



# REFERRAL TO THE AFP

**TO: The Coordinator  
Operations Monitoring Centre  
Australian Federal Police**

Refer to the AFP Website for location details  
(<http://www.afp.gov.au/contact.aspx>)

Investigation (part A) ☒

Search Warrant Assistance (part A&C) ☐

Proceeds of Crime (part A&B) ☐

Forensic Assistance (part A&D) ☐

Pre Referral Advice ☐

## PART A – REQUEST FOR INVESTIGATION

Refer to the AFP Website for information relating to referring matters to the AFP.  
(<http://www.afp.gov.au/what-we-do/referrals.aspx>)

### CONTACT DETAILS

Referring Agency:	Australian Electoral Commission
Agency Reference Number / Operation Name:	LS5681
Referring Officer/ Case Officer Contact:	Name: Kathryn Toohey Telephone: (02) 6271 4568 Address: Locked Bag 4007, CANBERRA ACT 2601 Email: kathryn.toohey@aec.gov.au Signature of referring officer: 
Date of Referral:	19 July 2016

### REFERRAL DETAILS

Allegation/Incident Description Relevant Act and Section/Penalty	<p>Case of deliberately voting more than once in the same election in contravention of subsections 339(1A) and 339(1C) of the <i>Commonwealth Electoral Act 1918</i>.</p> <p>The penalty for voting more than once – ss339(1A) - is 10 penalty units. The penalty for intentionally voting more than once – ss 339(1C) - is 60 penalty units or imprisonment for 12 months, or both.</p> <p>Possible breach of Division 137.1 <i>Criminal Code Act 1995</i>.</p>
Period of Offence	2 July 2016

Incident Type	Voting more than once
Property/Fraud Value	N/A

### SUSPECT DETAILS

Name	1 [REDACTED]
Gender	M
Date of Birth	2 [REDACTED]
Address	6 [REDACTED]
Postal Address	
Telephone	
Email	

### CLIENT IMPACT

Tick the most appropriate box indicating the impact of the matter on your agency, and complete the explanatory notes section justifying the selection.

✓

	<b>Critical</b>	A matter is politically sensitive or goes to central issues of management of agency or program.	
	<b>Significant</b>	A serious or complex crime has been committed which the agency cannot resolve without AFP involvement.	
✓	<b>Routine</b>	AFP investigation desirable	
	<b>Strategic Strike</b>	A matter is defined as a strategic strike under a service agreement with the AFP	
	<b>MOU/Agreement</b>	As per agreed upon between referring agency and the AFP	

### BACKGROUND INFORMATION/EXECUTIVE SUMMARY

**Executive Summary**

- 1 On 17 July 2016 the Australia Electoral Commission (the AEC) became aware of a video posted on YouTube portraying a man intentionally voting at multiple polling places in Greater Western Sydney on the 2 July 2016 election day.
- 2 The video was published on YouTube on 14 July 2016 and can be accessed at (13 [REDACTED]) (Attachment A).
- 3 Our preliminary assessment of the video and the matters contained in the video have indicated that the individual attended and purportedly voted at the following polling places on 2 July 2016:
  - (i) Rooty Hill Public School, Westminster St Rooty Hill, NSW 2760;
  - (ii) Plumpton Public School, 33 Bottle Road, Plumpton, NSW 2761;
  - (iii) Hassall Grove Public School, Buckwell Drive, Hassall Grove NSW 2761;
  - (iv) Willmot Public School, Discovery Avenue, Willmot, NSW 2770; and
  - (v) Tregear Public School, Wilkes Crescent, Tregear NSW 2770.
- 4 Further AEC inquiries have also indicated that:
  - (a) The individual shown in the video is likely Mr 1 [REDACTED]. Mr 1 [REDACTED] is a former member of the Australian Sovereignty Party which was deregistered by the AEC in 2015.
  - (b) A google search of the name 1 [REDACTED] and the Australian Sovereignty Party indicates that the person shown in the video is of a similar likeness to the image of Mr Takacs (Attachment B).
  - (c) Mr Takacs is enrolled at 19 [REDACTED] (Attachment C).
- 5 Based on the above preliminary assessment we have formed the view that there is prima facie evidence that the individual shown in the video has breached section 339 of the *Commonwealth Electoral Act 1918* (the Electoral Act) and Division 137.1 of the *Criminal Code Act 1995* (Criminal Code).

*Possible breach of the Electoral Act – intentional multiple voting*

- 6 Under subsection 339(1C) of the Electoral Act, 'a person commits an offence if the person intentionally votes more than once in the same election'. The offence provision carries a penalty of 60 penalty units or 12 months imprisonment or both.
- 7 Relevantly subsection 339(1D) of the Electoral Act also provides that the number of offences a person commits under subsections 339(1A) or 339(1C) is the number of times the person voted in the election less one. Accordingly by intentionally voting at five polling places Mr Takacs is deemed to have intentionally voted four times.

*Possible breach of the Criminal Code Act - false statements*

- 8 We note that under subsection 229(1) of the Electoral Act, a polling official is required to ask the elector three questions before issuing ballot papers. On at least two occasions the video records Mr Takacs is filmed stating that he has not voted before in the election.
- 9 Under Division 137.1(1)(c)(ii) of the Criminal Code it is an offence if gives false information to a person who is exercising powers or performing functions under, or in connection with, a law of the Commonwealth. Accordingly, answering in the negative to the polling officials when expressly asked "Have you voted before in

this election?" would constitute a breach of Division 137.1 of the Criminal Code Act.

- 10 Relevantly, we note that in accordance with paragraph 15B(1)(a) of the *Crimes Act 1914*, action under both subsection 339(1C) of the Electoral Act and Division 137.1 of the Criminal Code can be commenced at any time.

## SUPPORTING DOCUMENTATION

(Evidence gathered in relation to offences identified. Please attach copies of relevant documents and an Evidence Matrix)

- **Have you attached supporting documentation?**

YES.

**Attachment A** – Screenshot of the YouTube video titled 13  
published by user 13 on 14 July 2016  
accessed at: 13

**Attachment B** – Screen shot of the Google search of 1 and  
"Australian Sovereignty Party" accessed 19 July 2016

**Attachment C** – Copy of Mr 1 enrolment record  
(GENESIS record) accessed on 19 July 2016

## CONSIDERATION FOR A JOINT INVESTIGATION

Would your agency like this matter to be considered as a referral for joint investigation? If so, the reason why and indicate your agency's commitment in providing resources as required. (For Criminal Investigation referrals only)

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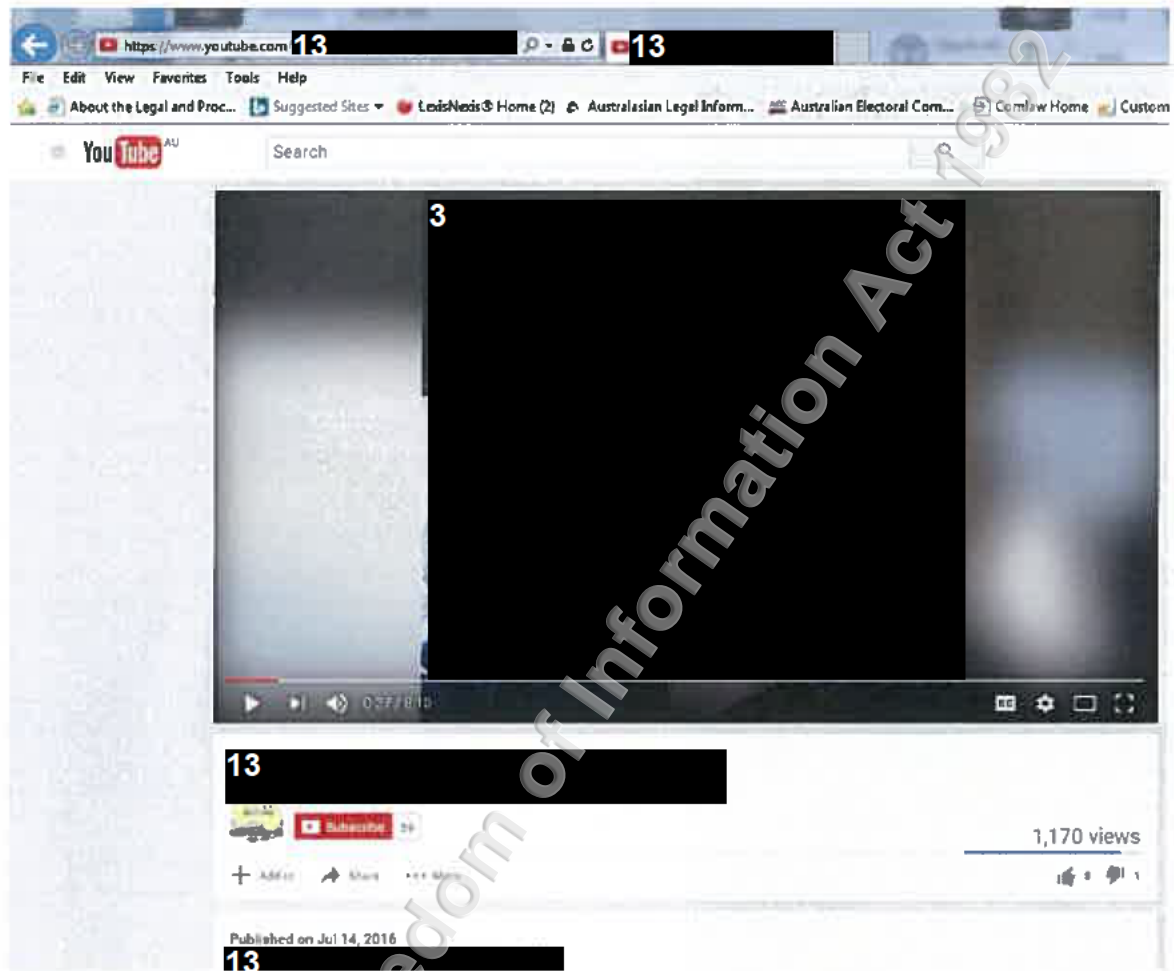
Approved by:

Kathryn Toohey

Deputy Electoral Commissioner

Date: 19 July 2016

## LS5681 - AFP Referral - ATTACHMENT A







# LS5681 - AFP REFERRAL - ATTACHMENT C

19/07/2016 11:41 User: Stephanie Maxwell (smaxwell) GAPS Version: 2.45.4 RMANS Environment: PRODUCTION

## User Alerts:

1 record(s) returned matching the search criteria provided.

## View Client - Client Reference: 16

Name: 16  
 Address: [REDACTED]  
 Date of Birth: 16  
 Areas:  
 State: 16  
 Local:  
 Ward:  
 Citizenship:  
 Registrations:  
 Notations:  
 Alerts:

Enrolment Client Address Citizenship Audit Correspondence Activity

## Entitlements

From Date	To Date	Name	Date of Birth	Address	Jurisdictions	Transaction Number
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16

## Entitlement Detail - Transaction Number H74116866

Jurisdiction	Electorate Area	Address Based	Enrolment Type
Federal	16	Yes	Change of Enrolment - Change of Address
State		Yes	Evidence of Identity: Matched Drivers Licence
Local		Yes	
Ward		Yes	

## Registration Summary

There are no registrations for this client.

Enrolment Client Address Citizenship Audit Correspondence Activity

Record 1 of 1 Back to Search Provide Edit

## **REDACTION CODES**

- 1 Personal Information (name) redacted.
- 2 Personal Information (date of birth) redacted.
- 3 Personal Information (photograph) redacted
- 4 Personal Information (facsimile of signature) redacted.
- 5 Personal Information (facsimile of manuscript initialling) redacted.
- 6 Personal Information (Individual's address) redacted.
- 7 Personal Information (individual's telephone number) redacted.
- 8 Personal Information (individual's opinion) redacted.
- 9 Personal Information (opinion about individual) redacted.
- 10 Personal Information (employment history) redacted.
- 11 Personal Information (qualifications) redacted.
- 12 Personal Information (health) redacted.
- 13 Personal Information (identifying individual) redacted.
- 14 Business information (Bank Account details) redacted.
- 15 Business information (Billing Account details) redacted.
- 16 Legal Professional Communication redacted.
- 17 Deliberative material redacted.
- 18 Irrelevant material redacted.
- 19 Electoral Roll material redacted.
- 20 Tests, examinations or audits material redacted.
- 21 Management or assessment of personnel material redacted.
- 22 Proper and efficient conduct of the operations of AEC material redacted.