the information.

5.4 The AEC has, for the time being, stopped the provision of electoral information in electronic format to prescribed authorities. The Government is currently considering the need for, and possible options for, continuing provision of electoral information to Commonwealth departments and agencies by the AEC.

5.5 At present therefore, the ATO is not legally authorised to make use of electoral information supplied to it by the AEC in electronic format, and is not authorised to make use of any information already supplied to it electronically by the AEC, including for "more systematic data matching". Any regulations introduced to allow the ATO to make use of enrolment information provided by the AEC will have to specify those purposes. Note that subsection 91A(1) of the Electoral Act provides that information supplied under subsection 91(4A) may only be used for a permitted purpose and imposes a penalty of 110 penalty units for any breach.

5.6 Further, the supply of enrolment information under paragraph 91(4A)(e) of the Electoral Act is at the discretion of the Electoral Commission and prescribed authorities will have to satisfy the Electoral Commission that supply is appropriate. Prescribed authorities will continue to be required to sign "Safeguard Agreements" with the AEC which cover the specific detail of the use to which enrolment information is put, and they will not be permitted to use enrolment information for any purposes other than those detailed in their "Safeguard Agreement".

6. To what extent is additional information, such as the AEC "deletions" file available to the Australian Taxation Office (ATO) and yet not accessed? To what extent has the deletions file been used by other Commonwealth agencies?

6.1 As mentioned above, the Solicitor-General has advised that, under the existing legislation, the AEC is not permitted to provide prescribed authorities with enrolment information in electronic format. However, in January 1999, before the Solicitor-General's advice, Centrelink was provided with the Deletions File for the Australian Capital Territory, on a demonstration basis. This file included deletions for all reasons, including those electors who had been removed from the Roll because they had died.

6.2 The AEC has been recently advised that:

[Centrelink] carried out a one-off pilot match of a sample of AEC deletions records marked as deceased against the AEC's current file. This identified a number of discrepancies that needed to be followed up, and Centrelink did not undertake further matching. Notwithstanding the results of the pilot, the AEC's Electoral Roll data plays a critical role in the prevention and detection of identity fraud against Centrelink.

6.3 Unfortunately, the data sample provided to Centrelink did not include sufficient additional data that would have allowed follow-up work on the discrepancies. Despite the limitations evident in the pilot, the AEC shares Centrelink's view that data-matching between departments and agencies could provide an important check on data integrity. However, it is apparent that the AEC will need to undertake further research before it can make use of data supplied from outside agencies, to check death deletions on RMANS.

6.4. In one of its submissions to this inquiry, the ATO has advised that it has purchased the national Fact of Death File from the Registrars-General. Provided that the Fact of Death File is accurate, data-matching with this information would be more appropriate for the ATO than data-matching with the AEC Death Deletions File. This is because the Fact of Death File would list all deaths, including those of non-citizens and people under 18 years of age, and not just deaths relevant for the Commonwealth Electoral Roll.

7. The Committee notes that the AEC was removed from the Data-matching Program in 1995. The ATO have advised that the HIC and the AEC were removed from the program 'as they were not considered to benefit in the same way as the assistance agencies'. Can you provide more detail on the decision to remove the AEC from this program

7.1 In relation to the decision to remove the AEC from the Data-matching Program, Centrelink has advised as follows:

Personal identity data from the AEC and HIC was removed from the Data-matching Program by legislative amendment in 1995. This data had been used as an additional check on the validity of identity data matched under the Program, but improvements in the quality of data provided by the assistance agencies and the ATO by 1995 meant that the AEC and HIC identity data was no longer required. There was never any issue of "benefit" to the AEC and HIC as they were only suppliers of identity data for this specific purpose and did not otherwise participate in the Data-matching Program.

8. The Committee notes that in reporting on the 1996 Federal Election, the Joint Standing Committee on Electoral Matters recommended that the AEC investigate options for expanding data matching of enrolment data. What contact has the AEC had with the ATO on this proposal?

8.1 Recommendation 4 of the June 1997 JSCEM Report was 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.

8.2 The Government Response to recommendation 4, of 8 April 1998, was as follows:

Supported. The Government considers that the integrity of enrolment and voting are fundamental to democracy and as such the AEC should be afforded the facilities to use the data held in other government controlled databases to check the accuracy of the electoral Roll.

8.3 The AEC wrote in relation to this recommendation to a number of agencies, including the ATO, on 7 May 1998. There has been no response to date from the ATO. Due to other more pressing priorities that followed soon after, including the conduct of the 1998 federal election and the 1999 Referendums, and the JSCEM inquiry into the 1998 federal election, the AEC has not progressed the study.

9. To what extent does the AEC advise the ATO of fraudulent or suspect enrolments? Would it be possible for the AEC to provide the ATO with a fraud alert list and how useful do you consider this would be?

9.1 Under section 101 of the Electoral Act enrolment is compulsory. Under section 339(1)(k) of the Electoral Act it is an offence to make a statement in any application, such as an enrolment application, that is false or misleading in a material particular. Other offences relating to "enrolment fraud" include section 336 (signature to electoral paper), section 337 (witnessing electoral papers) and section 344 (forging or uttering electoral papers). The penalties for these offences are relatively minor (\$1,000 or 6 months).

9.2 There are two obvious reasons why a person might attempt to enrol fraudulently. Firstly, from an electoral perspective, a person might attempt to enrol fraudulently in order to affect the balance of power in the Parliament. To effect this, the marginal Divisions across Australia would have to be targeted, and the organised efforts of some thousands of people would be required, all working to a specified agenda. Since the establishment of the AEC in 1984, successive inquiries by the JSCEM after every federal election have concluded that there is no evidence of widespread and organised enrolment fraud, targeting marginal Divisions in order to influence the outcome of a federal election.

9.3 On the relatively rare occasions when suspicions of enrolment fraud do arise, such as occurred two years ago in the Division of Herbert in north Queensland during a party preselection ballot, the AEC refers the matter to the Australian Federal Police (AFP) for investigation. In this case, Divisional staff picked up inconsistencies in claims made on some enrolment forms, and by the application of RMANS programs were able to disclose inconsistencies in other enrolments.

9.4 The AFP is a prescribed agency under the Electoral Act and has, in the past, received national enrolment information in electronic format for the purposes of law enforcement. The AFP is also presumably authorised to undertake any necessary data-matching with other agencies and departments, including the ATO, in the course of their investigations.

9.5 The Commonwealth Director of Public Prosecutions is then responsible for prosecutions of breaches of the Electoral Act. In the particular case mentioned,

successful prosecutions for forgery under the *Crimes Act 1914* followed. The important issue in this context is that such cases are relatively few and far between.

9.6 The second most obvious reason for attempting to enrol fraudulently would be to establish a fraudulent identity in order to obtain financial benefit from the government, such as for example, from the social security system or the taxation system. It should be appreciated that with a client base of 12 million electors, the AEC does not have the resources or the expertise to undertake police-style investigations into individual cases of possible enrolment fraud, even assuming that the AEC was routinely able to identify such cases as fraud against the Commonwealth. Such individual cases generally only surface as the result of investigations initiated by other departments and agencies.

9.7 The AEC does not routinely advise the ATO or any other department or agency about fraudulent or suspect enrolments. Further, the proposition that the AEC might provide the ATO with a "fraud alert list" assumes that the AEC routinely identifies significant numbers of suspicious enrolments at a national level. This is not the case, for the reasons explained above.

9.8 However, the AEC does not discount the benefits that could flow in minimising fraud against the Commonwealth, were data-matching between the AEC and the ATO to be permitted by an appropriate legislative framework and privacy safeguards. This would be properly within the terms of the June 1997 JSCEM Report recommendation discussed above, but would require further research and development.

List of AEC submissions and JSCEM responses on address-based enrolment

Paras 51-57 of submission No 120 of 10 November 1993
Pages 41 and 47 of November 1994 JSCEM Report
Part 4 of submission No 98 of 23 October 1996
Paras 2.63 to 2.66 of June 1997 JSCEM Report
Part 4.3 of submission No 88 of 12 March 1999
Part 9.12 of submission No 88 of 12 March 1999
Submission No 159 of 23 March 1999
Recommendation 7 of the June 2000 JSCEM Report

***Extract from Report No 152 of the Electoral Council of Australia entitled
"Report of the visit by the Electoral Council of Australia delegation to Elections
Canada in June 1999 to study the Canadian National Register of Electors"***

1 Summary

In June 1999, a delegation of members of the Electoral Council of Australia (ECA) visited the Canadian Federal electoral authority, Elections Canada, to study the National Register of Electors (NRE) system. The visit was initiated by the awareness of the ECA that Elections Canada had developed the NRE as a permanent voters' list in a move away from their traditional method of compiling a voters' list through door to door enumeration just prior to each electoral event. The development of the NRE has relevance to the current change in methods in Australia of updating the Commonwealth, State and Territory electoral rolls, from door to door Habitation Reviews (HRs) to Continuous Roll Update Methods (CRU). Therefore, the ECA supported a delegation of members to study the development of the NRE.

The ECA noted that the addresses of elector records on the NRE are updated on an ongoing basis from change of address data from other government agencies, such as Revenue Canada, Canadian Drivers Licence Agencies and Citizenship and Immigration Canada. The change of address data was originally supplied by individuals to those agencies for their business needs and is only passed on to Elections Canada if the individual signs a simple agreement. This method of updating change of address data has some parallels to the CRU data matching activities and other CRU opportunities being developed in Australia. Therefore, the negotiations with government agencies, data supply agreements and data transfer methods were of interest to the ECA delegation.

In addition to studying the NRE, the delegation also received briefings on the partnership of Elections Canada and Statistics Canada in developing an Electoral Geographic System for address management and redistribution and developments in electronic voting methods.

The timetable of activities of the delegation included a briefing from Elections British Columbia about the BC Permanent Voters List (PVL) and a briefing from Elections Quebec about the Quebec Permanent List of Electors (PLE), attendance at the Conference of Canadian Electoral Officials, a briefing from Elections Canada about the NRE and presentations from the government agencies from whom Elections Canada receives change of address data for updating the NRE.

The main findings of the delegation were:

- The NRE is still under development in relation to address management and data sharing arrangements with the Provinces and Territories. Legislative restrictions prevent Elections Canada from sharing the Register data with any agency including Provincial and Territorial electoral authorities for use beyond electoral purposes.
- Elections Canada has entered into agreements with Revenue Canada, Citizenship and Immigration Canada and Provincial and Territorial Drivers Licence Agencies for the supply of change of address data and information about potential new electors, and the Vital Statistics Agencies (Registrars General) for death information. From these sources, Elections Canada updates address

changes of electors already on the NRE, directly without seeking a specially signed elector form. This takes advantage of the formal identification checks already made by those agencies. As the majority of NRE transactions are address changes (similar to Australian roll transactions) it enhances the ease and rapidity of roll update procedures considerably. The percentage of roll changes per annum is similar to those in Australia, ie approximately 20% of electors move each year. That figure is reasonably constant across other partner agencies.

- In the data exchange programs for updating the NRE with Revenue Canada and Citizenship and Immigration Canada, active and informed consent of the elector is required before the change of address details are passed to Elections Canada. There is an "opt out" option available for drivers to prevent their information being forwarded to Elections Canada from Provincial and Territorial Motor Registries.
- The development of agreements between Elections Canada and external agencies for the supply of change of address data received Provincial and Territorial Ministerial support and involved the Canadian Privacy Commissioner and other stakeholders. There is ongoing participation with the external agencies in research and streamlining of the data matching activities.
- A partnership between Elections Canada and Statistics Canada is developing an Electoral Geography System, known as the National Geographic Database (NGD) using ARC/INFO. This system is separate from the NRE but the systems exchange data. Geocoded and geo-referenced address information passes from the NGD to the NRE while elector numbers flow from the NRE to the NGD. Integration of the systems is not contemplated.

From the findings of the visit, the delegation made the following recommendations for consideration by the ECA, about the maintenance of the electoral roll in Australia. The major recommendation concerns updating the electoral roll from external data sources. The delegation recommends the ECA members consider the recommendations and a timetable to achieve the actions required to effect them.

- An implementation report be prepared by the ECA's sub-committee, CRU Implementation Steering Committee (CISCO) to investigate direct address changes being made to elector records already on the electoral roll from change of address data from suitable Federal, State and Territorial data source agencies, without seeking a specially signed elector form. The report should emphasise that such a change would not remove the onus of an elector to remain properly enrolled at all times.
- CISCO would also need to take into account approaches required by the AEC to the Tax Office and Centrelink to obtain address change data on a regular basis; approaches by State and Territory members to their Motor Registries and taxing authorities; and approaches by ECA members to their respective governments to effect regulatory or legislative change to allow address changes to be made to elector records without seeking a specially signed elector form. In addition, CISCO would also note the high level support required from relevant Commonwealth, State and Territorial Ministers, the Joint Standing Committee on Electoral Matters and the Privacy Commissioner to effect address changes without signature.
- From the findings of the visit, the delegation made the following recommendations for consideration by the ECA, about the maintenance of the

electoral roll in Australia. The major recommendation concerns updating the electoral roll from external data sources. The delegation recommends the ECA members consider the recommendations and a timetable to achieve the actions required to effect them.

- CISCO should undertake research into the effect of such direct address changes on the close of roll processes undertaken before each election.
- CISCO should take into consideration that direct address changes would take advantage of the formal identification required by those agencies and would reduce transaction processing costs and speed up roll changes. Suitable data source agencies would include major government agencies which require formal personal identification for their transactions. These include the Australian Tax Office (ATO), Centrelink, State and Territory Motor Registries and other appropriate State and Territory authorities such as Stamps Duties Offices. Data captured from those agencies for roll updating should be name, address, gender and date of birth. Data from utilities may not be suitable for address changes as utilities only record the subscribers' details, may not require formal personal identification for utility supply and may not record elector specific data correctly. However data from utilities is useful in other ways for CRU activities.
- Any consideration of data sources should take into account probable changes to the Commonwealth Electoral Act now before the federal Parliament.
- Address management of the Address Register should continue to include all habitable and eventually non-habitable addresses. This is in line with current developments in extending Geographic Information Systems capabilities for address databases.
- Evaluation of suitable data sources should continue for present data matching CRU activities.

2. Recommendations

The recommendations of the delegation are:

2.1 Main Recommendation - Direct Address Change Implementation Report

CISCO should prepare an implementation report on updating the electoral roll through direct address change. This would involve receiving change of address data for updating elector records already on the roll from suitable government agencies, without seeking a specially signed elector form. The report should cover issues of feasibility, cost, suitable government agencies, consultative processes, high level government support, legislative and regulatory requirements and responsibility issues for electoral authorities.

2.2 Direct address change data

If implementation of direct address changes is supported by the ECA, then the following recommendations would require consideration.

2.2.1 Data Source Agencies

The agencies which would be suitable as data sources for direct address changes should be those which require formal personal identification for their business transactions. These may include the ATO and Centrelink and State and Territory Motor Registry agencies. Data from utilities may not be suitable

as utilities only record the subscribers' details, may not require formal personal identification for utility supply and may not record elector specific data correctly. However data from utilities is useful in other ways for CRU activities.

2.2.2 Data

Data captured from those agencies for direct address changes should be name, address, gender and date of birth.

2.3 Major actions required to proceed with direct address changes The AEC would be required to approach the Australian Tax Office and Centrelink to obtain address change data on a regular basis.

States and Territories members would be required to approach their Drivers Licence and Motor Registration and other State agencies to obtain change of address data for roll updating.

High level support is required from relevant Ministers, the Joint Standing Committee on Electoral Matters, Privacy Commissioner to effect direct address changes without seeking a specially signed elector form

2.3.1 Timetable

If implementation of the direct address change process for roll updating is supported by the ECA, a suitable timetable should be set to achieve the process by late 2000.

2.4 Continuing CRU activities

The evaluation of suitable data sources for present CRU data matching activities should be continued.

2.5 Address Register The address management activities of the Address Register should continue to include all habitable and eventually non-habitable addresses. This is in line with current developments in extending Geographic Information Systems capabilities for address databases.

History of the debates about the early close of rolls

1. In the September 1983 First Report of the Joint Select Committee on Electoral Reform the following was unanimously agreed, at page 110:

5.42 The Committee considers that the closing of the rolls almost immediately an election is announced as occurred in February 1983, is not in the best interests of parliamentary democracy. The Committee believes that a statutory minimum period should be provided before the rolls are closed after an election is announced. The Committee therefore recommends that section 45 be amended to provide that the Governor-General shall, by proclamation, announce the intention of dissolution and the dates proposed in connection with the election at least 7 days before the issue of the writs and therefore the closing of the rolls.

2. During the JSCEM inquiry into the conduct of the 1987 federal election, the AEC made the following submission on the early close of rolls as follows, in submission No 74 of 30 December 1988:

The question was raised at the Joint Standing Committee whether there was any evidence of an exceptional volume of additional enrolments for marginal Divisions prior to the 1987 election. The relevant enrolment transactions (new enrolments and transfers in) by Divisions for the first half of 1987 have been extracted and the Divisions set out in rank (by ALP % of the two-party-preferred vote at the ensuing election) order. It should be remembered that 'new enrolments' will include some inter-State transfers which have failed to provide their previous address, and also some who have been deleted from the rolls only recently. As gross numbers are likely to reflect the overall level of enrolment activity in the Division at all times, the percentages which the close-of-roll rush transactions constitute of the half-year total were then calculated as possibly providing a better indication of any unusual activity in some Divisions in that period.

Categories of Divisions based on their degree of marginality were also created and averages calculated for them. These averages have been extracted from the larger table and are shown first as an overview.

A longer time perspective by Division is provided by the Commission's earlier submission, "Statistics Relating to Roll Maintenance Activities" (October 1988).

If the hypothesis is that very marginal Divisions would be most likely to show exceptional bogus or contrived enrolment activity, New South Wales and Queensland ALP very marginal Divisions have larger average close-of-roll new enrolments than do ALP safe and marginal Divisions in those States, but not so in Victoria whilst in Western Australia the very marginal Divisions are in the middle. On the other hand, in all 4 States the LNP very marginal Divisions have the smallest averages in the 3 categories of LNP Divisions and, with the exception of the small (n 2) category of ALP safe Divisions in Queensland, generally.

Because the number of Divisions in any category is fairly small. sometimes extremely small. One or two Divisions can affect the average significantly For

example, in New South Wales Phillip and Eden-Monaro in the ALP very marginal category have conspicuously greater new enrolments than the other 5 Divisions. and in their gross numbers resemble safe or marginal Divisions like Sydney, Grayndler, Wentworth and North Sydney

The other measure suggested, proportion of transactions in the close-of-roll period, shows higher for ALP very marginal Divisions in New South Wales, Victoria and Queensland, but not in Western Australia, nor for LNP very marginal Divisions anywhere.

The evidence, such as it is, appears well short of corroboration that doubtful enrolments were made, for it may merely show that parties work harder in the more marginal Divisions (or some of them) and one outcome of their activity is a higher proportion of valid enrolments. Further, to the extent that potential electors should be regarded as rational actors in the political system. there would be a greater incentive to enrol in very marginal Divisions than there is elsewhere, a tendency which decades of supposedly compulsory enrolment in Australia has caused to be overlooked.

3. The May 1989 JSCEM Report came to the following unanimous conclusion and recommendation with respect to the early close of rolls (which was subsequently accepted in the Government Response of 30 April 1992):

6.11 In relation to the quality of the rolls one submission alleged that large numbers of dummy enrolments were made before the close of rolls, then, on polling day those perpetrating the fraud legitimately appeared on the certified lists and were able to vote. The Committee notes that while individual cases have been cited no evidence of an organised scheme was presented to the Committee.

6.12 One means of dispelling concerns about such activity would be for the AEC to conduct an examination at the next federal election of two marginal Divisions. Such an examination would include looking at enrolments made in the two Divisions (one Government and one Opposition) in the months preceding the election and then examining the results of habitation reviews conducted in the same two Divisions after the election.

6.13 The Committee recommends that:

For the next federal election the Australian Electoral Commission conduct a thorough examination of those persons added to the rolls of two marginal Divisions before the election and those persons deleted from the rolls of the same Divisions after the election. One Division shall be a Government held Division and the other an Opposition held Division (recommendation 48).

4. The JSCEM gave no consideration to the early close of rolls after the 1990 federal election, but during the JSCEM inquiry into the conduct of the 1993 federal election, the AEC made provided an analysis of close of rolls enrolment activity in part 14 of submission No 91 of 3 August 1993, as follows:

14.3.1 The AEC has investigated enrolment statistics for all Divisions for the two week period up to an including the 15 February 1993 close of rolls. For the analysis, marginal Divisions were defined as those where 52% or less of

the Two Party Preferred vote was cast in favour of the successful candidate at the 1990 election. This group totals 22 Divisions.

14.3.3 The following points emerged from the analysis:

- the average number of new electors enrolling in marginal Divisions was less on a national basis than the average in non-marginal Divisions; and
- nationally, the proportion of total close of rolls enrolment made up by “new” electors was also less in marginal Divisions than in non-marginal Divisions.

14.3.4 The analysis has found no evidence to support allegations that there was unusual “new” electoral activity in marginal Divisions in the close-of-roll period for the 1993 election.

5. The most comprehensive review of the arguments against the early close of rolls was provided by the AEC to the JSCEM inquiry into the 1993 federal election in submission No 120 of 10 November 1993 as follows:

8. At the 1983 election, the writs were issued and, in accordance with the *Commonwealth Electoral Act 1918* as it then stood, the rolls were closed, only one day after the election was announced. This led to widespread public complaint. The question of what opportunities should be given at election time to enable persons who may have been lax in establishing or maintaining correct enrolments to remedy the situation was subsequently considered by the Joint Select Committee on Electoral Reform. At paragraph 6.2 of its First Report, it recommended that the Governor-General be required to announce by proclamation “the dates in connection with the election a minimum of 7 days before the writ is issued”. For constitutional reasons the provision ultimately made in the *Commonwealth Electoral Act 1918* was for the rolls to close 7 days after the issue of the writ. The practical effect was the same as had been envisaged by the Committee: voters were guaranteed 7 days notice or an impending roll close.

9. Since 1983, many voters have had, and have taken advantage of, the opportunity to enrol, transfer or correct enrolment particulars in the week before the roll close. The tables in Appendix I show the number of people who enrolled in the period preceding the roll close at the 1990 and 1993 elections .

10. Because enrolments in the period immediately before the roll close are effected so late in the process, there is virtually no scope for anything other than the most elementary checking of the particulars contained in the relevant electoral enrolment forms. While section 106 of the *Commonwealth Electoral Act 1918* enables a fraudulent enrolment to be deleted even after the close of the rolls, this is virtually impossible in practice, because the information to demonstrate that the enrolment claim contained a false statement is not available. Objection action prior to the election in relation to such enrolments is also impracticable because of the time frames for the objection process. These facts appear to have prompted concern in some quarters that the opportunity to enrol at the last minute may result in exploitation by persons intent on effecting fraudulent enrolments.

11. In fact there is no evidence that this is the case, and significant evidence that it is not. In the aftermath of the 1990 election, the Australian Electoral Commission (AEC) conducted an audit of late enrolments, which identified

only a very small number of enrolments which might have been regarded as questionable. The details of the audit were provided to the Joint Standing Committee in February 1991.

12. The closing of the rolls in 1983 only one day after the announcement of the election represented a major departure from the practice which had prevailed until then, and it was for that reason that the matter became one of public debate. Table 1 sets out for every general election from 1940 the date on which the election was announced, the date on which the rolls closed, and the number of days from announcement to roll close.

Table 1

Date election announced	Date of roll close	Days from announcement to roll close
20 August 1940	30 August 1940	10
24 June 1943	16 July 1943	22
30 July 1946	21 August 1946	22
26 October 1949	31 October 1949	5
16 March 1951	28 March 1951	12
6 April 1954	23 April 1954	17
26 October 1955	7 November 1955	12
20 August 1958	22 October 1958	63
12 September 1961	3 November 1961	52
15 October 1963	1 November 1963	17
12 October 1966	31 October 1966	19
20 August 1969	29 September 1969	40
10 October 1972	2 November 1972	23
10 April 1974	20 April 1974	10
11 November 1975	17 November 1975(*)	6
	21 November 1975(#)	10
27 October 1977	10 November 1977	14
11 September 1980	19 September 1980	8
3 February 1983	4 February 1983	1
8 October 1984	2 November 1984	25
27 May 1987	12 June 1987	16
16 February 1990	26 February 1990	10
7 February 1993	15 February 1993	8

(*) Date of roll close in ACT, Northern Territory.- and all States except Western Australia and South Australia

(#) Date of roll close in Western Australia and South Australia

(Source for elections from 1940 to 1987 inclusive: House of Representatives Practice, 2nd edition, Australian Government Publishing Service, 1989, Appendix 12.)

13. Table 1 clearly demonstrates that the provision which was made in 1983 for a guaranteed minimum 7 day period from announcement of election to roll close did no more than encapsulate in the legislation what had been a very long standing practice, departed from only three times in the period from 1940 to the time of the amendment. At the elections since the 1983 amendment, the average period from announcement of an election to roll close has been

14.75 days. In the period from 1940 to 1983 the average period (treating the 1975 period as 6 days) was 19.61 days. Any suggestion that the 1983 amendment in some way opened a “loophole” for fraudulent enrolment which had not previously been present is therefore entirely misconceived.

14. The AEC is firmly of the view that, in the absence of any evidence to suggest that the opportunity to enrol or correct enrolment details in the week prior to the close of the rolls is being significantly abused, the procedure introduced on the Committee’s recommendation after the 1983 election must be judged a success. It has guaranteed the franchise to large numbers of people who might otherwise have missed out on their votes, and has ensured more accurate rolls by guaranteeing people the opportunity to correct their enrolment details. Its elimination would reopen the door to sudden roll closes such as that of 1983, which cause the retention on the roll of a large number of out-of-date enrolments, and tend to force a large number of people to vote for Divisions in which they no longer reside.

15. Any proposal to eliminate the “period of grace” between the announcement of an election and the close of the rolls must carefully weigh the possible benefits of making what on the basis of objective investigation appears to be a negligibly exploited opportunity for fraud somewhat less tempting against the certain detriment of depriving large numbers of people of the ability to enrol or to correct their enrolments.

6. The ALP majority members of the JSCEM inquiry into the 1993 federal election concluded as follows in the November 1994 JSCEM Report:

4.3.1 Following widespread public complaint after the 1983 election, when the electoral rolls closed the day after the election was called, the September 1983 First Report of the Joint Select Committee on Electoral Reform led to the current provision that the rolls close seven days after the issue of a writ for an election. In 1993, 457,033 voters took the opportunity to either enrol (160,700) or to update their enrolment details during this close of rolls period.

4.3.2 The AEC has conceded that there is virtually no scope for any detailed check, before election day, of the relevant enrolment forms. Several people submitted that the rolls therefore ought to close the day an election is announced, in order to prevent false names being registered for multiple voting purposes.

4.3.3 However, investigation by the AEC has not supported suspicions of fraud. Following the 1990 election the AEC conducted a comprehensive audit of all late enrolments in six Divisions: two marginal seats held by the Government, two marginal seats held by the Opposition, and two safe seats as “control” Divisions. Of the 23,240 new enrolments investigated, there were just 72 cases (0.3 percent) where the voter had apparently wrongfully, though not necessarily fraudulently, enrolled. The 72 cases represented around 0.02 percent of enrolment for the election in those Divisions.

4.3.4 For the 1993 election, the AEC investigated enrolment statistics for all Divisions during the close of roll period. It emerged that the average number of new electors enrolling in marginal Division was in fact slightly less than the average in non-marginal Divisions. Nationally the proportion of total close of rolls activity made up by new enrolments was also less in marginal Divisions than in other Divisions. Therefore objective analysis does not support

suspensions of unusual enrolment activity in marginal Divisions in the close of rolls period.

4.3.5 A majority of the Committee is opposed to the proposal that the rolls should close as soon as an election is called. Those advocating this course have not substantiated their case. The consequences of an immediate closure, such as the retention on the rolls of out-of-date enrolments and denial of the franchise to thousands of new electors who would otherwise meet all the criteria for enrolment, would be highly regrettable.

7. The coalition minority members of the 1993 JSCEM inquiry dissented from the majority in the November 1994 JSCEM Report, as follows:

We believe that the system is most vulnerable during the campaign itself, during the seven days in which people are allowed to enrol or change their enrolment prior to the closing of the rolls. At the 1993 election 457,033 voters enrolled or changed their enrolment in this period. The AEC has conceded (see paragraph 4.3.2) that there is no time before the poll to check the right of these electors to the enrolment which they claim.

We believe that rather than encouraging this last-minute rush to enrol, the AEC should move to a continuous roll review as advocated in recommendations 21 and 22. It should advertise extensively to encourage people to enrol in the period immediately preceding an election (six months before the House of Representatives is due to expire by effluxion of time.

The system should be capable of identifying those about to become eligible to enrol (naturalised citizens and 18 year olds) who should be sent enrolment cards which in the event of no response should be followed up.

We recommend that: rather than rely on last minute enrolment after the election has been called, the AEC should move immediately to a continuous roll review approach to roll management as advocated by this Committee and its predecessors.

8. During the JSCEM inquiry into the conduct of the 1996 federal election, the AEC said the following in part 2.7 of submission No 135 of 7 May 1997:

The AEC has regularly expressed its support for the statutory seven-day period between the issue of the writs for an election and the close of the rolls. The Committee has asked for advice on:

(a) the corresponding period in the electoral legislation of all the States and Territories;

(b) the number of persons who enrolled or changed their enrolment in the couple of days between the announcement of the 1996 federal election and the issue of the writ (27 to 29 January inclusive); and

(c) how a reduced close-of-rolls period might affect the AEC's capacity to administer upgraded enrolment requirements - for example, the production of one item of proof of identity (such as a driver's licence) and an upgrading of the witnessing portion of the enrolment form into a proof of identity (POID).

2.7.1 In relation to the first part of the question on the statutory period between the issue of the writ and the close of the rolls, section 155 of the CEA provides that the period for federal elections shall be 7 days. The State/Territory electoral authorities were asked to provide comparable information and have advised as follows:

New South Wales: Subsection 50(1) of the *Parliamentary Electorates and Elections Act 1912* provides that the Australian Electoral Officer for New South Wales must, as soon as practicable after the issue of the writ for an election in any district, certify, sign and transmit to the State returning officer for the district a printed copy of the roll for each subdivision in the district as in force at 6 pm on the day of the issue of the writ.

Victoria: Section 154 of the *Constitution Amendment Act 1958* provides that the date named for the close of the rolls shall be 3 days after the date of the writ. This was introduced for the first time at the 1996 State election. Prior to 1996 there was a 7 day period between the issue of the writ and close of roll.

Queensland: Section 80 of the *Electoral Act 1992* provides for the rolls to close not less than 5 days or more than 7 days from the issue of the writ. Subsection 80(3) of the Act expressly excludes the application of the *Acts Interpretation Act 1954*, and accordingly the day the writ is issued and the day the rolls close are both counted towards the prescribed period.

On three occasions the writ has been issued late on a Tuesday afternoon for the rolls to close in 5 days, namely the following Saturday in effect, allowing only 3 week days for persons to enrol or amend their registration.

Legislation which preceded the 1992 Act provided for the rolls to close at 5 pm on the day the writ was issued. Whilst reliable data is not readily available, the practice of announcing an election date in advance of the writ being issued was followed as far as can be ascertained, without exception. Certainly going back to early 1970 a short period was allowed to carry out an enrolment campaign before the writ for an election or by-election was issued.

Western Australia: Section 69A of the *Electoral Act 1907* provides that the time of the close of rolls is 6 pm on the day 8 days after the date of the writ. Prior to the 1989 State election, the date for the issue of the writ was also the date for the close of the rolls.

South Australia: Section 28 of the *Constitution Act 1934*, section 48 of the *Electoral Act 1985*, and section 27 of the *Acts Interpretation Act 1915*, provide jointly that the period between the issue of the writs and the close the rolls is 7 to 10 days.

Tasmania: Section 48 of the *Electoral Act 1985* provides that the close of the roll is 6 pm on the day of the issue of the writ for both House of Assembly and Legislative Council elections. However, there are 5 to 10 days notice for close of roll for a House of Assembly election.

Under section 69 of the Act the issue of the writ for a House of Assembly election is not less than 5 days and within 10 days after either the publication of a proclamation dissolving the Assembly or the expiry of the Assembly term of election. This has been the case since 1985. For at least 20 years prior to that the writs were to issue only “within 10 days” of the ceasing or dissolving of the Assembly.

For the Legislative Council elections there is notice of the close of rolls by virtue of the fact that section 19(4) of the *Constitution Act 1934* provides that the poll, if required, is to be held on the 4th Saturday in May (unless the Governor appoints another Saturday in May).

Australian Capital Territory: As the ACT has fixed term elections writs are not issued and there is no formal announcement date. The “pre-election period” starts on the 36th day before polling day. The rolls close 7 days later, on the 29th day before polling day.

Northern Territory: Subsection 29(2) of the *Northern Territory Electoral Act 1995* provides for the rolls to close at 6 pm on the day of the issue of the writ.

2.7.2 It is important to note that these statutory provisions define a legal minimum period between the issue of the writ and the close of the rolls. They do not prevent the announcement, in advance of the issue of the writ, of the proposed election date, and while the AEC has been unable in the time available to obtain detailed information on the point, such announcements appear to have been the rule rather than the exception.

2.7.3 In relation to the second part of the question on the number of persons who enrolled or changed their enrolment between the announcement of the 1996 federal election on Saturday 27 January 1996 and the issue of the writ on Monday 29 January, two preliminary points must be made.

2.7.4 First, the AEC has information on the number of electoral enrolment transactions entered into the RMANS system during each day of the roll close period. In periods of peak enrolment activity, however, an enrolment form will not necessarily be entered into the system on the day on which it has been completed by the elector. This is so first because many enrolment forms are lodged by mail, and secondly because of time lags in data entry once forms are received.

2.7.5 Secondly, in 1996, the election was announced late in the morning of 27 January, the Saturday of the Australia Day long weekend. Even if a potential enrollee decided immediately upon hearing that announcement that his or her enrolment needed updating, he or she would in all probability have been able to obtain an electoral enrolment form only on Monday 29 January; and if lodged by mail that form would be unlikely to have been received and entered into the system before Tuesday 30 January. It follows that the figures for the period 27 to 29 January almost exclusively represent data entry of enrolment forms received prior to the announcement of the election, and of enrolment forms received from persons who were able to visit a Divisional Office on 29 January.

2.7.6 The total numbers of transactions applied to RMANS on each day from the announcement of the election until the conclusion of roll close processing were as follows.

Table 1 Daily Transactions - Announcement to Close of Rolls

27 January (Saturday)	434
28 January (Sunday)	413
29 January (Monday)	15,370
30 January (Tuesday)	27,451
31 January (Wednesday)	22,656
1 February (Thursday)	49,671
2 February (Friday)	48,620
3 February (Saturday)	37,920
4 February (Sunday)	3,710
5 February (Monday)	97,241
6 February (Tuesday)	90,904
7 February (Wednesday)	34,138
8 February (Thursday)	1,013

2.7.7 In relation to the third part of the question, on how a reduced close-of-rolls period might affect the capacity of the AEC to administer upgraded enrolment requirements, these issues were addressed to the extent possible at the time at paragraphs 6.1.1 to 6.1.5 on pages 47 to 48 of the AEC submission No 98 of 23 October 1996, entitled "Enrolment and Voter Identification".

2.7.8 As the question raises the possibility of a reduced close-of-roll period, it is important that the AEC reiterate at the outset the critical contribution which is made to the *accuracy* of rolls by the opportunity afforded to voters to make last-minute corrections to their enrolments.

2.7.9 As reported in paragraph 4.3.2 on page 22 of the AEC submission No 30 of 29 July 1996, for the 1996 election, between 29 January and 8 February 1996 (close of rolls 5 February), a total of 428,694 enrolment cards were processed nationally. This total included new enrolments, re-enrolments and reinstatements to the roll, transfers of enrolment, and deletions from the roll arising from deaths, duplicate enrolments and objection action. Enrolments were processed for 100,718 persons who had not been previously enrolled.

2.7.10 The AEC has seen no evidence, either concrete or circumstantial, which calls the validity of these changes to the rolls into question; and in the absence of such evidence, the AEC can only conclude that they served to enhance the accuracy of the rolls. Had some or all of them been prevented, either by the elimination of the close-of-roll period, or by its substantial reduction, there would have been two direct effects.

- Potential electors who were denied the opportunity to effect new enrolments would have been disenfranchised.
- Electors who were on the roll for an address they had left would have been denied the opportunity to update their address details, and this would have meant that their superseded enrolments would have been retained on the rolls, as "deadwood".

2.7.11 Indeed, it would be no overstatement to say that in the view of the AEC no single policy change would be more damaging to the accuracy of the electoral rolls than the denial to voters of the opportunity to make corrections to their enrolments in the period immediately preceding the roll close.

2.7.12 As to the question of how a reduced close-of-rolls period might affect the capacity of the AEC to administer upgraded enrolment requirements, the AEC is unable to provide definitive advice at this stage, since the impact in practice of such changes, while likely to be substantial (and possibly very substantial) in both administrative and financial terms, would depend on the exact nature of the tasks to which the upgraded requirements would give rise.

2.7.13 For example, a requirement that voters produce a proof of identity (such as a driver's licence) would, as was pointed out at paragraph 5.4.2 of the AEC submission No 98, in effect preclude enrolment by mail, as many voters "would be rightly reluctant to commit valuable personal documents to the post to obtain enrolment". (This would of course be especially true of a document like a driver's licence, the production of which can be requested by police.) Voters would therefore be forced to come to an office or agency to enrol. This would have major practical implications for the whole of the enrolment process, and for joint rolls, and not just at election time.

2.7.14 At present, the system of enrolment (substantially) by mail, when coupled with a seven day close-of-rolls period, gives voters in almost all parts of the country a comparable opportunity to correct their enrolments prior to the roll close. Enrolment in person, combined with a reduced close-of-rolls period, would have the potential to discriminate against voters in remote and rural areas. To avoid such discrimination, it would be necessary to establish a number of temporary offices or agencies sufficiently large to ensure that potential voters in those areas would be provided with as good an opportunity to obtain correct enrolment as voters in urban areas.

2.7.15 If, on the other hand, enrolment claimants were simply required to quote a driver's licence number on their electoral enrolment forms, rather than being forced to bring the licence to an office or agency, the practical implications of administering the system would be completely different.

2.7.16 If the JSCEM has in mind a proposal more concrete than that set out in the question, the AEC would as always attempt to provide the JSCEM with an analysis of the implications of the proposal.

9. The coalition majority members of the JSCEM inquiry into the 1996 federal election concluded as follows in the November 1997 JSCEM Report:

2.41 Section 155 of the Electoral Act provides that the rolls for an election close seven days after the issue of the writ. This statutory period was introduced following the 1983 election, when the rolls closed the day after the election was called.

2.42 As was noted in Chapter One, at the 1996 election, some 428,000 transactions (new and updated enrolments) were processed from the day the writs were issued. The AEC freely admits that detailed checking, before the election, of these late enrolments – particularly the new enrolments – is

virtually impossible. Consequently, the seven-day period is often called into question by those concerned about the integrity of the rolls.

2.43 New enrolments should cease on the day the writ is issued, while electors already on the roll should be given three days in which to notify changes of address. Suggestions that such measures must lead to less accurate rolls are unfounded – the AEC should extensively advertise the new requirements, and should move as quickly as possible to a continuous roll review based on effective data-matching and flexible habitation reviews.

2.44 Recommendation 6:

that section 155 of the Electoral Act be amended to provide that for new enrolments, the rolls for an election close on the day the writ is issued, and for existing electors updating address details, the rolls for an election close at 6.00 pm on the third day after the issue of the writ.

10. The ALP minority members of the 1996 JSCEM inquiry dissented from the majority June 1997 JSCEM Report, as follows:

The Committee has not been presented with any substantive material indicating the existence of electoral fraud. It has been limited to anecdote and hearsay. Despite a dearth of evidence that alleged loopholes are being abused, there are, in the Majority Report, serious new moves to complicate enrolment. The outcome will be discouragement of prospective and past re-enrolling voters....

The Majority proposes to hinder enrolment by restricting the access of new enrollees during the election. This is despite the reality that vast numbers of Australians undertake registration during that period. This is essentially due to the fact that very few people are aware of the process of acquiring cards at post offices, particularly in the case of the large immigrant population whose introduction to enrolment is at Citizenship ceremonies.

Quite clearly the publicity, the discussion of an election campaign, jogs many people to action, recalling that they have moved residence and not altered their enrolment or alternatively, particularly in this case, have reached voting age. The heightened numbers acting during campaigns is not an orchestrated campaign to fill rolls by political activists; it is the clear outcome of minimal resources for the AEC to ensure that enrolment is contemporary and the lack of information at most times of the year as to how people enrol.

It is not as though the 440,000 Australians who act in this period are unexplained aberrants. In the 1995-6 period, 2,380,701 people made roll alterations. 800,743 being first time voters and 1,437,958 transfers.

It is crucial to note that genuine nature of this enrolment surge is demonstrated by a comparison of enrolment figures before and after the election. Thus, for the four months after the 1996 election day the average weekly change was 42,000. In contrast, for the four months prior to the campaign, it was 89,000. Most of the fall is explained by heightened campaign activity. The emphatic conclusion is that under the guise of outlandish, unsubstantiated claims about the feasibility of fraud, vast numbers of Australian citizens will be deprived of a vote. Certainly, the starting point of

440,000 people altering their electoral status is a very significant portion of the electorate.

11. The Government Response to recommendation 6 of the June 1997 JSCEM report was tabled in Parliament on 8 April 1998, and responded as follows:

Supported. Following the introduction of identification for new enrollees (Recommendation 3), the administrative implications during the final week of enrolment, and the volume of new enrolments, it is evident that the AEC would not be able to process applications whilst still ensuring that the necessary checks are completed in order to maintain the integrity of the Electoral Roll. Existing electors wishing to change their address details may still do so up to 8.00 pm on the third working day after the writ is issued. New enrollees are required under the CEA to enrol within one month of attaining eligibility.

12. The Government then introduced the Electoral and Referendum Amendment Bill No 2 1998, which contained provision for the early close of rolls. This provision was rejected in the June 1998 minority ALP report from the Finance, Public Administration and Legislative Committee, and subsequently rejected during its passage through the Senate. The Hansard record of the Senate debate on the early close of rolls provision in the 1998 Bill is at pages 1807 to 1919, of 15 February 1999.

13. During the JSCEM inquiry into the conduct of the 1998 federal election, the AEC provided information on the relationship between Electoral Roll Review (ERR) activity and the 1996 and 1998 federal elections, in part 43 of submission No 176 of 4 May 1999, as follows:

43.19 *Timing of Electoral Roll Reviews*: On page EM43 of the transcript, Mr Ferguson requested information on the time periods between Electoral Roll Reviews (ERRs) and the close of rolls for the 1996 and 1998 federal elections. ERR activity was completed some two months before the close of rolls on 5 February 1996 and one month before the close of rolls on 7 September 1998. The table below details the periods of ERR activity undertaken prior the conduct of these elections.

ERR Activity	Prior to 1996 Election	Prior to 1998 Election
NSW	Sept - Dec 95	Feb – Jun 98
VIC	Apr – Jul 95	Feb – May 98
QLD	Aug – Nov 94	Dec 96 – Mar 97 (CRU Trial) Aug – Oct 97 Jan – Feb 98
WA	Feb – Sept 95	Feb – Aug 98
SA	Mar – Oct 95	Mar – Jul 98 Aug 98 (CRU Trial)
TAS	Oct 94 – Mar 95	July – Sept 97 Jun 98 (CRU Trial)
NT	May – Dec 95	Apr – Aug 97 (targeted fieldwork) Feb – Aug 98 (full review)
ACT	Sept – Dec 95	Aug – Oct 97

43.20 It should also be noted that the timing of ERRs is influenced by the conduct of State/Territory elections, and the subsequent enrolment deletions from the objection action that follows these events. Enrolment deletions occurred as a result of objection action following Local Government and State elections prior to both the 1996 and 1998 federal elections. Further enrolment deletions occurred as a result of the 1997 Constitutional Convention election.

14. The coalition majority members of the JSCEM inquiry into the 1998 federal election concluded as follows in the June 2000 JSCEM Report:

2.21 The rolls for the 1998 federal election closed on Monday 7 September 1998. Between the issue of the writs and the close of rolls, the AEC received a total of 351,913 enrolment forms. Processing of these forms was completed by 9 September 1998. In processing these forms the AEC admits that:

There was checking done within the system that it is a legitimate address, but in that close of Roll period there is no field checking done.

2.22 The forms included new enrolments, re-enrolments and transfers of enrolments. 7,714 electors were deleted from the Commonwealth Electoral Roll (the Roll) during this period due to death, duplicate records or objection action.

2.23 The greatest catalyst for enrolment is an electoral event. Between 1996 and 1998 there were three national electoral events: the 1996 and 1998 federal elections, that the constitutional convention election, with associated publicity campaigns. This resulted in a lower level of enrolment transaction during the 1998 federal election (351,913) compared with 431,694 for the 1996 federal election.

2.24 The Committee is concerned about the potential inaccuracies in the Roll caused by the large number of late enrolments received between the issue of the writs and the close of rolls which are not able to be fully checked by the AEC. As part of the 1996 federal election inquiry report, the Committee recommended that the rolls for an election close to new electors on the date of the issue of the writs. In response, the government proposed an amendment to the Commonwealth Electoral Act 1918 (Electoral Act) in the Electoral and Referendum Amendment Act 1998 to make the close of the Roll three working days after the issue of the writ. This amendment was rejected during the Act's passage through the Senate. Differences of opinion within the Committee remain.

2.25 To preserve the integrity of the Roll, the majority of the Committee reiterates the recommendation of the 1996 federal election inquiry report.

Recommendation 3: that section 155 of the Commonwealth Electoral Act 1918 be amended to provide that for new enrolments, the rolls for an election close on the day the writ is issued, and for existing electors updating address details, the rolls for an election close at 6.00 pm on the third day after the issue of the writ.

15. The Australian Democrat members of the 1998 JSCEM inquiry reserved their position on recommendation 3, and the ALP minority members dissented from the majority in the June 2000 JSCEM Report, as follows:

Opposition Committee members oppose this Recommendation. The Government has previously proposed similar provisions to those contained in Recommendation 3. They were rejected by the Senate. The Senate was concerned with the potential for disenfranchising thousands of voters at each election by early closure of the rolls. Opposition Committee members' concerns have not been allayed on this issue.

Closing the rolls as soon as an election is called will potentially disenfranchise about 80,000 new enrollees at each election, mostly young Australians and new Australian citizens. Further, evidence given by the Australian Electoral Commission to the Committee shows that a majority of the 320,000 people who notified a change of address did so at the last available opportunity. The restriction on enrolment recommended by the Committee would massively distort the electoral rolls, leading to a totally unacceptable situation where more than 200,000 voters were enrolled at a non-current address.

16. The Government Response to recommendation 3 of the June 2000 JSCEM Report is still to be tabled in the Parliament

History of the debates about subdivisioal/precinct voting

1. In submission No 120 of 10 November 1993 the AEC provided the JSCEM with a comprehensive review of the arguments for and against subdivisioal and precinct voting, as follows:

3.10 Subdivisioal Voting

3.10.1 In paragraph 6.30 of its First Report, the Joint Select Committee on Electoral Reform recommended that ordinary voting be allowed anywhere within a Division, rather than only anywhere within a subdivision, as was the case at elections up to and including that of 1983. A number of members of the Committee dissented from the recommendation. It was nevertheless accepted by the Government and implemented at the 1984 election. Since then, there have been regular arguments put forward that subdivisioal ordinary voting should be restored.

3.10.2 This issue was addressed in detail in paragraphs 31 to 33 of the AEC's October 1988 submission to the Joint Standing Committee on Electoral Matters entitled Response to Liberal Party Submission of 31 May 1988 (No. 29). That submission noted that an underlying principle justifying subdivisioal voting is that if the number of electors permitted to attend a polling place is kept sufficiently small, and the electors permitted to vote at the polling place are constrained to come from a particular geographical area, it is likely that impending acts of personation or multiple voting will be noticed and prevented, or at least the offender may be brought to prosecution if an offence has already been committed. It then went on to analyse the relevance of that principle to subdivisioal voting.

“31. It has to be asked what is that number of people seen in a day that an average polling official or party scrutineer could be expected either to know by sight already, or to recognise from having seen them once before on that day when they voted earlier. Countries which apply this principle by requiring electors to attend a designated polling place usually set the number between 500 and 1,000, with 750 a common figure. That might be overly cautious. Suppose instead that 2,000 is a reasonable figure, or 5,000, or even 10,000. It is difficult to believe that many polling officials or scrutineers would know 10,000 people by sight, or could remember anything like that number of faces if they were keeping careful watch between 8 am and 6 pm, or even 5,000, but those numbers might be left in consideration for the moment.

32. Table 2 sets out relevant experience in 1983 which was the last general election before the introduction of Division-wide voting. The numbers are those enrolled for subdivisions of the 4 sizes defined by the figures in the preceding paragraph. Appendix B provides the numbers (but not percentages) Division by Division.

Table 2**Enrolments by subdivision size 1983**

	<2000	2-5000	5-10000	>10000	Total
NSW	34095	556394	2010861	646477	3247827
(%)	(1.05)	(17.13)	(61.91)	(19.90)	
VIC	41790	384072	1021378	1048152	2495392
(%)	(1.67)	(15.39)	(40.93)	(42.00)	
QLD	33298	151247	503188	184729	1472462
(%)	(2.26)	(10.27)	(34.17)	(53.29)	
SA	3303	33530	74926	768696	880455
(%)	(0.38)	(3.81)	(8.51)	(87.31)	
WA	1306	16746	162690	618231	798973
(%)	(0.16)	(2.10)	(20.36)	(77.38)	
TAS	14772	84294	145766	37398	282230
(%)	(5.23)	(29.87)	(51.65)	(13.25)	
ACT	-	-	-	137405	13740
				(100.00)	
NT	1714	49044	6562	-	57320
(%)	(2.99)	(85.56)	(11.45)	-	
AUS	130278	1275327	3925371	4041088	9372064
(%)	(1.39)	(13.61)	(41.88)	(43.12)	

33. Fewer than 1 in 6 electors were located in a subdivision smaller than 5,000 enrolment; more than 2 in 5 were in subdivisions larger than 10,000. Once upon a time, before the Great War and just after they had been introduced to Commonwealth elections, subdivisions may have made dual voting difficult and dangerous for would-be perpetrators of personation and multiple voting. But they have long since blown out to a size which makes them totally unsuitable and ineffective for that purpose.”

3.10.3 It is worth noting that the figures on subdivisional sizes set out above in relation to the 1983 election reflected a long-established pattern. At the 1974 election, 78.7% of electors were enrolled for subdivisions with enrolments greater than 5000, and 28.8% were enrolled for subdivisions with enrolments greater than 10000, while at the 1961 election, 67.8% of electors were enrolled for subdivisions with enrolments greater than 5000, and 29.6% of electors were enrolled for subdivisions with enrolments greater than 10000. Prior to 1983, subdivisions were appointed by the Minister, not by the (then) Australian Electoral Office.

3.11 Precinct Voting

3.11.1 The suggestion has been put forward that precinct voting, defined as a scheme under which each voter's name appears on one and only one certified list, be introduced. In some cases the suggestion is expressed as one for the “reintroduction” of precinct voting; this appears to flow from a misunderstanding of the arrangements which applied prior to 1983.

3.11.2 There are two distinct arguments advanced in favour of precinct voting.

- The first is that if a voter's name appears on only one certified list, multiple voting in the same name is prevented. However, as was pointed out in paragraph [3.3.4], this is already known to be a phenomenon of marginal importance, rarely undertaken with fraudulent intent, and detectable promptly after an election using current scanning technology.
- The second is that if the number of people entitled to vote at a particular issuing point is kept small, scrutineers or polling officials will have some prospect of detecting attempts at impersonation. As was pointed out in paragraph [3.10.2] above, for such an argument to be valid, precinct sizes would have to be of the order of 500 to 1000 voters at the maximum; and even precincts of 500 voters could well prove ineffective in achieving their objective, since particularly in metropolitan areas it is by no means unusual for people to know by name only their immediate neighbours. Canada, which uses a form of precinct voting, aims to have precincts of around 250 voters.

3.11.3 Several different schemes for precinct voting can be postulated.

- The first would be to increase the number of polling booths, with each polling booth being located within its precinct and taking no more than 600 votes (the current number of votes which a single issuing officer is expected to issue each day). Assuming that those polling booths which currently take less than 600 votes would be unaffected, the number of static polling booths would have to be increased from 7885 (at the 1993 election) to 17,629. Given the need to find suitable premises, this is not considered feasible, particularly in the light of the statement made by the Joint Standing Committee in its Report on the 1990 Federal Election that "care should be taken by District [sic] Returning Officers to ensure, where possible, that polling places selected facilitate easy access by voters who are elderly, invalid, disabled or pushing strollers". Given that enrolment numbers in the various precincts would be uncertain until several days after the close of the rolls, this scheme would be very difficult to implement in practice, since polling place staffing numbers could not be finalised until after the roll close.
- A second scheme would be to have precincts of around 600 voters, but allow polling booths to be located outside their precinct, and to be co-located. A polling place would consist of separate issuing points for several different precincts. Again, the fact that enrolment numbers in the various precincts would be uncertain until several days after the close of the rolls would make this scheme very difficult to implement in practice, since polling place staffing numbers could not be finalised until after the roll close. Furthermore, in its Report on the 1990 Federal Election, the Joint Standing Committee noted (at paragraph 3.2) that "composite polling booths - that is a booth registered as a polling place for two Divisions - are always a problem and can lead to confusion for some voters. Obviously composite polling booths should be kept to a minimum".

- A third scheme, flagged in a number of submissions to the Joint Standing Committee, would be to have precincts of more than 600 voters, to issue a single certified list to each polling place, and to split the certified list alphabetically. While this scheme would be technically feasible, it would have significant operational disadvantages. First, because of the greater sizes of the precincts, scrutineers would not have the same capacity to scrutinize the voters as under the first or second schemes, and this would probably render irrelevant the second alleged benefit of precinct voting noted in the previous paragraph. Secondly, alphabetically split certified lists were once used at federal elections in Australia, but their use was abandoned on the recommendation of a Report prepared for the Australian Electoral Office in 1974 by management consultants W D Scott & Co. Pty. Ltd. The Scott Report pointed out that significant efficiencies in staffing and operating polling booths could be produced by the introduction of the “bank style” queuing which is the AEC’s current standard. So-called bank style queuing is of course used by the banks (and incidentally by many other institutions, such as the US Immigration Service at Los Angeles International Airport and John F Kennedy International Airport, and by the UK Immigration Service at Heathrow) because it is the most efficient way of handling large numbers of people arriving at a time. Any departure from the use of bank style queuing at polling places would have major implications not only for polling place staffing, but also for the delays which voters would face in casting their votes. In particular, the flexibility in the management of polling booth resources which is an important element of the AEC’s strategy to cope with queuing problems in polling stations at peak hours.

3.11.4 Major problems with all three schemes would be those of devising workable precincts, advising the voters of the precincts in which they were required to vote, and that many voters would be annoyed or inconvenienced - particularly against the background of compulsory voting.

- While it might be thought possible to use Census Collection Districts as precincts, in fact a significant number of Collection Districts have enrolments of over 600, and would have to be manipulated further to enable their use as precincts, unless the certified lists were split alphabetically.
- A greater problem is that many voters simply do not vote at the polling place closest to their residence, but instead vote for example at a polling place near to a major shopping centre or sporting venue which they will be visiting on polling day. Any process of allocating precincts to polling places would therefore involve preventing voters from casting ordinary votes at the polling places at which they would, but for the introduction of precinct voting, have been able so to vote. This would cause voters significant inconvenience.
- It would be necessary to find an effective way to advise voters of the polling stations at which they were required to vote. This would probably require an extensive and expensive advertising campaign, during the election period, which, as was pointed out in paragraph [3.3.6] above, would tend to displace the advertising which the AEC presently conducts at that time. A mailout to each voter advising him or her of the

polling place at which he or she was required to vote would almost inevitably be required. The cost of such a mailout would be of the order of magnitude discussed in paragraph [3.3.5].

- Since the introduction of precinct voting would represent a radical departure not just from current practice, but from the practices which have applied throughout the lifetimes of most current voters, it would inevitably be the case, even if there were extensive advertising accompanied by a mailout, that many voters would go to vote at the wrong polling place. Since most of them would be people who did not know the precinct for which they were enrolled, they would either have to be:
 - told to go to the right polling place (which might be quite some way away), determined by consulting a reference roll;
 - given an internal absent vote; or
 - given a provisional vote.
- If the policy adopted was that of redirecting voters, inevitably some of them would simply abandon their attempt to vote in the face of the inconvenience involved. Those who had left voting until late in the day might be physically unable to get to the correct polling place by the close of the polls. If the policy adopted was to give voters at the wrong polling place an absent or provisional vote, there would be a very large increase in declaration voting, which would slow down the polling process for voters, and delay the finalisation of election results. At the last election at which absent voting applied within Divisions, that of 1983, some 218,886 votes were so cast. that figure however arose on the basis of the subdivisional structure documented in paragraph [3.10.2] above, and could be expected to be much larger if precinct voting were implemented, since precincts would have to be much smaller on average than subdivisions were in 1983.

3.11.5 The proposals which have been put forward for precinct voting in general do not address the question of how it would be combined with mobile polling in remote areas, and in special hospitals. If the intention of precinct voting were to be strictly complied with, it would be necessary to require all mobile polling to use declaration voting.

2. The majority coalition members of the June 1997 JSCEM Report recommended a proposal be prepared for the re-introduction of subdivisional voting as follows:

Subdivisional or Precinct Voting

2.45 In 1983 this Committee's predecessor, the Joint Select Committee on Electoral Reform, recommended that a voter be allowed to cast an ordinary vote at any polling place within his or her House of Representatives electorate (division), rather than being confined to a smaller subdivision. Under the old system, electors who arrived at a polling place outside of their enrolled subdivision - even if the subdivision was within their "home" division - had to either make their way to the subdivision or cast an absent vote. Usually there were several polling places within a subdivision; at the 1983 election (the last before the introduction of division-wide ordinary voting) 85 percent of

subdivisions had enrolments of greater than 5000, and 43.12 percent had enrolments of greater than 10 000.

2.4 Concern is often expressed that division-wide ordinary voting has increased the potential for multiple voting, in that an elector's name is now on the rolls at all polling places within a division. These concerns have led to calls for the reintroduction of subdivisional voting or the introduction of "precinct" voting, with an elector's name appearing on only one roll at one polling place.

2.47 Several submission writers cited the 1989 report of the *Inquiry into the Operations and Processes for the Conduct of State Elections*, prepared for the NSW State Government by former State Electoral Commissioner Mr Ron Cundy and the current Commissioner Mr Ian Dickson. Messrs Cundy and Dickson noted (with reservations) that

Restricting electors to voting as ordinary voters at only one polling place could be expected to meet with a good deal of criticism. However, it is evident that the great majority of electors always vote at the same venue. In the Committee's opinion, any inconvenience imposed upon electors is outweighed by the benefit of virtually eliminating multiple voting.

2.48 The AEC, however, opposes precinct voting for the following reasons:

(a) the extent of apparent multiple voting in the same name can already be identified through the post-election scanning of multiple marks on the certified lists of voters. The AEC and unsuccessful candidates, and persons qualified to vote in the relevant election, have recourse to the Court of Disputed Returns (discussed further in Chapter Nine) if they have reasonable grounds for believing that multiple voting has exceeded the elected candidate's winning margin.

(b) It is questionable whether polling officials and scrutineers would have sufficient knowledge of the population in a precinct of even 500 to 600 voters (the smallest size of precinct proposed in evidence to the inquiry) to be able to identify attempts at personation.

(c) There would be a major impact on the efficiency of the flow of voters through polling places, which would show up as substantially increased waiting times when queuing to vote. As noted at page 66 queuing has been of regular concern to Electoral Matters committees.

(d) A substantial increase in declaration voting, (namely, absent voting from those electors not voting at their designated precinct) could be expected, which would "have the potential to delay the finalisation of election results".

2.49 There is some substance in these administrative arguments. However the ability to travel to every polling place within an electorate, recording votes against the same name, causes as much disquiet about the integrity of the system as any other factor.

2.50 While the AEC expressed a case against precinct voting, it made no detailed comment on the possibility of restoring subdivisional boundaries similar in principle to those in place before 1984.

2.51 Recommendation 7: that as part of the implementation plan referred to at Recommendation 1, the AEC prepare a detailed proposal for the reintroduction of subdivisional voting for future Federal elections. The proposal should consider a corresponding public awareness campaign (so that people are aware they may be disenfranchised if they fail to advise the AEC of a change of address across a subdivisional boundary, even when remaining within the same division).

3. The ALP minority members of the JSCEM dissented from the majority recommendation No 7 to reintroduce subdivisional voting in the June 2000 JSCEM Report as follows:

The proposal to reintroduce this hurdle will undermine participation without any impact on its purported target, impersonation or multiple voting. Subdivisional voting has not existed for five elections and is being suggested in an era of increased residence change, a higher population, greater demographic movement, the changing face of communities, and other factors that undermine its utility. Millions of Australian voters have not had the experience of this hindrance to their casting of a vote.

There has been no evidence of organised multiple voting during this inquiry. In the absence of pointers towards a subterranean, unrevealed plot some reliance must be placed on the ascertained statistics. Thus for 1996, there were an admitted 962 multiple votes spread through the 148 electorates.

In NSW the greatest number were in the safe Labor seat of Blaxland and in Victoria, the equally secure Gellibrand. Hard-fought Lowe had six instances and Makin, two. The fantasy of gigantic fraud has not been substantiated by exposes in marginal seats. A disproportionate number occurred in Tasmania. Rather than the Daily Telegraph's sensationalistic horror (10 February 1997), that "on a per capita basis this is more than 10 times the figure for NSW", the explanation was the proximity of Tasmanian and Commonwealth elections. The possibility of this confusion is the very reason the Committee has sought to separate ATSIC and General Election voting.

For the 1993 elections, despite the claims of one witness of 14,172 established instances, the actual figures based on AEC figures were 1253 people seemingly voting twice. These included those admitting that they had, letters undelivered upon AEC inquiry, and letters unanswered.

It is worthy of note that in an analysis as of November 6 1996, of the apparent 16,000 multiple voters, the AEC was able to substantially reduce the possibly fraudulent portion. Thus, 49 percent were established as polling official error, and 35.5 percent were proven to have voted only once upon checking. The summary position is that the number of established multiple voters has increased from a mere 0.0027 percent of votes cast in 1987 to a meagre 0.0085 percent last year, with a good part of the rise accounted for by the said Tasmania aberration, where it rose from 13 to 278.

As early as 1961, 67.8 percent of electors were in subdivisions of more than 5,000 and 29.6 percent in subdivisions of more than 10,000. In 1983 already

85 percent of electors were enrolled in subdivisions with voting populations of over 5,000 and 43 percent were in subdivisions in excess of 10,000. As the AEC's Mr Maley noted in evidence, *"it becomes clear ...that they (the proponents) have a concept of what would be subdivisional voting which is very different from that which applied before 1980."* (pEM35, 15 August 1996 transcript).

Similarly, the Electoral Commissioner Mr Gray commented in evidence on 15 August, 1996, *"We have a highly mobile population. 'Subdivision' means that you would be effectively amending your enrolment more often than would otherwise be the case. There is no question about that and that of course provides an administrative load to this organisation of a kind that I am not sure that we would quickly welcome. We find it a sufficient challenge to keep up with the changes as they are."* (pEM34).

It was further commented by Mr Maley, *"if 35 percent vote at different polling places from time to time, that is the proportion of the electorate you could expect to be significantly inconvenienced."* (pEM418, 25 October 1996).

The upswing of this misguided initiative will be a blow-out in declaration voting, long queues and waiting times, frustration and withdrawal from participation. In 1983 with the then smaller voting electorate, there were 218,886 absentee votes within electorates. We will have the dual situation of the subdivisions being too large to effectively combat fraud and simultaneously suggesting to people that they go outside, get into their car and drive a few kilometres to vote. Many will not be impressed.

The AEC evidence (pS1790, vol. 5 of submissions), provides an apt summary. *"Voting in the same name ... as has been pointed out in numerous AEC submissions to the JSCEM ... is already known to be an infrequent occurrence, rarely undertaken with fraudulent intent, and detectable promptly after an election using current scanning technology."*

A very plausible result will be that with two million Australians moving each year and their established inertia in changing enrolment, many will have their vote taken from them by discovering too late that they reside in another subdivision of the same electorate, are illegally enrolled because they have moved across the street and cannot legally cast a vote.

4. The Government Response of 8 April 1998 to the majority recommendation in the June 1997 JSCEM Report to re-introduce subdivisional voting, was as follows, at page 1661 of the Senate Hansard:

Supported in principle. The Government supports the conduct of an investigation into the reintroduction of subdivisional voting. However, the Government believes the JSCEM should conduct a more detailed investigation into the positive and negative aspects of the reintroduction of subdivisional voting.

5. On 9 March 1998 the AEC provided the JSCEM with an Implementation Plan, as requested, for the electoral integrity measures proposed in the June 1997 JSCEM Report by the majority coalition members of the JSCEM. The relevant part of the Implementation Plan dealing with the reintroduction of subdivisional voting is as follows:

4.1 Introduction of subdivisioal voting

4.1.1 Background

4.1.1.1 Recommendation 7 of the Report states:

That as part of the implementation plan referred to at Recommendation 1, the AEC prepare a detailed proposal for the reintroduction of subdivisioal voting for future Federal elections. The proposal should consider a corresponding public awareness campaign (so that people are aware they may be disenfranchised if they fail to advise the AEC of a change of address across a subdivisioal boundary, even when remaining within the same division.)

4.1.1.2 The JSCEM's purpose behind this recommendation is discussed in paragraphs 2.46, 2.49 and 2.50 of the Report, and can be summarised as being to reduce the possibility of multiple voting by restricting ordinary voting to a limited number of polling places in a Division, that is through subdivisioal voting. These paragraphs state:

2.46 Concern is often expressed that division-wide ordinary voting has increased the potential for multiple voting, in that an elector's name is now on the rolls at all polling places within a division. These concerns have led to calls for the reintroduction of subdivisioal voting or the introduction of "precinct" voting, with an elector's name appearing on only one roll at one polling place.

2.49 There is some substance in these administrative arguments [against the introduction of precinct voting]. However, the ability to travel to every polling place within an electorate, recording votes against the same name, causes as much disquiet about the integrity of the system as any other factor.

2.50 While the AEC expressed a case against precinct voting, it made no detailed comment on the possibility of restoring subdivisioal boundaries similar in principle to those in place before 1984.

4.1.1.3 Therefore, the basic principle underlying the reintroduction of subdivisions appears to be that if the number of electors permitted to attend a polling place is kept sufficiently small, and the electors permitted to vote at that polling place are constrained to come from a particular geographical area, it is postulated that acts of personation or multiple voting will be noticed and prevented.

4.1.1.4 However, the AEC has provided to the JSCEM in the past evidence questioning the efficacy of such a hypothesis. Countries that use forms of voting precincts or otherwise restrict polling place access usually set the number between 500 and 1,000, with 750 a common figure. Currently, the average number of electors in a metropolitan polling place is about 2,000.

4.1.1.5 In 1983, the last general election before the introduction of division-wide ordinary voting, less than 1 in 6 electors were located in a subdivision smaller than 5,000 enrolments, and more than 2 in 5 were in subdivisions larger than 10,000. The 1983 election was not an isolated case. In 1974,

78.7% of electors were enrolled for subdivisions with enrolment greater than 5,000 - in 1961, this figure was 67.8%.

4.1.1.6 If voting clusters were introduced along the lines envisaged in the report, that is by reintroducing subdivisions, large scale voter confusion and inconvenience could result. If voting clusters had been drawn along subdivisional boundaries in the Northern Territory at the 1996 federal election, a minimum of 23,250 voters would have been forced to cast an intra-divisional absent. This is over a third of voters who voted at static polling places.

4.1.1.7 At Attachment 11 are tables which provide a simple illustration of the effect of reintroducing subdivisions by artificially drawing boundaries on the basis of numbers of polling places permitted in a subdivision. The tables show the impact on the level of absent voting, expressed as the percentage of new intra-divisional absent votes which would be generated. The examples are in the Divisions of Bennelong, Blaxland, Eden-Monaro and Parkes based on voting at the 1996 election. The following tables summarise the tables at Attachment 11.

CCD	Polling place	No of voters
5041413	Midland (Perth)	153
5041413	Midvale	107
5041413	Bellevue(Perth)	11
5041413	Guildford	2
5041413	Embleton	1
5041413	Kiara	1
total		275
5041414	Midland (Perth)	37
5041414	Midvale	35
5041414	Bellevue (Perth)	7
5041414	Bassendean South	4
5041414	Caversham	3
5041414	Hillcrest	2
5041414	East Perth	1
5041414	Embleton	1
5041414	Guildford	1
total		91
5041501	Bellevue(Perth)	254
5041501	Midland (Perth)	35
5041501	Midvale	7
5041501	Forrest Park	1
5041501	Mount Lawley	1
total		298

4.1.2.6 Using the threshold of 5%, for the above examples, the electors of CCD 5041413 would be permitted to vote at 3 polling places, being Midland (Perth), Midvale and Bellevue (Perth). However, the electors of CCD 5041414 would be permitted to vote at 6 polling places, even though there are far fewer actual voters. If it is considered that this is too many potential polling places, a second threshold could be introduced, to limit the number of polling places at which an elector may vote as an ordinary voter, to say 4. The limited research available to date indicates that it is generally only those lesser populated CCDs, such as 5041414, which are affected by the

second threshold. The second threshold could also be set on an individual CCD basis. For the purpose of this example the second threshold is introduced at 4 polling places.

4.1.2.7 Using only the above examples, the following table demonstrates where electors may vote:

CCD	Polling places allocated for ordinary voting
5041413	Midland (Perth), Midvale, Bellevue (Perth)
5041414	Midland (Perth), Midvale, Bellevue (Perth), Bassendean South
5041501	Bellevue(Perth), Midland (Perth)

4.1.2.8 Therefore, whereas the electors of these three CCDs were able to choose from 27 polling places at the 1996 federal election, they would be able to choose from only 3, 4 and 2 polling places, respectively once this system was introduced.

4.1.2.9 Looking at the previous table from a different viewpoint, the following table illustrates the CCDs from which electors would be drawn for the producing certified lists for these polling places, based on the above example:

Polling Place *	CCDs
Midland (Perth)	5041413, 5041414, 5041501
Midvale	5041413, 5041414
Bellevue (Perth)	5041413, 5041414, 5041501
Bassendean South	5041414

* - note there may be other CCDs, the electors from which would be able to vote these polling places. The example has only drawn from 3 CCDs for illustration purposes.

4.1.1.10 This immediately preceding table demonstrates the overlap of CCDs between polling places, and the reason why boundaries cannot be drawn on a map to create subdivisions as they were known prior to 1984.

4.1.2.11 This system would see much smaller certified lists in each polling place, but would also mean the certified list for each polling place will be unique. The uniqueness of certified lists will create considerable logistical difficulties. Instead of the current 148 different certified lists, there will be approximately 7,000 different lists which must be printed, and each must only be allocated to a specific polling place, rather than to specific Divisions. In addition, there will need to be changes to current computer extract procedures, to enable the 7,000 print files to be provided to printing contractors.

4.1.2.12 It is possible that cluster voting will impact on those voters requiring wheelchair access, because of the effect of the distribution of wheelchair accessible polling places within each cluster, and thereby limiting the availability of ordinary voting for those who require such access. This likely problem is not assessable without a detailed study.

4.1.2.13 To cater for capital city Town Hall polling places there would continue to be a need for a Divisional certified list to be produced.

4.1.2.14 It is envisaged that the legislative changes required to implement this scheme should leave the AEC discretion to deviate from the numerical formula on the grounds of local conditions. For instance, as the data used for determining polling place allocation is historically based, if a DRO could demonstrate that voter attendance at a polling place at the last election was due mainly to local circumstances, e.g. a sporting event, then this should be taken into account in future allocations. Similarly, a scheduled local event may be expected to affect allocation at a future event, for which discretion to deviate from the formula would be required.

4.1.2.15 It will be essential that electors be individually notified of their allocated polling places. This allocation may change from event to event depending on polling records at previous events and redistributions and the creation and abolition of polling places. The AEC's advertising campaign will have to raise awareness of the issues, explain the difference between an ordinary vote and an intra-divisional absent and 'point' to the chosen method of cluster notification.

4.1.2.16 The AEC spent \$953,000 advertising polling places at the 1996 federal election. In addition, \$1.3 million was spent on the 'Householder Leaflet' distributed by non-post means to every household in Australia. It is envisaged that a mailout to each elector, along the lines of the leaflet posted at by-elections, would be required. It would contain a small pamphlet that gives cluster details, plus possibly information such as 'here's how it works' and sources for further information. (13 23 26, www.aec.gov.au and interpreter service numbers) As the leaflet would not contain candidate details, preparation could commence immediately after the close of the roll. There would be no need for the traditional newspaper polling place advertising.

4.1.3 Impact on AEC administration

4.1.3.1 The assumption is made that a letter would be sent to every elector. Cost is based on \$0.50 to design, print and post 12 million articles. A saving would be made in not advertising polling places. However, advertising to inform "out of town" voters of where to vote would be required. This could be taken up as an extension of the current absent voting advertising campaign. Letter costs could be reduced if household letters are produced in place of individual elector letters, for example one letter per surname per household, but this has not been estimated here. If the new enrolment provisions are implemented at the same time, a wider advertising campaign could be conducted to include information on cluster voting, and this would absorb the saving on polling place advertising. If not introduced together, a similar cost would be incurred to launch the new cluster voting concept.

4.1.3.2 For the purpose of inclusion of costs in this paper, it is assumed that both would be introduced, and therefore the saving of \$953,000 in polling place advertising would be absorbed into the information campaign, and no additional costs are included for advertising cluster voting. An additional saving would be made by not requiring the householder leaflet currently issued.

Extract from submission No 127 of 3 May 1988, "Penalties under the Commonwealth Electoral Act"

18. Whilst the offences of bribery and improper influence (s.326) carry a penalty of \$1,000 or imprisonment for two years, most election offences carry a penalty of only \$500 or six months or both or in some cases only the \$ 1,000 or even \$500 without option of imprisonment.

19. Examples of the first (\$1,000 and/or six months) are: breach of secrecy by officers or scrutineers (s.323); officers influencing a vote (s.325); interference with political liberty (s.327); misleading or deceptive publications (s.329); false statements in respect of enrolment (s.330); unlawfully marking ballot papers (s.338); personation (s.339(1)(a) and (b)); fraudulently dealing with ballot papers (s.339(1)(c) and (d)); forging or uttering nomination papers or ballot papers (s.339(1)(f)); supplying ballot papers without authority (s.339(1)(g)); interfering with ballot boxes or ballot papers (s.339(1)(h)); multiple voting (s.339(1)(j)); false or misleading statements in reply to a question put under the Act (s.339(1)(k)); and defamation of candidates (s.350).

20. Examples of the second (\$1,000 only) are: officers contravening the Act (s.324); publication of notice without authorization or identification of printer (s.328); depiction of electoral matter (s.334); forging a signature on electoral paper (s.336(3)); various offences in respect of electoral papers (s.337); wearing badges in a polling booth (s.341); being a witness to an enrolment form and failing to satisfy him/herself as to accuracy of information (s.342); failure to transmit an enrolment claim (s.343); and unauthorized publication of matter relating to candidates (s.351).

21. Examples of the third (\$500 only) are: failure to head an advertisement as such (s.331); failure to show the authorization of material (s.332); leaving a how-to-vote card in a polling booth (s.335); canvassing within six metres of a polling booth (s.340); failure to give an employee time off to vote (s.345); and disorderly conduct at a public meeting (s.347).

22. If breaches of the Commonwealth Electoral Act in respect of enrolment or voting are as common and as serious as is being alleged, such penalties, especially those for the more serious offences in the first category (\$ 1,000 and/or six months) are inappropriately low and should be increased substantially. The recent NSW Inquiry into the Operations and Processes for the Conduct of State Elections observed in respect of multiple voting:

The Committee recommends that the penalty for voting more than once be substantially increased. In the U.S.A. the penalty may be not more than \$10,000 or imprisonment for not more than 5 years. (pp.42-43)

The Commonwealth Electoral Act equivalent of \$ 1,000 and/or 6 months is just a tenth of that in the US.

23. Direct evidence that major breaches of electoral legislation are not regarded as serious offences can be taken from the recent (1987) case of Mr Denis Hinton, MLA. Mr Hinton, who was then a candidate for election to the Queensland Legislative Assembly, was convicted of a breach of s.336(3) ("A person shall not make the signature of any other person on an electoral paper. penalty: \$1,000") in respect of an enrolment application in the name of someone who was not an Australian citizen and was fined \$400 in his absence. Mr Hinton subsequently stated in the

Queensland Legislative Assembly that he had not attended the hearing “because the charge was of a minor nature” and subsequently repeated “I have been convicted of a very minor charge of which the worst possible connotation could be that I misguidedly acted to do a good turn for some unknown person”. The text of Mr Hinton’s speech is attached as Attachment C.

24. As Mr Hinton concluded by criticising the timing of the prosecution and the Electoral Commission’s part in it, it must be pointed out that when referring the matter to the Australian Federal Police for investigation on 9 September 1986 the Commission advised:

In order to avoid allegations of party political bias the investigation would need to be concluded before the announcement of the Queensland State election (expected within the next two weeks or so) or left until after polling day.

That letter is Attachment D.

25. The AFP replied on 12 September 1986:

In view of AFP priorities and resources it is expected that the enquiry will not be completed prior to polling day in the State of Queensland. It will therefore be left, as you have mentioned, until the elections have been finalised.

That letter is Attachment E.

26. On 13 July 1987 a summons was sworn out against Mr Hinton to appear on 21 August 1987. A conviction was entered on 23 November, and although there were press reports that Mr Hinton would appeal no appeal was lodged. Instead the statement in the Legislative Assembly was made on 2 December.

27. If Mr Hinton’s attitude to forgery of an ineligible person’s signature on an enrolment application form is typical and the community in general regards such charges as “of a minor nature”, then it is time the Commonwealth Parliament indicated a different attitude and set the penalties accordingly.

28. As regards the penalties actually imposed for multiple voting which appears to be the offence occasioning most expressions of public concern, the most widely publicised case arising from the 1987 election concerned the late Herman Anthonie Haantjens who voted in five places; for this he was fined \$250 with \$23 costs in December 1987 at Moruya. Such a modest penalty is typical; Alexis Louise Sendall who obtained two absent votes was fined \$400 at Moree in June 1988, Paul Damien Dorge who voted twice was fined \$100 with \$40 costs at Toowoomba in August 1988, and Norman Francis Clarke was fined \$100 with \$40 costs at Brisbane in July 1988. The penalties in the last two cases, it should be noted, were only marginally more severe than those the courts usually impose for non-voting.

29. So long as the maximum penalties remain as light as they are, it is difficult to expect police to give electoral investigations high priority in competition with major crimes against person or property, to expect the courts to impose fines which are likely to be deterrent in their effect and to consider sentences of imprisonment should the incidence of the offence now be deemed to require this, and to disabuse those who, like Mr Hinton, treat enforcement with contempt.

30. In the light of allegations concerning enrolment and voting malpractices which followed the Commonwealth’s 1987 election and 1988 referendums and also State

elections since then, it now seems inevitable that the next Commonwealth election will be accompanied by allegations of widespread breaches of the Commonwealth Electoral Act and that such allegations will be given publicity on an unprecedented scale. A savage increase in penalties for both categories, enrolment and voting, of offences before the election would go part of the way to restoring public confidence in the integrity of the electoral system. Moreover, the existence of such penalties would disqualify, at least temporarily, those convicted of serious electoral offences and prevent them from sitting in Australian parliaments with a consequent deleterious effect on public confidence in the integrity of the political system.