

**AUSTRALIAN ELECTORAL COMMISSION**

**SUPPLEMENTARY SUBMISSION TO  
THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS  
INQUIRY INTO  
THE INTEGRITY OF THE ELECTORAL ROLL**

**DRO SUBMISSIONS AND AEC RESPONSES**

**No 74 of 23 February 2001**

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## 1. INTRODUCTION

1.1 This supplementary submission from the Australian Electoral Commission (AEC) is provided to the Joint Standing Committee on Electoral Matters (JSCEM) in response to the "Inquiry into the Integrity of the Electoral Roll", as advertised on 9 September 2000. The first AEC submission, No 26 of 17 October 2000, is published, with the attachments, on the AEC website at [www.aec.gov.au](http://www.aec.gov.au). Other supplementary submissions are being filed with the JSCEM progressively.

1.2 This supplementary submission was foreshadowed in part 3 of the supplementary submission filed with the JSCEM on 9 February 2001. During the JSCEM public hearings with the AEC on 15 November 2000, Senator Andrew Murray of the Australian Democrats asked the AEC to ensure that all Divisional Returning Officers (DROs) were given the opportunity to comment on the first AEC submission to this inquiry.

1.3 On 5 January 2001, a Minute was sent to all Australian Electoral Officers (AEOs), for referral to all DROs, by the acting Electoral Commissioner, Mr Paul Dacey. The Minute is reproduced at **Attachment 1**, and details the usual AEC consultation procedures for AEC submissions to JSCEM inquiries, and the background to Senator Murray's request.

1.4 As at the date of filing, the AEC has received submissions from seven DROs from NSW, two DROs from Victoria and one DRO from Queensland. That is, 10 out of the 150 DROs nationwide have responded to Senator Murray's request. The ten DROs submissions are provided in this AEC supplementary submission in the order received in Central Office, with no abridgement or amendment, and with only minor re-formatting for consistent presentation purposes. The AEC has then provided brief summary responses to the issues raised in the ten DROs submissions.

1.5 Prior to Senator Murray's request on 15 November 2000, three Queensland DROs (Messrs Lamerton, Smith and Patching) and one Divisional clerk (Mr Wilkinson) provided written submissions to the JSCEM as private citizens. The three Queensland DROs appeared at public hearings of the JSCEM on 5 December, as private citizens. The AEC has already provided some comment on these proceedings in part 3 of the supplementary submission filed with the JSCEM on 9 February 2001, and in this supplementary submission, provides responses to the five written submissions from these four Divisional staff members.

1.6 Finally, the AEC has commented on a media release by Dr Amy McGrath of the H S Chapman Society that included errors of fact and purported to reproduce the internal AEC Minute to all AEOs.

## **2. Submission from Greg Greening, DRO Cook, 18 January 2001**

2.1 I believe our enrolment and voting processes as they are now are excellent. They are quite simple and very effective. And have proven themselves over many years. The voters of Australia are catered for well, they are used to the processes and the processes are user friendly and simple.

2.2 99.999% of the voters of Australia are honest. It would be wrong on our part if we make changes to the processes which make life more difficult for the voters. Suggestions like voters having to provide identification as part of the voting process or having to provide proof for enrolment have merit but will make the processes more difficult for voters.

2.3 Any changes to the enrolment and voting processes should mainly affect processing within the AEC. The information we receive now on an enrolment form is sufficient for us to be able to satisfy ourselves as to the legitimacy of the claim for enrolment. We could be carrying out more checking of the information on the enrolment form (eg citizenship details with Immigration, contacting others at the place of living or contacting the witness) for verifying legitimacy.

2.4 We are never going to stop the dishonest few no matter how many checks and balances we have in place.

2.5 I feel we should be looking at deterrents for those dishonest few. Penalties should be harsher and any cases should be pursued very vigorously. The government legal area and Australian Federal Police would have to be more involved.

2.6 Below are my thoughts on Electoral Roll Review versus Continuous Roll Update in maintaining the electoral roll.

### *Electoral Roll Review (Doorknock):*

2.7 Is more effective than CRU – statistics show that the results are higher than CRU. With ERR contact was made with 95% of places of living. Admittedly 50% of these places of living resulted in no change to enrolment at the address which means of course we did not need to visit the addresses. With ERR electoral enrolment forms were received from 90% of electors new to an address.

2.8 Apart from not achieving 100% results, my main concern with ERR is the timeframe. In NSW for the last full ERR (1998) fieldwork had to be completed in 3 months. This was achieved but I noted a number of problems:

- 20 review officers required – with so many there was a huge difference in ability and commitment. As a result the standard of work and results were significantly varied. Had we only needed to use the top 10, I am sure the results would have been much better.

- Pressure in divisional office – preparation of material and actioning returned material was rushed. Some follow-up tasks (eg refusals and security access building letters, outstanding new enrolments and places where contact was not made) were not able to be completed. We were allowed to employ casual staff to assist us, but casuals are restricted in the work they can do.
- Other work – with such a condensed timetable it becomes difficult to devote time to other work (eg election preparation, training courses).

2.9 If we were to conduct a full ERR, we should be allowed at least 6 months for fieldwork.

2.10 I feel that in this day and age fieldwork is risky. My review officers have encountered dangerous situations with people and cases of these were on the increase.

2.11 Maybe a full ERR every 3 years but by mail is the answer. However I doubt that the results would be as good as by doorknocking.

*Continuous Mail Update (mail):*

2.12 Targets specific people and places of living and contacts them by mail.

2.13 In NSW the CRU has been operating for about 2 years and in the division of Cook we are just getting used to it. We feel the checking of data prior to every mailout is most important; we hate sending letters to people who are deceased or in fact correctly enrolled or people who have contacted us previously. For us this checking exercise to be done accurately and thoroughly, is quite complicated and time consuming. Less experienced staff must really struggle. We work hard at maintaining a good client relationship but the CRU I feel has the potential to damage much of our good work by sending letters to people who should not be getting them.

2.14 I feel that I am in control more with an ERR. With so many and varied mailouts it is difficult to keep tabs on them. Depending on the type of mailout, there is a specific letter for each.

2.15 We like the concept of ‘continuous’.

2.16 It is computer driven and there have been program problems resulting in letters being sent that should not have been sent. Also regularly letters are sent to deceased people and people who are not qualified for enrolment; I doubt that this can be rectified and we have to take the problems associated with this as they come. A potential serious problem is that a person who is not qualified, completes an enrolment form as if they were qualified. To date I have no evidence of this happening but we have received some enrolment forms completed and indicating that they are not qualified for enrolment. The fact that they completed the forms suggests they are not sure of what to do which could result with some being enrolled.

2.17 The results are not as good as ERR and as a result I feel that at the next election our close of rolls will be far more busy than previously.

2.18 I feel the CRU is reasonably effective but not as effective as ERR.

*Summary of ERR and CRU*

2.19 I feel we continue with CRU and do part ERR as necessary. Beyond this general statement, I cannot suggest any methods of how this would work. To get the perfect method using the two will take a lot of working out. Do we have time to work it out and do we continue with CRU?

2.20 We must not forget, it is the integrity of the electoral roll that is at stake.

2.21 If we are deciding between one or the other, it must be ERR because it is more effective.

**3. Submission from Chris Goodwin, DRO Berowra, 23 January 2001**

3.1 On reading the Hansard Proof, I noted that [in] comments made by one Queensland DRO, staff attend regular meetings to discuss enrolment issues. I consider this a good idea. I have never been to one in NSW!

3.2 I also agree that a full doorknock is the most effective way of updating and maintaining the integrity of the Roll as long as it is conducted in an election year or on a more regular basis rather than a mini review, as at present.

3.3 The 'back to the future' introduction of voting in subdivisions

3.4 Close of rolls to be on the same day as announcement

3.5 Instead of the " 3 questions" asked by polling officials when issuing ballot papers, we ask a fourth question ie "What is your date of birth?", with the dates of birth to be shown on all certified lists.

3.6 More liasion with DIMA and even a possible data base access to verify non Australian born clients

**4. Submission from Mario Racomelara, DRO Hughes, 23 January 2001**

4.1 I have worked in the Australian Electoral Commission (AEC) for 16 years mainly as a Divisional Returning Officer (DRO). Below please find in point form my views on certain aspects of the electoral process. I believe that one of the roles of the AEC is to eliminate the incidence of fraudulent enrolment, whether it is with the support of the Australian Federal Police or by having its own resources. In this regard the AEC has to take a more active roll and pursue vigorously any cases of possible enrolment fraud.

4.2 In the past, Electoral Roll Reviews were the only method by which the electoral roll could be "checked", other than electors notifying the office. However,

very recently, ERRs have been replaced with Continuous Roll Update (CRU) and only infrequent and minor ERR are undertaken, the last one being in early 2000.

4.3 Whilst I can see the merits of the CRU, I feel that there is more that can be done to achieve a "cleaner" and more complete electoral roll, for example: wider ERRs, data matching with more government and private agencies (driver licence, power and phone utilities, estate agents). Obviously some privacy matters may have to be overcome.

4.4 I believe there is a need to prove one's identity when enrolling, especially for the first time. The proposal that requires the witness to have known the applicant for enrolment for some time is a definite step in the right direction.

4.5 In the context of voting, there should be proof of identity when voting in a polling place. A suggestion has been made to send a card ("voter card") to each enrolled elector after close of the roll for each particular election. The cost would not be prohibitive since the AEC sends other electoral matters to electors. The voter card would be retained by the polling official issuing the vote and returned to the office with other election material; in the case of declaration votes the voter card would be attached to the declaration envelope. The benefits of this approach are quite remarkable:

- minimise the incidence of impersonation;
- able to mark correct name off certified list; and
- save time during preliminary scrutines of declaration votes.

If an elector wants to vote without a voter card, a "provisional" vote can be issued and checked later in the office.

4.6 I support recommendations to change the Commonwealth Electoral Act (CEA) to replace "subdivisions" with "enrolled address". The provision of reinstating electors as it stands allows for incorrect enrolment for some electors, often at addresses which are no longer residences. Reinstatements should only occur in cases of office errors.

4.7 Please accept the above views as my personal views only.

## **5. Submission from Doug Clarke, DRO Banks, 24 January 2001**

5.1 I wish to submit some comments/suggestions to the JSCEM (Inquiry into the Integrity of the Electoral Roll). I believe that these comments/suggestions will improve the integrity of the electoral roll.

### *Continuous Roll Update (CRU)*

5.2 I would support the suggestion of a doorknock of residences to compliment the existing CRU strategies.

5.3 I would also suggest that current CRU sources for change of address information are inadequate and should be extended to other government instrumentalities such as Motor Transport, Water & Electricity authorities.



### *Update Address Register*

5.4 As the AEC has implemented an “Address Base Register” for the electoral roll I would recommend urgent action be taken to visually inspect addresses in the division with the view of capturing new addresses or confirming the existing street addresses. Where possible an inspection of 100% of the division should be conducted. Please note this is not to be confused with a doorknock of the division, although it could be carried out jointly with areas that are doorknocked.

5.5 Secondly, and as a follow-up to the recommendation above, negotiations should be made at the appropriate level, Ministerial if need be, for the provision to the AEC of new property developments approved in the future by local government authorities throughout Australia. At the moment in this division my staff can't even get oral confirmation of new developments from local government authorities.

### *Proof Of Identity For Voting*

5.6 I suggest that proof of identity should be mandatory when voting other than a postal vote.

5.7 This could be in the form of personal identity or by way of a “voter card” as suggested by one of my colleagues.

5.8 I would also support the suggestion of DOB on Certified Lists in the polling place.

### *Precinct Voting*

5.9 I suggest that electors should only be able to vote at one polling place in the enrolled division as an ordinary voter on polling day.

5.10 To combat the rise in absent voting and possible delays in obtaining results, pre-poll voting as an ordinary voter (ie. voting before polling day without the declaration envelope) with proof of identity should be introduced and extended to include people being unable to vote in their enrolled precinct on polling day.

5.11 Although this may not be a popular move within the AEC, with the public and some politicians, I believe that it is time to introduce some further stringent measures in order that the integrity of the roll /voting process is improved and maintained.

### *Certified Lists Used At Polling Places*

5.12 I would suggest the re-introduction of previous procedures in polling places of providing alphabetically split certified lists (A-D, E-K etc) in polling places where there are more than 2 active lists. In polling places where there are split lists, a comprehensive list/s must also be provided for overflow & peak situations.

5.13 Example - In a polling place with 4 certified lists and 4 staff provided to issue ordinary ballot papers from these lists the break-up would be something along the lines of A-G, H-N, O-Z & a comprehensive list for overflow. In keeping with current policy a reserve list would also be provided for peak periods if queuing time were unacceptable.

#### *Voluntary Removal Of Name From Electoral Roll*

5.14 I do not support the suggestion that electors over the age of 70, who no longer wish to be involved in the electoral process, be allowed to have their names removed from the electoral roll.

5.15 I do not support the removal of a person's name from the electoral roll on the grounds of age, other than ineligible persons ie. under 17 years of age.

#### *AEC Background*

5.16 I have been employed with the AEC since 1979. I have been a Divisional Returning Officer since 1984 and acted as an Operations Manager and Senior Returning Officer in the Industrial Elections Branch. I have been involved in many projects within the AEC, assisted the Northern Territory Electoral Office with the 1994 NT Election and was part of an AUSAID funded capacity building project team in South Africa for 3 months for the 1999 election.

## **6. Submission from Gary Franklin, DRO Werriwa, 24 January 2001**

6.1 With reference to the A/g Electoral Commissioner's Minute dated 5 January 2001 and the A/g AEO for NSW request for additional information for the AEC submission as detailed in Memorandum 2001-006, I wish to provide my comments as follows.

#### *Preamble*

6.2 I have worked with the Australian Electoral Commission since January 1976. From 1976 to 1983 I was the Divisional Clerk and since 1984 have been responsible for the conduct of Federal Elections and Referendums. I was promoted to the position of Divisional Returning Officer in 1987.

#### *Enrolment*

6.3 Proof of identity needs to be introduced sooner rather than later.

6.4 Where electors show a postal address on enrolment forms, acknowledgment cards should be forwarded to both the postal and residential addresses. It would then become apparent if people were trying to enrol for false addresses.

6.5 Proof of citizenship should accompany all claims for enrolment.

6.6 Close of rolls period reduced.

#### *Electoral Roll Review*

6.7 A full door-knock review of all habitations should be conducted every few years and be conducted over a longer period of time (instead of previously over 12 to 16 weeks). This would allow for a higher standard of information being obtained by Review Officers.

6.8 Electors who fail to enrol as a result of information obtained by Review Officers should have compulsory enrolment action taken against them.

6.9 Outside of the full door-knock period, targetted field work in areas of high elector turnover or high growth areas should be conducted.

#### *Continuous Roll Update (CRU)*

6.10 CRU activity should continue with more information obtained from the RTA, Local Councils and other utility suppliers.

6.11 The qualification for enrolment needs to be included on all CRU letters. That is, it needs to show whether you are an Australian citizen by birth, by naturalisation or a British subject who was on the electoral roll as of the 25 January 1984.

6.12 Periodic advertising in the media reminding electors to update their enrolment if they have moved.

6.13 Objections held in the RMANS database be run on a regular basis.

#### *Voting*

6.14 Proof of identity before voting should be considered.

6.15 To assist with elector identification in Polling Booths the date of birth of the elector could be included on the certified list.

6.16 No re-instatement to the electoral roll as a result of declaration votes where people have been removed by objection action.

6.17 The grounds for requesting a postal vote or a pre-poll vote should be shown on the electors application.

#### *Summary*

6.18 Thank you for the opportunity to submit my views and suggestions. They are entirely my own thoughts towards improving the enrolment and voting processes.

## **7. Submission from Dick Lee, DRO Bennelong, 23 January 2001**

7.1 I am a Divisional Returning Officer of 20 years standing. I believe that my comments are considered and balanced.

7.2 I believe that our electoral system is a very good one, albeit with some shortcomings that have not yet effected the result of an election. In order to achieve the best possible results, and to answer our critics, we need to tighten up on our enrolment and voting procedures.

### *Enrolment*

7.3 In terms of enrolment, I agree with tightening up on witnessing of enrolment forms by witnesses belonging to occupation classes. However, this may have the unfortunate result of disenfranchising some electors who at the close of rolls may not be able to find the right witness in time.

7.4 I prefer full Electoral Roll Reviews by Review Officer. For information not to be obtained at a particular address, it has had at least two visits by review officer, plus a Non-Attendance cards left and a follow up NAC sent. The percentage of address reviewed in one way or another in a full review officer is in the order of 98%.The review should be done in the second half of a term of office in order that the rolls are up to date for the election.

7.5 I do believe that the physical presence of an efficient Review Officer with interpersonal skills is a big factor in getting the cooperation of the householder.

7.6 The CRU has some very good sources of information, but there are some drawbacks. There is not enough follow up. Some addresses for whatever reason may not be reviewed. The emphasis is getting names on the roll, but not in getting names off the roll. So the rolls can be inflated.

### *Voting*

7.7 The production of a voting card at each election will make voting easier and tighter, and reduce incorrect and multiple voting. The initial cost will pay dividends, and bring about savings and speed up declaration voting and declaration scrutinies.

7.8 I am concerned with the inaction of the Australian Federal Police, who seem to look for and find reasons not to investigate our matters. We have a number of prosecution matters for enrolment and voting offences, which are not pursued because of the lack of support.

7.9 In terms of multiple voting, most (about 95 %) apparent multiple voters are as a result of polling official error in marking off a similar but different name. There are a small number of accidental or elderly inadvertant dual voters. Where a voter appears to have three or more marks against their name, I believe that, regardless of what their reason given, these should automatically be investigated by AFP.

7.10 In my Division at the last Referendum, one elector apparently voted 6 times. The AFP chose not to investigate this matter on a technicality. It is possible that this elector was not the actual perpetrator of the offence, but it did require investigation.

7.11 Thank you for the opportunity to express my views.

## **8. Submission from Stephen Walsh, DRO Parramatta, 24 January 2001**

8.1 In response to Senator Murray's request that all DROs be given the opportunity to express their personal views on the terms of the JSCEM inquiry into the Integrity of the Electoral Roll, I present the following comments:

8.2 *Preamble:* I have been employed by the AEC for the past 11 years. As a DRO I have conducted one by-election, two general elections and one referendum. Currently I am the DRO for Parramatta.

8.3 *National "door-knock" versus Continuous Roll Update (CRU):* In reading the submissions already lodged with the JSCEM it seems that there are two main opinions on the best way to maintain the accuracy of the electoral roll. Some have recommended the further development of CRU whilst others have recommended a return to the national "door-knock". Personally, I am not happy with either option.

8.4 The main drawbacks of the "doorknock" method are:

- Low change rate: 60-70% of the roll remains unchanged (clearly a waste of resources).
- For those records that have changed, they are usually too numerous for a DRO to effectively follow up before the data becomes out of date. Also, follow up may be limited or even totally abandoned should some other unexpected electoral event occur (eg local by-election).

8.5 The main drawbacks of the current CRU method are:

- Non-applicable data received from outside agencies: causing us to send enrolment forms to non-citizens, deceased persons, mentally handicapped persons and overseas residents.
- Low response rate: Whilst nobody seems to be able to specify an exact percentage, it seems many CRU letters never reach the people they are intended for or they are never replied to. Many letters addressed to 'The Current Residents' come back undelivered with the illogical notation of 'No longer living here'. Multiple surname letters are often sent to the 'wrong' person in a household (ie the one elector who no longer lives there!).
- Confusing responses from the public: often an enrolment form is returned for an address other than the one to which the CRU letter was posted; some replies indicate that no one is eligible to enrol at the address, but the person to whom the letter is addressed may actually be living elsewhere and is in fact eligible to enrol.

Some people tell us they are enrolled elsewhere but give no information about the address to which the CRU letter was sent. If they don't provide us with a name we can't be sure that they really are enrolled elsewhere.

8.6 *Proposed combination of "door-knock" and CRU technology:* Due to its growing sophistication the various CRU data matching reports are extremely useful and should be maintained and enhanced. However, the action taken by the AEC on the basis of these reports could be radically changed to a "door-knock" review. Mail review should be abandoned.

8.7 The CRU data would be used to produce highly detailed ERR walk listings showing both RMANS data and data from other agencies. The review officer would door-knock only those residences for which we have CRU evidence of elector movement or where no-one is enrolled. Other residences (for which we have no evidence of movement) would have a mail review type letter placed in their letter box by the review officer.

8.8 This kind of "door-knock" would be conducted continuously by a select few review officers. As they will be door-knocking only at residences at which new enrolments are expected, their remuneration will be higher than previous ERRs. Thus we will be able to employ review officers of the highest quality and motivation.

8.9 Because a review officer will have face to face contact with an elector at their actual address, the risk of fraudulent enrolment is greatly diminished. A review officer would also be able to immediately sort out any confusion in the resident's mind should the data from other agencies be incorrect or misleading. I believe the public would be more appreciative of someone coming to their door than being bombarded with increasing amounts of CRU letters.

8.10 *Proof of Identity for Enrolment:* In a nation where enrolment is compulsory, the majority of the population should not be burdened with stringent proof of identity requirements simply because a tiny minority may attempt fraudulent enrolment. Rather than making enrolment more difficult for everyone, the AEC (and DROs in particular) should be given greater powers to investigate suspicious applications for enrolment. DROs should have the power to demand from any elector at any time as many proofs of identity and place of residence as he or she requires to be satisfied that the enrolment is legitimate. A DRO should not be required to provide a reason for such a request. If an elector refuses to comply with the DRO's request, the matter can then be referred to the AFP.

8.11 *Proof of Identity for Voting:* Again I don't believe the majority should be punished simply to prevent possible multiple voting. As it is naive to expect 12.2 million voters to bring ID with them to a polling place, such a requirement will definitely increase declaration votes and polling place queues. A simpler and more effective method would be to stamp each voter's hand with an indelible and invisible ink as used in the South African elections. This would ensure that no one could make more than one ordinary vote. Should anyone refuse to have their hand stamped, they can be given a declaration vote.

## **9. Submission from Barry Blackmore, DRO Bruce, 17 January 2001**

9.1 On the 8<sup>th</sup> January, 2001, the Australian Electoral Officer for Victoria, Dr David Muffet, invited Victorian Divisional Returning Officers (DRO's) to provide you with comments on the abovementioned submission.

9.2 Although there are several aspects of the submission that I could address I will limit my comments to the issue that causes me the greatest concern, Continuous Roll Update (CRU).

9.3 The AEC appears to be committed to CRU regardless of the feedback that management receives from it's DRO's that suggests that CRU has not successfully replaced doorknocking as a means of maintaining accurate electoral rolls. Various statistics have been produced by management to support the contention that CRU has been successful however, the bottom line as far as I am concerned is how many enrolments are processed under CRU and how does this system compare statistically in this regard with a full Habitation Review. I have attached for your information a spreadsheet titled "Analysis of Continuous Roll Update – Victoria". The data comes from RMANS Card Activity statistics.

9.4 This spreadsheet measures the performance of CRU in this State over a two year period, 1999 and 2000, against a year in which only divisional office enrolment initiatives were undertaken (1997) plus a year in which a full habitation review was conducted (1998). These figures quite clearly indicate that CRU, in it's present form, fails to generate enrolment to the same extent as a full habitation review.

9.5 I note from Hansard of the JSCEM hearing on Tuesday 5/12/2000, Page 124, that you consider "doorknocking" overrated however, although I agree that the system is not perfect it does have some redeeming features. Firstly, as far as the Divisional Office is concerned it provided a knowledgeable group of people, the Habitation Review Officers (HRO's), from which to select election casual staff and it gave divisional staff a wealth of information on new enrolments, electors who had left an address and who required objection action, 17 year olds, deaths, non citizens, property numbering amendments, changes to dwelling type and information concerning new housing estates. It was also an invaluable method of checking street numbering and walk boundaries and splits following a Redistribution of electoral boundaries. Secondly, and perhaps most importantly, it provided a means of educating the general public about their electoral rights and responsibilities.

9.6 Up until about the end of 1982 electors who changed address thought of changing their electoral enrolment just as easily as they did about the need for them to contact the gas and electricity authorities. Also, at that time, DRO's would regularly impose fines on electors for failing to enrol. The hard core cases were prosecuted at the local Magistrates Court and the resultant publicity from these matters helped reinforce the requirement for eligible citizens to maintain their electoral enrolment. However, this mindset was lost to a large extent when we ceased fining and prosecuting electors for failing to enrol and was replaced by a school of thought along the following lines: "if you have a problem with electoral enrolment matters don't worry; they will eventually knock on your door". This belief in how the

system works will probably be lost within the next two to three years. This situation is, in my opinion, a withdrawal of service on the part of the AEC and it has deprived the DRO's of a valuable aid in maintaining an accurate electoral roll.

9.7 At the 1996 Federal Election 1067 electors cast provisional votes in this Division. At the 1998 Federal Election the number was 1017. But at the 1999 Referendum the figure reduced to 347. The majority of electors who cast provisional votes do so because their name cannot be found on the electoral roll. After examination of their enrolment history, if any, the majority of these votes are rejected because it is subsequently shown that the electors concerned had no entitlement to vote. The abovementioned figures indicate that at Referendum 1999 600+ electors voted in this Division when they had no entitlement to do so. They voted in this Division because their names appeared on the roll for this Division. Ordinarily, for most of them, the fact that they were no longer living in the Division would have been established during a full Habitation Review. But because they were not targeted by CRU, or they simply ignored CRU mail, their names remained on the roll. At Election 2001, perhaps two years on from the Referendum, it is reasonable to assume that this number will have increased.

9.8 CRU in it's present form is not CRU as originally envisaged by DRO's (for many years DRO's have been keen to trial a CRU system that would have involved having say, 2 HRO's in the field on a full time basis). Nevertheless, the existing CRU system does have some good points but I would prefer that it be used as a method of helping to keep the roll clean between full Habitation Reviews. Certainly, I would never recommend CRU as a replacement for full Habitation Reviews.

9.9 I concede the fact that there are some people within the AEC that are as passionate about the existing CRU system as I am about the worth of Habitation Reviews. Of course, one way of testing the worth of CRU would be to conduct a partial Habitation Review in all Divisions say, 20 to 25% of our Walks. I am confident that any such test would demonstrate that CRU does not contribute to the objective of maintaining an accurate electoral roll to the degree that a full Habitation Review would do.

9.10 I hope that this information is of use to you.



B

**AEC**

## ANALYSIS OF CONTINUOUS ROLL UPDATE VICTORIA

	1997			1998			1999			2000			NO REVIEW YEAR + FILL HABITATION REVIEW (DOORKNOCK)		2 YEARS OF CRU		% DIFF. BETWEEN 99-00 & 97-98
	NO REVIEW			FEDERAL & STATE COR's+ FILL HABITATION REVIEW			CRU + LOCAL GOV & REFERENDUM COR's			CRU			97-98		99-00		
	ENROL	DELETIONS	TOTAL	ENROL	DELETIONS	TOTAL	ENROL	DELETIONS	TOTAL	ENROL	DELETIONS	TOTAL					
ASTON	18829	761	18790	18913	4647	22668	13364	1268	14672	9347	2225	11572	33459		29144	-21.8	
BALLARAT	18888	5315	12293	29682	5871	25753	18857	1711	20388	14128	2645	16773	37956		37141	-2.1	
BATMAN	8882	5362	18954	22914	7886	29900	13398	2250	15655	8648	2232	10878	48954		26534	-33.8	
BENDIGO	17651	1743	19294	25302	5732	31035	19582	1555	21857	14196	2889	16885	58429		37862	-24.9	
BRUCE	7679	973	8643	18942	5924	24768	11538	1112	12658	8338	2585	10835	33489		23485	-29.7	
BURNE	8634	1126	18799	23955	4687	27642	16792	928	17729	12548	2117	14666	38482		32388	-16.7	
CALWELL	8378	748	9118	21934	5213	27147	14148	1891	15148	11832	2193	13935	36295		29884	-18.8	
CASEY	18958	858	11896	19918	4865	23883	15844	1199	16813	9484	2175	11639	35689		28452	-26.3	
CHESTERM	8727	1468	18985	19529	8816	26146	13288	1862	14888	9838	2286	11728	36330		26184	-28.1	
CORANGAMITE	13363	853	14216	16232	3281	19513	17628	1774	19482	16968	2191	19889	33829		38501	13.8	
CORO	8889	1231	11891	14646	4488	19852	15873	2288	17353	11388	2199	13489	38143		38952	2.4	
DEAKIN	18182	1162	11344	18419	5558	23889	12944	1488	14438	8744	1986	10738	35313		25168	-28.8	
DUNHLEY	9559	1181	18739	21436	6888	28236	14323	1326	15649	10493	3821	14314	38899		38863	-22.9	
FLINDERS	12499	1584	13914	29534	8885	26538	18888	1787	19715	14788	2882	17718	48453		37425	-7.6	
GELLIBRAND	5347	1537	18894	22184	8313	28477	12738	2885	15484	9445	2557	12882	38381		27486	-36.4	
GIPPSLAND	11726	1325	13851	18479	4882	23881	15372	1782	17184	12888	2485	14815	38179		31679	-12.3	
GOLDSTEIN	8677	1484	11891	19787	7119	26826	14258	1448	15888	9528	2748	12288	37887		27888	-26.2	
HIGGINS	18842	1485	12347	28882	6778	32788	17887	2327	19334	11887	3881	14148	45127		33482	-25.8	
HOLT	8852	834	9486	21477	5381	26858	13888	1278	15158	10818	2758	13374	38344		28532	-21.5	
HOTHAM	9186	1262	18448	28538	7432	28862	12227	1589	13816	8765	2617	11382	38518		25198	-34.6	
INDI	14442	1586	15947	19432	4335	23767	15873	1336	17889	13388	2443	15845	38714		32888	-17.3	
ISAACS	18121	943	11884	22327	8282	28619	13884	1444	15128	11548	3179	14718	38883		28882	-24.8	
JAGA JAGA	18385	1116	11421	18789	5859	24448	12888	1537	14425	8935	2489	11339	35889		25784	-28.2	
KOOYONG	11379	1525	12984	21973	8828	38912	15438	1662	17882	11451	3831	14882	42916		31574	-26.4	
LALOR	8634	1134	18768	28887	5873	25888	13428	1326	14748	10872	1859	11931	35848		28877	-25.6	
LA TROBE	8655	841	18496	19611	4887	24158	14888	989	14888	11158	2839	13248	34894		28217	-18.7	
MCWEN	12585	953	13538	19358	4136	23488	14811	1282	16883	12488	2724	15132	37824		31225	-16.7	
MCNILLAN	13571	1986	15566	28485	4888	24884	14372	1888	16188	12488	2254	14742	48438		38822	-23.5	
MALLEE	14821	2214	18835	22389	3858	26267	15882	1826	17728	13882	3485	16387	43182		34835	-21.0	
MARBYRONG	7542	967	8589	16231	5738	21978	9554	1154	10788	7478	1788	9258	38479		19958	-34.5	
MELBOURNE	12352	1566	13917	34827	11278	45388	22538	3848	26579	17388	3263	20672	68223		46181	-22.1	
MELBOURNE PORTS	12783	1646	14489	27888	9668	37548	20844	3413	23457	16388	3759	20668	51948		43525	-16.2	
MENZIES	8888	758	9386	17282	5355	22637	11383	1962	12545	8238	1787	10823	32883		22588	-29.5	
MURRAY	17781	2831	19732	18229	4373	22682	14215	1791	15916	14387	2489	16747	42334		32863	-22.8	
SCOLLIN	8646	538	9185	17958	4288	21858	12828	836	12864	8712	1889	10581	31843		23445	-24.5	
WARRHON	18148	1138	11278	17599	4854	22553	14424	2133	16557	8462	1955	10487	33829		26884	-26.3	
WILLS	7837	1214	8851	21888	8888	28588	12371	2114	14485	10134	3343	13477	37448		27862	-26.3	
TOTALS	389,356	46,182	445,548	762,827	213,278	976,103	548,465	61,811	610,276	417,546	82,794	510,339	1429551		1117885	-21.4	

No review was undertaken in Corangamite or Corio in 1998 because of Local Government Elections

Data extracted from RMANS Card Activity Statistics

## **10. Submission from Don Campbell, DRO Holt, 29 January 2001**

10.1 I am writing in response to the invitation of the Australian Electoral Officer for Victoria, Dr David Muffet regarding opinions of Victorian Divisional Returning Officers about the submission on the Integrity of the Electoral Roll. May I focus on the possibility of fraud through the Electoral Roll?

10.2 I am not personally aware of the type of fraud for which Senators were searching in public hearings of the JSCEM on 5 December 2000 (Proof Committee Hansard) – the type which deliberately attempts to alter the election results. However, I am more concerned about the type which is a by-product of the wider use of the electoral roll. This wider use includes enrolment to gain secondary identification which is then used for other forms of entitlement – whether for social services (Centrelink) or opening a bank account.

10.3 There are a number of comments which I feel must be made. Firstly, that the DRO version of Continuous Roll Update envisaged using a small team of the best electoral roll review officers to continuously update the roll. The logic was that this was away from the last-minute rush which comes from trying to complete the update just weeks before the electoral event, but which instead results in the task being started but not correctly followed up. This includes missing the compulsory enrolment follow-up, which results in a lower quality product. Our experience is that more people participate in enrolment when aware of the implications of compulsory enrolment proceedings (and democracy is also better served with the consequential fuller participation in elections of course).

10.4 Secondly, Continuous Roll Update - in the form that was adopted in place of the doorknocking variety - has resulted in a 21% drop in projected enrolment. We are now just touching the tip of the iceberg with our current enrolment action. This is the consequence of a number of factors including the predisposition of many members of the public to choose not to respond to mail-outs and compounded by the fact that some of the sources such as Australia Post only provide the first named person for us to follow-up with.

- Centrelink info gives a new perspective – and a mixed bag - -- amongst them there are those Centrelink customers who are ineligible to enrol as they are mentally incapable or are not citizens
- Centrelink does not verify their customer's residential addresses, relying on payments going direct into their bank accounts. Many times the address supplied does not match our list of valid residential addresses.
- Occasionally we reap the benefit of this larger dragnet (Centrelink registration) and are supplied with the name of an eligible person who has escaped our attention for many years eg 45 year old enrolling for the first time.

10.5 Two conclusions to be drawn here is that if Centrelink were to register people who matched our address register, then there would be less fraudulent enrolments at invalid addresses – and if they were to identify their mentally incapable clients, we would be able to cull them from enrolment action. This would increase efficiency.

10.6 One of the concerns which has been expressed about processing information from the new sources and options of mail-outs under CRU is that training has not been a priority, potentially resulting in different methods being used in different States or Divisions. Even the Instructions/Manuals that have now been produced are not fully definitive - this contributes to variations in style and standards.

10.7 This is also evidenced in the variety of options for complementing outside sources of information with methods of doorknocking. One state has followed up on the CRU by targeting those addresses where no response has been received to any of the letters sent to that address (the Review officers soon drop out when they only get to visit “hard-core” addresses due to the negativity they continually face). Another has completed a full update including its address register. Yet another has gone for conventional visiting, but in a sample number of (20) walks. This means the roll is up to date in a sample number of divisions. In a division as diverse as Holt, either the high turn-over (flats) part of the division would be omitted or else the new subdivisions would get ignored, so we don’t know what addresses are valid in the division. (For accuracy all addresses should be confirmed as part of the review cycle.) It also means that almost 80% of the division is not going to be fully reviewed, exacerbating the problem of an inaccurate electoral roll.

10.8 There is another benefit of the AEC conducting doorknocking. We are able to reassure over-enthusiastic party workers that there is no need for them to go door-to-door to check on the Roll, as we can discourage them with the fact that we have done it. Most party workers do not attempt it; they know how much it can confuse the public when confronted with a worker trying to enrol them with reference to an out-of-date copy of the roll. Or the worker who has not been trained in the various options of special category of enrolment available from the AEC.

10.9 It is interesting to consider the range of data sources and how effective each is in obtaining a full range of eligible electors. In another state the Commonwealth does all the data sourcing and mail-outs. But it is only fair to state our frustration that residents of Victoria could reasonably complain as they are bombarded with letters from the Victorian Electoral Commission as well as the AEC. Naturally we coordinate and orchestrate letters to each address which we generate from within the AEC – but we are not able to coordinate letters if we are not even informed of what the VEC is generating.

10.10 I firmly believe that there are benefits from a combination of the CRU ongoing review, which should be extended, together with a complete door-knock review once per election cycle. This comprehensive reviewing should be complemented by enrolment advertising. It is a fact that non-enrolment prosecution is a successful form of advertising, especially when conducted continuously. This action is now needed as more people have woken up to the fact that we presently only prosecute for non-voting. Then they realise that if you are not on the roll, you cannot

be prosecuted for either non-enrolment or non-voting. The consequence is that our participation rate goes down and the don't-care attitude prevails over democracy. We can address this apathy with the methods offered.

10.11 On behalf of the staff of the Division of Holt, who contributed to this letter, we would like to thank you for your invitation to express our concerns on these matters. We hope that action can be taken as a consequence of our opinions and suggestions.

## **11. Submission from Tim Scott, DRO Ryan, 1 February 2001**

### **ENHANCEMENT TO DETECTING FRAUDULENT ENROLMENT – PAST, PRESENT AND FUTURE**

11.1 Currently, the AEC's RMANS roll maintenance computer has 3 files for enrolment records – current, deleted, and archived. We can improve the detection of fraudulent enrolment by non-qualified electors by adding another file to RMANS.

11.2 Each division throughout Australia regularly rejects claims for enrolment on the basis that the applicants is not an Australian citizen, nor a British Subject who was enrolled on a Commonwealth of Australia electoral roll as at 25/1/1984. In a large number of divisions, these rejected enrolment forms would cover many years.

11.3 From time to time, a DRO finds that an applicant has been previously rejected on citizenship grounds, but has attempted to enrol once more. More often than not, it is pure luck that a name is remembered from previous dealings with that person. However, if the applicants ticks the 'Yes' box regarding Australian citizenship, the enrolment form is processed without further checking and the applicants is then entitled to vote at future elections. There is absolutely no crosschecking between divisions and should an applicant move address to another division, the chances are that when the citizenship box is ticked, the applicants would have gained enrolment fraudulently.

11.4 As a first step, each DRO should take each rejected enrolment on citizenship grounds back to current RMANS records, not just for their own state, but for Australia. Any match should then be checked to see if citizenship details have been provided on the relevant enrolment form (and/or recorded in RMANS). Where there is no evidence of citizenship, then the elector needs to be sent an inquiry letter as we currently do to applicants who have their citizenship status queried. Failure to provide evidence of citizenship (in terms of their Citizenship Number, Australian passport number etc) would then need to be "objected" off the roll in accordance with current procedures. For those electors who can provide evidence of their citizenship, but whose citizenship details are not recorded in RMANS, would have their records updated with that information.

11.5 A similar exercise to that envisaged in the paragraph immediately above was undertaken recently (Australia wide) for those electors who were enrolled with a 'special category' of "B" (British Subject qualified electors). Divisions researched the 25 January 1984 rolls to ascertain whether the electors were indeed entitled to be enrolled. Their roll records were then updated with the relevant details of ID number

in 1984 and name (if different). Also uncovered during this exercise were electors who were not entitled to be enrolled as eligible British Subjects and whose names were subsequently objected off the electoral roll on the basis of non-citizenship following the dispatch of enquiry letters querying their citizenship status.

11.6 For those rejected applicants who have not since enrolled, their full details (ie name, date of birth and claimed address at the time of rejection) would be recorded in the new file of RMANS. This would then provide a national record of applicants who would need to provide citizenship details before their application for enrolment could be processed. In practice, it would operate in a similar way to enrolment processing where a match is made on a deleted RMANS record where the deletion has been made via an 'unsound mind' objection or via a 'death' deletion and the operator is directed to refer the matter to their DRO.

11.7 Any privacy concerns can be overcome as at the moment, RMANS has records of non-citizens whose names have been removed from the roll by objection. The additional RMANS file enhances what is currently available on RMANS and with divisional paper records.

11.8 The implementation of the above would greatly enhance the AEC's detection of fraudulent enrolment as well as auditing enrolment records of electors who although once rejected, have subsequently gained Australian citizenship. Additionally, those electors who have fraudulently enrolled by claiming Australian citizenship would have their franchise removed.

11.9 I have discussed this proposal with a number of my colleagues both within Divisions and my Head Office and have found it's thrust to be supported.

## 12. AEC Summary Responses

12.1 The ten DROs who responded to Senator Murray's request for comments on AEC submission No 26 of 17 October 2000, represent around 7% of the total DRO population of 150, and are drawn from the three largest eastern States, NSW, Victoria and Queensland. They are all experienced AEC officers, with an average of 20 years service. However, it should be noted that all ten Divisions involved are metropolitan (inner and outer), and seven of the ten Divisions are smaller than 200 sq kms in area. That is, the comments of these DROs, based as they are mainly on their own local experiences, cannot be taken as statistically representative of the views of the DRO population as a whole.

12.2 Nevertheless, the AEC is not in disagreement with many of the views expressed by this self-selected group of DROs. It is clear that most of these DROs are not averse to the implementation of Continuous Roll Updating (CRU), and indeed, some of them have recommended upgrading CRU procedures and RMANS reporting. The AEC has addressed CRU and RMANS upgrading at part 12.8 of submission No 27 of 17 October 2000 and in part 6 of the submission filed on 9 February 2001.

12.3 It is also clear that many of these DROs would support increased door-knocking in their areas (all of which are metropolitan rather than rural or remote Divisions, where door-knocking is not always a practical option). CRU implementation has taken place with various different emphases in the different States/Territories as explained in paragraph 8.19 of the submission filed on 9 February 2001. However, the CRU program is continuing to improve and in November 2000, senior staff from AEC Central and Head Offices, developed a formal framework for the next stage of CRU implementation. Standardised approaches should be in place by 2001, including targeted door-knocking in all States/Territories.

12.4 Some DROs have suggested that because Electoral Roll Reviews (ERRs), or periodic national door-knocks, result in high personal contact rates at the doorstep between AEC officers and potential enrollees, then ERRs should be preferred to CRU. However, the most effective performance indicator for the AEC in a climate of limited resources must be the number of enrolment transactions rather than the number of personal contacts, and it is clear that CRU excels in delivering high levels of continuous enrolment changes on the Electoral Roll (see part 11 of submission No 26 of 17 October 2000 and part 8 of the submission filed on 9 February 2001).

12.5 Other DROs have not only suggested that full ERRs should be re-introduced but they should be scheduled at particular times during the parliamentary cycle, and for longer periods than in the past. However, it is not always possible to choose the optimum time for an ERR during the parliamentary cycle because the exact timing of federal, State and local elections cannot be predicted. Further, if the ERR period is extended to say six months, then the background level of continuous enrolment changes

becomes a problem. CRU, on the other hand, actively targets the moving population of electors, rather than the larger and relatively more stable portion of the population, thus focusing limited resources for higher enrolment transfer yields.

12.6 DRO Bruce has provided a table of statistics to support his case that CRU yields fewer enrolment changes than ERR. However, the official national statistics available to Central Office are not compatible with his own and consequently his analysis and conclusions are based on erroneous assumptions and should be disregarded.

12.7 All States and Territories undertook CRU activities in 1999 and 2000, but the volume of CRU mailing and fieldwork varied between States for operational reasons. In particular, the 2000 CRU program in Victoria was limited relative to other States, resulting in a lower level of enrolment activity. The problems referred to by DRO Bruce in his submission relate mainly to this transition period. With respect to his analysis of enrolment transactions, as set out in his attachment, the following factors must be taken into account.

12.8 In April to June 1997 the AEC undertook CRU activities nationally, generating an estimated 60,000 enrolments in Victoria. In the period August 1997 to 31 December 1997, 162,000 enrolment forms were processed in Victoria. This latter period roughly covered the 1997 Constitutional Convention Election, an event not listed in the attachment presented by DRO Bruce. That is, 1997 was not a 'No Review' year and the volume of enrolment transactions cannot be used a benchmark against which to measure the effectiveness of CRU in 2000.

12.9 In the year 1998 there was a full ERR and the 1998 federal election. The Victorian State election took place in 1999, not in 1998 as inferred in the attachment presented by DRO Bruce. The actual number of enrolments received from the 1998 Victorian ERR and CRU mail review is estimated at 450,000.

12.10 In the year 1999 electoral events of relevance included the Victorian State election and a number of local government elections, and the federal Referendums on the Republic and the Preamble. CRU activities were undertaken by the AEC and the Victorian Electoral Commission (VEC) and generated an estimated 180,000 enrolments.

12.11 In the year 2000 there were 420,000 enrolment transactions with an estimated 230,000 (or 6,200 per Division) arising directly from the limited CRU activities undertaken in Victoria. In Queensland a much wider range of CRU activities were trialled and implemented in the year 2000 resulting in an estimated 370,000 enrolments (or 13,200 per Division). Nationally, 1.2 million enrolments were received from CRU activities in 2000.

12.12 The AEC estimates that a full year of CRU in 2001, using activities already in production in Queensland and other States, will result in a minimum of 1.4 million enrolments, a similar volume to that collected at the last ERR in 1998. Given the major federal and State electoral events that took place each year from 1996 to 1999, it is not valid to compare Victorian enrolment activity in 2000 to these years and conclude that CRU is not effective.

12.13 The CRU program for 2001 will be standardised so that all Divisions will be undertaking similar activities, with the exception of a new mail review program already underway in South Australia. Targetted fieldwork is planned for all States and Territories commencing in mid-March in addition to existing CRU mailings. It will be supported by appropriate training, materials and procedures. From mid-2001 it is planned that 'back-ground' reviews take place using data-matching with federal and State sourced information. Separate strategies are already in place for the continuous enrolment of young people. The 2001 CRU program contains many of the elements of the 'ideal' system put forward by DROs in their various submissions.

12.14 Although DRO Cook has claimed that federal close of rolls enrolment transactions have increased following the implementation of CRU, the official statistics demonstrate the contrary at the national level (see paragraph 10.6 of the submission filed on 9 February 2001). Further, it must be acknowledged that the level of close of rolls enrolment transactions is affected at every federal, State and local election by a number of variables such as the level of enrolments arising from preceding elections, interest in the election itself, which in turn affects the level of enrolment transactions, together with the amount of advertising that encourages enrolment, both from electoral authorities and political parties and candidates.

12.15 Various other issues are raised by this group of DROs, that have been addressed by the AEC and/or the JSCEM in earlier submissions and past inquiries, such as the following.

- DROs Berowra and Werriwa have suggested the introduction of the early close of rolls. The AEC disagrees (see part 12.2 of AEC submission No 26 of 17 October 2000).
- DROs Hughes, Banks, Werriwa, and Parramatta have suggested the introduction of voter identification. The AEC disagrees (see part 12.3 of submission No 26 of 17 October 2000).
- DROs Berowra and Banks have suggested the introduction of subdivisinal/precinct voting. The AEC disagrees (see part 12.4 of submission No 26 of 17 October 2000).



- DROs Berowra, Banks and Werriwa have suggested the introduction of date-of-birth on the Certified Lists of Voters. The AEC would support this conditionally (see response to QON 2 in part 13 of the submission filed on 9 February 2001).
- DROs Hughes, Banks, Werriwa, and Bruce have criticised the reinstatement of provisional voters. The AEC agrees (see part 8.10 of submission No 88 of 12 March 1999; submission No 159 of 23 March 1999, and recommendations 7, 38 and 39 of the June 2000 JSCEM Report).
- DRO Banks has suggested the introduction of pre-poll ordinary voting. The AEC agrees but the JSCEM has previously disagreed (see part 7.3 of submission No 30 of 29 July 1996; part 8.3 of submission No 88 of 12 March 1999 and the June 1997 and June 2000 JSCEM Reports).
- DROs Hughes, Werriwa, Bennelong and Parramatta have supported enrolment identification. The AEC and the JSCEM have reservations (see part 6 of submission No 26 of 17 October 2000 and part 4 of the submission filed on 9 February 2001; and recommendation 6 and the dissenting reports of the June 2000 JSCEM Report).
- DROs Werriwa, Hughes, Cook, Bennelong, Holt and Bruce have criticised the low level of prosecutions for electoral fraud. The AEC agrees (see part 12.5 of submission No 26 of 17 October 2000 and part 5 and 7 of the submission filed on 9 February 2001).
- DROs Berowra, Hughes, Cook, Werriwa and Ryan have suggested improvements in the enrolment of new citizens. The AEC agrees and this is part of CRU implementation (see part 8 of the submission filed on 9 February 2001).

12.16 Finally, DROs Banks, Hughes and Bennelong have suggested the introduction of voter cards (non-compulsory, to be posted to all electors early in the election period, for presentation at the polling booth, with declaration votes available for no voter card). Voter cards have been trialled at a Victorian State by-election (Coburg) and at a NSW State election, and do have advantages in assisting polling officials to find names on the Certified Lists (at the polling booth and during declaration vote scrutinies), particularly for voters with language or literacy problems. However, voter cards cannot be considered as a serious deterrence to electoral fraud, particularly identity fraud, as discussed generally in part 5 of the submission filed on 9 February 2001, and care would have to be taken to avoid raising unreasonable expectations.

12.17 In summary, the AEC does not disagree that further work needs to be done to bring CRU into full operation, and is moving in this direction with the support of the Electoral Council of Australia (see part 11.1 of submission No 26 of 17 October 2000). Data-matching with government and non-government agencies is improving over time, and other CRU procedures, such as the use of Geographic Information Systems, are being trialled with some success. Targetted door-knocking is an integral part of CRU procedures, and the AEC is moving towards a single national strategy for its application. From 2001, targetted door-knocking will not be differentially applied in the States and Territories unless there are local difficulties or special circumstances. As discussed in part 6 of the submission filed on 9 February 2001, improved funding would allow upgrading of CRU procedures and RMANS reporting.

12.18 The AEC does not agree with a reversion to full Electoral Roll Reviews (ERRs). Such a major policy re-direction would not be supported by the Electoral Council of Australia, and would be contrary to previous recommendations of the JSCEM (see part 11.1 of submission No 26 of 17 October 2000). Further, full-scale ERRs are demonstrably wasteful of scarce resources (see DROs Cook and Parramatta), and there is no evidence that ERRs are any more successful at preventing electoral fraud. Indeed, the evidence appears to be to the contrary, given that the Ehrmann/Foster/Kehoe forgeries in Queensland occurred when ERRs were the norm.

12.19 Although the AEC has not recommended the introduction of voter cards to this JSCEM inquiry, the JSCEM might wish to consider this issue further, on the basis that they could improve the administration of elections by speeding up the issuance of ballot papers at polling booths, and the declaration vote scrutines. However, voter cards must not be represented as the solution to electoral fraud.

### **13. AEC response to submission No 10 – Peter Wilkinson**

13.1 Mr Wilkinson filed this submission with the JSCEM, as a private citizen. Mr Wilkinson is employed by the AEC as an APS Level 2 clerk in the Division of Brisbane. As indicated in the attachments to his submission, Mr Wilkinson has written personal letters directly to selected Members of Parliament, complaining about AEC management decisions and directives, citing “significant problems” and a “troubled history” in staff/management relations. Mr Wilkinson is adamantly opposed to the collocation of Divisional offices, and is supported in this view, to varying degrees, by the three Queensland DROs who provided separate submissions as private citizens to this JSCEM inquiry (see below).

13.2 Mr Wilkinson claims that management/staff relations in the AEC have “degenerated” over the ten years he has been a member of staff and claims that the integrity of the Electoral Roll has suffered as a result. Mr Wilkinson claims that previous organisational initiatives such as “Regionalisation” and “AEC2000”, that were not well received by some Divisional staff and Members of Parliament, as well as periodic agency bargaining disagreements between staff and management, are clear examples of a general and progressive deterioration in management/staff relations over the past decade. However, Mr Wilkinson’s localised perspective on these matters does not necessarily assist in understanding the larger reasons behind these organisational initiatives at the national level, and the overall fiscal constraints that occasionally dictate management imperatives in agency bargaining.

13.3 Mr Wilkinson claims that the collocation of some metropolitan Divisional offices presents a risk to the integrity of the Electoral Roll. Further, in asserting the overriding value of Divisional staff working against electoral fraud in dispersed offices, Mr Wilkinson seeks to privilege the electoral expertise of Divisional staff over the electoral expertise in the rest of the AEC. In doing so, Mr Wilkinson fails to acknowledge the non-Divisional AEC staff in Head Offices and Central Office, who contribute their skills and experience to the coordination and oversight of operational and policy directions, in maintaining the integrity of the Electoral Roll.

13.4 The services provided to electors by Divisional staff are an essential part of the delivery of services nationwide by the AEC, but they do not stand alone and unsupported. In earlier times, it could be argued that DROs managed their Divisions almost as personal fiefdoms, in the absence of any significant level of central direction or coordination. In those circumstances, there was a real risk that electoral services were not being delivered equitably or consistently across the nation.

13.5 Following the establishment of the AEC in 1984, DROs have been increasingly required to standardise and upgrade the delivery of electoral services, subject to the local directions of Australian Electoral Officers (AEOs) in Head Offices, and national policy coordination through Central Office and Management Board. In the past ten to fifteen years, all AEC staff have had to accommodate an almost continual process of change, which has been difficult for some of the older cohort of Divisional staff.

13.6 Those few Divisional staff members, including Mr Wilkinson, who have made submissions to the JSCEM that are critical of the AEC, generally fail to acknowledge that, over the past decade, all government agencies have had to find savings in their operations in a climate of diminishing resources. The AEC is aware that having to continually adapt to new legislative, operational and organisational demands can be difficult for some staff, and these difficulties may be reflected at times in staff/management disagreements over levels of remuneration or operational directives. However, the AEC is unable to accept Mr Wilkinson's view that the electoral system is increasingly failing the electorate, or that the AEC itself is ignoring the concerns of its own staff about operational matters.

13.7 One example of the increased coordination that is required these days between Central Office, Head Offices and Divisional Offices, can be seen in the operations and procedures involved in the close of rolls for an election. Divisional staff receive and process electoral enrolment applications as a matter of course, but in approaching a close of rolls for a federal election, a State/Territory election, or a local government election, the rate at which enrolment applications are received increases, often dramatically. Divisional staff are asked to work extended hours to meet the tight deadlines necessary for the efficient and timely production of Certified Lists of Voters and other roll products.

13.8 However, with the computerisation and networking of roll management, Divisional staff are not responsible for the local extraction and printing of Certified Lists of Voters and other roll products required for an election. This is now undertaken centrally in a more efficient and standardised manner than in the past. For example, the Enrolment Section in Central Office processes and refines the required enrolment information, in consultation with State Head Offices as necessary. The Client Services Unit in Central Office is responsible for the actual production of the relevant roll products, which are then provided directly to the State Head Offices (or the relevant State Electoral Commission Office) for conversion to print and despatch to Divisional (or district) offices for use in polling places.

13.9 Mr Wilkinson claims that the local knowledge of Divisional staff is an essential element in Electoral Roll management and the detection of electoral fraud and that such expertise is necessarily lost in any move to collocation. It is granted that there are some occasions when it is essential that staff physically visit/inspect some sites/buildings/addresses in the Division, particularly as part of targeted door-knocking following a mailout (see part 8

in the submission filed on 9 February 2001), or in preparation for hiring premises as polling places, pre-poll centres and polling official training venues for an electoral event.

13.10 However, the implementation of CRU procedures, such as for example, data-matching with Australia Post, mailouts directed to particular demographic groups, and the development of the RMANS Address Register and the piloting of GIS systems, has alleviated the need for Divisional staff to personally “know” all habitations in their Division. Indeed, it is questionable whether it has ever been really possible for a few Divisional staff to be physically familiar with all parts of their Divisions, particularly when the average elector population in Divisions has now increased to around 82,000 in 50,000 habitations, and some rural and remote Divisions are physically larger than some European countries.

13.11 It is difficult to sustain an argument that the site of a collocated Divisional office, perhaps 10 kilometres outside a Divisional boundary instead of a couple of kilometres inside the Divisional boundary, would make a significant difference to the detection of enrolment fraud by Divisional staff. After all, any physical inspection usually requires a car and a short journey from the Divisional office whether it is located inside or just outside the Divisional boundary. In previous times, it would have been only in exceptional circumstances that a physical inspection would have been practicable on foot from the Divisional office.

13.12 While there are some advantages that accrue in fostering the local knowledge acquired by Divisional staff working exclusively in one small office over a long period of time, there are other serious occupational disadvantages that accrue from small groups of staff working in relative isolation. For example, staff absences may require offices to close to the public to ensure staff safety. With Divisional staff sequestered in 150 separate Divisional offices, the sort of professional cross-fertilisation necessary to continuously improve the standard of service provided by all Divisional offices cannot be effectively pursued.

13.13 Collocated Divisional offices allow the pooling of staff experience and expertise and improves opportunities for professional development. The collocation of some metropolitan Divisions around the nation has also brought clear benefits in client services delivery, improved accommodation and working conditions for AEC staff, and superior technological solutions and economies of scale.

13.14 Mr Wilkinson claims that the collocation of Divisional offices means that some electors now experience real problems in accessing the offices and lodging enrolment applications at the close of rolls. Mr Wilkinson does not provide any evidence to support this claim, and the AEC has no consistent record of complaints along these lines. Further, it is difficult to sustain this kind of argument in some of the larger rural Divisions, where air travel would be the most efficient way to visit the Divisional office, if that were necessary.

13.15 It is not necessarily the case, for example, that locating a Divisional office in one of several small local shopping centres within a Division would be preferable to locating the office in a major shopping complex just outside the boundary of the Division. A major shopping complex will usually have superior vehicle access and parking arrangements, and better public transport facilities, than smaller shopping complexes. Further, electors may pay more regular visits to larger complexes in order to access a larger range of consumer, professional and entertainment services, even though it is outside their Divisional boundary. In any case, the vast majority of electors lodge their enrolment and postal vote applications by mail in the pre-paid envelopes provided, rather than personally visiting a Divisional office.

13.16 Mr Wilkinson's negative perspective on the history of organisational change in the AEC does not represent a fair description of the motivations of the AEC within a national framework. Further, Mr Wilkinson's view that an atomised Divisional office structure and the local knowledge of Divisional staff is essential for the integrity of the Electoral Roll is not borne out by several JSCEM Reports and other external and internal reviews over the past two decades. These various reviews and reports have all recommended regionalisation of the Divisional office structure as a means of delivering substantial savings and efficiencies, as well as improving career structures and working conditions for Divisional staff (**Attachment 2**).

13.17 Regionalisation of the Divisional office structure was effectively blocked by local Members of Parliament (from both sides of politics) who feared losing convenient and localised access to their clients, and to Divisional office services. This negative view of regionalisation (and collocation) is actively fostered by some Divisional staff at the local level, as indicated in the submissions filed as private citizens by Mr Wilkinson and the three Queensland DROs. Submission No 20 from Ms Deanne-Kelly MP and submission No 39 from Dr Amy McGrath indicate that some Divisional staff are obtaining support for their views for the purposes of this JSCEM inquiry.

13.18 It is difficult to avoid the conclusion that some of the older cohort of Divisional staff feel that their local authority will be threatened by any move by the AEC to deliver a more efficient and streamlined organisational structure, with improved professional career structures and working conditions, leading to a better overall service provision to all clients of the AEC. On the other hand, the collocation of some metropolitan Divisional offices in recent years has allowed some valuable progress in these directions.

## 14. AEC response to submissions No 35 and 48 – Mark Lamerton

14.1 Mr Mark Lamerton (DRO McPherson), Mr Graham Smith (DRO Forde) and Mr Bob Patching (DRO Rankin) provided oral evidence on their submissions to the JSCEM on 5 December 2000, and the AEC has provided some comment on these proceedings in part 3 of the submission filed on 9 February 2001.

14.2 The Divisional offices of Mr Lamerton, Mr Smith, Mr Patching (and Mr Wilkinson) are all located in densely-populated south-east Queensland. The constant thread between their submissions is opposition to past moves towards the regionalisation of the Divisional office structure, and opposition to the current policy of collocation of Divisional offices in metropolitan areas. This issue is addressed above in response to Mr Wilkinson's submission No 10.

14.3 In his submission Mr Lamerton provides a "personal perspective" on the integrity of the Electoral Roll through an anecdote about Palm Beach in the 1980's, suggesting electoral fraud, and says that:

Fraudulent enrolment as exposed in Townsville for the purposes of roting preselection processes could conceivably be carried over in attempts to influence closely contested seats in both State and Federal elections.

14.4 The AEC has reviewed the past evidence and reached a contrary conclusion in part 12 of the submission filed on 9 February 2001. A similar claim was made in submission No 11 from the Liberal Party Secretary, Mr Lynton Crosby, and a detailed response has been provided in another submission from the AEC.

14.5 Mr Lamerton reviews his understanding of the extent of multiple voting at federal elections, and says that the "weakness in this area .. is the inability or unwillingness of the Federal Police to make adequate resources available to follow up every case referred to them". On 3 December 2000, *The Sunday Telegraph* reported the following, under the heading "Police ignored electoral fraud":

A senior Australian Electoral Commission worker has accused the Australian Federal Police of deliberately ignoring electoral fraud. AEC divisional returning officer in the Queensland Federal seat of McPherson, Mark Lamerton, said he had referred cases to AFP only to find they had not been followed up. "If there is a weakness in this area, it is the inability or unwillingness of Federal Police to make adequate resources available to follow up every case referred to them," he told a Federal Parliamentary inquiry.

14.6 On 4 December 2000, the AFP was concerned enough to provide an official comment to the AEC on Mr Lamerton's claims (**Attachment 3**).

14.7 Mr Lamerton then mentions three cases of suspected multiple voting from the Division of McPherson after the 1998 federal election that he says were never finalised. The statistics on multiple voting in all Divisions are reported to the JSCEM after every federal election (see submission No 239 of 15 October 1999). The three cases to which Mr Lamerton refers were finalised in 1999, but the AFP reported that they were unable to obtain enough evidence to support prosecutions. The AEC has commented on penalty levels and AFP investigations in part 12.5 of submission No 26 of 17 October 2000 and in part 7 of the submission filed on 9 February 2001.

14.8 Mr Lamerton makes the following recommendations which are briefly responded to in turn.

*The applicant to be known to the enrolled witness and the length of the association to be stated. If the applicant cannot provide a known witness they must provide ID to the AEC or other approved agencies.*

14.9 The AEC has commented on the enrolment witness identification provisions in the *Electoral and Referendum Amendment Act 1999* in part 6 of submission No 26 of 17 October 2000 and part 4 of the submission filed on 9 February 2001.

*Increase penalties aimed at both the elector and the witness for enrolment fraud from \$1000 to \$5000 with a mandatory jail sentence of 6 months. Such penalties to be prominently displayed on the enrolment card.*

14.10 The AEC has commented on penalty levels in part 12.5 of submission No 26 of 17 October 2000 and in part 7 of the submission filed on 9 February 2001. The level of any increase in penalty levels for electoral fraud offences will be determined on the advice of the Criminal Law Branch of the Attorney-General's Department.

*Full Door Knock Reviews to be re-introduced once every election cycle in conjunction with ongoing CRU strategies.*

14.11 The AEC has commented on CRU and ERRs in part 11.1 of submission No 26 of 17 October 2000, in part 8 of the submission filed on 9 February 2001, and in part 12 above.

*A formalised agreement with CentreLink to facilitate the exchange of information enhancing both agency's capacity to identify and investigate fraud. The AEC Address Register to be incorporated into CentreLink's address database.*

14.12 The AEC has commented on the formalised data-matching agreement with Centrelink in paragraph 11.2.5 of submission No 26 of 17 October 2000. Incorporation of the Address Register is already underway.



*The Multiple Surname Report from the CRU to be produced quarterly and in the week after roll closure, for the DRO to instigate fieldwork and report on suspicious last minute enrolments. Printing of the Certified Lists not to be delayed.*

14.13 The Multiple Surname Report is presently produced on a six-monthly cycle, but will be increased to a three-monthly cycle shortly. However, Mr Lamerton's proposal for the production of reports and fieldwork investigations during the election period is highly impractical and is opposed by the AEC. In relation to Mr Lamerton's assertion that "successive monstrous roll closures is proof positive...", see contrary evidence in paragraph 10.6 of the submission filed on 9 February 2001.

*In line with new procedures to be implemented in polling booths, Certified Lists to include Date of Birth (DOB).*

14.14 The AEC has commented on this proposal in response to QON 2 in part 13 of the submission filed on 9 February 2001.

*All voters expected to provide an acceptable form of ID as a pre-requisite to voting with minimal exceptions. Table loadings to be reduced for both Ordinary & Declaration Issuing Officers to allow more time for the issuing officer to spend with the voter.*

14.15 The AEC has commented on voter identification in part 12.3 of submission No 26 of 17 October 2000.

*Allow electors over the age of 70 years, who no longer wish to be involved in the electoral process, to have their names removed from the electoral roll ("which will remove the opportunity to impersonate these elderly people when voting").*

14.16 The AEC does not support the removal of the franchise from a select group of electors within a system of compulsory voting (and see paras 3.68 to 3.75 of the May 1989 JSCEM Report).

*Review Schedule 3 & Sections 99 & 105 of the Commonwealth Electoral Act and amend those provisions that concern objection and reinstatement action by removing reference to the 'subdivision' and replace with the 'enrolled address.' (ie if the elector has left the enrolled address more than 3 months prior to polling day, he/she forfeits their right to vote until they re-enrol). NB Issue of a vote to be conditional on the elector completing an enrolment card for the new address and providing proof of ID.*

14.17 The AEC has commented on address-based enrolment and the enrolment reinstatement of provisional voters in part 8.10 of submission No 88 of 12 March 1999 and submission No 159 of 23 March 1999. Mr Lamerton appears to be unaware of recommendations 7, 38 and 39 of the June 2000 JSCEM Report.

*Repeal section 11A of the Electoral Act which allows enrolment forms to be faxed to AEC offices.*

14.18 The *Electronic Transactions Act 1999* will require all government agencies to receive all forms by electronic transmission.

*Introduce a civics curriculum into senior high schools.*

14.19 The federal Government, through its Discovering Democracy initiative, has developed a broad range of national Civics and Citizenship curriculum for primary and mid-secondary levels. This curriculum is complete, has been distributed to States/Territory school systems, and is being gradually introduced in appropriate subjects and areas. The curriculum will be extended to upper secondary during the next year or so. In addition, State/Territory school systems have been funded for and have conducted teacher professional development on the new curriculum. Finally, the AEC conducts about 30 "Your Vote Counts" workshops and sessions for both trained and trainee teachers nationally each year. Participants are provided with a comprehensive electoral education resource folder.

## **15. AEC response to submission No 36 – Graham Smith**

15.1 Mr Graham Smith (DRO Forde), Mr Mark Lamerton (DRO McPherson), and Mr Bob Patching (DRO Rankin) provided oral evidence on their private submissions to the JSCEM on 5 December 2000, and the AEC has provided some comment on these proceedings in part 3 of the submission filed on 9 February 2001. Mr Smith also provided submission No 177, as a private citizen, to the previous JSCEM inquiry, to which the AEC responded in part 14 of submission No 23 July 1999.

15.2 The Divisional offices of Mr Smith, Mr Lamerton, Mr Patching (and Mr Wilkinson) are all located in densely-populated south-east Queensland. The constant thread between their submissions is opposition to past moves towards the regionalisation of the Divisional office structure, and opposition to the current policy of collocation of Divisional offices in metropolitan areas. This issue is addressed above in response to Mr Wilkinson's submission No 10.

15.3 On pages 7 and 22, Mr Smith provides the essential rationale for his submission:

In view of the recent happenings in Townsville involving the prosecution of Ms Karen Ehrmann and the revelations surfacing at the "Shepherdson Inquiry into Electoral Fraud" perhaps that implied trust upon which the current legislation is based is, in fact, misplaced and the whole enrolment system needs to be substantially overhauled.

The Shepherdson inquiry has heard evidence that fraudulent enrolment practices were not only used to gain an advantage in preselection contests but also to vote at the Mundingburra by-election in Townsville. These practices could be isolated, or, then again, could just represent the tip of the iceberg.

15.4 The AEC has reviewed the evidence in part 12 of the submission filed on 9 February 2001. A similar claim was made in submission No 11 from the Liberal Party Secretary, Mr Lynton Crosby, and a detailed response has been provided in another submission from the AEC.

15.5 Mr Smith makes the following recommendations (condensed) which are briefly responded to in turn.

*Require Identification for each and every Enrolment Transaction from now onwards.*

15.6 The AEC has commented on the enrolment witness identification provisions of the *Electoral and Referendum Amendment Act 1999* in part 6 of submission No 26 of 17 October 2000 and in part 4 of the submission filed on 9 February 2001.

*All Citizenship details should be verified by the Australian Electoral Commission (AEC) with the Department of Immigration and Multicultural Affairs (DIMA) before an Enrolment Form is accepted and processed*

15.7 The AEC has commented on data-matching with DIMA in part 8 of the submission filed on 9 February 2001.

*I recommend that Section 114 of the Commonwealth Electoral (CE) Act 1918 be amended to delete the reference to “is not entitled to be enrolled for that Subdivision” and replace it with the words “is not entitled to be enrolled for their current enrolled address”.....*

15.8 Mr Smith's recommendations relating to the objection process, the declaration scrutiny, the enrolment reinstatement of provisional voters, and the “3-month rule”, were included in his submission No 177 to the 1998 JSCEM inquiry, to which the AEC responded in part 14 of submission No 210 of 23 July 1999, reproduced at **Attachment 4**. The outcome was recommendations 7, 38 and 39 of the June 2000 JSCEM Report.

*I recommend that the Commonwealth Electoral Act 1918 be amended to require ... a full Door Knock - Electoral Roll Review ....I also recommend that the CRU process be retained as a strategy to complement rather than replace the full Door Knock process. The CRU process also needs to be supported by the introduction of a Geographic Information System (GIS) in AEC Offices.*

15.9 The AEC has commented on CRU versus ERR in part 8 of the submission filed on 9 February 2001 and in part 12 above, and on GIS in part 11.6 of submission No 26 of 17 October 2000.

*I also recommend that the AEC's RMANS Address Register be fully verified and validated by employing Electoral Roll Review Officers (ERROs) to physically visit and check each Urban Address and those Rural Addresses which are accessible as a function of performing a Full Door Knock.*

15.10 Address Register Validation is already a CRU strategy, piloted in Tasmania. Its full value, compared to alternative strategies, will be assessed on completion of the exercise. The strategy for refreshing the Address Register also relies on vigorous follow-up of mailout responses and targeted door-knocking. Additionally, GIS is an available if not universally and immediately affordable system for updating the Address Register.

*I recommend that the Divisional Office field structure of the Australian Electoral Commission (AEC) should not be radically altered, rationalised or regionalised as such a move would directly impact on the ability of the Divisional Office Staff to maintain the integrity of the Electoral Roll and detect electoral fraud.....*

15.11 See response above to Mr Wilkinson's submission on the same theme.

*I recommend that the Commonwealth Electoral Act 1918 be amended to allow public access to the Electoral Roll via the Internet and that the information available on the Internet should be "as up-to-date as possible" and not potentially 6 months "out of date". The microfiche version of the roll provided in AEC offices should be replaced by an "On-line" computer search facility accessing "current" enrolment details. A limit on the number of searches per person should be introduced. For those who do a large number of searches - particularly for commercial purposes - then a search fee per enrolment search should be introduced.*

15.12 The AEC has addressed Internet and microfiche access to the Roll in part 4.7 of submission No 88 of 12 March 1999, part 2 of submission No 257 of 3 May 2000, and the JSCEM has responded in recommendation 11 of the June 2000 JSCEM Report.

*I recommend that the Commonwealth Electoral Act 1918 be amended to allow a DRO to impose a \$20 Penalty for non-enrolment on those electors who fail to enrol after being notified of their compulsory enrolment obligations.*

15.13 This proposal has the potential to become a seriously draconian imposition on citizens by over-zealous DROs. How does a responsible DRO prove to his own satisfaction that a person should be enrolled at a particular address, before applying an on-the-spot fine? Further, Mr Smith's proposal does not address possible constitutional problems.

*I recommend that the Commonwealth Electoral Act 1918 be amended to require ... Voter Identification*

15.14 The AEC has commented on voter identification at part 12.3 of submission No 26 of 17 October 2000.

*I believe that the level of Civics Education in Australia should be significantly increased...*

15.15 The federal Government, through its Discovering Democracy initiative, has developed a broad range of national Civics and Citizenship curriculum for primary and mid-secondary levels. This curriculum is complete, has been distributed to States/Territory school systems, and is being gradually introduced in appropriate subjects and areas. The curriculum will be extended to upper secondary during the next year or so. In addition, State/Territory school systems have been funded for and have conducted teacher professional development on the new curriculum. Finally, the AEC conducts about 30 "Your Vote Counts" workshops and sessions for both trained and trainee teachers nationally each year. Participants are provided with a comprehensive electoral education resource folder.

## **16. AEC response to submission No 47 – Bob Patching**

16.1 Mr Bob Patching (DRO Rankin), Mr Graham Smith (DRO Forde), and Mr Mark Lamerton (DRO McPherson), and provided oral evidence on their private submissions to the JSCEM on 5 December 2000, and the AEC has provided some comment on these proceedings in part 3 of the submission filed on 9 February 2001. Mr Patching also provided submission No 88, as a private citizen, to the previous JSCEM inquiry, to which the AEC responded in submission No 100 of 24 October 1996.

16.2 The Divisional offices of Mr Patching, Mr Smith, Mr Lamerton, (and Mr Wilkinson) are all located in densely-populated south-east Queensland. The constant thread between their submissions is opposition to past moves towards the regionalisation of the Divisional office structure, and opposition to the current policy of collocation of Divisional offices in metropolitan areas. This issue is addressed above in response to Mr Wilkinson's submission No 10.

16.3 In his covering letter, Mr Patching provides the essential rationale for his submission:

Recent revelations have made it no longer acceptable to view the electoral system as one that needs to be "user friendly". These revelations have now made it essential for the system to be accountable.

16.4 The AEC has reviewed the evidence and come to a different view about the recent revelations in part 12 of the submission filed on 9 February 2001, and does not accept Mr Patching's claim that the electoral system is not "accountable" (a view that is echoed in the submissions of Dr Amy McGrath to this JSCEM inquiry).

16.5 In his submission, Mr Patching makes allegations concerning management conduct during a 1986 industrial election, which have been vigorously contested (internally) by the present AEO for Victoria, who was the AEO for Queensland at the time. The AEC does not propose to revisit this matter unless requested to do so formally by the JSCEM.

16.6 Mr Patching also raises again his conduct in the late 1980's in relation to the checking of citizenship details of selected enrolment applicants. Again, the AEC does not propose to revisit this matter unless formally requested to do so by the JSCEM. Mr Patching has added nothing in this submission that would change the view of the AEC as expressed in submission No 100 of 24 October 1996. The AEC has reported on CRU developments with DIMA in part 8 of the submission filed on 9 February 2001.

16.7 Mr Patching's recommendations for changes to the electoral system are very similar to those presented by Mr Lamerton and Mr Smith, which have already been responded to above.

## **17. Media release by Dr Amy McGrath**

17.1 On 7 February 2001 the AEC received copy of a Media Release issued by Dr Amy McGrath of the H S Chapman Society, entitled "Australian Electoral Commission Panics and Censors its Own Management Staff" (**Attachment 5**). The Media Release attaches what purports to be copy of an internal AEC Minute from the acting Deputy Electoral Commissioner to all Australian Electoral Officers; it is in fact a re-typed copy of the Minute with errors of transcription that are highlighted in the attachment to this submission.

17.2 The internal AEC Minute would have presumably been provided to Dr Amy McGrath by an AEC staff member. In her Media Release, Dr McGrath quotes from the submissions of two AEC staff she claims are NSW Area Managers, and raises the alarm about the AEC "censoring" their submissions. In fact, the staff quoted are not Area Managers: one is the DRO Banks, whose submission is reproduced in full in this submission, and the other is an Assistant Director in NSW Head Office.

17.3 This suggests that Dr McGrath was not provided with the internal AEC Minute and the relevant submissions by staff in NSW (who would not have made this elementary error), but probably by an intermediary in another State. The AEC has been unable to discover who the staff member is, and does not intend to pursue any further investigations into this matter. It would appear that Dr McGrath's Media Release produced no discernable reaction from the media, perhaps due to its exaggerated tone and the errors of fact.

17.4 The negative slant that Dr McGrath has placed on the advice from the acting Deputy Electoral Commissioner to all AEOs is unjustified. It was apparent to the AEC from the transcript of the 15 November public hearings that Senator Murray's invitation was not intended to cover all AEC staff, but DROs only. It became necessary to remind AEOs of this, so as to avoid raising unreasonable expectations, after two "non-DRO" staff from NSW had offered submissions for inclusion in the AEC submission.

17.5 These two "non-DRO" staff are, of course, at liberty to file their submissions directly with the JSCEM, as four Queensland Divisional staff have already done. Alternatively, if the JSCEM considers it appropriate, then the AEC can extend Senator Murray's invitation to cover all AEC staff in Head Offices and Central Office.

17.6 The AEC remains concerned about the activities of Dr Amy McGrath during these JSCEM proceedings, as already discussed in part 10 of the AEC submission filed on 9 February 2001.

## **ATTACHMENTS**



***AEC Internal Minute to all Australian Electoral Officers from Paul Dacey, acting Electoral Commissioner, 5 January 2001***

At the JSCEM public hearing on 15 November 2000, Senator Andrew Murray of the Australian Democrats asked whether all 148 Divisional Returning Officers had been asked for their personal views on the terms of the JSCEM inquiry into the Integrity of the Electoral Roll, before the AEC filed its submission No 26 of 17 October 2000 (see JSCEM Hansard transcript of 15 November 2000 on the Australian Parliament House website, at pages EM75 to EM79).

2. As you would be aware, following every federal election and in the context of an expected JSCEM inquiry, DROs are invited (usually through post-election operations conferences) to raise any suggestions for possible changes to operational procedures and as a consequence, to the Electoral Act. Such suggestions from DROs are checked by the AEOs to ensure that they would not conflict with other local operational procedures; are compatible with the overall framework of the legislation; and might be suitable for possible national implementation within the current agency environment.

3. Each AEO then provides Central Office with a single and authoritative set of recommendations which contribute towards the drafting of the major AEC submission to the JSCEM on the conduct of that federal election. Central Office then subjects those recommendations to further checking as necessary, particularly in relation to the legislative framework (which may involve seeking legal advice) and the current agency environment at the national level.

4. The final draft of the major AEC submission on the conduct of that federal election is then relayed back for final approval to all AEOs, and all other members of AEC Management Board, before being considered and approved by the Electoral Commissioner for filing with the JSCEM.

5. This detailed process of consultation and double-checking can take up to six months immediately following the federal election in question (polling day for the 1998 federal election was 3 October 1998 and the major AEC submission was filed on 12 March 1999), but ensures that all AEC recommendations that ultimately go forward to the JSCEM have the approval of the organisation as a whole. AEC supplementary submissions to the JSCEM, which can be filed over a period of a year, often require specialised input from particular AEOs, who may or may not consult with DROs in their State/Territory as necessary.

6. The current JSCEM inquiry was announced on 9 September 2000, with a deadline for submissions of 15 October 2000. This allowed barely one month for the AEC to draft and finalise a major submission to the inquiry. As drafting of the submission commenced, the focus was on analysing the events surrounding the forgery convictions in Queensland that led to the calling of the inquiry by the Special Minister of State, and his related concerns about delays in the passage of regulations for the *Electoral and Referendum Amendment Act 1999*, and the amassing of detailed information on incidents of possible fraudulent enrolment over the past decade, which required extensive file searches across the nation.

7. Because this special JSCEM inquiry focussed on the events in Queensland, and particular incidents of enrolment fraud nationally, there was never any consideration given at that time to specially seeking input from all DROs across the nation, through

the usual extensive and time-consuming consultation process involved in the preparation of submissions for JSCEM inquiries into the conduct of federal elections. However, Central Office did seek detailed information through the AEO for Queensland, from the DRO for Herbert, in relation to the fate of the forged Ehrmann/Kehoe/Foster enrolments in that particular Division. Further, all AEOs and State/Territory Head Offices were involved in the research and analysis required to identify incidents of possible enrolment fraud over the past decade, which required detailed input from relevant DROs.

8. On 3 October 2000, at a private briefing between the AEC and the JSCEM, the AEC was asked to include in the submission an overview of continuous roll updating (CRU) so as to inform JSCEM members about how it is being implemented. This was not read at that time as a general request to seek the views of all DROs on the subject of CRU, for inclusion in the AEC submission then in preparation.

9. You will recall that the final draft of the submission was provided to all AEOs for comment in the week of the October Management Board meeting in Adelaide, the same week as the submission was due for filing with the JSCEM. As it eventuated, the AEC was late in finalising the submission for filing, on 17 October 2000.

10. The request that Senator Murray has made, on page EM79 of the transcript of 15 November 2000, is as follows:

Could I please request, through the chair, that the AEC ask, by whatever method you want, all DROs to have a look at that submission and see if they have anything further to add or any additional information which could be used by you in your supplementary submission. I ask you to do that bearing in mind your independence, because I was interested by both the quality and thoughtfulness contained in the two DROs submissions that I saw. It may well be that they could amplify or make additional information available.

11. Senator Murray is referring to the submissions filed with the JSCEM by Mr Peter Wilkinson, Divisional Clerk Lilley (submission No 10); Mr Mark Lamerton, DRO McPherson (submissions No 35 and 48); Mr Graham Smith, DRO Forde (submission No 36); and Mr Bob Patching, DRO Rankin (submission No 47).

12. These AEC staff in Queensland filed their submissions with the JSCEM as private citizens, without the knowledge of the AEC, and are all critical in one way or another of AEC management and operations. In particular, the three Queensland DROs cast doubt on the effectiveness of CRU from their own Divisional perspective and recommend the re-instatement of full-scale door-knocking. Mr Lamerton, Mr Smith and Mr Patching appeared before the JSCEM at a public hearing on 5 December 2000, and the Hansard transcript of their evidence is available on the Australian Parliament House website.

13. It might be of related interest that three other Queensland Divisional staff, Mr Steve Brown, DRO Herbert, Ms Bronwyn Madden, DRO Hinkler, and Mr Greg Shields, Divisional Clerk for Fisher, previously gave evidence to the JSCEM at the public hearing of 15 November 2000, and were generally supportive of CRU.

14. You would be aware, as Senator Murray clearly is, that the JSCEM cannot direct the AEC in the performance of its functions. However, the AEC wishes to cooperate with the JSCEM in this inquiry, as in any other, and accordingly, it would be appreciated if you would consider Senator Murray's request and comply in whatever way you think appropriate in your State/Territory.

15. We have delayed forwarding Senator Murray's request of 15 November 2000 to you for action, so as to allow the Queensland DROs who made submissions as private citizens an opportunity to be heard by the JSCEM on 5 December, and so as to allow for the Christmas break. Given that you might approach this request in different ways, depending on your local circumstances, it is unlikely that you will be in a position to respond by the time the AEC is ready to file the supplementary submission currently in preparation, responding to all other submissions and questions on notice, and due to be filed at the end of January. However, you could keep in mind that indications are that the JSCEM might be finalising submissions around March.

16. AEC submission No 26 of 17 October 2000 is available on the AEC website (and is sent again by email with this letter); the written submissions of the Queensland staff have been provided to you in hard copy as part of the package of all other submissions; and the JSCEM Hansard transcripts of 15 November, 5 December and 14 December 2000 are available on the Australian Parliament House website (and have also been sent to you recently by email).

17. Please contact me if you have any questions about how you might comply with Senator Murray's request, and contact Ms Angie O'Neil by email if you have any difficulties in accessing the necessary materials for transmission to all DROs.

### ***Regionalisation and Collocation of Divisional Offices***

In 1974, the Australian Electoral Office (the predecessor of the AEC) commissioned W D Scott and Co to conduct an organisational review of the "Structure, Systems and Facilities of the Australian Electoral Office". The Scott report proposed the establishment of Regional Offices in the AEC, restricted initially to the metropolitan areas. These offices would not be simply a grouping together of separate Divisional offices, but a joint office where four or five DROs would be under the control of a Regional Manager, with an appropriate level of support staff to service all the operational requirements of the joint office.

In 1985, the Human Resources Management (HRM) Section in AEC Central Office conducted a review of Divisional offices. While the main findings related to staffing levels in Divisional offices, the review also reiterated the findings of the Scott Report, noting that the Divisional office structure did not facilitate staff mobility or a professional career structure. The 1985 HRM review concluded that the "concept of Regional Offices had much to recommend it".

In 1986, the then Prime Minister announced the establishment of an Efficiency Scrutiny Unit reporting directly to the Prime Minister and through him to the Expenditure Review Committee of Cabinet. The AEC was included in the second round of efficiency scrutinies and in December 1987, the AEC submitted an updated version of the 1985 HRM review as the "The Efficiency Scrutiny into Regionalisation". This report also recommended regionalisation of Divisional offices in metropolitan areas (with only minimal regionalisation in country areas).

The October 1988 JSCEM Report entitled "Is this where I pay the electricity bill?", reviewed the recommendations arising from the AEC efficiency scrutiny. The JSCEM concluded that:

- regionalisation of the Divisional offices should not proceed in rural areas because of the effect it would have on service to electors and the tasks of roll maintenance and election management;
- transport and communications infrastructures, which have developed in metropolitan areas, and the proximity of metropolitan Divisional offices to each other, make metropolitan areas suitable for regionalisation;
- regionalisation in metropolitan areas provides opportunities for improved management efficiency without adversely affecting service to electors and the tasks of roll maintenance and election management.

The October 1988 JSCEM Report recommended that:

the Australian Electoral Commission seek to maximise the structural change and job redesign it can achieve through the Integrated Office Structure in combination with modern information technology (*recommendation 3*).

The 1 June 1989 Government Response to this JSCEM recommendation was that the AEC, in consultation with the relevant staff associations, should work to realise the benefits and efficiencies identified in the Second Tier Wage Agreement as a consequence of implementing the Integrated Office Structure.

The September 1992 JSCEM Report, entitled "The Conduct of Elections: New Boundaries for Cooperation", revisited Divisional office structures and concluded as follows:

The Committee, in acknowledging the substantial infrastructure costs associated with the dispersed nature of the Divisional network, considers that regionalisation/collocation in metropolitan and major provincial centres should proceed and recommends accordingly (*recommendation 1*)

The Committee further recommends that decisions relating to the number of Divisions to be regionalised/collocated should not be limited to three as contemplated by the 1990 AEC study, but be considered in the light of costs, and of benefits and convenience to electors (*recommendation 2*).

The 19 June 1995 Government Response was as follows:

Not supported. The Government considers that there should be no change from the existing office network without first establishing that electoral services for the community and the Parliament can be fully maintained under an alternate structure. Accordingly, the Minister for Administrative Services will further consider options for the AEC structure and in particular a trial of an alternative in a suitable location.

During the JSCEM inquiry into the conduct of the 1993 federal election, the AEC submitted that the efficiency dividend had bitten so far into Central and Head Office structures that the AEC was at the point where restructuring was imperative without improved funding. Without improved funding or an organisational restructure, the result would have to be a reduction in staffing for Divisional offices. The November 1994 JSCEM Report recommended that:

when available, the Minister for Administrative Services refer the AEC's proposals for a revised structure to the Committee for Inquiry and report (*recommendation 65*).

The 21 September 1995 Government Response was as follows:

Not supported. The Government acknowledges the interest of the Committee in the possible effect of restructuring on the efficiency of electoral services, and notes that the Committee has been supportive in the past of some change to the current field structure. While the Government would expect the AEC to consult widely with all interested parties before taking decisions on major structural change, it does not consider that proposals for such change should be referred to the Committee for inquiry and report. Subsequent inquiries into operational aspects of the AEC's performance will afford the Committee the opportunity to assess the effectiveness of any structural change, which in accordance with Government policy, would be implemented through the mechanism of workplace bargaining.

In submission No 90 of 20 September 1996 to the JSCEM the AEC summarised the administrative problems being experienced at the national level, as local Members of Parliament and some AEC Divisional staff decline to support repeated JSCEM recommendations for restructuring, in the context of the continuing financial constraints.

3.8.1 *Subject: AEC organisational structure:* Whilst it is the AEC's view that the 1996 federal election was adequately administered by the AEC as presently structured, it needs to be understood that there is very serious concern within the AEC that its organisational structure will not meet the expectations of relevant stakeholders and the Australian community at large, when it comes to the conduct of federal elections for the remainder of this century and into the next.

3.8.2 Over the past 20 years a series of reports have analysed and commented upon the organisational structure of the AEC, particularly that of the Divisional offices located in, or close by, each of the 148 federal Divisions across Australia. Many of those reports made recommendations directed at rationalising the Divisional level of the AEC with a view to achieving economic and administrative efficiencies. These recommendations, some of which were made by the predecessors of this JSCEM, have not been implemented.

3.8.3 The closest the AEC has come to rationalising its Divisional structure is by way of establishing a number of colocated offices in New South Wales, Queensland, Tasmania, South Australia and the Australian Capital Territory. Collocation provides for the grouping under the one roof of two or more Divisional offices but retaining the same staff structure within each of them. Collocation also means that one or more of the offices is located outside the boundaries of the relevant electoral Division. Such collocations have already demonstrated that not only can services continue to be adequately provided to clients and stakeholders, both during and between federal events, but they also provide improved working conditions for staff and provide efficiencies in such things as property operating expenses and telecommunications costs. Collocation, however, needs to be distinguished from regionalisation, which goes beyond the collocation of offices and would involve a reorganisation of responsibilities and resources of the AEC.

3.8.4 The AEC holds the very firm view that without further rationalisation of its structures, including the Divisional structure, its capacity to provide a quality service to its clients, stakeholders and the Australian community, will be progressively and rapidly diminished. For example, without a significant upgrade of office automation equipment, which is now 10 years old and operating well beyond its acknowledged use-by date, the AEC faces the real prospect of its information technology failing to meet the demands of the next federal election.

3.8.5 Current funding levels only permit the permanent employment of two people within 65 of the 148 Divisional offices around Australia. Staffing levels of this kind do not create viable administrative units and would not be found in, or accepted by, any other agency within the Australian Public Service (APS). In addition, the organisational structure at the Divisional level has directly contributed to an escalation in staff stress and complaints in relation to Occupational Health and Safety, the lack of career development, the lack of gender equity within the AEC, and a reduction of service to the community. These issues can no longer be set aside if the AEC is to avoid seriously jeopardising the ongoing operation and capacity of the AEC to fulfil its statutory functions.

3.8.6 In light of the above comments, the question can be legitimately asked as to why AEC management has not taken the necessary action, before now, to reconfigure its resources and rationalise its structures, as other APS

agencies have, to meet the demands of the changing environment in which it must now operate. The answer in large measure lies with the legislation. Unlike other statutory bodies and departments, the AEC must meet certain statutory requirements which have acted to limit the AEC's capacity to alter its Divisional structure. Sections 32 and 38 of the CEA state:

32(1). There shall be a Divisional Returning Officer for each Division, who shall be charged with the duty of giving effect to this Act within or for the Division subject to the directions of the Electoral Commissioner and the Australian Electoral Officer for the State or, if the Division is, or is part of, the Australian Capital Territory, the directions of the Electoral Commissioner.

38. The office of a Divisional Returning Officer shall, unless the Commission otherwise directs, be located within the Division.

3.8.7 Whilst neither of these sections alone, or in combination, prevents Divisional offices from being located outside a Division, it is asserted by some that the spirit of the legislation would ordinarily require a Divisional office in each electorate and only in extraordinary circumstances should the AEC exercise its discretion to permit the location of a Divisional office outside the boundaries of the relevant Division.

3.8.8 It is also the case, that on those occasions when the Divisional structure has been subject to change, either by way of collocation or proposed regionalisation, the response from many local Members has been swift, loud and negative. Local Members have justified their opposition to such moves on the grounds of an anticipated reduction in service to the electorate or possible administrative difficulties at the time of the election. Perhaps just as importantly, however, but less often stated, is the perception that the removal of a Divisional office from an electorate will, in one way or another, jeopardise the prospects of the relevant local Member at the next federal election. In recent times, certain local Members, whilst indicating their recognition of the benefits of collocation, nevertheless have pledged to oppose any such moves unless the offices concerned were to be physically collocated in their own electorates.

3.8.9 It must also be said that staff unions have voiced opposition to collocation/regionalisation in the past, based on concerns that some AEC employees had regarding staffing levels and other disturbances to their individual situations. However, there is now wide support within the AEC for organisational change and acknowledgment of the benefits which would accrue to employees.

3.8.10 As to the reduction of services to the electorate, the successful collocation of a number of offices around Australia have already demonstrated that services can be maintained to the satisfaction of the community and other stakeholders both during and between elections.

3.8.11 The AEC is now at a point where it must move to initiate a reconfiguration of all its resources so that it may not only operate within its annual appropriation, which is subject to a continuing efficiency dividend and other reductions, but also to generate savings sufficient to finance the upgrade of its information technology capabilities. Unless this is done, the AEC will not be able to continue to meet the high expectations of the

Parliament and the Australian people in respect of its conduct of elections and the provision of other services. Nor will it be able to meet the legislative requirements in respect of its employees and the maintenance of appropriate working conditions applicable within the APS.

3.8.12 The concerns of the AEC have now been considered by the present Government, which has directed that a submission be prepared canvassing strategies to regionalise AEC service delivery. The submission will be considered by the Government in the context of the 1997/98 Budget.

On 19 April 1996, the then Minister for Administrative Services asked the AEC to prepare a submission for the 1997/98 Budget, which would canvass strategies to regionalise AEC service delivery. The review conducted by the AEC was called "AEC 2000". The AEC advised staff that it had not been asked develop one new (regional) structure, but to develop a number of options to be submitted to Government. The budget submission was delivered to the Minister for Administrative Services on 13 December 1996. On 7 May 1997, the Prime Minister advised the then Minister for Finance that the proposal for regionalisation should not proceed at that stage.

In the meantime, in June 1996, the National Commission of Audit reported to the Government that collocation of Divisional offices would achieve accommodation and staff savings as well as economies in the provision of computer facilities and other office equipment.

The June 1997 JSCEM Report made the following recommendations, which were responded to by the Government on 8 April 1998, as follows:

JSCEM recommendation 65: that when available, any government proposal for reorganisation of the AEC divisional office structure be referred to this Committee for inquiry and report.

*Government Response: Supported. The Government notes the recommendation in the Democrat minority report that the ANAO, which has initiated a performance audit of the AEC, examine practical ways in which federal and State electoral commissions could consider joint efficiencies to the benefit of both...*

JSCEM recommendation 66: that if regionalisation does not proceed, funding for AEC divisional offices be increased to a level sufficient to maintain a permanent staff of three in each office.

*Government Response: Noted. The AEC has sought additional funding in the context of the 1998-99 budget to allow Divisional Office staffing levels to be increased to three.*

JSCEM recommendation 67: that if regionalisation does not proceed, the government provide special project funding as a matter of urgency to enable replacement of the information technology used in AEC divisional offices.

*Government Response: Noted. The AEC has incorporated the replacement of information technology into its outsourcing initiative.*



***Extract from AEC submission No 210 of 23 July 1999***

14.2 The JSCEM should be aware at the outset that Mr Smith's personal recommendations for amendments to the Electoral Act were made without the benefit of the usual legal and strategic evaluations by AEC Management Board, and apparently without any reference to the recommendations made by the AEC in submissions No 88 and 159 filed with the JSCEM on 12 March and 23 March 1999.

14.3 *The Objection Process:* Mr Smith's recommendations for amendment to sections 114 and 115 of the Electoral Act could backfire and result in significant cost increases, elector inconvenience, and complications and delays in the election process.

14.4 Mr Smith claims that in applying the enrolment objection criteria the Divisional Returning Officer (DRO): "has to be sure that ... the elector no longer lives anywhere in the same Subdivision". In fact, section 114(2) of the Electoral Act only requires the DRO to have "reasonable grounds for believing that the person is not entitled to be enrolled for that Subdivision". In case those "reasonable grounds" turn out to be incorrect, and electors are wrongly removed from the roll, the Act provides for reinstatement to the roll of the names of any electors whose names were removed in error, either independently of the preliminary scrutiny under section 105(1)(f), or in conjunction with it, under sections 105(4) and (5).

14.5 While many of the enrolment objections initiated by DROs under the periodic Electoral Roll Reviews (or doorknocks) conducted in the past by the AEC under section 92 of the Electoral Act may have been based on advice from others about electors whose whereabouts were unknown, enrolment objections based on the recently implemented Continuous Roll Update (CRU) process are likely to result in far fewer objections of this type (see part 4.4 of submission No 88).

14.6 Under the CRU process, information obtained from other government agencies (such as Australia Post for example) will be used to stimulate reviews of the roll at particular addresses where the AEC receives advice that a change in occupancy has occurred. This information typically includes advice from the electors themselves about their former and new residences. This assists the AEC in targeting its objection action against those electors who are known to have left the relevant (sub)division, without affecting those who have moved within that (sub)division.

14.7 This means that there will be far fewer provisional votes (and other declaration votes) issued to electors whose names were wrongly removed by objection and, as a result, even fewer enrolment reinstatements under sections 105(4) and (5) of the Act. If the recommendation made by the AEC in part 9.12 of submission No 88, to break the nexus between the admission of provisional votes and reinstatements to the roll, is adopted, the problems highlighted in this area will diminish to the point of insignificance.

14.8 Mr Smith proposes that electors be required to re-enrol for any change in address or, alternatively, to limit the area within which one may move without re-enrolling to the same suburb or locality. The AEC has already recommended at paragraph 2.10 of submission No 159 that the elector's address, rather than (sub)division of residence, be made the basis of enrolment, and that the basis for objection action become non-residence at the place of enrolment.

14.9 Mr Smith's recommendation to limit the area within which electors may move without re-enrolling to the same suburb or locality, is analogous in some respects to proposals for the reintroduction of subdivisional boundaries, which were not supported by the Government following the 1996 JSCEM inquiry. The frequent changes to the true boundaries of many suburbs and localities, combined with the creation of informal localities, suburb creep and gentrification, already leads to a situation in which many electors do not know the correct names of the suburbs and localities in which they live. When these electors move to a nearby residence they would therefore not necessarily know whether their new address is in the same suburb or locality, and in any event the suburb or locality name could change after the move.

14.10 To implement Mr Smith's recommendation would require the AEC to track all suburb and locality name changes (over which it has no control) as they occur and, before deciding on the admissibility of the declaration votes of the electors whose names have been removed by objection action as a result of a move to a 'nearby' address, to ascertain whether the electors moved before or after the name change. This would complicate and delay the preliminary scrutiny process immeasurably.

14.11 *Schedule 3 Preliminary Scrutiny:* Adopting tighter admissibility criteria (that is, checking for previous enrolments at only one previous election instead of two) during the RMANS-based enrolment eligibility checks, as recommended by the AEC at paragraph 2.5 in submission No 159, and as also recommended by Mr Smith, will not of itself reduce the time taken to complete the preliminary scrutiny. The reason for this is simple: the time taken by staff to input electors' details into the RMANS preliminary scrutiny sub-system, and to assess the matched records retrieved by that system, would not change.

14.12 Mr Smith's other recommendation, to introduce a check that the elector has lived at the claimed enrolled address at some time within the three months before polling day, before conducting the RMANS-based enrolment checks, would be likely to increase, not decrease, the time needed to complete the preliminary scrutiny. At the 1998 election, at least 20% of declaration votes (that is, all those that required the RMANS-based checks) would have required this additional checking, and it is doubtful that this would have resulted in any greater reduction in the time required for the RMANS-based checks. As it is, declaration voters are already asked for the date on which they changed address (if applicable), so that this can be taken into account *during* the RMANS-based checks, if necessary.

14.13 Mr Smith's recommendation would disenfranchise those electors who are temporarily living at addresses they do not regard as their permanent place of living. This would affect students studying in another city where they are only temporarily resident, or electors travelling interstate or overseas for extended periods, for example. Further, electors whose names were actually on the certified lists of voters at the polling booth, but were not found by the polling official (some 20-25% of provisional voters representing about 0.2% of ordinary voters) would also be disenfranchised.

14.14 For reasons of efficiency and economy, these particular provisional votes are usually checked through RMANS immediately, rather than repeating the certified list checks. Absent, pre-poll and postal votes are subject to the same uncertainties when it comes to being found on the certified lists when checked by scrutiny staff, and some of these votes would probably be wrongly rejected, and the electors wrongly disenfranchised.

14.15 Mr Smith's recommendation for the introduction of a three-month test of enrolment eligibility for declaration voters (only) would effectively mean a return to the unworkable situation that existed over a decade ago, and indicates an unfortunate lack of appreciation of the historical record. In the December 1986 Report of the Joint Select Committee on Electoral Reform it was recommended that the requirement for an elector to have lived in the Division for three months be repealed, for the following reasons.

.... the 3 month rule is ... in practical terms incapable of across the board enforcement. More seriously, however, its operation is anomalous in that it only works to disenfranchise those electors who have not correctly maintained their enrolments, but are honest enough to admit it. This clearly raises the general question of whether the rule continues to serve any useful purpose....

....The rule, it should be emphasised, is not an obstacle to fraud or impersonation. Very few electors were ever asked the complex pre 1983 prescribed questions (one of the reasons for their repeal) and there is nothing to suggest that any more were asked the sub-section 229(3) question regarding places of living during the previous 3 months.

Any person contemplating fraudulent voting can, without difficulty state addresses or make declarations which will not of themselves prevent the admission of the vote. It must be emphasised that the ordinary voter's answer to the question, whether true or false, is for all practical purposes - as far as the vote being recorded and placed in the ballot box (and hence 'irretrievable') - conclusive.

14.16 The May 1989 JSCEM Report revisited the issue of the three-month test and concluded that it should not be re-introduced. Instead, the May 1989 JSCEM Report made recommendations 22 and 23 to limit the automatic re-enrolment of voters once they had been removed from the Roll by habitation review. However, the Government Response to these recommendations, on 30 April 1992 (Senate Hansard p 1931), was as follows:

Recommendations 22-23 propose that electors should be only once restored automatically to the electoral roll after they have been removed by objection action and subsequently cast a declaration vote. The proposal is based on the perception that large numbers of people are maintaining incorrect enrolment addresses by the process of declaration voting.

Subsequent to the Committee's deliberations the Australian Electoral Commission has introduced a revised declaration form which the Government believes will largely resolve the problem. It should also be noted that the Committee's proposal is likely to result in the disenfranchising of a significant number of voters who do in fact reside at the enrolled address.

14.17 In summary, Mr Smith's recommendations in relation to the objection process and the preliminary scrutiny would not reduce the time required for its completion, and would not only complicate procedures but also effectively disenfranchise many electors. The AEC opposes these recommendations and suggests that the JSCEM follow the more considered recommendations already made by the AEC in part 9.12 of submission No 88 and in submission No 159, in the context of such recent enhancements as the Address Register and Continuous Roll Update, discussed at parts 4.3 and 4.4 of submission No 88.

***AFP Brief to AEC of 4 December 2000 re Mr Lamerton***

Alleged Electoral Fraud – Key Facts:

- A number of allegations about Electoral Fraud have been referred to the AFP for investigation
- The AFP is assessing the information provided
- In accordance with the normal practice it would not be appropriate to comment further at this stage

Since 1992, the AFP Queensland has received 21 electoral related referrals. Of this:

- fourteen (14) of the matters referred have been investigated and completed;
- four were rejected as they were assessed as not meeting the AFP Case Categorisation and Prioritisation Model (CCPM);
- and three investigations are current.

Nine of the matters related to electoral fraud; six of the matters were multiple voting; the six remaining were a variety of other offences committed against the Electoral Act.

There have been a total of five prosecutions undertaken, all of which have been successful. More recent investigations include the prosecution and conviction of Karen EHRMAN, Shane FOSTER and Andrew KEHOE, allegations from which have led to the formation of the Shepherdson Inquiry. The APP has from the commencement of the Inquiry provided information and assistance requested of it. The AFP currently has three matters which are being assessed or investigated.

All matters referred to the AFP have been properly assessed and appropriate action taken. In some instances this involved referring the matters to another agency for investigation and where appropriate, assistance from the AFP offered.

The AFP is currently assessing allegations relating to the federal seats of Hinkler (1984 election), Fisher (1987 election) and Lilley (1996 election).

On 8 November 2000 an article in the 'Courier Mail' alleged that the AFP was or is investigating a series of other alleged electoral offences in Queensland, This is partly correct. The Australian Electoral Commission (AEC) has confirmed the following referrals to the AFP:

- In June 1997, an APP investigation led to Ms Karen Ehrman's committal to trial in respect of 62 various offences relating to forgery and uttering of electoral documents in the Queensland State Legislative Assembly seat of Thuringowa. On 11/8/2000 Ms Ehrman pleaded guilty to 47 of the 62 charges and was sentenced to 3 years imprisonment. She has appealed against the length of sentence and the matter is to be heard on a date to be set by the Court. The AFP is cooperating with the Queensland Criminal Justice Commission investigation under State legislation, into matters flowing from the Ehnnan case.
- The AEC referred to the AFP a number of allegations of multiple voting in the 1998 federal election. Following an assessment of the information received, the

AFP investigated some of the allegations. In each case insufficient evidence was obtained to initiate a prosecution.

- In June 2000 the AFP investigated a fraudulent enrolment of a deceased person by his brother in the Division of Bowman. There is no evidence to suggest a broader, party driven vote rigging. The offender appeared at the Brisbane Magistrates Court (BMC) on 29 September 2000, pleaded guilty and was fined \$350.
- In July 2000 the AFP investigated a fraudulent enrolment in the Division of Ryan. There is no evidence to suggest a broader, party driven vote rigging. The offenders appeared at the BMC on 3 November 2000 and were remanded in custody.
- In September 2000 the AFP commenced an investigation into an alleged fraudulent enrolment in the Division of Moncrieff. The matter is still under investigation. At this stage there is no evidence to suggest a broader, party driven vote rigging.

Where sufficient evidence can be obtained prosecutions are pursued and there is demonstrated record of AFP's effectiveness where this occurs. There is no need for a special squad to investigate electoral offences. The flexible team approach adopted throughout the AFP allows for deployment of maximum resources to priority investigations.

**H S CHAPMAN SOCIETY  
(President Dr Amy McGrath OAM  
Box 39PO Brighton-le-Sands NSW 2216  
Ph: 9599 7915 fax 95997916)**

## **MEDIA RELEASE**

### **AUSTRALIAN ELECTORAL COMMISSION PANICS AND CENSORS ITS OWN MANAGEMENT STAFF**

#### **WHY? THEIR REPORTS CONFIRM WHAT IN-HOUSE CRITICS AND THE H S CHAPMAN SOCIETY HAVE SAID FOR YEARS**

AEC Assistant Commissioner, Mr. Paul Dacey, has rejected controversial reports from two N.S.W area managers (each over a number of electorates) from its forthcoming Submission to the current 'electoral rorting' inquiry of the Commonwealth Joint Standing Committee on Electoral Matters (JSCEM) on the mere technical grounds that it had only invited a reply from Divisional Returning Officers (DROs) in electorates, not from any management staff in a State head office.

Even now opinions from DROs were only sought by Canberra management after Democrat Senator Murray, a member of the JSCEM, during cross-examination by 3 Queensland DRO's on December 15 last, asked whether any of them had been canvassed for their opinion before the AEC had finalised its Submission to the current special 'electoral rorting' inquiry of the JSCEM. The answer being no, the AEC finally consulted those who have direct experience, often of long standing, of electors and elections – the DRO's.

The 50 DROs in N.S.W., as in other States, were invited to respond. 2 Area Managers, who had not been invited to respond, also did so to back up, and add to, what the 3 Queensland DRO's were urging as imperative reforms. Their responses had extra force because they managed at least half the DRO's in N.S.W. and they had originally been DRO's themselves. Moreover their opinions represented those of a number of DRO's elsewhere, including other States.

So what did the Area Managers say that Mr. Dacey, in his letter to the Australian Electoral Officers of the AEC, did not want to be included in the AEC Submission to the JSCEM? They recommended changes that other DRO's from major states over the years, including Messrs Patching, Smith and Lamerton from Queensland, have long advised, which are not senior Canberra AEC policy. They are also reforms I have consistently sought over the last five years in the face of persistent denigration from AEC policy makers.

## RECOMMENDATIONS OF 2 AEC AREA MANAGERS IN N.S.W.

(1) Response to Office Memorandum 2001-6 by Doug Clarke (24.1.2001)

'It is time to introduce some further stringent measures in order that the integrity of the roll/voting process is improved and maintained.'

- Precinct voting at one polling place on polling day
- Extended precinct (pre-poll) voting with ID to combat rise in absent voting
- Proof of identity on voting by personal ID or voter card
- Doorknock to complement existing CRU strategies (no doorknock in Queensland)
- 100% doorknock to capture new addresses or confirm existing street addresses for the 'Address-based Register' & arrangements be made for provision by local government authorities of information on new property developments
- doorknock to complement CRU (continuous roll updating) strategies
- reintroduction of alphabetically split certified lists (A-D, H-N, O-Z) in polling places where there are 2 or more active lists & a comprehensive list for overflow and a reserve list for peak periods
- cancellation of voluntary removal of name of persons over 70, who no longer wish to be involved in the electoral process, from the electoral roll

(2) Response from Geoff Marles (23.1.2001)

'I support the argument that the AEC should become proactive in pursuing if possible fraudulent activity, including enrolment matters and that the Australian Federal Police role in these matters needs to be intensified. I recognise that this may need to be done through increased funding to either or both agencies, through greater acknowledgement of the seriousness with which Parliament and the community view this activity and, if necessary, through tougher legislation.'

- proof of identity on enrolment and voting with voter card or birth details
  - posting of a voting card after close of rolls is feasible and affordable
  - "production on voting would not unduly slow ordinary voting. It would greatly reduce the opportunity for impersonation."  
voters without ID could attest by declaration for later checking  
declaration voters (postal, pre-poll or absent) could also sign a declaration
- change to the current objection and reinstatement process leading to incorrect enrolment of some electors being perpetrated.
- retention of traditional doorknock review with CRU, targeting areas of high or low enrolment growth, addresses which have not responded to mail-outs  
addresses of concern to parties in the process.
- further data-matching with federal agencies with better liaison between State and federal authorities including State electoral authorities

# AUSTRALIAN ELECTORAL COMMISSION

## MINUTE

File No: 2001/161

**To: ALL AUSTRALIAN ELECTORAL OFFICERS**

**JSCEM INQUIRY – QUESTION ON NOTICE [TO] DROS**

I refer to my Minute of 5 January 2001 attached.

2. Director Parliamentary and Litigation has now received input via NSW Head Office from seven NSW DROs (about a page each), and is preparing a supplementary submission into which all DRO input will be put unabridged [...*and*] the submission will wait until probably the end of February to allow time for any late entries.

3. We have also received input from some Head Office staff providing views which apparently speak for and on behalf of DROs under their supervision. These will not be included in the supplementary submission, for provision to the JSCEM, as they do not respond in the manner sought by Senator Murray.

4. That is, Senator Murray made it clear in his request that he was seeking the “unfiltered” views of DROs, and not the views of Head Office or Central Office staff. The attached draft extract from the supplementary submission due to be filed [*in...*] February indicates that the AEC has undertaken to provide the JSCEM only with input from [**FROs**].

5. If you have received any input from DROs, please ensure that they are transmitted (electronically if possible) to Director PALS for inclusion in the supplementary submission, without any abridgement or amendment.

Paul Dacey  
Acting Deputy Electoral Commissioner

31 January 2001