

J L Carter



August 22, 2019

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

Submission to

Inquiry into and report on all aspects of the conduct of the 2019 Federal Election and matters related thereto

I refer to the enclosed correspondence.

The correspondence refers to a matter of fraud that was reported to the Australian Electoral Commission (AEC) prior to the close of polls on May 18, 2019.

Through the inaction and now admitted errors within and by the AEC I was denied my fundamental right to vote at the 2019 Federal election despite presenting myself at a polling booth to do so.

The AEC saw no interest in addressing the problem prior to the election, and subsequent to the election elected to use meaningless computer generated correspondence to fob off my complaint.

You will note there is a consistent pattern of failing to respond to inquiries and then a naive attempt to address the issue by telephone.

The AEC is now in the process of chasing those that the AEC believe failed to vote; yet when the AEC is the cause of failing to vote, saying 'sorry' and use of words like 'sincerest apologies' is to the AEC an acceptable excuse.

For consistency, I suggest if an eligible voter whom failed to vote should then escape the \$100 fine by, like the AEC, saying 'sorry' &/or 'sincerest apologies'?

You will also note I asked if the AEC on March 30 if the AEC would report to this Committee their sequence of events that lead to my vote being excluded from the ballot; the AEC response of August 21 would suggest the answer is no!

Such is the AEC concern for failing to deliver on the rights of an Australian citizen and resident.

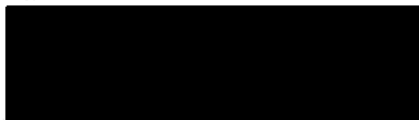

Yours faithfully


L Carter



Ref: SLA19/54

Mr James L Carter



Dear Mr Carter,

Reference number: 2019/156230

I am writing in response to your letter to the Australian Electoral Commission (AEC), received on 5 August 2019.

I can confirm that staff engaging with the public are regularly reminded of their obligations to manage complaints and enquiries in a professional manner in alignment with set policies and procedures. I apologise again on behalf of the AEC for the ill preparedness of the staff member that you engaged with on 19 July.

The AEC provides voter services for over 16 million Australians and we increase our workforce to 80,000 staff in a very short time period. Just to clarify, the opportunity to vote was provided to you, however due to an administrative error your vote was not included in the count. As per my previous letter to you, the AEC provides its sincerest apologies for this error and a detailed review of our processes will be undertaken to prevent errors like this occurring in the future.

The Joint Standing Committee on Electoral Matters (JSCEM) has commenced its inquiry into all aspects of the conduct of the 2019 Federal Election and matters related thereto. JSCEM is currently accepting written submissions addressing the Terms of Reference. Further information can be found at the following link:

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2019Federalelection

Yours sincerely,



Australian Electoral Commission

21 August 2019

J L Carter

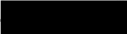


July 29, 2019



Australian Electoral Commission
2 Lonsdale Street
Melbourne VIC 3000

Re Your Ref SLA 19/54


Dear 

I am in receipt of your letter dated July 29 and thank you for your response.

I accept the 'sincerest apology' offered by the AEC without any reservation in respect to the management of the initial complaint and (sic. subsequent) enquiries.

I am also now led to believe from your advice that the AEC letter of July 9 I received was not intended for me and my attempt to vote.

However, if I may make the following comments:

I was disappointed with the clearly ill preparedness on the subject by the AEC staffer, identified himself as  on July 19, when seeking to ask 'what was the problem?'.

Your advice makes no mention of or to address the fact that I was denied the opportunity to vote. Here lies the most serious issue in my complaint. In an alleged democracy, the AEC denied me my fundamental right to vote. It may have happened only once within Higgins electorate, but that is one too many and it is inexcusable.

I believe this seriousness of this lapse should be brought to the attention of the Federal Parliament Standing Committee on Electoral Matters, now reconstituted I note by both houses in July 2019. The question then arises, will the AEC report this matter to the Committee or shall I? I await your advice on that matter.

For the record I am also attaching a summary of my diary notes made as I progressed through my contact with the AEC. I trust it is useful to you in understanding my perspective of the issue.

Thank you again for your letter of advice and apology, yours faithfully

James L Carter

Reference number 2019/156230

My advice to the AEC of fraud and the subsequent events and lack of response is the basis of the complaint against the AEC.

The genesis of my complaint commences when I attended the Higgins, Glenferrie Rd polling booth at 11-30AM on Tuesday May 14, 2019.

I have used the word fraud specifically. for the AEC has allowed some other person to *obtain a benefit for which the person is not otherwise entitled (from the AEC definition of same under the Commonwealth Electoral Act 1918 or related legislation).*

The AEC rejected my request to receive the voting papers and use of the ballot box on May 14, citing the fact *'that my name had already been recorded as having voted'*; a fact I strenuously denied.

I was then directed to a separate polling desk and I complied with each and every instruction directed by AEC staff to submit a vote to an envelope, (not the ballot box) and followed their instructions in placing that vote into another AEC envelope.

I emailed the AEC on either May 15 or 16 to lodge a complaint, citing a fraud had taken place. **There was no subsequent response from the AEC to that email.**

Note that this email was received by the AEC prior to the May 18 election. **My Email was not actioned by the AEC PRIOR to the close of polls.**

20/5/19 Phoned the AEC 13#, recorded message advised the AEC was too busy to take calls, as per AEC request a message was left at 1245. **The AEC never returned the call.**

19/6/19 Phoned AEC Higgins seeking advice re my email of May 15 or 16 and my May 20 phone call to the AEC (that was diverted to the AEC message bank). Was told AEC Higgins office the AEC too busy to address the issue, *'not yet up to multiple votes, we will call you when we are ready'* - a great customer service orientated response! **The AEC never returned that call.**

July 9, 2019 dated AEC letter is received on July 15. The letter has the reference Ref BALL005268M This letter is a gross error of fact and totally ignores the substance of my earlier complaint.

July 15, 2019 I telephoned [REDACTED] AEC Higgins Returning Officer, the signatory to the AEC July 19 letter with the purpose of wishing to discuss the content of this letter. [REDACTED] claims the letter *'is not of her making, advising it is computer generated'*, like Centrelink Robodebt, and consequently has taken the view she is reluctant to accept responsibility to its content. [REDACTED] does agree *'an AEC error has occurred and processes were not followed in respect to my vote, and as a consequence the AEC decided my vote was denied to be counted'*.

July 15, 2019. An email sent to AEC under the tile Fraud following the unsatisfactory advice received from AEC Higgins returning officer [REDACTED]

July 16, 2019. An email from AEC Public Enquiries Officer advises an AEC response within 10 days, assigns reference number: 2019/156230 to the email.

July 19, 2019. Received a telephone call from the AEC, caller identified himself as [REDACTED] Wanted to know *'what was the problem'*. My response was that the problem was well documented within the AEC and asked him to familiarise himself with the email correspondence and the (computer generated) letter - advised him of the file reference - I had received from the AEC and we could then discuss the matter. [REDACTED] advised that was not possible, *'he does not have access to that system'*. The conversation closed with my advice to call back once he had the trail of correspondence in front of him, we could then discuss the matter under complaint. [REDACTED] advised the AEC *'would respond by email'*. Presume this advice was referring to the earlier AEC email of July 16.

July 29, 2019. [REDACTED] VIC, AEC met the undertaking made by the AEC in their July 16 email to respond within 10 days and by letter addressed & conceded that mistakes were made by the AEC; resulting in my pre-poll vote being rejected.

I take the position and at the time advised the AEC that the one and only time I presented myself to vote in the 2019 Federal Election was at 11.30AM Tuesday May 14, 2019. I was denied the right to receive voting papers and place those in the ballot box.

At a separate polling desk I complied with each and every instruction directed to me by AEC staff to submit a vote to an envelope, (**not the ballot box**) and followed their instructions in placing that vote into an AEC envelope. Yet the 9/7/19 AEC letter allege I did not sign or make my mark on the envelope. Whose fault is that? Given I never received such an envelope and I WAS UNDER INSTRUCTIONS FROM THE AEC AT EVERY STEP IN THIS ABNORMAL PROCESS that was not of my choice or making.

So despite presenting myself to vote I have been denied the right to have my vote included at the 2019 federal election.

That this is fraud and was reported to the AEC by me on May 15 or 16/19, PRIOR to the election.

What are the AEC going to do about the matter. [REDACTED] saying 'sorry' will not suffice.

In an alleged democracy, the AEC denied me my fundamental right to vote. That is inexcusable.

J L Carter.

[REDACTED]



Ref: SLA19/54

Mr James Carter
[REDACTED]

Dear Mr Carter,

Reference number: 2019/156230

I am writing in response to your complaint dated 15 July 2019, concerning:

- your vote not being admitted to the count,
- the subsequent letter that was received by you, and
- the management of your initial complaints and enquiries.

I would firstly like to apologise for the delay in providing a formal response to your request and reassure you that we take this matter seriously. This matter has been referred to me as the Director Operations for consideration and investigation.

I have investigated the points that you raised and can confirm that a mistake was made in matching another elector's postal vote against your details on the electoral roll, resulting in your pre-poll vote not being admitted to the count. Through incorrectly matching another elector's postal vote against your details, our systems were updated to show that you had already voted, which caused us to reject your pre-poll vote. Therefore the letter that you received is in relation to the postal vote that we matched incorrectly. In this circumstance, our quality assurance processes did not detect this error. During the electoral cycle, a detailed review of our processes will be undertaken to understand how this error occurred despite the quality assurance processes that were followed.

The AEC provides its sincerest apologies for this error and for the unacceptable management of your initial complaints and enquiries about the matter. I accept that your initial complaint should have been dealt with immediately, in order to reach an appropriate resolution. All staff involved will be reminded about the requirement to manage complaints and enquiries in a prompt and professional manner.

Please find enclosed a copy of the AEC's *Complaints Management Policy*. This policy explains the process I undertook in investigating your complaint and explains some of the review processes available to you.

Yours sincerely
[REDACTED]

Australian Electoral Commission

29 July 2019.

Division of HIGGINS
PO BOX 1239
CAMBERWELL VIC 3124



AEC
Australian Electoral Commission

Rec 17/7/19.


094688 030



James I. CARTER



Division of HIGGINS
SUITE 1, LEVEL 2
695 BURKE ROAD
CAMBERWELL VIC 3124

Tel: 13 23 26
Fax: 02 6293 7648
Email: 
Ref: BALL005268M

2019 FEDERAL ELECTION – VOTER ADVICE

Dear James CARTER

I am writing to you about your vote in the 2019 Federal Election.

You may remember when you voted you completed an envelope with your personal details on the outside and your ballot papers were placed inside the envelope.

Before the envelope is opened, the information on the envelope is checked to make sure your vote can be counted. One of the checks is to make sure you have signed or made your mark on the envelope.

When your envelope was checked, unfortunately you had not signed or made your mark on the envelope, so your vote could not be counted.

If you have any questions about your vote or your enrolment please call **13 23 26**.

Yours sincerely


Divisional Returning Officer
HIGGINS

9 July 2019