

AUSTRALIAN ELECTORAL COMMISSION

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

AEC Responses to 3 April JSCEM Hearing

20 April 2001

CONTENTS

- 1. Introduction**
- 2. AFP/AEC Memorandum of Understanding**
- 3. AEC internal staff security**
- 4. Possible new roll for Herbert**
- 5. Questions on Notice from 11 April**
- 6. Complaints by Dr McGrath and Mr Kirkpatrick**
- 7. Comments on AEC Submission No 74**

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 During the JSCEM public hearings with the AEC on 3 April 2001, the JSCEM raised a number of issues in relation to an AEC internal staff security review, a Memorandum of Understanding with the AFP on electoral offences investigations, and a possible new roll for the Division of Herbert under section 85 of the Electoral Act. These are responded to in this submission on the basis of the Hansard record.

1.3 At the end of the 3 April hearings, on page EM589 of the transcript, the JSCEM Chairman Mr Chris Pyne, said the following: "Senator Ferris has sent an apology but she does indicate that she will put some questions on notice". On 10 April the JSCEM Secretariat provided the AEC with a list of 24 questions on notice, which it is assumed are those provided by Senator Ferris. These questions are responded to in this submission.

1.4 Finally, this submission provides some comments from four of the DROs who contributed to AEC submission No 74 of 23 February 2001.

2. AFP/AEC Memorandum of Understanding

2.1 On page EM542 of the transcript, the JSCEM Chairman, Mr Chris Pyne, asked the AEC to provide the JSCEM with copy of any Memorandum of Understanding (MOU) that the AEC negotiates with the AFP on the investigation of electoral offences, and on page EM555 of the transcript asked the following:

Chair – When we talked before about your memorandum of understanding that you are painstakingly working out with the Australian Federal Police, you said that in the last few weeks you had met with them once, with a view to settling those minutes and then coming up with some sort of document. You said that you regularly had met with them over the last few years to talk about your relationship and how to improve the detection of enrolment fraud and the prosecution or the investigation with a view to prosecuting for the purposes of gaining a penalty against a convicted person.

How many meetings over the last few years – say, over the last five years – do you think you would have had with the AFP? Do you think you would have had five meetings?...I guess the average of meetings of the AFP would have increased quite dramatically over the last six months, with all the work that the AEC and the AFP have been giving each other. Would that be right?

2.3 As clarification, the following points might be noted. Officers of the AEC and the AFP are always in regular contact about electoral cases that are currently under investigation, and the AFP provides the AEC with quarterly reports on the progress of investigations. Routine AEC/AFP liaison usually occurs at the AEC/AFP State Head Office level, and the level of contact is dependent on the number of electoral cases under investigation. Referrals to the AFP may be made on some high profile and/or serious cases from the AEC Commissioner to the AFP Commissioner in Canberra, but the ensuing investigation will usually require local officer to officer liaison.

2.4 Prior to a federal election, AEC and AFP Head Offices in the various States/Territories may establish local agreements on referrals and investigations. For example, in NSW before the 1996 federal election, under advice from the AFP Eastern Region command, the AEC agreed to only refer to the AFP for investigation those cases of possible multiple voting that involved four or more instances of multiple voting. This agreement was made on the understanding that the AFP in NSW was not resourced to investigate all of the multiple voting cases that could be referred by the AEC to the NSW AFP after every federal election.

2.5 The AEC does not have a nation-wide Memorandum of Understanding (MOU) with the AFP (although, as with other federal departments and agencies listed in Schedule 2 to the Electoral Act, the AEC has a Safeguard Agreement with the AFP that covers the provision of electoral roll information to the AFP for law enforcement purposes). It should be noted that the incidence of electoral offences in each State/Territory, such as multiple voting, differs dramatically. Whilst there are hundreds of cases of possible multiple voting cases after a federal election in the three largest States, there are very few in the ACT, the Northern Territory and the smaller States (see submission No 129 of 7 February 1997 and submission No 239 of 15 October 1999, for example).

2.6 Further, while the level of investigations required can be predicted on a reasonably reliable basis for the year following a federal election, during non-election periods the levels are difficult to predict. This particular JSCEM inquiry, and the Queensland CJC inquiry, for example, have generated a significant workload for the AFP in Queensland. This extra AFP workload includes the Fisher 87 and Hinkler 84 allegations referred to the AFP by the Prime Minister (see part 6 of submission No 81), and the allegations involving former staff of Ministers Kelly and Brough (see part 7 of submission No 81).

2.7 These factors would complicate any standardised AEC/AFP MOU to cover the entire nation for any fixed term, and until recently it has been assumed within the AEC that the most appropriate level for inter-agency agreements on referrals and investigations is at the State/Territory level, where AEC/AFP officer contact is relatively frequent and familiar local circumstances prevail.

2.8 However, this JSCEM inquiry, and the submissions by the AEC, the AFP and the Attorney-General's Department, indicate that there has been renewed interest stimulated within the respective agencies about the overall conduct of electoral fraud investigations.

2.9 Earlier this year the AFP approached the AEC at the national level and requested a meeting about the overall needs of the AEC as a client of the AFP. The AFP was concerned to ensure that there was a consistent understanding across all areas of both agencies about relative needs and expectations. The meeting between the Electoral Commissioner and the Assistant Commissioner Elections and Enrolment from the AEC and the Director Technical Operations and another agent from the AFP was held on 2 February 2001 in Canberra.

2.10 At this meeting the AFP indicated that the number of electoral offences referred far exceeded the capacity of the AFP to investigate, and the AEC referred to its submissions to the JSCEM suggesting dedicated funding for the AFP for electoral offences. The AFP indicated that it could not investigate minor and routine matters (as para 2.9 in submission No 81 indicates, failure to vote cases are not referred to the AFP for investigation). The AEC indicated that for many serious/complex electoral cases the DPP was the first port of call, and only when a possible breach of the law was indicated, would there be a referral to the AFP. (Note that the DPP does not provide preliminary advice on possible multiple voting cases, which the AEC refers direct to the AFP on the basis of available documentary evidence.)

2.11 The AEC re-iterated its long-held view that AEC officers should not be trained and deployed for the investigation of electoral offences (see part 7 of submission No 66). The AFP indicated that forward planning would ensure that AFP resources would be made available for the investigation of appropriate electoral offences, including multiple voting, at the next federal election. It was agreed that discussions between the AEC, the DPP and the AFP should follow, with a view to developing a protocol for referrals by the AEC to the most appropriate agency in the first instance and for the prioritisation of referrals to the AFP, as necessary.

2.12 On 8 March 2001, the AFP contacted the AEC to arrange a meeting between the AEC, the DPP and the AFP in Canberra to establish a protocol for the referral of electoral offences for legal advice, investigation and prosecution. The AFP was advised by the AEC that such a meeting might be premature, given that the AEC and the AFP were currently filing submissions and providing oral evidence to the JSCEM.

2.13 It is understood that the outcome of the 2 February AEC/AFP meeting has informed the supplementary submission from the Attorney-General's Department to this JSCEM inquiry. The AEC has concluded that any inter-agency agreements on protocols for referrals of electoral offences, including a possible national AEC/AFP Memorandum of Understanding, should await JSCEM consideration of the AEC, AFP and AGD submissions and oral evidence, and any recommendations that the JSCEM might make on the

conduct of electoral offences investigations and possible increases in offence penalties.

2.14 That is, in the context of those electoral offences now included in the Criminal Code, to come into effect on 24 May, and the possibility of further amendments to the Electoral Act to increase penalty levels for other electoral offences before the next federal election, it would seem prudent to defer any further inter-agency discussions until the JSCEM Report is tabled, and if necessary, until the formal Government Response. Further, it might be more appropriate if any inter-agency agreements that are reached prior to the next federal election are provided to the incoming JSCEM after the next federal election.

3. AEC internal staff security

3.1 Following the JSCEM hearing with the AEC on 15 November 2000, which raised allegations of political bias in the AEC, part 2 of submission No 66 of 9 February 2001, responded, in part, as follows:

2.27 In essence, the line of questioning about AEC security, from Government members of the JSCEM, was based on (a) an unsubstantiated hearsay allegation by a convicted criminal about an "Electoral Commission insider", since discredited by counsel assisting the CJC in his closing submissions and by the Commonwealth Ombudsman in his draft report, and (b) an unsubstantiated allegation, about a phone call at a polling booth, made 12 years ago by a National Party member in a written submission to a JSCEM inquiry, which appeared to implicate the present Premier of Queensland. This does not amount to evidence that the independence of the AEC is under serious and present threat from politically partisan infiltration.

2.28 Finally, it is worth noting that the first recommendation of this JSCEM in its June 2000 Report on the conduct of the 1998 federal election was that:

the AEC assess the effectiveness of its staff selection procedures to ensure that it continues as an independent, professional and ethical organisation that is respected by the people who use its services.

2.29 This recommendation was made in the context of (a) unsubstantiated allegations by the Northern Territory Country Liberal Party (NTCLP) of political bias in AEC polling teams servicing Aboriginal communities at the last federal election, and (b) concerns expressed by the Liberal Party of Australia about members of industrial unions being employed as casual polling staff by the AEC.

2.30 The AEC responded to the NTCLP's allegations in part 7.5 and 7.6 of submission No 88 of 12 March 1999, parts 30 and 38 of submission No 176 of 4 May 1999, and parts 30, 35, 47 and 49 of submission No 210 of 23 July 1999. The AEC responded to the Liberal Party's concerns about union membership in paragraph 41.14 of submission No 176 of 4 May 1999. The June 2000 JSCEM Report made no findings in support of the NTCLP's allegations of political bias in the AEC. However, the AEC is currently

reviewing the effectiveness of staff selection procedures in accordance with the JSCEM recommendation.

2.31 The AEC remains conscious of the need to continually monitor AEC security matters, to ensure that appropriate staff are employed and that computer systems operate consistently with best government practice. The AEC would welcome the opportunity to comment on any improvements proposed by the JSCEM.

3.2 There have been no further suggestions from the JSCEM since the filing of this submission, about possible improvements to AEC staff security matters, and the AEC had assumed that any such suggested improvements would be contained in the eventual JSCEM Report. However, on page EM547 of the transcript, the JSCEM Chairman, Mr Chris Pyne, asked the following:

...in your submission No 66 you indicated that you were in the process of developing an undertaking concerning political neutrality that would be used when engaging all staff. Could you indicate what you think that undertaking might contain?

3.3 As indicated in Attachment 2 to submission No 66 there is already a political affiliations undertaking in existence. That is, the AEC is not developing any new political affiliations undertaking, but reviewing and possibly extending the present undertaking:

The AEC is currently reviewing its procedures in relation to the political neutrality undertaking made by staff consequent upon recommendation 1 of the June 2000 JSCEM Report. The AEC is developing an undertaking that will be used when engaging all staff, that is, ongoing and non-ongoing staff, as well as staff employed under the Electoral Act as election casuals.

3.4 On page EM550 of the transcript, the following discussion occurred:

Chair - ...I am wondering why in April 2001 you cannot present us with information in respect of that undertaking?

Mr Dacey – I understand this is part of our normal review process following each election. We review our recruitment practices such as the forms we have in place and the declarations we require of staff. It is also tied up with a wider review of the effectiveness of our staff selection procedures. I understand that these new procedures are in draft form and will go to the next meeting of the AEC management board in May for confirmation and adoption before the next election.

Chair – It is a bit of a pity that it has not gone to a meeting earlier in the year so that it would have been completed and be able to be presented to the Joint Committee on Electoral Matters. No doubt you can forward it when completed.

Mr Cunliffe – I am sure we can. At one stage we were certainly anticipating that this committee would be meeting for some months yet. I am sure you were not suggesting that this timing was adopted to avoid –

Chair – Certainly not. I think in November I said that we would be meeting for some months. It is now April....

3.5 The position at present is that an updated policy on political neutrality has been drafted to cover all AEC employees under the *Public Service Act 1999* and the *Commonwealth Electoral Act 1918*. This draft policy incorporates a revised political affiliations undertaking for employees to sign. The draft policy is currently passing through internal consultation processes prior to consideration and endorsement by the Electoral Commissioner. It is expected that the revised undertaking will be incorporated into the employment agreements and other relevant documentation for the 2001 federal election. The AEC was not working on the assumption that this document was to be provided to the JSCEM on or before 3 April 2001.

4. Possible new roll for Herbert

4.1 The AEC has reported on the enrolment fraud cases in the Division of Herbert, which the AEC was instrumental in uncovering, in part 2 of submission No 26 of 17 October 2000, and in parts 9 and 12 of submission No 66 of 9 February 2001. As reported in these submissions, supported by evidence to the Queensland CJC inquiry, the 36 cases of fraudulent enrolment transfers involved real people and not “ghosts” or “dead people”; occurred mainly within the Division of Herbert for ALP party preselection purposes rather than for federal election purposes; and the roll was soon corrected through standard procedures.

4.2 However, at the JSCEM hearing with the AEC on 3 April 2001, the JSCEM Chairman, Mr Chris Pyne, asked the AEC whether a new roll for Herbert should be prepared under section 85 of the Electoral Act, as suggested by Dr Colin Hughes in his submission No 19 of 12 October 2000 to this JSCEM inquiry. It is noted that Dr Hughes’ suggestion was predicated on the assumption that the JSCEM eventually makes a finding that electoral fraud has occurred on a “significant scale”, and that public confidence in the rolls is affected. Dr Hughes’ suggestion would apparently involve a Division-wide door-knock followed by objection action, and follow-ups, which he estimated might cost anywhere between \$100,000 and \$750,000.

4.3 On pages EM583 to 584, AEC witnesses responded to Mr Pyne’s questions on this issue as follows:

Chair - Section 85 of the Commonwealth Electoral Act enables the Electoral Commission to conduct a full new roll for an electoral division, in particular. Could you outline what conditions need to be met for a full habitation review to be conducted in an electorate to establish a new roll under section 85? Would you like to take that on notice?

Mr Becker - I have just been told it has never been tested.

Chair - So it has never been done at all. Do you think it would be a useful exercise, given the evidence that has come out in the last six months through this inquiry, through the Shepherdson inquiry and through the Karen Ehrmann, Kehoe and Foster convictions for there to be a full review, under section 85 of the Commonwealth Electoral Act, in a particular seat to determine the accuracy of a roll? For example, would it be a useful exercise to take Herbert and conduct a new roll under section 85 in order to determine how inaccurate or accurate the roll might be - whether any inaccuracy is from criminal activity or just from inadvertence or people moving who have not changed their enrolment?

Mr Becker - It might well be a useful activity. I do not think you could justify it on the basis of what has been exposed in the last few inquiries. But let us see what the ANAO has to say first, and then we might have a look at it.

Mr Longland - We did have some internal debate on this matter when Professor Hughes suggested that it might be something that your committee or LCARC might be moved to recommend. I think it remains a little indeterminate what was in the mind of the parliament when that section was incorporated into the legislation.

For example, I believe Dr Hughes thinks that section 85 would entitle us to dispense with the roll for a division or a state or whatever and start a complete re-enrolment process. It does not imply a roll review, a doorknock or any other sort of process of checking; it involves throwing out what you have got and starting again, using whatever mechanism you might choose. That is his opinion. There is, I think, some debate as to whether or not that is what was intended by the legislation, and whether completely dispensing with the roll for a division would, in fact, be legal under section 85.

Chair - In your discussions, did you talk about cost implications of conducting a new roll under section 85 in a seat like, for example, the quite compact seat of Herbert?

Mr Longland - Professor Hughes, I think, raised that issue of cost. He was suggesting - from memory - somewhere in the order of \$100,000, but he suggested that, if either committee were of a mind to look at that, we would have to look at the costs more closely. We have not done any costings on that.

Chair - So it has never been done in the entire time that the Electoral Act has been in existence? There have, obviously, been a lot of allegations in the last six months from various different sources - in fact, even longer than six months, considering Ms Ehrmann, Foster and Kehoe. So perhaps it might be a useful exercise, or you might think about providing to the committee cost implications and how it might be done, to conduct a section 85 new roll in a seat like Herbert, so that we might be able to get an exact indication of the accuracy of the roll. It might be that we find out that, rather than being 90 or 95 per cent accurate, it turns out to be 75 per cent accurate, in which case -

Mr Becker - Or 99.

Chair - Or 99 or even close to 100 per cent. And that would be a great thing.

Mr Becker - Let's hope that when you make that recommendation we will not be throwing the baby out with the bathwater when we create the new roll, because you would have to –

Chair - That is why I am trying to find out what will be involved in a section 85 new roll.

Mr Becker - So you would keep your normal roll maintenance going and do something over here. But the question then arises: which one is going to be right?

Chair - The one that you had just created, I guess, is what you think would be right.

Mr Becker - Why?

Chair - Because you would be doing it under tested conditions. But that is a matter I would like you perhaps to look at and return to the committee with some information on, because it might be something we want to look at in our final report.

Mr McClelland - It might be the case, mightn't it, that there would be a lot of people staying at their holiday homes and not have returned to their primary place of domicile?

Mr Longland - I think it will also be important, before we set off on that path -

Chair - If you do not think it is important that the roll is accurate, Mr McClelland, that is a matter for you. But I think it is a serious question, to find out whether the rolls are accurate. If the Labor Party wants to continue –

Mr McClelland - With respect, Mr Chairman, you verbed me quite falsely. The proposition was that it would be removing people's constitutional right to vote to strip them off the roll and then to conduct a re-enrolment, and my point was with respect to circumstances where they may well not be present in their electorate. So don't try a false verbal.

Chair - Certainly, Mr McClelland.

Mr Longland - If I could just conclude my statement on that: I believe it would be very important, before we set off on any path to do that, for us to get the appropriate legal opinion as to whether or not section 85 actually allowed us to do a re-enrolment process such as we have discussed here.

Mr McClelland - In circumstances where one of the very few rights that Australian citizens have is a right to vote, under the Constitution.

4.4 Essentially, if the JSCEM concludes that the evidence shows that the roll in Herbert is still sufficiently corrupted to be of major concern, then rather than recommending the creation of a new roll under section 85 of the Electoral Act, which could involve problematic legal/constitutional issues such as those raised by Mr McClelland, it might be more prudent to recommend simply that the AEC conduct a highly resource-intensive door-knock and

letter-drop across the whole of the Division, and refresh the roll through the consequent AEC objection action and follow-ups.

4.5 These standard procedures are currently available under the Electoral Act, and could be managed by the AEC with sufficient special resourcing. Such a review would have to be conducted in a very short time frame, such as a week, so as to minimise the effect of the usual level of background enrolment changes. It is roughly estimated that such an exercise might cost in the vicinity of \$320,000.

4.4 However, before making such a recommendation, the AEC urges the JSCEM to examine closely the justification for such an exercise in the light of the fact that the defrauding of the Herbert Divisional Roll by Ehrmann/Foster/Kehoe occurred prior to the implementation of CRU and other roll management innovations which are now proving to be effective in maintaining and improving the accuracy of the rolls. Reference should also be made to the results of the Queensland mailout prior to the 2001 Queensland State election, as reported in part 8 of submission No 66 of 9 February 2001.

5. Questions on Notice of 10 April 2001

5.1 At the end of the 3 April 2001 hearings, on page EM589 of the transcript, the JSCEM Chairman Mr Chris Pyne, said the following: "Senator Ferris has sent an apology but she does indicate that she will put some questions on notice". On 10 April the JSCEM Secretariat provided the AEC with a list of 24 questions on notice, which it is assumed are those provided by Senator Ferris.

5.2 The AEC notes that many of these questions are closely related to the concerns of Dr Amy McGrath and her associate Mr Alasdair Webster, particularly those involving the Divisions of Macquarie and Dickson, and religious objectors. The AEC has commented on the activities of Dr McGrath during these JSCEM proceedings in parts 5, 8 and 10 of submission No 66, in part 17 of submission No 74, in parts 13 and 17 of submission No 76, and in part 4 of submission No 81.

5.3 It must be said at the outset that most of these questions are not precisely formulated and appear to arise from a misguided view of the AEC's responsibilities, and an inadequate reading of the AEC's submissions to this inquiry. For example, the questions on Macquarie and Dickson and religious objectors are not sufficiently precise in their formulation to allow proper responses, and the questions on the State elections in Mundingburra and Ballarat South are based on incorrect assumptions about the statutory responsibilities of the AEC.

5.4 Further, the questions on photographic identification are predicated on an incorrect assumption about the position of the AEC on the issue, and request statistical/experimental evidence/proof where it cannot be reasonably produced. One of the questions relating to Mr Longland's evidence would appear to be beyond the terms of reference of this JSCEM inquiry. Nevertheless, the AEC provides the following comments to assist the JSCEM in its deliberations.

Photo ID

1. Why does the AEC refuse to concede that the introduction of photo ID would have a significant impact on limiting the opportunities to engage in electoral fraud?

5.5 The AEC has made no such statement in any of its submissions to this JSCEM inquiry. In part 12.3 of submission No 26 of 17 October 2000, the following was said on the issue of voter identification (emphases added):

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

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

5.6 The AEC asks that members of the JSCEM examine the extensive and detailed submissions that the AEC has provided on the subject of enrolment and voter identification in Attachments 14 and 15 to submission No 26. It is noted that the JSCEM did not authorise these attachments for binding as part of the record of proceedings, but they are available on the AEC website.

5.7 In relation to the specific issue of photographic identification, attention is drawn particularly to parts 7, 8 and 9 of submission No 98 of 23 October 1996 (Attachment 15 to submission No 26), where national and international evidence and expert opinion is provided, and the position of the AEC, as reiterated in the extract above, is clearly stated.

5.8 What the AEC has indicated in its submissions to this JSCEM inquiry, is that if the JSCEM believes there is evidence of serious and proven electoral fraud sufficient to justify major amendments to the Electoral Act, then high integrity personal identification systems on an electronic platform should be given proper consideration. The AEC has also said that paper-based documentary identification (which might include photographs) is no longer considered by the major federal agencies combating fraud against the Commonwealth to be of high integrity and that computerised identification systems (such as biometrics) might be the preferred alternative.

5.9 The AEC has also assumed that any recommendation by the JSCEM for the introduction of photographic identification for 12.47 million Australian electors, as part of what would inevitably become a highly expensive national identification system, would be based on a concluded view by the JSCEM that electoral fraud is a serious and proven problem at federal elections. On the basis of the evidence presented to this JSCEM inquiry, and to previous JSCEM inquiries back to 1987, the AEC is unable to agree that this is the case (see part 12 of submission No 66 of 9 February 2001).

5.10 The AEC also made some general comments on the risks involved in “tightening up” the electoral system, in part 4 of submission No 66 of 9 February 2001. In paragraphs 6.9 to 6.24 of submission No 66 of 9 February 2001, the AEC outlined the acknowledged difficulties with documentary identification systems (which might or might not include photographic identification), noted public opposition in the mid-1980s to the introduction of any Australia Card system for national identification, and proposed that for far less cost and public inconvenience, the JSCEM might consider recommending funding to upgrade current AEC roll management systems.

2. Why is the AEC choosing to ignore the recommendation of some of its own DROs who argue that photo ID would ensure the integrity of the roll?

5.11 The AEC does not ignore the views of its own staff. However, the AEC does not agree that photo ID would *ensure* the integrity of the roll.

3. Could the AEC provide statistical evidence to the Committee to support its claim that a voter ID requirement would affect the right to vote of the young and socially disadvantaged?

5.12 The AEC has not claimed that voter identification *would* affect the right to vote of the young and socially disadvantaged, but has indicated that it *could* have such an effect, and that the JSCEM should give this due consideration (see paragraph 5.5 above). This question seeks statistical evidence from the AEC in support of a hypothetical proposition. What the AEC can offer, and has offered the JSCEM in its submissions, is the expert, professional opinion of national and international electoral authorities, parliamentary committees, and other federal agencies involved in related work.

5.13 There is considerable expert opinion in support of the warnings that the AEC has responsibly provided on the possible impacts of enrolment and voter identification on the franchise, including from opposition members of this JSCEM (see para 6.9 of submission No 26) and from other parliamentary committees (see para 5.4 of submission No 26). Further, the AEC has said the following on voter identification in general, in submission No 98 of 23 October 1996, which forms Attachment 15 to submission No 26 to this JSCEM:

9.1.1 The participation effects of voter identification seem to differ from the participation effects of enrolment identification. Generally speaking voter identification has less potentially discouraging effects on electoral participation, or “administrative disenfranchisement”, than enrolment identification.

9.1.2 Indeed, it might appear that rather than discouraging electoral participation, voter identification can stimulate voting turnout. The Victorian State Electoral Commission has claimed, on the basis of a comparison of the turnout at the Coburg by-election held on 14 May 1994 with the three previous Victorian State by-elections, that the delivery of a personally-addressed card to each elector was responsible for the increased turn-out by some five percentage points, or 1,700 votes.

9.1.3 However, it is not possible to extrapolate from the Coburg by-election to predict turnout under a proof of eligibility scheme at federal elections. This is because, as the Victorian State Electoral Commission acknowledged, the Coburg trial had two systems of voting in operation simultaneously: the ‘new’ and the ‘old’. It was not, therefore, a trial of a fully-fledged voter card system. At the Coburg by-election, because an elector could choose whether or not to present his or her voter card, and cast an ordinary vote in either case, the potential for discouraging electoral participation was removed.

9.1.4 As the UK Home Office has advised the AEC, in the case of Northern Ireland the presence of a range of factors makes it impossible to conclude what the effect of the specified documents requirement on voter turnout has been:

variables such as poll boycotts by certain sections of the community, party coalitions, voter apathy, the weather - even TV scheduling - all have their say and it is consequently impossible to state categorically that specified documents alone played a role in influencing turnouts.

9.1.5 In Northern Ireland, unlike at the Coburg by-election, electors do not receive a voter card, rather they must produce certain specified documents at the polling place in order to receive a ballot-paper. However, the specified documents requirement has led to increased public awareness of the electoral system due to the rigorous voter information campaigns reminding people of the need for specified documents at the polls. In the opinion of the UK authorities, the specified documents requirement does not appear to have had much impact one way or the other on turnout. The Northern Ireland Office and the Chief Electoral Officer for Northern Ireland believe that other factors, such as voter interest, primarily determine the overall turnout.

9.1.6 Given the inapplicability of the Coburg by-election experiment, and the difficulty of drawing a clear conclusion from the Northern Ireland experience, it is hard to offer any conclusion on the potential turnout effects of voter identification.

4. Could the AEC please provide the Committee with examples elsewhere in the world where the introduction of voter ID led to a decline in the youth vote or the disenfranchisement of those who are socially disadvantaged?

5.14 There is no comparable international situation, that the AEC is aware of, that would involve the recent introduction of voter identification in a long-standing compulsory voting environment. However, attention is drawn to relevant comments in the following extract from submission No 98 of 23 October 1996, which forms Attachment No 15 to submission No 26 to this JSCEM inquiry:

6.3.1 International IDEA has observed to the AEC that there is international recognition of the phenomenon of “administrative disenfranchisement”, the creation of barriers to electoral participation through administrative demands. However, the more effort that is made to establish special procedures for recognisable groups facing difficulties, the less administrative disenfranchisement results.

6.3.2 It was noted above that the ATO and AUSTRAC have implemented alternative proof of identity schemes for specific client groups. Such groups include Aboriginal and Torres Strait Islander people (particularly those in remote areas), children under 18, recent arrivals in Australia, recipients of financial supplements (Austudy/Abstudy), and people not residing in Australia.

6.3.3 The Government submission to the 1986 Joint Select Committee on an Australia Card, “Towards Fairness and Equity”, at page 44, identified categories who may have needed special registration arrangements in relation to the Australia Card Program as follows:

- (a) the frail aged;
- (b) persons in institutions;
- (c) some disabled persons;
- (d) homeless or destitute persons;
- (e) some Aboriginal and Torres Strait Islander groups;
- (f) some ethnic groups;
- (g) persons in remote areas.

The special arrangements under consideration for these groups would not remove the need for registration of such persons, but would rather be aimed at solving their difficulties in becoming registered and in retaining or producing Australia Cards or numbers where required.

6.3.4 The Health Insurance Commission 1986 Planning Report, at page 168, also identified Australians living overseas as persons for whom special registration arrangements would have to be made. If a proof of eligibility scheme was adopted then consideration should be given to alternative schemes for all of the groups identified above.....

6.3.6 Alternative proof of identity schemes are implemented by the ATO and AUSTRAC because without them specific client groups would face difficulty in participating in economic life. The availability of alternative proof of identity schemes for specific is of particular relevance to enrolment identification, given the general principle that the franchise is not some sort of privilege which has to be earned, or bestowed by government, but rather a right of all citizens.

....

6.4.4 Any scheme which required the production by electors of documents such as birth certificates or passports could well constitute a very substantial imposition on the voters themselves. A requirement to produce birth certificates could see voters paying out over \$100 million. It is likely that such a scheme would be strongly - and validly - criticised as making people pay for the right to vote. While the effect this would have on voters could be ameliorated if the Commonwealth were to bear the cost of issuing such necessary documents as birth certificates, this would represent a considerable charge on the federal budget.

5. After all the evidence that has been presented to the Committee over the past few months revealing the extent of electoral fraud in Australia does the AEC still object to major amendments to the Electoral Act for the introduction of the early close of rolls and voter ID?

5.15 For the record, the view of the AEC on voter identification and the early close of rolls is provided in parts 12.2 and 12.3 of submission No 26 of 17 October 2000 (and see responses to the questions above). In relation to the need for major amendments to the Electoral Act, the AEC has consistently submitted that the substantiated evidence on electoral fraud put before this JSCEM (as opposed to unsubstantiated allegations of electoral fraud) does not appear to justify major changes to the federal election system.

5.16 The AEC and the Queensland CJC inquiry uncovered cases of electoral fraud for the purposes of party preselections, rather than for the purposes of federal elections. The considerable evidence on identity fraud put before this JSCEM resolves into those cases perpetrated for reasons other than electoral, and those cases perpetrated for no other reason than to "test the system", particularly in the Division of Macquarie. The allegations of electoral fraud in Fisher 87 and Hinkler 84 have been discredited by an AFP investigation. In an indirect sense, this JSCEM inquiry has probably been responsible for the uncovering of a small number of cases of alleged electoral fraud for the purposes of federal elections, including those involving former staff members of Ministers Brough and Kelly. However, these few cases of alleged electoral fraud for electoral purposes would not appear to constitute sufficient justification for major changes to the federal electoral system.

6. The AEC has claimed that such amendments could possibly lead to a reduction in the franchise? What evidence was the AEC using to make this claim?

5.17 The AEC has responsibly provided the JSCEM with warnings about possible outcomes. For the record, the position of the AEC on voter identification and the early close of rolls is provided in parts 12.2 and 12.3 of submission No 26 of 17 October 2000. In relation to the provision of statistical evidence on hypothetical propositions, and the possible impacts of voter identification on the franchise, see responses to questions above. In relation to the possible impact of the early close of rolls on the franchise, see part 12.2 and Attachment 28 to submission No 26, and part 2.1 of submission No 120 of 10 November 1993 (Attachment 14 to submission No 26).

7. The AEC has also claimed that such amendments would cause queuing delays and delays in the delivery of election results. Once again what evidence did the AEC use to make this assertion.

5.18 The AEC has not made such a claim/assertion, but responsibly provided the JSCEM with warnings about possible outcomes. For the record, the position of the AEC on voter identification and the early close of rolls is provided in parts 12.2 and 12.3 of submission No 26 of 17 October 2000. In relation to the provision of statistical evidence on hypothetical propositions and the possible impacts of voter identification and the early close of rolls on queuing and election results, see responses to questions above.

8. One DRO, Mr Graham Smith, quoted on page 9 of his submission that if voter ID was not introduced electoral fraud would continue to exist. Can the AEC guarantee that without photo ID electoral fraud will be able to be contained?

5.19 The AEC does not provide guarantees about electoral fraud, whether photo ID is available or not.

9. Does the AEC have a view on why most of the possible electoral frauds it has recorded have been in NSW and Queensland rather than other states and Territories.

5.20 No. This question is a repeat of question on notice No 10 of 7 December 2000, which was responded to by the AEC in part 13 of submission No 66.

Macquarie

10. In relation to the seat of Macquarie during the 1996 election, the AEC reduced the number of names checked to 120. When were these checked names made available to Mr Webster?

5.21 It is assumed that this and the following few questions relate to the 1993, rather than the 1996, federal election in the Division of Macquarie. Even so, it is not at all clear what this question means. The AEC would appreciate being provided with the list of 120 names under consideration by the JSCEM and some background information on the circumstances under which they were apparently checked.

11. When were these names uploaded onto the AECs website?

5.22 Again, this question is not at all clear. The AEC is not in the practice of uploading names of persons investigated onto its website.

12. Why was Mr Webster denied access to the list of names following the AEC survey and why was a privacy order put on the list?

5.23 The AEC is unable to determine which list of names, which AEC survey, and which privacy order, Mr Webster might be referring to.

13. Has the privacy order now been lifted?

5.24 See response to question 12.

14. Was it a fact that some voters were registered at the home or homes of the staff of the winning 1996 candidate, Maggie Deahm, to vote in the electorate of Macquarie but in fact did not live in that electorate for the required statutory period prior to the election?

5.25 It is assumed this question relates to the 1993 federal election and not to the 1996 federal election. However, the AEC is unable to respond as it has no knowledge of who the staff of Ms Deahm might have been at the time.

Jehovah's Witnesses

15. How did the DRO know that 136 of the 247 conscientious objectors on the list were valid conscientious objectors?

5.26 It is assumed that this question relates to the 1993 federal election in the Division of Macquarie. However, it is not at all clear how the numbers cited in the question were derived, and the AEC would appreciate being provided with further detail. In Attachment 4 to submission No 76 of 28 February 2001, the AEC reported the following on religious objectors in the Division of Macquarie in 1993:

Some 315 religious objectors did not have their names marked off the Certified Lists of Voters for the Division of Macquarie at the 1993 federal election because they did not present to vote at the election. This group of people was well known to the then Divisional Returning Officer for Macquarie because they had provided valid and sufficient reasons for their failure to vote at previous elections, namely, their religious convictions. (Note that section 245(4) of the Electoral Act does not require a DRO to issue a penalty notice to an apparent non-voter if satisfied that there is a valid and sufficient reason

for not voting, and section 245(14) of the Act provides that “religious duty to abstain from voting” is a valid and sufficient reason for not voting.)

Accordingly, the DRO decided not to issue penalty notices to these people, and the administrative records showed them all as having valid and sufficient reasons for not voting. In fact, AEC records show the Division of Macquarie recorded by far the largest number of “valid and sufficient” reasons for not voting, 628, out of a total of 7,658 for NSW as a whole. It should be obvious that had any organised group of people attempted to fraudulently cast votes against the names of these religious objectors this would have immediately raised the suspicions of Divisional staff. In summary, despite the repeated allegations made by Mr Kirkpatrick, Dr McGrath and Mr Webster, all the evidence indicates that there could have been no impersonated votes cast in the names of these religious objectors in the Division of Macquarie at the 1993 federal election.

It is notable that a similar allegation of impersonated votes was made to the JSCEM, in relation to another group of religious objectors in the 1993 federal election in the Division of Dickson (another favoured target of the H S Chapman Society). The AEC investigated this allegation and found it to be similarly unsustainable (see Attachment 19 to submission No 26 of 17 October 2000 on the AEC website). The conclusions of the AEC were subsequently unanimously endorsed in the November 1994 JSCEM Report on the 1993 federal election.

16. Why has the AEC claimed that Mr Webster was 'subsequently disendorsed' by the Liberal Party when the truth of the matter was that he withdrew from further electoral representation after having to pay \$100,000 in costs?

5.27 In paragraph 7.20 of AEC submission No 66, it was said that “The AEC understands from reports at the time that the Liberal Party declined to support Mr Webster’s legal challenge to the 1993 Macquarie election, and that he was subsequently disendorsed by the Liberal Party.” The AEC has not claimed that Mr Webster’s court costs were responsible for his disendorsement by the Liberal Party.

17. Why did the AEC only send out letters to 107 Jehovah Witnesses and not the whole 247? Why were they not all treated the same?

5.28 Again, this question is unclear. See response to question 15 above.

Mundingburra July 1995

18. Does the AEC accept that the 22 soldiers from Mundingburra who were denied a vote because their voting papers were not delivered in time were disenfranchised largely by the poor management of the AEC in not ensuring that the Army was given the papers in adequate time?

5.29 No. As members of the JSCEM should be well aware, the AEC did not conduct the Queensland State by-election in Mundingburra. The AEC understands that this problem arose not as the result of poor management by the relevant electoral authority, but more as the result of limitations in the State legislation with respect to the carriage of electoral materials overseas.

5.30 However, as the result of this experience at the State electoral level, the AEC recommended an amendment to the Electoral Act, which became recommendation 68 of the June 1997 JSCEM Report, and has now been incorporated into law.

19. Does the AEC have an explanation as to why this type of incident was repeated with soldiers serving in East Timor?

5.31 It is not clear which election this question refers to, but at the recent Ryan by-election there were no difficulties encountered by the AEC in delivering ballot materials to soldiers serving in East Timor.

Ballarat South

20. Why did Dr Colin Hughes claim a need to hold up the sending out of objections in order to obtain legal advice after the 1988 State election claiming 'privately initiated enquiries is a new phenomenon?'

5.32 This question should be directed to Dr Hughes, as the documentary record available to the AEC does not provide any relevant information on his thinking at the time. However, the AEC sees no reason to doubt Dr Hughes' expressed view that the many hundreds of private objections to the roll, lodged with the AEC in relation to the 1988 Victorian State election for Ballarat South, was a new and unusual phenomenon, that required legal advice.

Mr Bob Longland's evidence 3/4/01

21. What happened to the list of Vietnamese voters, whose enrolment forms were checked with the Department of Immigration and Multicultural Affairs and photocopied at Mr Longland's request that were sent to him by Mr Patching at the time the issue was active circa 1993?

5.34 The AEC has addressed Mr Patching's appearance before this JSCEM on 5 December 2000 in part 3 of submission No 66. The AEC has also responded directly to Mr Patching's submission to this JSCEM inquiry in part 16 of submission No 74. The AEC notes that this question makes reference to a "list of Vietnamese voters". It should be emphasised that, while the AEC cannot speak for Mr Patching on this matter, there has been no suggestion made by the AEC in any submissions to this and previous JSCEMs, or by the JSCEM in any previous JSCEM Reports, that the Vietnamese community was involved in organised electoral fraud in the Division of Rankin prior to the 1993 or 1996 federal election.

5.35 The AEC has reported on developments in the enrolment of new citizens, and data-matching with DIMA for roll integrity purposes, in part 8 of submission No 66 to this inquiry, as follows:

8.2 On page EM111 of the transcript for 5 December 2000, Senator Murray asked the JSCEM Secretariat to:

...find out and give us a briefing paper on exactly what wash is capable between the immigration department's database and the AEC. I am not aware of what physical data is available to automatically wash the roll and establish who is a citizen and who is not.

8.3 Senator Murray's concerns date back to submission No 88 of 18 September 1996 from Mr Bob Patching, who made his submission as a private citizen rather than in his official capacity as the DRO for Rankin. Mr Patching was highly critical of an AEC management directive that he discontinue his unauthorised personal contacts with the Department of Immigration, seeking to confirm the citizenship details of enrolment applicants of mainly asian extraction in the Division of Rankin. The AEC responded to Mr Patching's submission in submission No 100 of 24 October 1996. Mr Patching has again raised his complaints about procedures for enrolling new citizens in his submissions to this inquiry.

8.4 At paragraph 11.4.1 of submission No 26, the following was reported on the enrolment of new citizens:

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

8.5 Further information on the enrolment of new citizens is as follows. In its response of 8 April 1998 to the June 1997 JSCEM Report, the Government supported recommendation 4: that the AEC investigate the practicality of data-matching with other agencies for the purpose of validating the identity of citizens applying for enrolment. Following negotiations, the AEC reached agreement with the Department of Immigration and Multicultural Affairs (DIMA), and programming commenced in early 2000 on a system for the regular electronic transfer of citizenship data to the AEC. The planned implementation date of August 2000 has been delayed because of the necessity for DIMA to make major changes to their citizenship database, and recurring problems with a system already in production for the transfer of citizenship data to the Passports Office.

8.6 The AEC has commenced upgrading Divisional procedures for the checking of citizenship claims on enrolment applications entered onto RMANS using the DIMA data. AEC Divisional staff will be able to make on-line checks of claims on enrolment forms of citizenship by grant made by persons not born in Australia. The AEC will also match the DIMA data against

RMANS enrolments to confirm the status of an estimated 3.5 million electors who have been granted citizenship over the last 50 years. Currently the RMANS database holds approximately 400,000 enrolments for Australian citizens by grant. Other than in South Australia (where country of birth is held on RMANS), the new system will not assist in identifying non-citizens who are either British electors or already incorrectly enrolled. The DIMA data will provide a positive confirmation that an elector is a citizen, but will not provide information concerning resident non-citizens.

8.7 It is presently anticipated that the new data-matching system will be fully operational by mid 2001. In the meantime, it is worth noting that the re-directing of funding to allow AEC attendance at citizenship ceremonies, facilitated by the implementation of CRU, has resulted in the enrolment of approximately 80% of new citizens at the time their citizenship is granted.

5.36 In relation to the question now asked about Mr Patching's list, which is still on file with the AEC, reference should be made to submission No 100 of 24 October 1996, in which the AEC reported the following relevant information to the JSCEM on the conduct of Mr Patching, the DRO for Rankin, in relation to the enrolment of new citizens (emphasis added):

4.1 Mr Patching disputes the statement by the Electoral Commissioner, on 7 March 1996 in the Sydney Morning Herald, that: "Regarding the claim of 200 enrolled non-citizens in Queensland: the divisional officer in Rankin who made the claim was unable to produce supporting evidence to my predecessor."

4.2 Beyond a list of names supplied to AEC management, Mr Patching has not supplied any supporting detail, such as the original enrolment applications. Mr Patching's inability to produce his supporting evidence apparently resulted from his loss of the material, and not from any conspiracy on behalf of AEC management to make the files disappear.

4.3 Mr Patching's list of names as supplied to AEC management, shows the names of 140 applicants whose enrolments were rejected, but the list also shows the names of 53 applicants, who in response to letters of enquiry, were able to prove their citizenship eligibility despite the fact that the Department of Immigration and Ethnic Affairs had no record of them.

4.4 On page 42 of the Report by the previous JSCEM entitled "The Conduct of the 1993 Federal Election", the following appears:

4.3.34 The DRO for Rankin in Queensland advised the Inquiry that there is very little likelihood of a non-citizen being detected if he or she ticks the citizenship box on an enrolment card. The DRO described an informal arrangement he had implemented, whereby if an enrollee ticked the citizenship box but was born in a different county he (the DRO) would fax the details to a contact in the Department of Immigration and Ethnic Affairs for checking. He has ceased this practice due to uncertainty about the implications under the Privacy Act.

4.5 Mr Patching's unilateral and unauthorised action in sending personal elector details on an informal basis to officers of another Commonwealth Department for "checking" was probably in breach of the Privacy Act. Had Mr Patching advised AEC management at the time of his "informal arrangement", his activities would have been investigated far sooner.

4.6 The previous JSCEM Report continues on page 43 as follows:

4.3.35 As of June 1993 the AEC has been receiving the details on a specific category of elector called "new citizen provisional enrollees", who make a provisional claim for enrolment at the time of registering for Australian citizenship. There is still no detailed check on other categories of electors born overseas, including all those on the rolls before June 1993.

4.3.36 A more detailed check is desirable. The DRO for Rankin, through his informal arrangement, picked up 200 non-citizens attempting to enrol over nine months in his Division. If his informal arrangement were to be formalised for all Divisions it could be of great benefit in improving the accuracy of the electoral rolls.

4.4.37 The Committee accordingly requests that the AEC negotiate with the Department of Immigration and Ethnic Affairs, with a view to implementing the sort of check discussed in paragraph 4.3.34.

Recommendation 20: that the AEC negotiate with the Department of Immigration and Ethnic Affairs in order to establish more extensive cross-checking of citizenship information.

4.7 The Government Response to this Recommendation of the previous JSCEM was supportive, but the AEC has been unable to move forward on such extensive data-matching arrangements without the approval of the Privacy Commissioner, and without a substantial reorganisation of technological facilities and staffing arrangements to allow such data-matching to occur under appropriate regimes of security and accountability. For further discussion of the stringent Guidelines for Data-Matching, as issued by the Privacy Commissioner, see the AEC submission of 24 October 1996 entitled "Enrolment and Voter Identification".

4.8 Further, as is also discussed in the AEC submission on "Enrolment and Voter Identification", decisions on citizenship qualifications involve a highly complex area of Commonwealth law, and Divisional Returning Officers are simply not qualified to be making such personal and unsupervised judgements, which carry the risk of disenfranchising eligible electors.

4.9 It is notable for example, that the list of names supplied by Mr Patching to AEC management contained the names of 53 applicants who were subsequently able to provide evidence of citizenship. Had Mr Patching exercised his personal judgement on the basis that there were no records of these people with the Department of Immigration and Ethnic Affairs, then these 53 persons could have been disenfranchised.

4.10 The AEC is of the view that any further investigation or review of Mr Patching's allegations on this issue is pointless. The AEC is well aware of the problems and complexities of determining citizenship eligibility at enrolment and has taken steps to reach out to the ethnic community through its direct involvement in Citizenship Ceremonies, where new citizens are now automatically provided with a personalised enrolment form (see page S153 of the AEC submission No 30).

4.11 As the AEC submission of 23 October 1996 on "Enrolment and Voter Identification" explains, any suggestion that would involve "going behind" the citizenship declaration by an enrolment applicant, should involve a feasibility study to examine resource implications, privacy implications, and the complexities of citizenship law.

4.12 Singling out citizenship for special investigation also prompts the question of the need to "go behind" the rest of the declarations made by all electors. The electoral roll is a high quality document, well suited to the purposes envisaged in the CEA. The use of a single data source for all Australian electoral rolls, namely, the enrolment application form, now facilitates the provision of the rolls for federal, State and most local government elections. If the JSCEM is concerned about the potential for fraud or ignorance on the part of overseas born residents/citizens, then perhaps all relevant federal and State legislation should be amended to provide for investigation of all sections of the enrolment form completed by all claimants.

5.37 The JSCEM might also note that at page EM563 of the transcript of 3 April 2001, Mr Longland responded to the JSCEM on the subject of Mr Patching and his allegations about AEC maladministration in relation the enrolment of non-citizens, as follows (emphasis added):

Chair - ... I want to move on to some of the DRO evidence. Robert Patching, the divisional returning officer for the federal seat of Rankin in 1996, has asserted that his staff continually express their concern that a number of people claiming enrolment were probably not eligible. He says it was possible for a non-Australian citizen to enrol by merely ticking a box that indicated they are an Australian citizen and leaving the box for their citizenship blank. In the 20 months after the 1996 election he discovered 217 people on the electoral roll who were ineligible to vote for citizenship reasons, four of whom also voted in the 1993 elections. He concluded that he would dare to say that there are many thousands Australia-wide. He was not alone in his concern about migrant enrolment. The district returning officer for Como, Mr Rabiane, is on record on saying the same sort of thing. Mr Patching told the Joint Standing Committee on Electoral Matters inquiry following the 1996 election:

If an elector born in another country ticked the box indicating they were an Australian citizen, the card was to be processed as acceptable on the basis of the signed declaration. This policy I immediately thought to be ridiculous, as my experience with the Vietnamese community was that the answers to most questions were yes, as it was considered impolite by the Vietnamese to say no. The AEC policy has not changed.

Mr Patching also claims to have been ordered to stop checking immigrants. He also says that the acting officer removed his evidence from the file, which he later found secreted elsewhere in the office. Four years later, he says that the DRO election manuals still do not include reforms recommended in the 1996 JSCEM report. When he appeared before our committee with Mr Lamerton and Mr Smith, he repeated most of those claims, and we questioned him on them. Could you answer this question: who would have ordered Mr Patching to stop checking the immigrants?

Mr Becker - I might have something to add, but Mr Longland can respond.

Mr Longland - Mr Patching's evidence on this issue following the '96 election has been thoroughly discredited in that inquiry. He was instructed to comply with the law. It is not a matter of the procedures. If there is no apparent defect in a person's claim for enrolment, they are to be enrolled. That is what the law requires of the DRO. Mr Patching had entered into an illegal arrangement with the Department of Immigration by which, through personal contact, he was making illegal checks of citizenship. He was instructed by the Director of Operations in Queensland to comply with the law. We were in danger of both invading the privacy of those individuals as well as breaking the law by not properly processing their enrolment when it was received. It was dealt with, as I said, in our submissions following the 1996 election; it was discredited at that time, and the law has not changed in that time.

We are now taking action because we have access to DIMA records to look at the entire database of Australian citizenship to see whether or not we can find those sorts of people who may or may not be improperly enrolled. The change that has enabled us to do that is the move to the CRU process and the enabling legislation on CRU. But at this stage a person who makes a declaration of Australian citizenship is, in fact, entitled to be enrolled, and it is as simple as that. It is within the Commonwealth Electoral Act, and that is the way it is done.

Chair - Regardless of how Mr Patching came across that evidence - whether he was pursuing an incorrect procedure or breaking the law by talking to DIMA about whether or not these people were actually citizens - his central tenet is that, in his experience, there are large numbers of people who are voting who are non-citizens and, therefore, who are not entitled to vote. Would you like to expand on what the AEC is now doing to try to ensure that that is not happening? Also, you might want to comment on the data-matching facilities that the AEC has or might want to have with other government departments or the ATO or whomever.

Mr Longland - In the first instance, I disagree with Mr Patching's contention that there are a large number of people on the roll who, as non-citizens, are not entitled to be on the roll. There are a large number of non-citizens on the roll by right. People who were British subjects prior to 1984 retain that right. It is often a case of great difficulty that we have to explain to these people that, for example, if they go off the roll for any period of time and lose that entitlement - I am sure many members will have had the experience of an aggrieved ex-Commonwealth citizen coming to them and saying that the AEC has removed their right to be enrolled - it does have great difficulty for us in an administrative sense, because with variations in state legislation, for example, you can be on the roll for state and local matters but not on for

federal matters. Most citizens, or non-citizens in this case, find that difficult to understand. Nevertheless, that is the way the law is written.

We are attempting, in the whole data-matching process, to take on board the entire DIMA record of Australian citizenship and to match that back to the roll to see whether or not there are any inconsistencies there that we might be able to deal with. One of the things that CRU has brought to us as a very significant benefit in this area is that the vast majority of new citizens who come onto the roll now do so through citizenship ceremonies, which we attend. Our arrangements with immigration are that they get a pre-printed form that has details drawn from their application for citizenship. That is in the package that is sitting on the chair when they arrive for their ceremony. It is witnessed and completed at the time and, in most sets of circumstances, an AEC officer collects it.

Senator Mason - Mr Longland, did the AEC check the citizenship of those people who Mr Patching claimed were not Australian citizens and were not entitled to vote?

Mr Longland - Mr Patching made what I consider to be a disgraceful assertion. At the time he was doing this we asked him for the information relating to the people that he had checked, and he was not able to present that to us. He was away during the 1996 election through ill health. He claimed that the acting DRO at the time had hidden or destroyed the stuff. It was not until some quite considerable time afterwards that he was able to produce a list. With the passage of time that list was no longer of any particular relevance to us. It was a regrettable period in terms of the administration by that particular officer.

Senator Mason - You didn't check it?

Mr Longland - No, I have not checked it.

Mr McClelland - What was the nature of his ill health at the time? Can you recall?

Mr Longland - I would rather not discuss his private health matters; he was just away for several months, both prior to and following the election.

Mr McClelland - You are not in a position to make a judgment as whether that would affect his ability - I withdraw the question.

5.38 In relation to Senator Mason's question about checking the names on Mr Patching's list, and Mr Longland's response, it should be appreciated that the list of names provided by Mr Patching to AEC management was not a list of voters, as they were not on the electoral roll at the time when Mr Patching was undertaking his unauthorised activities. That is, there would have been no point in checking Mr Patching's dated list to see whether any of the names had cast a vote, fraudulently or otherwise.

22. Did Mr Longland reject Mr Patching's application, backed by a medical certificate, to return to his job as DRO for Rankin to conduct the 1996 election? If Mr Longland agreed to Mr Patching's return what conditions did he impose, Did Mr Patching agree to these conditions?

5.39 This question appears to go well beyond the terms of reference of this JSCEM inquiry. However, in AEC submission No 100 of 24 October 1996, the following relevant facts were reported to the JSCEM (emphasis added):

3.4 In his oral evidence of 4 October 1996, Mr Patching advised the JSCEM that he had not been DRO for Rankin during the 1996 federal election because the Australian Electoral Officer (AEO) for Queensland had refused to allow him to return to his position despite medical advice. This is a misleading submission as the following background demonstrates.

3.5 As the result of a complaint from the public concerning the Division of Rankin in August 1995, the AEO for Queensland reached the conclusion that the incident amounted to misconduct and he instituted internal disciplinary proceedings against Mr Patching which led to formal counselling on 1 September 1995.

3.6 Soon after this matter was dealt with, Mr Patching applied for stress-related sick leave. As the leave eventually extended past four weeks, a referral was made to the Commonwealth Medical Officer (CMO). Mr Patching also lodged a compensation claim which was rejected by COMCARE when they found that it related to a disciplinary matter and the stress was not proven to be work-related. **In January 1996, the CMO provided a report to the AEO and recommended a graduated return-to-work program at the Divisional Office which would have had Mr Patching operating part-time over a period of six weeks from 18 January.**

3.7 **The AEO decided, in consultation with the CMO, that with a federal election pending it would be unwise to allow Mr Patching to resume his duties immediately, as it is generally accepted that the election period is the most stressful time for Divisional Returning Officers. Mr Patching was not satisfied with this joint AEC/CMO decision, and without consulting the AEO or the CMO, returned to his own doctor who issued a further sick leave certificate. Mr Patching eventually returned to his duties on 7 May 1996.** To have allowed Mr Patching to resume duty and be immediately placed in a very stressful environment would have left the AEC open to potential claims for compensation had Mr Patching's health again deteriorated.

23. What electorates did Mr Longland check after the 1993 Federal election for names on return to sender mail that were marked off as having voted?

5.40 None.

24. *When was the final report of the investigation into the 1993 by-election in Dickson released?*

5.41 This question is unclear as it was not raised during Mr Longland's evidence to the JSCEM on 3 April 2001. However, it is assumed that it refers to the investigation conducted by the AEC into claims of electoral fraud made by Mr Geoff Moss and the "Enterprise Foundation" in a submission to the JSCEM inquiry into the conduct of the 1993 federal election.

5.42 The results of the AEC investigation were reported to the JSCEM in submission No 140 of 14 January 1994. The JSCEM comprehensively dismissed the claims of the Enterprise Foundation in its November 1994 Report. This matter has been addressed again in AEC submissions to this JSCEM inquiry in paragraph 7.18 and Attachment 19 to submission No 26, and in part 22 of submission No 76.

6. Complaints by Dr McGrath and Mr Kirkpatrick

6.1 On 17 April 2001, Dr McGrath contacted the AEC to formally complain about paragraph 7.9 in AEC submission No 26 of 17 October 2000. The paragraph read as follows:

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

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

6.2 Dr McGrath complained that the quotation was incorrectly attributed by the AEC to the H S Chapman Society website. Dr McGrath claimed that she had not authorised it to appear on the website, apparently because it was from private correspondence between Mr Bruce Kirkpatrick and Senator Murray. Dr McGrath made it clear that in her view the AEC had acted unprofessionally in publishing an extract from unauthorised private correspondence.

6.3 After receiving Dr McGrath's complaint, the AEC checked the H S Chapman Society website, but it was not available. However, the AEC was able to locate on file a printout from the H S Chapman website dated 13 September 2000. These three pages of printout have been scanned electronically and are provided at **Attachment 1**. The printout includes the extract quoted in AEC submission No 26 (in bold), without any indication that it was derived from unauthorised private correspondence. The AEC makes no apology for making use of material published on the H S Chapman Society website in September last year, and assumes that Dr McGrath will now advise Mr Kirkpatrick and Senator Murray of the facts in relation to the publication of their correspondence.

6.4 Immediately following the AEC appearance before the JSCEM in Canberra on 3 April 2001, the Electoral Commissioner was approached by Mr Bruce Kirkpatrick, who introduced himself in order to advise the Commissioner that he was not an associate of the H S Chapman Society, as described in AEC submissions to this JSCEM inquiry (see paragraph 7.1 in AEC submission No 76 of 28 February 2001).

6.5 The AEC first noted Mr Kirkpatrick's association with the H S Chapman Society in paragraph 10.2.13 of submission No 88 of 12 March 1999 to the previous JSCEM inquiry, as follows:

10.2.13 In the February 1999 issue of the "*Australian National Review*" a letter was published from Mr Bruce Kirkpatrick of Darling Point NSW, the current President of the H S Chapman Society. Mr Kirkpatrick was expressing his support for the proposed enrolment identification procedures currently before Parliament in the Electoral and Referendum Amendment Bill (No. 2) 1998....

6.6 The association drawn by the AEC between Mr Kirkpatrick and the H S Chapman Society is based on a letter of 28 February 1999 to the Special Minister of State which Mr Kirkpatrick signed as President of the H S Chapman Society, and promotional material for the H S Chapman Society posted by Dr McGrath to Divisional Returning Officers on 20 December 2000 which included a reference to Mr Kirkpatrick as "ret'd pres H S Chapman Society." However, the AEC accepts that Mr Kirkpatrick no longer wishes to be described as an associate of the H S Chapman Society, and will make no further references of this nature.

7. Comments on AEC Submission No 74

7.1 On 23 February 2001, the AEC filed submission No 74, entitled "DRO Submissions and AEC Responses". This submission contained unedited transcriptions of comments received from seven DROs from NSW, two DROs from Victoria, and one DRO from Queensland, in response to an invitation by Senator Murray, at the JSCEM hearings of 15 November 2001.

7.2 In part 12 of submission No 74, the AEC condensed the main issues presented by these 10 DROs and responded with an overview of the policy position of the AEC on the issues raised. Prior to filing submission No 74 with the JSCEM, all AEOs were asked for any comments or corrections on the draft version.

7.3 As soon as submission No 74 was authorised for publication by the JSCEM, it was placed on the AEC website and all AEOs were asked to draw the attention of all DROs to the publication of the submission. Later, a specific invitation was extended to the 10 DROs, who originally provided the comments included in submission No 74, to provide any further comments.

7.4 The DROs for Cook, Parramatta, Bruce and Werriwa claim to have been misrepresented in the overview at part 12 of submission No 74, which condensed all the issues addressed by the 10 DROs for the purposes of summary comment.

7.5 The AEC did not intend to misrepresent the views of these four DROs. Their further comments are now provided below for the consideration of the JSCEM.

Mr Greg Greening (DRO Cook)

7.6 In part 2 of submission No 74, Mr Greening made the following comment in relation to the implementation of CRU:

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.

7.7 In part 12 of submission No 74, the AEC made the following comment on Mr Greening's view:

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.

7.8 Mr Greening has now commented on part 12 of submission No 74:

Having read the AEC Summary Responses I would like to draw to your attention that the AEC Summary Response to a part of my submission is in my opinion inaccurate and misleading.

I wrote and it is shown at 2.17 of my submission '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.'

At 12.14 in the Responses, it reads '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'.

I have not claimed that federal close of rolls enrolment transactions have increased following the implementation of CRU.

It disturbs me that CO would interpret my statement the way they have and that the JSC may be influenced accordingly.

Is CO not prepared to accept any criticism of CRU?

In my submission I tried to be constructive and even helpful to the cause.

I agree with CO that 'other activities' such as State and Council elections just before a Federal election lessen the number of enrolment transactions at the Federal close of rolls but many divisions have not had any 'other activities' since October 1999. I expect our next election close of rolls will be in approximately October 2001 and in the 2 years from October 1999 many divisions will have only conducted CRU and partial ERR (20 walks out of 200 in May 2000 in Cook).

Does CO think that at the coming federal election close of rolls, in NSW and those other states that have not experienced 'other activities' since the close of rolls in October 1999, that enrolment will not be busier than the last couple of federal close of rolls when ERR was conducted regularly? CO obviously is of the impression that CRU is doing as good a job as ERR when from my perspective it is not. CO is also obviously of the impression that CRU is doing as good a job as 'other activities' but I doubt that it is.

My statement is based simply on the fact that from my experience, CRU is not as effective as ERR in generating enrolment. And because of the lack of 'other activity' and only a partial ERR in May 2000, I feel the next close of rolls at Cook and in fact at many divisions in Australia will be far busier than the last few federal election close of rolls.

Mr Stephen Walsh (DRO Parramatta)

7.9 In part 8 of submission No 74, Mr Walsh made the following comment in relation to enrolment and voting:

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.

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.

7.10 In part 12 of submission No 74, the AEC made the following comment on Mr Walsh's view:

- 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 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).

7.11 Mr Walsh has now commented on part 12 of submission No 74:

Like Greg Greening, I'm concerned that the AEC Summary Responses to the DROs submissions to the JSCEM contain inaccuracies. For example, the response states that I support the introduction of enrolment and voter identification when, in fact, I argued against both.

Also, the AEC's response seems to show bias. For example, while I am correctly quoted as saying full-scale ERRs (as they were done in the past) are a waste of resources, there is no response to my proposal that the current CRU mail review process should be replaced by a new kind of CRU based door-knocking.

Mr Gary Franklin (DRO) Werriwa:

7.12 In part 6 of submission No 74, Mr Franklin made the following comment in relation to enrolment:

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

7.13 In part 12 of submission No 74, the AEC made the following comment on Mr Franklin's views:

- 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).

7.14 Mr Franklin has now commented on part 12 of submission No 74:

With reference to submission No 74 to JSCEem, I have just finished reading it and I believe I have been mis-quoted as well.

I refer to the AEC Response at 12.15 Dot Point 8 which reads DROs Werriwa, Hughes, Cook, Bennelong, Holt and Bruce have criticised the low level of prosecutions for electoral fraud.

My response at 6.8 did not refer to electoral fraud. It referred to electors who fail to enrol as a result of misinformation received should have compulsory action taken against them.

Electoral fraud and compulsory enrolment are two different things.

Mr Barry Blackmore, DRO Bruce

7.15 In part 9 of submission No 74, Mr Blackmore made the following comment in relation to 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.

7.15 In part 12 of submission No 74, the AEC made the following comment on Mr Blackmore's views:

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.

....

- 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).
- 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).

7.16 Mr Blackmore has now commented on part 12 of submission No 74:

I refer to the AEC Summary Responses provided to the JSCEM on submissions presented to Committee by Divisional Returning Officers.

Attached to my submission was a table of statistics which measured the performance of CRU against non CRU periods. Central Office rightly point out that I had included the Victorian State Election in the heading for 1998 instead of 1999. I have rectified this error and the amended spreadsheet is provided for your information.

Central Office has commented as follows on the table of statistics that I have provided to you; "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". (See 12.6) How arrogant can you get! As mentioned on my table of statistics, my figures are taken from the official RMANS Card Activity statistics. Why then are my assumptions erroneous ? Where do the "official national statistics" come from and why are they accurate when, by implication, the RMANS Card Activity statistics are not?

At 12.15 of the AEC Summary Responses CO state that I;

- (a) criticised the reinstatement of provisional voters, and
- (b) criticised the low level of prosecutions for electoral fraud

Please note that I made no mention of these matters in my submission.

7.17 Mr Blackmore's revised table is reproduced on the next page. However, the AEC stands by its original critical comments. During the drafting of submission No 74 it was suggested to Mr Blackmore that he discuss his interpretation of the relevant statistics with Director Enrolment in Central Office but it is understood he did not pursue this suggestion.

7.18 The AEC does not disagree with the accuracy of the statistics now provided by Mr Blackmore as they have been extracted from the same RMANS database available to all AEC users. However, the AEC does not agree with Mr Blackmore's interpretation of this data and his conclusion that CRU does not generate as many enrolments as the previous Electoral Roll Reviews (ERRs) or periodic national door-knocks.

7.19 As indicated in part 12 of submission No 74, the calendar year 1997 was not a 'no-review' year for the AEC in Victoria, or nationally, and cannot be used as a benchmark to assess the effectiveness of subsequent CRU activities. Further, checks on enrolment statistics for 1996/97 show that there were 292,180 enrolment forms processed by AEC Divisions in Victoria including an estimated 100,000 forms from mailouts using RMANS Vacant House and Australia Post Change of Address data, AEC staff attendance at Citizenship ceremonies, and enrolment activities undertaken by the Victorian Electoral Commission.

7.20 These enrolment stimulation activities are now an integral part of the CRU program. Without the CRU activity in the financial year 1996/97, it is estimated that the number of enrolment forms received in Victoria would have been at the very low level of 190,000, or 5,100 per Division from all sources. Further, comparison with the enrolment activity in the second half of 1997 is not a valid comparison given the substantial enrolment activity arising from the 1999 Constitutional Convention election.

7.21 The last full ERR in Victoria took place between February and June 1998 using a combination of door-knocks plus extensive mail review. From the statistics available, the AEC estimates that this review resulted in the receipt of 11,000 enrolments per Division (approximately 400,000 for the State), of which approximately 60% were collected by field staff. The balance of enrolment activity in 1998 arose from the significant elector responses to objection action undertaken before the ERR, the close of rolls and post election enrolments associated with the federal election, and from the CRU enrolment activity undertaken by the Victorian Electoral Commission.

7.22 In early 2001 Victorian Divisions commenced an extended range of CRU activities including fieldwork targeted at non-response addresses and mailing to addresses with apparent multiple enrolments. This will significantly boost the number of new enrolments and transfers of enrolment received and of those electors to be targeted for objection action.

7.23 In summary, the AEC confirms its original response in part 12 of submission No 74 to Mr Blackmore's interpretation of enrolment data for the calendar years 1997 to 2000.



ANALYSIS OF CONTINUOUS ROLL UPDATE VICTORIA

	1997			1998			1999			2000			NO REVIEW YEAR + FULL HABITATION REVIEW (DOORKNOCK)	
	NO REVIEW			FEDERAL COR+ FULL HABITATION REVIEW			CRU + LOCAL GOV, STATE & REFERENDUM COR's			CRU				
	ENROL	DELETIONS	TOTAL	ENROL	DELETIONS	TOTAL	ENROL	DELETIONS	TOTAL	ENROL	DELETIONS	TOTAL	97+98	99+00
ASTON	10029	761	10790	18013	4647	22660	13304	1268	14572	9347	2225	11572	33450	26144
BALLARAT	10888	1315	12203	20682	5071	25753	18657	1711	20368	14128	2645	16773	37956	37141
BATMAN	8802	1362	10164	22014	7886	29900	13398	2258	15656	8646	2232	10878	40064	26534
BENDIGO	17651	1743	19394	25303	5732	31035	19502	1555	21057	14196	2609	16805	50429	37862
BRUCE	7670	973	8643	18842	5924	24766	11538	1112	12650	8330	2505	10835	33409	23485
BURKE	9634	1126	10760	23055	4587	27642	16792	928	17720	12549	2117	14666	38402	32386
CALWELL	8378	740	9118	21934	5213	27147	14148	1001	15149	11832	2103	13935	36265	29084
CASEY	10956	850	11806	19018	4865	23883	15644	1169	16813	9464	2175	11639	35689	28452
CHISHOLM	8727	1458	10185	19529	6616	26145	13206	1662	14868	9030	2206	11236	36330	26104
CORANGAMITE	13363	953	14316	16232	3281	19513	17628	1774	19402	16908	2191	19099	33829	38501
CORIO	9860	1231	11091	14646	4406	19052	15073	2280	17353	11300	2199	13499	30143	30852
DEAKIN	10182	1162	11344	18419	5550	23969	12944	1486	14430	8744	1986	10730	35313	25160
DUNKLEY	9558	1181	10739	21430	6800	28230	14323	1326	15649	10493	3921	14414	38969	30063
FLINDERS	12410	1504	13914	20534	6005	26539	18008	1707	19715	14748	2962	17710	40453	37425
GELLIBRAND	9347	1537	10884	22164	6313	28477	12739	2665	15404	9445	2557	12002	39361	27406
GIPPSLAND	11726	1325	13051	18479	4582	23061	15372	1792	17164	12099	2416	14515	36112	31679
GOLDSTEIN	9677	1404	11081	19707	7119	26826	14250	1448	15698	9520	2740	12260	37907	27958
HIGGINS	10942	1405	12347	26002	6778	32780	17007	2327	19334	11067	3081	14148	45127	33482
HOLT	8652	834	9486	21477	5381	26858	13888	1270	15158	10618	2756	13374	36344	28532
HOTHAM	9196	1252	10448	20630	7432	28062	12227	1589	13816	8765	2617	11382	38510	25198
INDI	14442	1505	15947	19432	4335	23767	15673	1336	17009	13398	2443	15841	39714	32850
ISAACS	10121	943	11064	22327	6292	28619	13694	1444	15138	11549	3170	14719	39683	29857
JAGA JAGA	10305	1116	11421	18789	5659	24448	12888	1537	14425	8939	2400	11339	35869	25764
KOORYONG	11379	1525	12904	21973	8039	30012	15430	1662	17092	11451	3031	14482	42916	31574
LALOR	9634	1134	10768	20007	5073	25080	13420	1326	14746	10072	1859	11931	35848	26677
LA TROBE	9655	841	10496	19611	4587	24198	14068	900	14968	11150	2099	13249	34694	28217
MCEWEN	12585	953	13538	19350	4136	23486	14811	1282	16093	12408	2724	15132	37024	31225
MCMILLAN	13571	1995	15566	20405	4459	24864	14372	1808	16180	12488	2254	14742	40430	30922
MALLEE	14621	2214	16835	22309	3958	26267	15902	1826	17728	13892	2415	16307	43102	34035
MARIBYRNONG	7542	967	8509	16231	5739	21970	9554	1154	10708	7470	1780	9250	30479	19958
MELBOURNE	12352	1565	13917	34027	11279	45306	22530	3049	25579	17309	3263	20572	59223	46151
MELBOURNE PORTS	12763	1646	14409	27880	9660	37540	20044	3413	23457	16309	3759	20068	51949	43525
MENZIES	8608	758	9366	17282	5355	22637	11383	1162	12545	8236	1787	10023	32003	22568
MURRAY	17701	2031	19732	18229	4373	22602	14215	1701	15916	14347	2400	16747	42334	32663
SCULLIN	8646	539	9185	17658	4200	21858	12028	836	12864	8712	1869	10581	31043	23445
WANNON	10146	1130	11276	17599	4954	22553	14424	2133	16557	8452	1955	10407	33829	26964
WILLS	7637	1214	8851	21608	6990	28598	12371	2114	14485	10134	3343	13477	37449	27962
TOTALS	399,356	46,192	445,548	762,827	213,276	976,103	546,455	61,011	607,466	417,545	92,794	510,339	1421651	1117805

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

Data extracted from RMANS Card Activity Statistics

**Scanned printout of H S Chapman Society website of 13 September 2000
(<http://www.spirit.com.au/lobbyist/chapman/botframe1A.html>)**

H.S.CHAPMAN SOCIETY

The Secret Ballot And What It Means to Democracy

A Brief History of the H.S. Chapman Society Inc.

Early 1996, a few friends, concerned about allegations of fraud in Federal and State elections, decided to form a group to research these allegations. They agreed that, if evidence emerged to substantiate these allegations, moves should be made to raise public awareness of the need to reform Australia's electoral laws, regulations and procedures.

It was disturbing to discover that changes to the Commonwealth Electoral Act, particularly since 1983, had substantially widened the opportunity for fraud; and that the concern of several Divisional Returning Officers as to fraudulent practices and anomalies were being ignored by governments and the Australian Electoral Commission (AEC) although charged with supervision of all Commonwealth, and many union, elections.

Following the launch of Dr. Amy McGrath's book 'The Fraudging of Votes' March 1996, a first Forum, held at the University of N.S.W. in November that year, was attended by 80 people of differing political and non-political interest keen to recount their experiences. Papers given covered fraudulent practice in union elections and its extension into State and Federal parliamentary elections, CEPWU 1994 NSW Branch election, manipulation of voter enrolment, the disputed elections in Mundingburra and Macquarie electorates (Queensland State and Federal) and the Lindsay by-election.

In 1997, a February meeting, and a June Forum, brought to light questions about State redistributions, the dangers of disputing elections, 'the numbers game' (how to rot an election in the marginals), electronics in elections and fraud by computers. Five constructive Submissions were made to the Joint Standing Committee on Electoral Matters. A further four Forums (one to found H.S. Chapman UK) have since been held, three newsletters sent to supporters and members, 'Corrupt Elections' published, and a video on the operation of the Australian ballot system in elections in the UK made. (This Ballot Box video is available for sale for \$25 including packing and postage within Australia).

Chapman Society's Report for 1998

- Last year was one of substantial progress. This can be measured by the following:
- Two forums were held in March and September at the University of New South Wales
- The first Melbourne forum was held in March at Trinity College, University of Melbourne.

- A forum was held in the United Kingdom
- A dinner with Members and Senators was held at Parliament House Canberra followed by a viewing of the Ballot Box video.
- A working party was established to monitor malpractice in elections
- These activities attracted a more positive media interest and membership of the H.S. Chapman society increased.

Signs of Change

An Electoral Bill proposing significant reforms to the Commonwealth Electoral Act was reintroduced to Parliament and debated in the House of Representatives on 3 December 1998. It is still before the Senate but sections of it are opposed by the Labor party and the Australian Democrats.

The Society believes that the pressure it has exerted, with the support of its members, has contributed to electoral reform being back on the Parliamentary agenda.

Chapman Society in UK

A 50 minute video was produced and a Forum held in the United Kingdom on 20 October to emphasise the fundamentals of the Australian Ballot system in use there and to show what can happen if these controls are loosened.

Speakers at the Forum held at the Royal Commonwealth Society included the Chief Electoral officer of Northern Ireland, Pat Bradley; the former Executive Director of the Electoral Reform Society, Eric Syddique; the former organising and legal officer of the Conservative party, Paul Gribble CBE and the Oxford academic, Dr. Pinto-Duchinsky.

Our speakers warned about the dangers inherent in the present push for change in the UK system - still based on our original Australian limited secret ballot.

As a result of the Forum, the H.S. Chapman Society (UK) was formed on 9 December 1998 with Paul Gribble as chairman, Eric Syddique, vice-chairman, and Geoffrey Harper, convener/organiser. The committee includes the ex-general secretary of the Liberal Democrat Party and lawyers for the Conservative Party.

Canberra Visit

The Society held a dinner in Parliament House, Canberra on 23 November 1998. This was organised by Len Bosman (chairman of Modest Members) and hosted by Senator Brian Gibson AM (in Len's absence due to illness). The dinner was attended by a number of parliamentarians including the Speaker, and two chairmen of major Senate committees. The new Chapman Society video Ballot Box was screened after dinner and raised considerable interest.

Formation of Working Party

A subcommittee of the H.S. Chapman Society was formed mid-year to investigate incidents of suspected voting irregularities and fraud.

Australian Example Goes Worldwide

Did You Know that the original Australian limited secret ballot system of voting, introduced in the 19th century, was adopted worldwide by many countries and many of the American states as the best means of conducting fair and honest elections?

The system is in use in the United Kingdom, New Zealand, Pakistan, India, Malaysia, the Cook Islands and other countries.

*You can learn more about the system by buying the 50- minute video *Ballot Box*, produced by Dr. Amy McGrath.*