

AUSTRALIAN ELECTORAL COMMISSION

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

AEC Responses to Further Hearings and Question on Notice

Submission No 81 of 27 March 2001

CONTENTS

1. Introduction
2. Evidence from the Attorney-General's Department
3. Evidence from the Australian Federal Police
4. Evidence from Dr Amy McGrath
5. Media Releases by Mr Pyne MP and Senator Ferris
6. Allegations of Electoral Fraud in Fisher and Hinkler
7. Allegations of Enrolment Fraud in Longman and Lindsay
8. Question on Notice of 7 March 2001

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.

1.2 The following AEC submissions, with all attachments, are published on the AEC website at www.aec.gov.au:

- No 27 of 26 October 2000
- No 66 of 9 February 2001
- No 73 of 23 February 2001
- No 74 of 23 February 2001
- No 76 of 28 February 2001

1.3 On Friday 2 March 2001 the JSCEM received oral evidence from representatives of the Criminal Law Branch and the Law Enforcement Branch of the Attorney-General's Department; from Technical Operations in the Australian Federal Police; and from Dr Amy McGrath of the H S Chapman Society. The AEC is responding in this submission to some of the issues raised by these witnesses.

1.4 Later that day, Mr Christopher Pyne MP published a Media Release entitled "Mickey Mouse enrolled to vote in 1993?", which appeared to be based on incorrect information provided to the JSCEM that day by Dr Amy McGrath. On 14 March 2001, Senator Jeannie Ferris published a Media Release entitled "Cat Owned up to False Enrolment". The AEC is taking this opportunity to respond to these Media Releases, even though they were not formally published as part of these JSCEM proceedings.

1.5 Further developments have now occurred in the various investigations into electoral fraud reported in part 9 of AEC submission No 66 of 9 February 2001, and updated information is provided in this submission.

1.6 Finally, on 7 March 2001 the JSCEM Inquiry Secretary forwarded a question on notice to the AEC in relation to the registration of political parties. The response is included in this submission.

2. Evidence from the Attorney-General's Department

2.1 Representatives from the Attorney-General's Department (AGD) were called on 2 March 2001 by the JSCEM to provide evidence on possible increased penalty levels for electoral fraud offences under the *Commonwealth Electoral Act 1918* (the Electoral Act), and on the enforcement of electoral fraud offences. The AEC has addressed these issues in part 12.5 of submission No 26 of 17 October 2000, and part 7 of submission No 66 of 9 February 2001.

2.2 The AGD witness, Mr Carnell, said on page EM464 of the transcript that Electoral Act offences relating to enrolment fraud, such as forgery and false and misleading statements, will be removed into the Criminal Code, effective from 24 May 2001. Mr Carnell confirmed that the penalty levels for electoral fraud offences in the Electoral Act are generally low compared to similar offences in other legislation, but advised that when specific electoral offences are moved into the Criminal Code, the benchmark level of penalties will be 12 months imprisonment and a maximum fine of \$6,000.

2.3 On page EM465 of the transcript Mr Carnell gave evidence on the penalty levels for multiple voting under section 339 of the Electoral Act. The AEC has not addressed the penalty level for multiple voting in submissions to this JSCEM inquiry because they are beyond the terms of reference, which it is understood, are directed to enrolment offences.

2.4 However, the AEC did discuss the penalty level for multiple voting at length in submission No 239 of 15 October 1999 to the previous JSCEM inquiry into the conduct of the 1998 federal election (and see pages 93-96 of the June 2000 JSCEM Report). Mr Carnell's suggestion to the JSCEM that the penalty for multiple voting could be increased to the benchmark level in the Criminal Code would be well in accordance with the previously expressed views of the AEC.

2.5 The AEC notes that on page EM466 of the transcript, the JSCEM Chairman expressed interest in a recommendation from a former Electoral Commissioner, Dr Hughes, in his submission No 19 of 12 October 2000, as follows:

Legislation to discourage or prevent fraudulent enrolments should devise effective procedures that will assist detection, and should provide suitable penalties to act as a deterrent. One of the most beneficial outcomes of the Townsville episode is that at last the judiciary have taken enrolment matters seriously and imposed a penalty appropriate to the offence. However further consideration should be given to the consequences of an appropriate penal sentence.

The Queensland Constitutional Review Commission's *Report on the Possible Reform and Changes to The Acts and Laws that relate to the Queensland Commission* (February 2000) (at p.84) said:

The Commission believes that offences against the integrity of the electoral rolls are amongst the most serious that may be committed, and deserve appropriate sanctions. For a candidate or a member to be convicted of such an offence warrants disqualification both because such a person ought not to sit in Parliament, and because the attendant publicity of such a conviction would discourage other potential offenders.

Subsequently the Legal, Constitutional and Administrative Review Committee of the Queensland Legislative Assembly endorsed the recommendation that disqualification provisions be extended to include offences in respect of enrolment in both State and Commonwealth electoral law (*Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution (July 2000)*....

However disqualifications in respect of the Commonwealth Parliament are contained in s 44 of the Commonwealth Constitution, and in this regard specify anyone who "has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State law by imprisonment for one year or longer". The relevant provisions of the CEA 1918, ss. 336 and 337, carry a penalty of only \$1,000 and do not carry imprisonment for any term, which would leave only a successful prosecution for forgery of an electoral paper as a disqualifying event. I suspect that it is problematical whether the Commonwealth Parliament can extend the disqualifications contained in the Constitution; the U.S. Supreme Court has prevented term-limit disqualifications being added to the "closed list" in the U.S. Constitution recently. However it would be possible for the Parliament to bring an offence within the disqualification provisions of the Constitution by increasing the penalty.

I would recommend to the Committee:

That the penalties under the CEA 1918, ss. 336 and 337 be extended by adding imprisonment for one year to the provision of a fine. It may be that the Committee would also wish to increase the amount of the fine to discourage other potential offenders.

2.6 In his later submission No 49 of 11 December 2000, Dr Hughes said the following:

Much, perhaps most, of the evidence made public since Ehrmann's conviction, whether at formal inquiries or in the media, has shown that rorts attacking the integrity of the rolls are perpetrated by careerists who seek advancement in elective office or within party hierarchies. Therefore, the appropriate and readiest remedy is to remove them from, or deny them the opportunity of obtaining, such positions for such offences. The recommendations in my First submission addressed that by ensuring that penalties were disqualifying ones.

I now think that approach should be widened to provide for disqualification from holding any office in a registered political party for the equivalent time. Despite Mr Webster's opinion, I suspect there are a great many political activists who do not think parliament "the big game" and are more than

content with winning office in their own parties. The Committee should also note the press prediction that Messrs Elder and Musgrove will not be charged with offences because the Act which they admitted breaching to the Shepherdson inquiry still carries a maximum of six months, and the statute of limitations for such is a year from the offence. Only if forgery or conspiracy could be proved – which has not yet been the case – might a prosecution be brought....

2.7 Dr Hughes might not have been aware at the time of writing his submissions, that the removal of the offences of forgery and false and misleading statements from the Electoral Act to the Criminal Code will have the effect of raising the penalty levels to the benchmark level of 12 months imprisonment, which will have the flow-on effect of bringing any person convicted and sentenced within the disqualification provided in section 44(ii) of the Constitution. It is noted that on page EM468 of the transcript AGD witnesses were invited by Senator Murray to expand further on this issue in a supplementary submission.

2.8 On page EM469 of the transcript, Mr Carnell said the following:

My understanding of the situation is that the AFP say that they do take on all the serious matters and that the area where they do not take all of them relates to multiple voting – that they do take on a significant number of those, primarily to send a message, and that they obviously do not take on the routine things like failure to vote....

2.9 For the record, the AFP is not asked by the AEC to investigate failure to vote cases under section 245 of the Electoral Act. There are thousands of these cases across the nation after every election, and they are prosecuted, usually in batches of several hundred cases, through the courts of summary jurisdiction, on the basis of documentary evidence (such as DROs averments, responses to penalty notices, and lists of non-voters), and not on the basis of any investigation briefs by the AFP. (See also page EM500 of the transcript for a similar comment from the AFP in relation to failure to vote offences.)

2.10 Senator Murray then asked the AGD witnesses to include in the AGD supplementary submission a consideration of whether the investigation by the AFP of referrals of possible offences under the Electoral Act by the AEC should be subject to a “discretionary” model for the allocation of AFP investigative resources. This is discussed further by Senator Murray with the AFP at pages EM507 to EM509 of the transcript.

2.11 On page EM471 of the transcript, the JSCEM Chairman, Mr Pyne, asked the AGD witnesses to consider in its supplementary submission whether increasing penalty levels for electoral fraud in the Electoral Act (or the Criminal Code) to 12 months imprisonment, which would bring these offences within the section 44 constitutional disqualification, could be considered excessive.

2.12 If the JSCEM were to recommend increases in electoral fraud penalties to 12 months imprisonment, on the basis of the AGD supplementary submission, this would meet the suggestion made by Dr Colin Hughes, and would be in accordance with previous submissions by the AEC.

2.13 On page EM471 of the transcript, Senator Ferris said the following:

...When we had the AEC in to give us evidence at the beginning of our reference, their view was that electoral fraud was not a comprehensive issue. They really downplayed electoral fraud...

2.14 The evidence provided by the AEC to this JSCEM inquiry is now on the public record, and does not suggest that the AEC has “downplayed” electoral fraud. Rather, as indicated in the opening address by the Electoral Commissioner on 15 November 2000 to the JSCEM, the AEC has made every effort to ensure that the JSCEM is fully informed on the extent of actual and alleged electoral fraud, and that this JSCEM is aware that previous JSCEMs have found no evidence to support allegations of electoral fraud sufficient to have affected the results of any federal election since 1984 (see Attachment 1 to submission No 66).

2.15 For example, the AEC provided all available evidence to the JSCEM on the extent of enrolment fraud over the past decade, which amounted to 71 cases, in Attachment 20 to submission No 26. However, it has been noted that some members of the JSCEM appeared to be conflating the extent of enrolment fraud specifically, with the extent of electoral fraud more generally (see for example, paragraphs 6.7 and 6.8, and responses to questions 8 and 9 in part 13 of submission No 66).

2.16 On page EM473 of the transcript, the JSCEM moved to take evidence in camera from Mr Carnell about his experience in the early 1990s with cases of identity fraud against the Department of Social Security, which apparently involved the Electoral Roll. The AEC made a submission to the 1987 JSCEM inquiry on relevant cases, and the submission is reproduced in paragraph 8.6 of AEC submission No 26 of 17 October 2000 to this JSCEM inquiry.

2.17 On page EM474, the discussion between Mr Pyne and Mr Carnell appeared to suggest that the AEC had recommended a model for AFP investigations of electoral fraud that would involve assessing cases on the basis of the financial benefits that might flow from such fraud. The AEC has made no such recommendation and would be opposed to any case assessment model that involved such financial criteria; the historical record indicates that electoral fraud is not directed generally to obtaining personal financial gain from the Commonwealth. The AEC suggestions for increased penalty levels for electoral offences and increased funding for the AFP are on record in part 7 of submission No 66.

3. Evidence from the Australian Federal Police

3.1 On page EM500 of the transcript, Mr Williamson of the Australian Federal Police (AFP) appeared to take exception to AEC submissions to this JSCEM inquiry, which he suggested had under-reported AFP investigations of electoral fraud, in particular multiple voting. In fact, in its submissions, the AEC has specifically distinguished enrolment fraud cases from multiple voting cases, as explained in paragraph 6.7 of submission No 66, as follows:

6.7 It must be noted that during these proceedings, there was the suggestion from the Government members of the JSCEM that the only electoral fraud that the AEC is prepared to acknowledge to the JSCEM is the 71 cases of possible enrolment fraud over the past decade reported in Attachment 20 to submission No 26, and that this must leave a lot of undetected electoral fraud that the AEC is refusing to acknowledge. In fact, the AEC routinely reports to the JSCEM, after every federal election, hundreds of cases of *possible* multiple voting, so that the JSCEM can examine for itself whether or not these cases are concentrated in marginal Divisions and could have affected the result of the election (see for example, submission No 129 of 7 February 1997 and submission No 239 of 15 October 1999 on the AEC website)....

3.2 That is, the AEC does not dispute the number of AFP investigations of multiple voting as provided by the AFP in oral evidence to this JSCEM inquiry. Beyond the specific mention made above, the AEC did not report on AFP investigations of multiple voting because they were viewed as beyond the JSCEM terms of reference, which centre on enrolment fraud (specifically inquiry reference No 2).

3.3. However, in this context, the JSCEM might also take note of the discussion provided by the AEC in submission No 129 of 7 February 1997 and submission No 239 of 15 October 1999 on the number of multiple voting cases that were not accepted by the AFP for investigation after the 1996 and 1998 federal elections, based on the AFP case prioritisation model. In NSW after the 1996 and 1998 federal elections, for example, the AFP agreed only to investigate multiple voting cases involving four or more instances of multiple voting, leaving all cases with one, two or three instances of multiple voting without any AFP investigation (and consequently little prospect of prosecution).

3.4 On page 501 of the transcript, the discussion between Mr Pyne and Mr Williamson suggested that the AEC should be internally investigating cases of "minor electoral fraud", either instead of, or prior to, referring to the AFP for investigation. It is not clear which particular electoral offences this might include.

3.5 The AEC has already advised the JSCEM that it would be both impractical and inappropriate for AEC staff to be involved in the investigation of electoral fraud offences, in part 7 of submission No 66, as follows:

7.5 The AEC ... is not seeking any amendments to the Electoral Act to provide investigative powers for Divisional staff, for example, or any extra funding dedicated to the establishment of a centrally-organised electoral fraud “flying squad”, as was suggested in some media reports late last year.

7.6 The AEC is of the view that providing AEC staff with police-style powers of entry and interrogation would not enhance the reputation of the AEC with the community at large, no matter how well trained such staff might be. The AEC would also be concerned about the business risks inherent in providing such coercive investigative powers to AEC staff across the nation, who are already charged with the core business of maintaining the rolls and conducting elections.

7.7 Divisional staff are guided in the conduct of elections and the maintenance of the Electoral Roll by the Divisional Office Procedures Manual and the General Enrolment Manual. Information on possible electoral fraud can arise through written complaints and allegations, CRU procedures such as data-matching and mail-outs derived from RMANS, from the electronic scanning of Certified Lists of Voters, from return-to-sender mail from Members of Parliament, from the enrolment objection process that follows every major electoral event, as well as from the observations and deductions made by experienced AEC staff, as occurred in the Division of Herbert in relation to the Kehoe forgeries.

7.8 The uncovering of possible electoral fraud through these standard inter-locking electoral events and procedures is the responsibility of AEC staff. The tracking down and interviewing of suspects, the examination of forensic evidence such as fingerprints and handwriting, and the provision of a brief of evidence to the DPP is the responsibility of the AFP.

3.6 On pages EM502 to EM506 of the transcript, Senator Faulkner has queried the term “politically sensitive” in the AFP case prioritisation criteria. The AEC does not believe that electoral fraud offences should be categorised as “politically sensitive” if this means that the conduct of the AFP investigation is subject to ministerial direction or oversight. It is essential that AEC referrals to the AFP of possible electoral offences are investigated quickly and in accordance with standard operating procedures, particularly during an election period, without involvement in the investigation by ministers.

3.7 This principle is expressed formally in a letter dated 29 October 1996 from the Attorney-General, Mr Darryl Williams, to the then Special Minister of State, Mr David Jull, during a previous parliamentary term, in which the following was advised:

I am writing to advise you of a longstanding procedure in relation to the referral of politically sensitive matters to the Australian Federal Police (AFP) that was initiated by the Coalition Government in 1979, confirmed by the then Prime Minister, Mr Fraser in 1981, and has since been adopted by successive governments.

The procedure requires that matters of a politically sensitive nature requiring the assistance of the AFP are raised with the Minister responsible for the AFP by the relevant Minister or Department in the first instance, rather than being

referred directly by them to the AFP. This enables the Government to be informed at the earliest juncture of potentially contentious matters that may require AFP investigation.

An exception from this policy is made in the case of the Australian Electoral Commission (AEC) because of the special position that the AEC holds in relation to breaches of the Commonwealth Electoral Act. The AEC may require the AFP to investigate Opposition members, Government members and/or their respective campaign workers regarding possible breaches of the penal provisions of that Act. For this reason, it is crucial that the AEC continue to be seen as an independent body and free from political influence.

3.8 Returning to the line of questioning from the JSCEM about the extent of electoral fraud, the AEC notes that on page EM510 of the transcript in response to a question from Senator Murray about the extent of electoral fraud that comes to the attention of the AFP, Mr Williamson responded as follows:

The AFP has not found evidence of a systematic attack on the integrity of the electoral roll in matters which we have investigated to an extent which would lead us to believe that there was significant invalidity associated with the electoral roll. Conversely, we have discovered that it is useful to look at the reason an identity might be created and enrol on the electoral roll falsely. In some instances it would be part of some other fraud which was occurring. As we have moved in this country to greater identification of people for a variety of purposes the fact that you are or are not recorded on the electoral roll is a relevant consideration in identifying people. You may find that there are circumstances where people will enrol on the electoral roll in a false name for the purposes of, in fact, committing some other offence. In that respect, the electoral roll is no different from a number of other things used for identification.

3.9 That is, Mr Williamson has confirmed that the AFP has uncovered no circumstantial evidence, during a long history of investigations, that would indicate that identity fraud on the Electoral Roll is a potential or actual threat to the outcomes of federal elections. This is in accordance with the submissions of the AEC to this JSCEM inquiry, in particular, parts 5 and 12 of submission No 66.

4. Evidence from Dr Amy McGrath

4.1 On Friday 2 March 2001, the JSCEM received oral evidence from Dr Amy McGrath of the H S Chapman Society. Dr McGrath and her associates have filed submissions alleging electoral fraud with every JSCEM inquiry for the past decade. Dr McGrath's submissions to this JSCEM inquiry include:

- No 25 of 18 October 2000
- No 39 of 1 November 2000
- No 60 of 4 December 2000
- No 61 of 30 January 2001

4.2 The AEC has responded to Dr McGrath's various allegations of electoral fraud and proposals for changes to the electoral system, and questioned the propriety of Dr McGrath's activities during these JSCEM proceedings, in the following submissions:

- parts 5 and 10 of submission No 66 of 9 February 2001
- part 17 of submission No 74 of 23 February 2001
- parts 13 and 17 of submission No 76 of 28 February 2001

4.3 Dr McGrath opened her evidence on page EM476 of the transcript with the advice that, contrary to her statement in submission No 25 of 18 October 2000, Mr Neil Oliver is "not dead". Dr McGrath claimed in her submission that Mr Oliver's death was the reason the Western Australian State election petition No 8 of 1989 filed by Mr Oliver, involving allegations of "massive electoral fraud", did not proceed to a satisfactory conclusion. The AEC has provided a factual account of the petition proceedings at paragraphs 13.36 to 13.41 of submission No 76 of 28 February 2001.

4.4 In her opening statement to the JSCEM, Dr McGrath said that "one point that has not been made so far in these hearings" is that the "changes made by Professor Hughes to practice and procedure in 1987...reduced the role of scrutineers...to detect fraud". Dr McGrath claimed that this is due to the abolition of subdivisions, "that never went to Parliament...simply occurred by reason of abolition of printing of subdivision rolls." Such claims have been made in submissions to all previous JSCEM inquiries back to 1987 by Dr McGrath and her associates, and in Dr McGrath's submission No 38 to this JSCEM inquiry, to which the AEC responded in paragraphs 17.12 to 17.14 of submission No 66 of 9 February 2001.

4.5 The AEC does not accept that scrutineers have been generally disadvantaged by the abolition of subdivisions in the early 1980s. Particular reference should be made to paragraph 6.30 of the September 1983 JSCEM Report, and scrutineers rights remain clearly provided for in the Electoral Act. It should be appreciated that the major reforms to the Electoral Act made in 1983-84 on the basis of bipartisan recommendations, the consequential changes to electoral practices and procedures, and the gradual computerisation of many systems over the past decade, have required all

participants in the electoral process, including electors, electoral officials, candidates, political parties, and scrutineers, to find new ways of managing old tasks. The record shows that the vast majority of participants, including the vast majority of scrutineers, have adapted successfully to these changes over the intervening years.

4.6 It should also be noted that the AEC has twice recommended the publication of the Electoral Roll on the Internet (in a submission dated 9 March 1998, and in part 4.7 of submission No 88 of 12 March 1998) in order to facilitate the checking of the accuracy of the Roll by scrutineers and other interested parties, but this has yet to be supported by the JSCEM, subject to further reporting by the AEC (see recommendation 11 of the June 2000 JSCEM Report).

4.7 The JSCEM record of submissions since 1987 should show that complaints about the abolition of subdivisions in the early 1980s, and the allegedly dire consequences for electoral fraud, arise predominantly from the Sydney region. This localised campaign of complaint has coalesced in recent years around the H S Chapman Society, which actively promulgates allegations of electoral fraud that have been repeatedly subjected to examination by all levels of government without being substantiated. That is, the JSCEM should be in a position to assess whether this campaign of complaint is really representative of national opinion about the federal electoral system, and whether the level of attention that the complaints of Dr McGrath and her associates have received from the JSCEM in recent years is reasonable in the circumstances.

4.8 On page EM478 of the transcript, Senator Ferris discussed the re-introduction of subdivisional/precinct voting with Dr McGrath, suggesting that the AEC would oppose any such changes on the basis of cost. The views of Dr Colin Hughes on this subject were also discussed. In the past, Dr Hughes has suggested that, if the JSCEM considers electoral fraud to be a serious problem for the federal electoral system, then it would be relatively simple, in an operational sense, to shift from the present Division-wide voting system to a precinct voting system.

4.9 That is, if the JSCEM is to consider such a major transformation of the voting system, then it should be satisfied, firstly, that the present level of electoral fraud justifies such a change, and secondly, that such a change can be guaranteed to prevent enrolment or voting fraud in the future. Other issues that would have to be addressed include confusion and delay at polling booths, including the possibility of increased queuing, the effect on compliance with compulsory voting, and increased declaration voting and probable delays in the provision of election results.

4.10 In this context, reference should be made to Recommendation 7 of the June 1996 JSC EM Report and the subsequent Government Response of 8 April 1998 that, "...the Government believes the JSC EM should conduct a more detailed investigation into the positive and negative aspects of the reintroduction of subdivisional voting". The AEC has addressed subdivisional/precinct voting in part 12.4 of submission No 26 of 17 October 2000.

4.11 Senator Ferris also asked Dr McGrath whether the JSC EM should recommend that the penalties for enrolment fraud be printed on the electoral enrolment form, and suggested that the AEC would oppose any such changes on the basis of cost. Dr McGrath claimed that "since I made that statement the old ones have disappeared from my post office". The removal of out-of-date enrolment forms from post offices is not connected to any statements by Dr McGrath. Further, as the AEC advised in paragraph 17.4 of submission No 66, the redesign of the electoral enrolment form, to include new information including penalty levels, is already underway, a fact which might not have been known to Dr McGrath at the time of preparing her written submissions.

4.12 The AEC received advice from the Commonwealth Director of Public Prosecutions, well before the commencement of this JSC EM inquiry, that some changes should be made to the enrolment form, including the provision of penalty levels for offences. The eventual printing and production of the new enrolment form has been delayed, in part, by the possibility of recommendations from this JSC EM to increase penalty levels.

4.13 On page EM480 of the transcript, Senator Ferris discussed the introduction of voter identification with Dr McGrath. It is noted that neither the June 1997 JSC EM Report nor the June 2000 JSC EM Report made recommendations for the introduction of voter identification, despite it being raised in a number of submissions. The AEC has addressed the issues in part 12.3 of submission No 26 of 17 October 2000.

4.14 On page EM481 of the transcript, Dr McGrath commented on the close of rolls for the 1987 federal election. In AEC submissions No 32 of 22 September 1988 and No 74 of 30 December 1988 to the 1987 JSC EM inquiry, the AEC provided a comprehensive analysis of the enrolment transactions at the 1987 close of rolls and established to the satisfaction of the JSC EM that there was no evidence of any exceptional volume of additional transactions in marginal Divisions. In response to similar allegations from Mr Alan Jones with respect to the 1993 close of rolls, the AEC has provided a detailed analysis at paragraphs 10.3 to 10.6 of submission No 66 of 9 February 2001.

4.15 Recommendation 3 of the June 2000 JSCEM Report was for the early close of rolls and this was supported in the Government Response of 1 March 2001. However, there were strong dissenting reports from opposition members of that JSCEM and the passage of any proposed legislation is likely to be difficult in such circumstances (a similar proposed legislative amendment failed to gain parliamentary approval in 1999). The AEC has addressed the early close of rolls in part 12.2 of submission No 26 of 17 October 2000. It might also be noted that, in his submission No 49 of 11 December 2000, Dr Colin Hughes said the following about the early close of rolls:

I think this proposal is fatally flawed by inconsistencies and harmful consequences and urge the Committee to reject it....Finally, I now have considerable doubts about the constitutionality of any legislation to repeal s 155 – which was introduced to prevent a sudden close of rolls. It would remove franchise rights provided by statute since Federation and which now probably come within the protection of the representative government implications of the Commonwealth Constitution....If the Committee were minded to recommend repeal of s 155, it would be as well to seek senior counsel's opinion on this matter.

4.16 On page 482 of the transcript the following exchange between Senator Ferris, Dr McGrath, and Mr Pyne was recorded:

Senator Ferris: ...If somebody enrolled a cat, there is the enrolment form there, there is proof when the letter is returned to the local member with a cat paw on it, so that is hard evidence that a person who signed that form fraudulently witnessed a person who did not exist. How much harder evidence do you need than that?

Dr McGrath: Perhaps the question should go to the AEC: what did they do about it? Did they take the person to court? I do not think they did.

Chair: No, they did not, because they only found out 10 years after. I think that was the problem, wasn't it?

Dr McGrath: But they do not even know when they know....

4.17 This transcript record is a misrepresentation of the facts of this case and of the conduct of the AEC. The AEC reported the Catt case as NSW5 of 1990 in Attachment 20 to submission No 26 of 17 October 2000, which advised the JSCEM of all cases of enrolment fraud over the past decade. Later, in submission No 66 of 9 February 2001, the AEC provided an extensive discussion on all aspects of this case, in response to interest expressed by Senator Ferris at the hearing with the AEC on 15 November 2000. The summary facts reported at paragraph 5.20 of submission No 66 of 9 February 2001 are as follows:

- the enrolment was detected within 26 days, by return-to-sender mail referred to the AEC from the Member of Parliament for the Division.
- the enrolment remained effective for 15 weeks, during which time the AEC determined the facts.
- the AFP investigation did not recommend prosecution for falsifying an enrolment application because the statute of limitations had expired by the time the investigation was concluded.
- the person involved publicly admitted her motivations were frivolous, to “test the system”, rather than to affect the result of a federal election.
- the person did not impersonate Curacao Fischer Catt to vote at any federal election because no federal election occurred during the time that the enrolment was effective.

4.18 Further comment on this case is provided in response to Senator Ferris’s Media Release of 14 March 2001, later in this submission.

4.19 On pages EM483 to EM486 of the transcript Dr McGrath provided evidence about the fraudulent enrolment of Michael Raton in the Division of Macquarie after the 1993 federal election, to “test the system”, and claimed that identity fraud on the Electoral Roll should be uncovered by increased habitation reviews (or doorknocking) by the AEC. Later that day, Dr McGrath’s testimony became the subject of the Media Release from Mr Pyne discussed further in the next part of this submission.

4.20 On pages EM487 to EM489 of the transcript, the following exchange between Senator Murray and Dr McGrath is recorded:

Senator Murray:....I am one of those who are extremely sceptical of doorknocking. If I were doorknocked by a police officer, you would be very concerned to tell the truth. If I were doorknocked by some casual who has been hired to do the job...I will say “Yes they are here”. Doorknocking is worthless in my view, unless it is accompanied by a request for identification, and you would never get the Australian population to agree to go inside and get their driver’s licence and show it to a casual who is knocking at the door. That is my view of the weaknesses of doorknocking. Why is it that your organisation continues to emphasise doorknocking?...

Dr McGrath: ...Ron Cundy, who was the electoral commissioner in New South Wales for years, deplored on the video I made the fact that he had not seen a habitation reviewer for years at his door. Secondly, the divisional returning officers will tell you - and have told you, I think, in these hearings – that they wish to continue a habitation review in tandem with CRU...So if they support it, I do, plus CRU....

Senator Murray:....People like you and others stress the need for identification to confirm a person’s identity and yet doorknocking is carried out without a requirement for identification. So it seems to me to have the same weakness. If you ask an honest person who they are, they will give you an honest answer. If you ask a dishonest person, they will give you a dishonest answer....So I am not sure that doorknocking ever addresses that problem.

Dr McGrath: It is also part of the historical tradition of our voting system. We have had more fraud since it has gone.

Senator Murray: With respect that has not been proven....

4.21 The AEC has addressed the implementation of Continuous Roll Updating (CRU) to replace Electoral Roll Reviews (ERR), which involved doorknocking every habitation in Australia every few years, in part 11 of submission No 26 of 17 October 2000. The AEC has commented on the use of doorknocking to uncover identity fraud on the Electoral Roll in part 5 of submission No 66 of 9 February 2001. The AEC has commented on developments in the use of targeted doorknocking as a component of CRU, and the views of some DROs on the subject, in part 8 of submission No 66 of 9 February 2001 and in part 12 of submission No 74 of 23 February 2001.

4.22 In relation to identity fraud on the Electoral Roll, and the possibility of doorknocking with identification checks, it might be noted that Dr Colin Hughes has said the following, in his submission No 49 of 11 December 2000:

To sum up, criminals do it, minor criminals do it, school kids do it, and the proposals that are now being floated with drivers licences the most prominent element are merely a placebo for the public concern which has been whipped up, concern which will persist because of the gross and notorious inadequacy of these proposals. A further round of induced disillusionment is likely, on the other hand, perhaps to prepare the ground for the next round of attacks on the present electoral system. If effective identification is to be required to protect the integrity of the electoral process, it should bear a photograph, be issued on enrolment and be produced at the polling place before a ballot can be obtained....If the Committee believes that existing identification under the [Electoral Act] is inadequate, which I myself do NOT believe, then it has to treat the solution seriously. Halfway measures will not work, and can only bring election outcomes under further suspicion.

4.23 On page EM489 of the transcript, Dr McGrath misrepresented the CRU mailout to Queensland electors prior to the recent Queensland State election and claimed that the election should have been "stopped" because "60,000 people [were] wrongly enrolled". Dr McGrath went on to claim that "everybody was horrified. It caused chaos". The views of Dr McGrath on this matter were quoted in an article by Mr Chris Griffith in the *Courier Mail* newspaper on 22 January 2001, and have been addressed by the AEC in part 8 of submission No 66 of 9 February 2001.

4.24 On page EM491 of the transcript, the following exchange between Senator Murray, Mr Pyne and Dr McGrath was recorded:

Dr McGrath: Are gender and birth date on the roll at the booth?

Senator Murray: They are now.

Dr McGrath: When did that come in?

Senator Murray: That came in with the last change of the Electoral Act.

Dr McGrath: That is interesting. I did not realise that.

Chair: That is an improvement.

4.25 For the record, gender and date of birth do not appear on the Certified Lists of Voters at polling booths (although these details do appear on the rolls provided to Members of Parliament for electoral purposes). In fact, this JSCEM asked the AEC to comment on the possibility of introducing such a requirement for Certified Lists in Question on Notice No 2 of 7 December 2000. The AEC has responded in part 13 of submission No 66 of 9 February 2001.

4.26 On page EM492 of the transcript, Dr McGrath claimed the support of Dr Colin Hughes for the establishment of an Electoral Ombudsman, which the AEC has commented on in part 7 of submission No 66 and in paragraphs 17.9 to 17.11 of submission No 76. It is noted that Dr McGrath's proposal as described in her oral evidence is now somewhat different to that described in her written submissions, in that she now sees such an office being part of the already existing office of the Commonwealth Ombudsman. The AEC suggests that the JSCEM should seek the views of the Commonwealth Ombudsman on the adequacy of current arrangements if Dr McGrath's proposal is to be considered.

4.27 On page EM493 of the transcript, Dr McGrath provided a personal view of the conduct of the High Court of Australia, sitting as the Court of Disputed Returns on election petitions:

Dr McGrath: ...[the court does] not want to be bothered; they are too snobbish. They only want to deal with high law – this is what my husband says...they do not want to be hearing evidence about how many ballot papers there were and how many people were wrongly enrolled...they are an appeals court really...

4.28 Dr McGrath's negative view of the conduct of the High Court of Australia over the past 100 years, in its role as the Court of Disputed Returns for federal election disputes, is not a view shared by the AEC, and probably not by many other petitioners and respondents.

4.29 On the issue of the examination of evidence by the High Court, the JSCEM might recall AEC submission No 96 of 23 October 1996 on the Snowdon petition, and the consequent recommendation No 72 of the June 1997 JSCEM Report, which resulted in an amendment by the Parliament to section 354 of the Electoral Act, to permit the High Court to remit aspects of a petition to a Supreme Court for examination, with the High Court retaining final jurisdiction on relief. Subsequent to AEC submission No 88 of 12 March 1998, recommendation 56 of the June 2000 JSCEM Report, and the Government Response of 1 March 2001, it is now proposed that the Federal Court of Australia be substituted for a Supreme Court, as the Court to which the High Court can remit parts of a petition for the examination of evidence.

4.30 On page EM493 of the transcript, Dr McGrath commented on the conditions for a recount of ballot papers by the AEC, which the AEC has addressed in paragraphs 17.16 to 17.17 of submission No 76 of 28 February 2001. Dr McGrath also claimed that at the 1997 Constitutional Convention election “the Electoral Commissioner allowed people to admit votes not by birth date but by signature only – even printed signatures”. The 1997 Constitutional Convention election was a voluntary postal ballot, and the AEC conducted the preliminary scrutiny in accordance with the provisions of the *Constitutional Convention (Election) Act 1997*.

4.31 On pages EM494 to EM496 of the transcript Dr McGrath made various false or misleading claims with respect to the following issues:

- enrolments at post office boxes, to which the AEC has responded in part 10 of submission No 76;
- the reinstatement of provisional votes, which was addressed by the AEC in submission No 159 of 23 March 1999 and in recommendations 7, 38 and 39 of the June 2000 JSCEM Report;
- the level of provisional voting at the 1998 federal election, to which the AEC responded in paragraph 43.12 of submission No 176 of 4 May 1999 and paragraph 45.12 of submission No 210 of 23 July 1999;
- the evidence provided by Mr Patching, and the enrolment of non-citizens, to which the AEC has responded in part 8 of submission No 66 of 9 February 2001 and in part 16 of submission No 74 of 23 February 2001.

5. Media Releases by Mr Pyne MP and Senator Ferris

5.1 Following the JSCEM public hearings of 2 March 2001 with Dr Amy McGrath of the H S Chapman Society, Mr Christopher Pyne MP, member and Chairman of the JSCEM since 6 November 2000, and Senator Jeannie Ferris, member of the JSCEM since 7 September 2000, published Media Releases critical of the management of the Electoral Roll by the AEC. These Media Releases were published by Mr Pyne and Senator Ferris in their individual capacities as Members of Parliament (Liberal Party Member for the South Australian Division of Sturt and Liberal Party Senator for South Australia) without the official imprimatur of the JSCEM.

5.2 On 2 March 2001, immediately after the JSCEM public hearing with Dr Amy McGrath, Mr Pyne published the following Media Release:

Christopher Pyne MP Member for Sturt 38 The Parade Norwood 5067

MEDIA

“Mickey Mouse” enrolled to vote in 1993?

In evidence before the Federal Parliamentary Electoral Matters Committee, meeting today in Canberra, it was claimed that Mickey Mouse was enrolled to vote in Commonwealth and State elections in 1993.

Dr Amy McGrath of the election monitoring H S Chapman Society claimed that she was aware that Mickey Mouse had been placed on the electoral roll under the name Michael Raton (Spanish for mouse) in the federal seat of MacQuarie following the 1993 federal election.

Her evidence indicated that it was done to demonstrate that the Australian Electoral Commission needed to review its procedures for detecting electoral irregularities. She said after a period of time the person who had placed the name on the roll removed Mickey Mouse's enrolment.

“What this shows is that the AEC needs to review its procedures for detecting electoral enrolment irregularities”, Christopher Pyne MP, Chairman of the Electoral Matters Committee said.

“In evidence last year the Committee heard that a cat had been enrolled to vote under the name Curacao Fischer-Catt. We know there was a cat enrolled, we've been told a mouse was enrolled, one wonders whether there are any other interesting characters waiting to be added to the menagerie!”

Further inquiries: Christopher Pyne MP (02) 6277 4842 or 0419 391 435

March 2, 2001

5.3 Unfortunately, Mr Pyne's Media Release was based on incorrect information provided to the JSCEM by Dr McGrath, which the AEC could have corrected on the record with the JSCEM if so requested.

5.4 There was a Michael Raton enrolled between 1998 and 1999 in the Division of Macquarie, but not immediately following the 1993 federal election, as suggested by Dr McGrath. AEC records show that Michael Raton was enrolled for 4/2 Taylor Rd, Woodford 2778, in the Division of Macquarie, on 13 March 1998 and removed by objection action on 8 July 1999. The manner of the enrolment deletion signifies that no-one cast a vote at the 1998 federal election in the name of Michael Raton.

5.5 The AEC was not unaware of Dr McGrath's interest in Michael Raton. On 6 December 2000, a *Courier-Mail* column, the "bottom line", written by Mr Chris Griffith, said the following under the heading "cat and mouse":

First there was Curacao Fischer Catt, the moggie frivolously registered on the federal electoral roll. Now we learn Mickey Mouse in disguise also was on the roll for about five years. Amy McGrath, president of the H S Chapman Society which researches electoral fraud, says Mickey was on the roll for two elections under the name of "Michael Raton". Raton is Spanish for mouse. McGrath was told about the fraud by people who registered the name to show how poorly the roll was maintained. Well, at least he never voted.

5.6 The connection between published allegations of electoral fraud by Mr Chris Griffith in the *Courier Mail* and the supporting opinion of Dr McGrath, has also been noted by the AEC. For example, Mr Griffith's *Courier Mail* article of 4 November in relation to the 1987 Fisher election quoted Dr McGrath's opinion (see part 9 of AEC submission No 66 of 9 February 2001 and later in this submission), and Mr Griffith's *Courier Mail* article of 22 January in relation to the Queensland mailout quoted Dr McGrath's opinion (see part 8 of AEC submission No 66 of 9 February 2001).

5.7 Similar connections between the 2UE broadcasts of Mr Alan Jones alleging electoral fraud, and the supporting opinion of Dr McGrath, have been noted in part 10 of submission No 66 of 9 February 2001.

5.8 It was not until the JSCEM hearing of 2 March that it was confirmed by Dr McGrath on the public record in these proceedings, and supported by Mr Pyne's subsequent Media Release, that the enrolment of Michael Raton was a case of identity fraud in order to "test the system", similar to the case of Curacao Fischer Catt (see part 5 of submission No 66 and later in this submission).

5.9 As a consequence, on 13 March 2001, the AEC referred the Michael Raton matter to the AFP for the investigation of possible offences.

5.10 On 14 March 2001, after the JSCEM public hearing with Dr Amy McGrath on 2 March, Senator Jeannie Ferris published the following Media Release:

Media Release.....Senator Jeannie Ferris

CAT OWNED UP TO FALSE ENROLMENT

The Australian Electoral Commission (AEC) has provided more facts about the curious enrolment of a cat - Curacao Fischer Catt - in the Division of Macquarie in 1990.

On his enrolment form, in addition to claiming to be 18 years old, Curacao described his occupation as Pest Exterminator.

It also appears Curacao's enrolment came to light - not as a result of an alert postie as was thought previously - but because of the following reply to a letter of welcome to the electorate from the then local Member, Alasdair Webster:

"Dear Alasdair, Thank you for your letter regarding my inclusion on the electoral role (sic) of Macquarie. Unfortunately my owner has just advised me that under the Australian Constitution cats are not allowed to vote (which is probably a shame for any politician). Would you please remove my name from the role (sic) and I apologise for the inconvenience..."

'Thus Curacao's fraudulent enrolment was only discovered because of a letter - complete with paw print (I am told) on the envelope - dobbing himself in and how long he might have remained on the Electoral Roll otherwise is anyone's guess. It seems Curacao was not the first cat accepted on the Roll,' Senator Ferris said.

According to the AEC, Curacao's owner advised Federal Police that the person witnessing Curacao's enrolment card, knowing the information was false, had in fact done the same on an earlier occasion.

'While some may be surprised to learn there could be more cats on the electoral roll, what this instance really demonstrates is the ease and low priority at present given to enrolment fraud,' Senator Ferris said.

It appears that it took the Federal Police 15 months to complete its investigation of this case, well after the statute of limitations on prosecution had expired.

14th March 2001

For further information:
Senator Ferris on (02) 6277 3440

5.11 Senator Ferris says in her Media Release that she (and perhaps others) thought previously that the enrolment of Curacao Fischer Catt was uncovered “as a result of an alert postie”. In part 5 of submission No 66 of 9 February 2001, a month prior to Senator Ferris’ Media Release, the AEC advised the JSCEM of the facts in relation to this matter.

5.12 The AEC also advised in this submission that return-to-sender (RTS) mail to Members of Parliament is a useful source of information about possibly incorrect enrolments. The AEC advises MPs to forward any RTS mail to the AEC for attention, and the correct procedure was followed by Mr Webster at the time. (The AEC also observed that RTS mail is occasionally wrongly assumed by some MPs to constitute evidence of widespread electoral fraud).

5.13 Senator Ferris said in her Media Release that the Catt case “demonstrates ...the ease and low priority at present given to enrolment fraud”. Mr Pyne said in his Media Release that the Raton case “shows ... that the AEC needs to review its procedures for detecting electoral enrolment irregularities”.

5.14 The AEC is committed to ensuring that the Electoral Roll is kept as accurate as possible, within the legal framework provided by the Electoral Act, and within the resource base provided by Government. The AEC cannot uncover enrolment fraud that does not exist. The two cases of identity fraud that have received so much attention in this JSCEM inquiry as indicators of a possible underlying problem with the Electoral Roll, might equally signify, by their very rarity on a database of 12.47 million electors, that enrolment fraud does not exist at a level sufficient to require major reforms to the electoral system.

5.15 It is also of some significance that these identity fraud cases both involved individuals “testing the system” by enrolling as “pest exterminators” in the Division of Macquarie after the defeat in 1993 of the Liberal Party candidate Mr Alasdair Webster, an associate of Dr Amy McGrath. (Reference might also be made to part 13 of submission No 66, in response to question 15 from the JSCEM, which described an identity fraud case, involving the President of the Hurstville Branch of the Liberal Party, who was also apparently “testing the system”).

5.16 The AEC believes that public accountability in the federal electoral system is enhanced by the inquiries conducted by the JSCEM. This JSCEM inquiry has proved that point by exposing to public scrutiny the activities of those who would fraudulently “test the system” in an attempt to demonstrate that the electoral system is failing and requires change in a particular direction.

6. Allegations of Electoral Fraud in Fisher and Hinkler

6.1 In part 9 of submission No 66 of 9 February 2001, the AEC reported on allegations of electoral fraud at the 1987 federal election in the Queensland Division of Fisher, published by Mr Chris Griffith and Mr Hedley Thomas in the *Courier Mail* newspaper on 4 November 2001, with supporting opinion from Dr Amy McGrath of the H S Chapman Society, as well as allegations of electoral fraud at the 1984 and 1987 federal elections in the Queensland Division of Hinkler, published in the *Bundaberg News Mail* on 7 November 2000. These allegations were referred to the AFP for investigation by the Prime Minister and the Queensland Premier.

6.2 On 11 March 2001, the following report by Mr Peter Morley appeared in the Brisbane *Sunday Mail* newspaper:

Federal police have found no evidence of electoral roting in the 1987 poll that launched Labor's Michael Lavarch on his way to becoming Australia's attorney-general.

Investigators were called in by Premier Peter Beattie after the Courier-Mail reported a party insider's claim that rorted votes contributed to Mr Lavarch's win in the seat of Fisher, north of Brisbane.

The insider claimed he and other party supporters cast numerous votes for Mr Lavarch who won by 703 votes after preferences. The claims emerged in November as the Shepherdson inquiry heard allegations about Labor vote rorting in relation to state seats.

Yesterday a federal police source said investigators had been unable to substantiate any of the allegations which Mr Lavarch had rejected as nonsense. The source said examination of Australian Electoral Commission procedures, policies and electoral records had yielded no tangible evidence for any of the allegations.

Investigators had not even been able to identify any witnesses who could corroborate the alleged vote rorting or nominate any person involved in the activity.

Last night Mr Lavarch said that through courtesy, federal police advised him on Friday that they had closed the file. "I was not subjected to any police investigation", he said. "But I can say I am very pleased personally".

Mr Lavarch, an MP until 1996, said he was extremely angry about the newspaper report and would take the matter to the Press Council.

6.3 On 12 March 2001, the following report by Mr Chris Griffith appeared in the *Courier Mail* newspaper:

Federal police have ended their investigation into alleged vote rorts during the 1987 election of former attorney-general Michael Lavarch without interviewing five campaign workers who claimed they had knowledge of the scheme.

The investigation found no evidence to substantiate the claims of electoral fraud. The federal police inquiry followed a claim last year by a Labor insider, a member of the 1987 campaign team, who said supporters systematically had compiled the names of voters who had left the electorate of Fisher, north of Brisbane. but were still enrolled there, and later they voted under their name. The insider, who refused to reveal his identity to police, said some supporters had cast more than a dozen bogus votes each.

Mr Lavarch, who was never accused of any wrongdoing, yesterday said that he was pleased the investigation had been completed. It is understood investigators could not identify witnesses who had more than hearsay knowledge of the claims, and witnesses could not confirm the alleged rorts or nominate those involved.

But journalist Hedley Thomas said the federal police had ended the investigation without following up at least five other campaign workers alleged by the insider to be in on the rort.

Earlier this month The Courier-Mail contacted Federal Agent Paul Jevtovic to advise that the insider, who has strong Labor Party credentials, had named a handful of others from the Fisher campaign. Mr Jevtovic was told the insider no longer objected to those names being passed on to police.

“The police were offered a golden opportunity to interview several people specifically named by the insider for involvement in what he insists was a covert effort to rort the election,” said Thomas, who spoke to Mr Jevtovic. “Mr Jevtovic told me his police inquiry was continuing and he would call back the following week to receive the names and to discuss the matter further. “He did not get back in contact and appears to have ended the investigation without even speaking to those people, several of them union officials, alleged to have secured illegal votes.”

But a Federal Police spokesman said the onus had been on Thomas to immediately forward the names if he thought the information had been important. “We’ve spoken to every possible witness and every possible avenue of investigation has been explored.”

6.4 On 13 March 2001, the AEC received the following letter from the AFP:

In November 2000, the Australian Federal Police (AFP) received complaints from the Prime Minister, Mr John Howard and the Premier of Queensland, Mr Peter Beattie, in relation to an article reported in the *Courier Mail* on 4 November 2000. The article contained allegations of electoral misconduct in the 1987 Federal Election for the Division of Fisher. A further article appeared on 7 November 2000, in the *Bundaberg News Mail* concerning allegations

that false election results were returned in the Hinkler electorate in 1984 and 1987.

I wish to advise that the AFP has conducted an investigation into these matters and that investigation is now complete.

The investigation has been unable to identify any witness who can corroborate the alleged instances of vote roting reported in either the Courier Mail or the Bundaberg News Mail, or who can nominate persons involved in such activity. Examination of Australian Electoral Commission procedures, policies and electoral records has yielded no tangible evidence to support any of the alleged improprieties.

You may also be aware of an article reported in the Courier Mail on 12 March 2001, which allege that 5 witnesses have not been spoken to, who's identities are in the possession of the Courier Mail. Negotiations with the Courier Mail have failed to secure the release of those identities. It is unlikely that those names will be released due to the terms under which the Courier Mail have proposed the release. Regardless of the report by the Courier Mail I am still satisfied with the results of the investigation, and suspect that the identities withheld by the Courier Mail may have been interviewed as part of the comprehensive investigation undertaken.

The AFP does not intend to take any further action in respect of these allegations....

6.5 In summary, the allegations of electoral fraud at the 1987 Fisher election and the 1984 and 1987 Hinkler elections, published in the *Courier Mail* and the *Bundaberg News Mail*, have not been substantiated by a formal AFP investigation, after referral from the Prime Minister and the Queensland Premier.

7. Allegations of Enrolment Fraud in Longman and Lindsay

7.1 In paragraphs 9.22 to 9.26 of submission No 66 of 9 February 2001, the AEC provided current information available on allegations of enrolment fraud in the Division of Longman, involving Minister Mal Brough MP, and in the Division of Lindsay, involving Minister Jackie Kelly MP. There have been some further developments in these matters since that submission was filed.

7.2 In relation to the Division of Longman, on 5 March 2001, the AFP wrote to the AEC in the following terms:

On 9 February 2001 I informed you that the AFP investigation into the alleged fraudulent enrolment of Ms Andrea Chitakis in the Division of Longman was complete, briefs of evidence for referral to the Commonwealth Director of Public Prosecutions were being compiled against four persons (including Ms Chitakis), and that no further action would be taken by the AFP on this matter in regards to Mr Brough.

As per our discussion of 5 March 2001 I confirm that the investigation has failed to corroborate the allegations that Mr Brough had any prior knowledge concerning the allegations of his staffers and neighbours false enrolment. All circumstances indicate that Mr Brough had no prior knowledge of the fraudulent activity.

With the exception of Ms Chitakis, all persons interviewed have stated that at no time did they believe that Mr Brough had any knowledge of the false enrolments by his staff during the 1998 Federal Election. Most importantly, Ms Lisa Lawlor, who Ms Chitakis states was present during the alleged discussion with Mr Brough, has strongly denied that any such discussion ever took place.

7.3 That is, the AFP has found no evidence that implicates Minister Mal Brough in a conspiracy to defraud the roll for the Division of Longman. However, it would appear that prosecutions are possible against former members of Mr Brough's staff, for enrolment fraud offences at the time of the 1998 federal election, apparently for the purposes of affecting the result in that election.

7.4 In relation to the Division of Lindsay, this matter is now under investigation by the AFP, following the public hearings in Sydney on 30 January with former staff members of Minister Jackie Kelly, Mr Nick Berman and Mr Steven Simat, and following a formal complaint filed with the AEC.

8. Question on Notice of 7 March 2001

8.1 On 7 March 2001, the JSCEM Secretariat wrote to the AEC requesting a response by 21 March to the following question:

With respect to AEC submission #66 Answer 3 to Question on Notice: Please advise which registered political parties' constitutions have a membership preselection link with registration on the electoral roll, and which do not.

8.2 The branches of the Australian Labor Party and Country Labor that are registered with the AEC require that in order to vote in a party preselection ballot, a branch member must live in the relevant federal Division and be enrolled for that Division. There is no requirement with respect to candidates for preselection. No other political party registered with the AEC has a membership preselection link to the Electoral Roll for either voters or candidates in preselection ballots.