

Managing the roll

Fraudulent enrolment

- 2.1 As outlined in chapter one, for fraudulent enrolment to occur there has to be criminal intent. Fraudulent enrolment generally takes the form of:
- People deliberately enrolling themselves at a false address/in the wrong electoral district;
 - People deliberately enrolling false names at real, or false, addresses; and
 - People deliberately enrolling real (other peoples') names at real, or false, addresses.¹
- 2.2 False enrolment occurs if an elector is enrolled at the wrong address. This is generally the result of moving to another electoral division and failing to change one's enrolment details. False enrolment also occurs when people who are ineligible to enrol such as non-citizens do so. Non-citizens seeking to enrol often do so on the mistaken belief that as residents they are entitled to enrol and vote.² Thus false enrolment is the product of a misunderstanding on the part of people enrolling as to their obligations, 'rather than deliberate attempts at fraud'.³ Indeed, as the Australian Electoral Officer for Queensland, Mr Bob Longland, pointed out, enrolling

1 Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee. September 2000. *Inquiry into the prevention of electoral fraud: Issues Paper*. Brisbane, LCARC, p 13.

2 Transcript p 134 (R.Patching).

3 Joint Standing Committee on Electoral Matters. 1997. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 Federal Election and matters related thereto*. Canberra, AGPS, p 5.

to vote and changing enrolment details may assume a low priority for many Australians.⁴

- 2.3 In its 1996 Federal Election Inquiry Report the committee sought to rectify the tardiness of many Australians to keep their enrolment details up to date by recommending electors be required to re-enrol within one month of changing address anywhere in Australia, a recommendation supported by the Australian Electoral Commission (AEC).⁵ This provision was included in the *Electoral and Referendum Amendment Bill (No. 2) 1998*, but was defeated in the Senate on 15 February 1999.

Defining enrolment fraud

- 2.4 The AEC informed the committee that the procedures for additions, amendments and deletions from the electoral roll are contained in the *General enrolment manual*, a detailed document that is drawn from legislation but includes principles and practices directed to properly enrolling voters and maintaining the roll.⁶
- 2.5 The emphasis in the *General enrolment manual* is on voters being correctly enrolled. As a result, it does not specifically define fraudulent enrolment, but it does provide information about what to do if an enrolment form is defective or is not properly witnessed.⁷
- 2.6 When questioned about whether the AEC had a definition of enrolment fraud at the 3 April 2001 public hearing, the AEC responded:
- Not specifically to enrolment...there is the general fraud control policy of the AEC.⁸
- 2.7 The AEC's *Fraud control plan 1997-1999* defines fraud using the definition contained in the *Fraud control policy of the Commonwealth* (see chapter 1).⁹

4 Transcript p 41 (AEC).

5 Joint Standing Committee on Electoral Matters. 1997. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 Federal Election and matters related thereto*. Canberra, AGPS, p. 20.

6 Submissions p S843 (AEC), and Transcript p 548 (AEC).

7 Transcript p 548 (AEC).

8 Transcript p 548 (AEC).

9 Australian Electoral Commission. 1998. *Fraud control plan 1997-1999*. Canberra, AEC, p 7; see also Commonwealth Law Enforcement Board. 1994. *Best practice for fraud control: Fraud control policy of the Commonwealth: Incorporating an Interim Ministerial Direction on fraud control*. Canberra, AGPS, p 3.

- 2.8 This definition is intended to include both monetary and intangible benefits, including any benefit that could be gained from the Government.¹⁰
- 2.9 Clearly, enrolment fraud falls within the definition of fraud in the current *AEC Fraud control plan 1997-1999*.

Extent of enrolment fraud

- 2.10 A threshold issue for the committee as part of this inquiry is the actual level of fraudulent enrolment. While the committee never intended investigating all allegations of electoral fraud, through evidence received it was able to obtain an overview of the extent of enrolment fraud.
- 2.11 As part of its initial submission to the inquiry, the AEC compiled a list of all possible cases of enrolment fraud it has on record for the decade 1990-2000. This list comprises 71 cases in total. Almost three-quarters of the cases came from NSW (47 cases), while there were 18 cases in Queensland, five in Victoria, three in the Northern Territory, three in Western Australia, and one in South Australia.¹¹ The AEC advised that the 71 cases of possible enrolment fraud were drawn to the attention of the AEC in the following ways:
- AEC roll review procedures, including Continuous Roll Updating (CRU) (35 cases);
 - information provided by the public (15 cases);
 - information provided by Members of Parliament (10 cases);
 - information provided by other government agencies investigating other offences (eight cases); and
 - information from press reports (three cases).¹²
- 2.12 According to the AEC, the majority of cases it detected appear to have been for the purposes of:
- identity fraud on the Commonwealth Electoral Roll for criminal purposes, or to test the system;

10 Commonwealth Law Enforcement Board. 1994. *Best practice for fraud control: Fraud control policy of the Commonwealth: Incorporating an Interim Ministerial Direction on fraud control*. Canberra, AGPS, p 3.

11 Submissions pp S974-S980 (AEC).

12 Submissions p S883 (AEC).

- enrolment forgery for the purposes of party preselection ballots and local council elections; and
- false enrolments transferring the principal place of residence intended to affect results at local council elections and federal elections.¹³

However, the AEC did not provide details of the numbers in each category.

- 2.13 The AEC suggested that most cases of enrolment fraud are in support of ‘criminal or nefarious intentions such as under-age entry to licensed premises, immigration fraud, or social security fraud, or to “test the system” ’¹⁴, rather than attempts to affect federal election results.
- 2.14 From these statistics, the AEC estimates that on average there is about one fraudulent enrolment for every 200,000 enrolments.¹⁵ The AEC concedes that there will always be a few cases of fraud that it cannot detect through its own procedures, particularly cases of identity fraud.¹⁶
- 2.15 The Shepherdson Inquiry report was able to identify within the terms of reference of that inquiry a series of cases of enrolment fraud, namely:
- Townsville in 1996;
 - Mundingburra in 1996;
 - East Brisbane in 1993;
 - South Brisbane in 1986;
 - Springwood in 1997;
 - East Brisbane in 1996;
 - the Budd family enrolments; and
 - the Elder family enrolments.¹⁷
- 2.16 The number of false enrolments detected by the Shepherdson Inquiry in each of these cases was not large, ranging from two (Mundingburra in 1996) to about 25 (Townsville in 1996). With the exception of Mundingburra in 1996 and the Budd and Elder family enrolments, all of

13 Submissions p S874 (AEC).

14 Submissions p S833 (AEC).

15 Transcript p 541 (AEC).

16 Submissions p S874 (AEC).

17 Queensland Criminal Justice Commission. April 2001. *The Shepherdson Inquiry: An investigation into electoral fraud*. pp XIV-XVII. www.cjc.qld.gov.au/shepinquiry/finalreport.pdf

these cases relate to internal party preselection ballots (see chapter 1). The report indicated that:

The information gathered during the inquiry clearly established that the practice of making consensual false enrolments to bolster the chances of specific candidates in preselections was regarded by some Party members as a legitimate campaign tactic. No evidence, however, was revealed indicating that the tactic had been generally used to influence the outcome of public elections. Where it was found to have been used in public elections, the practice appeared to be opportunistic or related to the family circumstances of particular candidates rather than systemic or widespread.¹⁸

- 2.17 Other witnesses to the committee's inquiry alleged that enrolment fraud was far more extensive. Ms Karen Ehrmann, in her evidence before the committee on 14 December 2001, indicated:

...Everyone was doing it. It was encouraged and condoned by people at the highest level in the Queensland parliament and the Labor Party...¹⁹

- 2.18 Mr Robert Patching stated that, as Divisional Returning Officer (DRO) for Rankin, in the late 1980s he uncovered 218 non-citizens who had attempted to enrol.²⁰ Mr Patching suggested that:

...if this figure can be extrapolated over an election period of 3 years it is possible that the number of persons gaining the right to vote by fraudulently stating their enrolment qualifications could be as many as 870 per election per division.²¹

- 2.19 In addition, in their evidence on 30 January 2001 in Sydney, Mr Steven Simat and Mr Nick Berman both argued that the integrity of the roll could not be guaranteed.²²

- 2.20 During the inquiry, the committee also received evidence on a number of allegations of fraudulent enrolment in NSW, in particular in relation to local council elections.²³ The committee did not investigate these

18 Queensland Criminal Justice Commission. April 2001. *The Shepherdson Inquiry: An investigation into electoral fraud*. Brisbane, CJC, p XIV. www.cjc.qld.gov.au/shepinquiry/finalreport.pdf

19 Transcript p 141 (K.Ehrmann).

20 Submissions p S653 (R.Patching)

21 Submissions p S653 (R.Patching)

22 Transcript pp 430 and 435 (S.Simat and N.Berman).

23 Submissions pp S392-S393 (C.Stott), pp S546-S551 (D.Harwin), pp S702-S703 (S.Simat), pp S730-S743 (E.Brooks Maher), pp S1072-S1073 (R.Clark), and p S1277 (B.Horne).

allegations in any depth, and so cannot draw a conclusion on any of these allegations.

- 2.21 The enrolment fraud uncovered by both the AEC and the Shepherdson Inquiry occurred over a span of many years in diverse geographical locations. In each case, the number of false enrolments was not large. In comparison, the AEC notes that in the 1999-2000 financial year it processed 2.46 million enrolment forms.²⁴
- 2.22 The former Australian Electoral Commissioner, Professor Colin Hughes, noted that substantial numbers of persons are needed in any attempt to alter the roll so as to influence the outcome of a federal or state/territory election.²⁵ He stated that the ballots most vulnerable to fraudulent enrolments are party preselections and by-elections.²⁶ As by-elections generally occur by themselves, Professor Hughes argues, that:
- it is possible to concentrate all the resources of whatever group seeks to violate the integrity of the by-election, whereas at a general election they have to be spread thinly across the map, at the very least over a substantial number of marginal seats.²⁷
- 2.23 Professor Hughes noted that the possibility of overturning a general election result and ejecting the elected government through a by-election whose outcome was influenced by fraudulent enrolments has not occurred at the federal level.²⁸ However, he noted that the possibility has occurred at the state level in the Queensland state seat of Mundingburra in 1996.²⁹
- 2.24 Whilst the allegations of fraudulent enrolment in Queensland have achieved the most prominence, the evidence leads the committee to believe that this practice is not confined to Queensland. Although this practice does not occur on a large scale, the committee concurs with the report of the Shepherdson Inquiry, in which the Hon Tom Shepherdson QC stated:
- ...I do not consider that the small numbers of persons who engaged in this practice, as disclosed by the evidence at the Inquiry, should necessarily lead the Australian Electoral Commission or the Electoral Commission Queensland to believe

24 Submissions p S497 (AEC).

25 Submissions p S381 (C.Hughes).

26 Submissions p S382 (C.Hughes).

27 Submissions p S382 (C.Hughes).

28 Submissions p S384 (C.Hughes).

29 Submissions p S384 (C.Hughes).

that such conduct is relatively uncommon...These unlawfully cast votes can prove decisive in polls where the margin between winning or losing is small.³⁰

- 2.25 Estimating the extent of potential fraud in any organisation, either public or private, is inherently difficult.³¹ This is why the agency fraud risk assessment process is an important part of the Commonwealth's fraud control work. Risk assessment enables agencies to identify potential weaknesses in fraud controls and allows agencies to adjust resources and control mechanisms.³² The risk assessment is part of the fraud control planning process and further details on this are contained in chapter 3.
- 2.26 The *Fraud control policy of the Commonwealth* makes it clear that chief executives of agencies have a responsibility to make fraud control a major responsibility of all staff.³³ An agency's attitude to fraud control is therefore critical to its success in preventing it. The AEC indicated that in relation to enrolment fraud, its normal processes were very good and that it was confident it had a first class electoral roll.³⁴
- 2.27 The committee believes that the AEC has to be careful that it is not too confident. A more circumspect attitude is more appropriate in the light of the Shepherdson Inquiry and this inquiry's work. The AEC's attitude leads the committee to question the adequacy of the AEC's assessment of the risks in relation to the integrity of the electoral roll.
- 2.28 The issue at hand, then, is the adequacy of the AEC's procedures and the *Commonwealth Electoral Act 1918* (the Electoral Act) to detect and prevent fraudulent enrolment so that the Australian community can be confident that enrolment fraud will not become a problem.

30 Queensland Criminal Justice Commission. April 2001. *The Shepherdson Inquiry: An investigation into electoral fraud*, p 166. www.cjc.qld.gov.au/shepinquiry/finalreport.pdf

31 House of Representatives Standing Committee on Banking, Finance and Public Administration. November 1993. *Focusing on fraud: Report on the inquiry into fraud on the Commonwealth*. Canberra, Commonwealth of Australia, pp 8-9.

32 Commonwealth Law Enforcement Board. 1994. *Best practice for fraud control: Fraud control policy of the Commonwealth: Incorporating an Interim Ministerial Direction on fraud control*. Canberra, AGPS, p 17.

33 Commonwealth Law Enforcement Board. 1994. *Best practice for fraud control: Fraud control policy of the Commonwealth: Incorporating an Interim Ministerial Direction on fraud control*. Canberra, AGPS, p 2.

34 Transcript p 545 (AEC).

Mechanisms for managing the roll

Current identification and verification procedures

- 2.29 At present, under section 93 of the Electoral Act, all persons are entitled to be enrolled on the Commonwealth Electoral Roll if they meet the following requirements:
- They have an identity;
 - They have a real place of living, or possessed one in the past;
 - They are over 18 years of age;
 - They are an Australian citizen, or a British subject who appeared on a Commonwealth Electoral Roll immediately before 26 January 1984.³⁵
- 2.30 Under section 94A of the Electoral Act anyone who is currently living outside Australia is qualified to enrol as an elector from outside Australia if they:
- are 17 years of age or older and;
 - an Australian citizen (or a British subject who was on the electoral roll on 25 January 1984) and;
 - departed Australia within the last two years and intends to return within six years of the date of departure from Australia; and
 - left Australia for reasons relating to their career or employment or that of their spouse.
- 2.31 Under section 93 (8) of the Electoral Act a person is not qualified to enrol:
- if because of unsound mind, is incapable of understanding the nature and significance of enrolment and voting; or
 - is serving a sentence of five years or longer for an offence against the law of the Commonwealth or of a State or Territory; or
 - has been convicted of treason and has not been pardoned.
- 2.32 Section 101 of the Electoral Act makes it compulsory for every person who is qualified to enrol as an elector to apply for enrolment within 21 days after becoming qualified to enrol. The penalty for failing to enrol is a fine

35 Australian Electoral Commission. 1998. *Electoral Reform Implementation Plan*. Canberra, AEC, p 2.

of up to \$50. Section 101 of the Electoral Act provides that any elector who changes his or her address must change his or her enrolment details.

- 2.33 An individual seeking to enrol must complete an Electoral Enrolment Form. Currently under section 98 (2) of the Electoral Act the form must be witnessed by an elector or person eligible for enrolment.³⁶ Under section 342 of the Electoral Act the witness must satisfy himself or herself that the information provided in the claim is accurate. Generally the witness is a spouse, friend or an AEC Officer. As the AEC points out, 'in the case of the AEC Officer witnessing, it is often the case that the applicant will not be known to the officer'.³⁷ The officer witnessing is required under AEC procedures and section 342 of the Electoral Act to satisfy themselves that the details supplied by the applicant are correct either by asking the applicant to declare this or seeking some proof by sighting a photographic form of identity.
- 2.34 After the enrolment form has been correctly filled in and witnessed, it must be sent to the relevant DRO or Australian Electoral Officer who will forward it to the appropriate DRO. The DRO must be satisfied that the applicant is eligible to enrol according to the criteria above and the application is in order.
- 2.35 Information on the completed enrolment form is entered into the AEC's computerised Roll Management System (RMANS) at the divisional office, and 'an automatic match is made of the new application against existing records on RMANS for that person'.³⁸ The AEC points out that 'previous enrolment records are held on-line back to 1997 in the case of South Australia, and at least to 1991 for all other States and Territories'.³⁹ On the RMANS database enrolment records are identified as 'being on the Current File, the Deleted File or the Archived File'.⁴⁰ If a match is found with a record on the Current File, 'the information on the new application is linked, and the matched previous record is moved to the Deleted File'.⁴¹ If a match is found with a deleted record where the reason for deletion is the elector is deceased, RMANS provides a warning that is followed up by divisional staff.⁴² If there is no match with existing records, the enrolment

36 Section 98 (2) *Commonwealth Electoral Act 1918*.

37 Australian Electoral Commission. 1998. *Electoral reform implementation plan*. Canberra, AEC, p 5.

38 Submissions p S502 (AEC).

39 Submissions p S502 (AEC).

40 Submissions p S502 (AEC).

41 Submissions p S502 (AEC).

42 Submissions p S503 (AEC).

is 'flagged as new to RMANS'.⁴³ Once this process is complete and the DRO is satisfied, the applicant is then entered on the roll for a Subdivision of that particular Division. The applicant is then notified in writing of their enrolment in that Subdivision.

The Roll Management System

2.36 As of 30 March 2001 12,484,981 people were enrolled on the roll.⁴⁴ In the 1999-2000 financial year the AEC processed 2.46 million enrolment forms, which included the following transactions:

Table 2.1 Total enrolment forms processed by AEC, 1999-2000

Enrolment Transactions	Number of Transactions
New Enrolments	319,637
Re-enrolments	178,163
Re-instatements	22,446
Interstate Transfers	153,060
Intrastate (between divisions) Transfers	660,506
Intradivisional Transfers	961,538
No change Enrolments *	167,906
Deletions (objections, deaths, duplications)	329,219
Total	2,463,256

(* No-change enrolments occur when electors notify the AEC of a variation to their personal details)

Source AEC 2000, Annual Report 1999-2000, Canberra, p. 23.

2.37 The AEC described the electoral roll as:

a "continuous" document, with enrolment additions, transfers and deletions occurring as a continuous stream of changes, rather than a "static" document compiled at one time for a particular electoral event.⁴⁵

2.38 According to the Australian Electoral Officer for Queensland, Mr Bob Longland, the major problem in managing the roll is:

43 Submissions p S503 (AEC).

44 Australian Electoral Commission. *Enrolment statistics at 30 March 2001*.
<http://www.aec.gov.au/enrol/stats.htm>

45 Submissions p S497 (AEC).

What we are doing is proving the roll, a very dynamic document, is never up to date, because people move and the enrolment card is one of the low-level things on their list.⁴⁶

- 2.39 The AEC attempts to maintain the accuracy of the electoral roll through ongoing reviews of the roll. Reviews are increasingly carried out via data-mining of the AEC's RMANS, on which the publicly available name and address information of all electors is stored, data-matching with other Commonwealth and State-Territory agencies, mailouts and targeted fieldwork involving door knocks. Anomalies uncovered through data-mining and data-matching activities trigger further inquiries as to the accuracy of details recorded for a particular elector. If the AEC learns that an elector is no longer living at their enrolled address, a notice is sent to the elector advising them to update their enrolment details or risk being removed from the roll. On the basis of death notices and information from relatives or State Registrars of Deaths, the AEC also removes on a regular basis the names of those who have died.⁴⁷ In addition, the AEC engages in direct enrolment and enrolment marketing activities.
- 2.40 In 1997 the AEC introduced an address-based enrolment system, the RMANS Address Register. Previously addresses claimed for enrolment needed only to match known streets and localities. Under the Address Register, however, the AEC is able to strictly control the confirmation of addresses, 'as each address is now recorded separately on the Register, whether or not the address is occupied by electors'.⁴⁸ The Register identifies each separate address and 'lists a range of attributes including a land code use, occupancy status, an enrolment limit, the last review date, and whether the address is habitable and 'active', that is, valid for enrolment'.⁴⁹ In addition, the Address Register enables additional geographic data and related locality information to be stored against addresses and 'to include an enrolment turnover indicator'.⁵⁰ All addresses held by the AEC are matched with the Australia Post National Address File.
- 2.41 The RMANS Address Register enables the AEC to 'identify addresses that are incorrectly described or duplicated on the Register, those that have a high number of enrolments and/or an abnormally high turnover of electors, and those that have two or more groups of electors resident with

46 Transcript p 41 (AEC).

47 Australian Electoral Commission. 2001. *Fact sheet: Electoral roll review*. <http://www.aec.gov.au/pubs/factfiles/factsheet11.htm>

48 Submissions p S509 (AEC).

49 Submissions p S509 (AEC).

50 Submissions p S509 (AEC).

different family names'.⁵¹ These anomalies are then examined by AEC divisional officers through mailouts and fieldwork. The AEC believes the RMANS Address Register is:

an increasingly powerful tool available to the AEC to detect and deter fraudulent enrolment, enabling staff to check the validity of addresses and to take follow-up action when claims on enrolment forms are at variance with the information on the Register, such as in cases of possible suspicious enrolment at any particular address.⁵²

- 2.42 Prior to the implementation of the RMANS Address Register, the AEC conducted an Electoral Roll Review every two years to check the accuracy of the electoral roll. By the AEC's own admission, this periodic snapshot of the roll became rapidly dated.⁵³ The implication of this is that, prior to the implementation of the RMANS Address Register, the opportunities for enrolment fraud were greater than they are now. The AEC confirmed that this was the case, pointing out that the Ehrmann, Kehoe and Foster cases would have been detected using the currently available mechanisms, such as the RMANS Address Register.⁵⁴
- 2.43 Under section 84 of the Electoral Act the Commonwealth has entered into Joint Roll Arrangements with all States and Territories. Joint roll arrangements have been in operation with Tasmania since 1908, South Australia since 1920, New South Wales since 1927, Victoria since 1952, Western Australia since 1983, the Northern Territory since 1989, Queensland since 1992 and the Australian Capital Territory since 1994. The nature of these arrangements, however, differs among the States and Territories. Victoria and Western Australia, for example, maintain their own state rolls but the AEC has day-to-day responsibility for the collection and processing of roll information.⁵⁵ The other States and Territories do not maintain their own separate rolls, rather in each jurisdiction the AEC maintains a joint Commonwealth, State/Territory and Local Government roll with input from the respective State/Territory authorities.
- 2.44 Completed joint enrolment applications are processed into RMANS by AEC divisional officers. Information pertaining to the State/Territory rolls are extracted from RMANS and provided to State/Territory electoral

51 Submissions p S509 (AEC).

52 Submissions p S509 (AEC).

53 Submissions p S504 (AEC).

54 Submissions p S457 (AEC).

55 Australian Electoral Commission. 1999. *Commonwealth electoral procedures*. http://www.aec.gov.au/pubs/electoral_procedures/enrolment.htm

commissions. The Joint Roll Arrangements have provided a single national enrolment system with 'almost identical eligibility criteria, a common enrolment form and the single entry into RMANS of enrolments'.⁵⁶ This system enables the AEC and its State/Territory counterparts to continually improve the accuracy of the roll and to share some costs associated with maintaining the roll.

Continuous Roll Updating

2.45 CRU is a method of updating the roll using information sources that deal with changes of address, such as Australia Post, in order to pro-actively target with re-enrolment information electors who have moved. It also involves marketing of enrolment outside of election periods, and direct enrolment approaches at events such as citizenship ceremonies. CRU enables the AEC to 'effectively audit the moving population of electors'.⁵⁷ There are five key elements to CRU:

- Data-mining;
- Data-matching;
- Direct enrolment;
- Marketing enrolment; and
- Geographic Information System (GIS) technology.⁵⁸

Data-mining

2.46 The roll management system, RMANS, is the 'actual database' on which the roll is stored.⁵⁹ The AEC is able to 'mine our own data to do the sorts of checks we used to find by accident'.⁶⁰ The RMANS enables the AEC to analyse the data stored on RMANS in order to 'uncover aberrant data on the roll, which can direct fieldwork in a more cost efficient manner'.⁶¹ Both CRU data-matching and data-mining procedures are undertaken in regular cycles ranging from monthly to six monthly.

56 Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee. March 2000. *Report No. 19: Implications of the new Commonwealth enrolment requirements*. Brisbane, LCARC, p 3.

57 Submissions p S505 (AEC).

58 Submissions p S505 (AEC).

59 Transcript p 56 (AEC).

60 Transcript p 56 (AEC).

61 Submissions p S509 (AEC).

Data-matching

- 2.47 Data-matching is the 'large scale comparison of records or files of personal information, collected or held for different purposes, with a view to identifying matters of interest'.⁶² Section 92 (1) of the Electoral Act enables the AEC to 'demand information from other agencies in relation to the preparation, maintenance or revision of the Rolls'.⁶³
- 2.48 Following the endorsement by the Government of Recommendation 4 of the committee's 1996 Federal Election Inquiry Report suggesting an investigation into expanding the matching of enrolment data, data-matching has become 'an integral part of CRU'.⁶⁴ However, the AEC stated that:
- the prohibitive costs and the security issues involved have prevented the adoption of on-line connections to other departments and agencies for "live" interrogation of other databases'.⁶⁵
- Nonetheless, the AEC pointed out that CRU data-matching, 'at the level permitted by AEC resources, has yielded considerable benefits in improving roll accuracy'.⁶⁶
- 2.49 At the Commonwealth level the AEC is involved in data-matching activities with Australia Post which provides change-of-address data, Centrelink which provides similar data, and the Department of Immigration and Multicultural Affairs which provides data on the citizenship status of overseas-born applicants for electoral enrolment.⁶⁷
- 2.50 At the state level, the AEC is involved in data-matching with the Motor Registry authority in South Australia, the Residential Tenancy Authority in Queensland, the Western Australian Department of Land Administration and power utilities in Victoria through the State Electoral Commission.⁶⁸

62 Office of the Federal Privacy Commissioner. February 1998. *The use of data-matching in Commonwealth administration – Guidelines*. Sydney, Office of the Federal Privacy Commissioner, p 3.

63 Australian Electoral Commission. *Submission to the House of Representatives Standing Committee on Economics, Finance and Public Administration Review of the ANAO Report No. 37 1998-99 on the Management of Tax File Numbers*. paragraph 4.3.

64 Submissions p S506 (AEC).

65 Submissions p S506 (AEC).

66 Submissions p S506 (AEC).

67 Submissions p S507 (AEC).

68 Submissions p S507 (AEC).

- 2.51 Arrangements are generally negotiated separately with the agencies directly by the AEC or through the relevant State/Territory electoral commission. In addition, section 108 of the Electoral Act requires State Registrars-General to provide the AEC, through its DROs and the Australian Electoral Officer in each state and the Northern Territory, with death data in each Division.
- 2.52 Data-matching activities undertaken by the AEC are not regulated by the *Data-matching Program (Assistance and Tax) Act 1990* as these activities do not involve the use of Tax File Numbers. However, the Federal Privacy Commissioner oversees CRU data-matching activities 'as necessary'.⁶⁹
- 2.53 The AEC pointed out that by taking advantage of ongoing IT development the RMANS system could be upgraded 'to increase the frequency and improve the precision of reports generated for roll auditing purposes, to improve the accuracy of the roll and to detect enrolment fraud'.⁷⁰ The AEC noted that such an upgrade 'would be expensive and is presently beyond AEC resources'.⁷¹ The AEC estimated that an upgrade of RMANS to 'allow increased frequency and refinement of RMANS reports to track the moving population of electors, and the development of electronic signature verification online in Divisional offices, for example', would require extra ongoing funding of \$25 million per annum.⁷²
- 2.54 The AEC also pointed out that with additional legislative powers and appropriate privacy regulation, it could upgrade CRU data-matching to include the Australian Taxation Office for example.⁷³ The AEC suggested the committee consider recommending additional funding for upgrading RMANS data-processing and CRU data-matching.⁷⁴ The AEC indicated it will submit 'a more detailed accounting, and consult with the Privacy Commissioner about the legal requirements for extended data-matching'.⁷⁵
- 2.55 The committee supports the conducting of a study to ascertain the financial cost and legislative requirements for upgrading RMANS and expanding CRU data-matching.

69 Submissions p S506 (AEC).

70 Submissions p S522 (AEC).

71 Submissions p S523 (AEC).

72 Transcript p 58 (AEC).

73 Submissions p S840 (AEC).

74 Submissions p S841 (AEC).

75 Submissions p S841 (AEC).

Recommendation 1

- 2.56 That the Australian Electoral Commission investigate and report on the financial cost, legal requirements, privacy implications and priorities for upgrading RMANS data-processing and expanding Continuous Roll Updating data-matching.**

Direct enrolment

- 2.57 The AEC conducts a number of direct enrolment activities as part of the CRU process. The AEC has negotiated with a number of other Commonwealth, State and Territory agencies to incorporate enrolment cards and electoral information with their procedures.
- 2.58 Direct enrolment activities include the provision of pre-printed enrolment cards to all new Australian citizens at citizenship conferral ceremonies. At some citizenship ceremonies AEC staff are present to collect the enrolment cards and provide advice to new electors. Other types of direct enrolment are the use of a common change of address form for a number of state and territory government transactions as well as enrolment, and the provision of enrolment cards and electoral information in results packages sent to final year students in Queensland by the Board of Secondary Studies.⁷⁶ The Victorian Electoral Commission sends birthday cards with an enrolment card to all 18 year olds.⁷⁷ The AEC noted that 'all these CRU initiatives are providing excellent returns as people respond to the convenience of the enrolment facility being provided directly to them'.⁷⁸
- 2.59 In its report on the Continuous Roll Update program for 1999, however, the Electoral Council of Australia identified the following issues arising from Change of Address (COA) and Vacant Address Mailing (VAM) activities:
- The most effective response rate is in the two months after mailing;
 - Response rates for the different States and Territories over the response stages are sufficiently different to be further investigated for specific enrolment environment anomalies;
 - COA and VAM mailings are not reaching the 17 to 18 year olds;
 - Further national sources of data are required for CRU; and

76 Submissions pp S511-S512 (AEC).

77 Submissions p S512 (AEC).

78 Submissions p S512 (AEC).

- Follow up activities are likely to increase the response rate.⁷⁹

2.60 The Electoral Council of Australia stated that the 17 to 21 year old proportion of the population is 'well recognised as being under enrolled and difficult to effectively target enrolment activities'.⁸⁰ The Electoral Council noted that Australia Post advised that its research indicated that 18 to 21 year olds 'may not purchase change of address services', and 'may not respond to or be identified by vacant address mailings'.⁸¹ State and Territory CRU activities using external databases are, according to the Electoral Council, the 'most effective in targeting the youth enrolment sector through access to motor registry and education department records'.⁸² Accordingly the Electoral Council recommended that:

special enrolment services to reach the 17 to 21 year olds should be undertaken with emphasis on obtaining data from State and Territory agencies such as motor registries and education departments.⁸³

Marketing enrolment

2.61 The AEC pointed out that enrolment is 'not marketed other than in the context of roll closes for elections'.⁸⁴ In relation to youth enrolment, the AEC noted that 75% of new enrolments for the 1999 federal referendum came from 18 and 19 year olds.⁸⁵ Although encouraging people to enrol or update their enrolment details during the close-of-rolls period is 'vital to ensuring that all eligible electors are able to exercise their franchise', the AEC suggested that 'the early release of the election funds that pay for these enrolment drives might assist in raising the awareness of the

79 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 6. http://www.eca.gov.au/reports/1999_cru_report.pdf

80 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 24. http://www.eca.gov.au/reports/1999_cru_report.pdf

81 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 24. http://www.eca.gov.au/reports/1999_cru_report.pdf

82 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 6. http://www.eca.gov.au/reports/1999_cru_report.pdf

83 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 7. http://www.eca.gov.au/reports/1999_cru_report.pdf

84 Submissions p S512 (AEC).

85 Submissions p S511 (AEC).

Australian population as to their rights and obligations to enrol at the appropriate time'.⁸⁶

- 2.62 The committee is of the view that more information is required as to how the enrolment of groups such as 18 to 21 year olds and indigenous Australians, generally recognised as being under enrolled, can be enhanced and the costs involved.

Geographic Information Systems

- 2.63 The AEC stated that a 1995 consultancy report to the Electoral Council of Australia recommended the incorporation of GIS in the CRU processes.⁸⁷ GIS are replacing maps as the primary form of geographical identification. Two pilot studies incorporating GIS with CRU activities have been approved by the AEC, one in Queensland using an off-the-shelf GIS package that has been successfully implemented, and the other in NSW that will use a custom-designed GIS package that is not yet available. The AEC pointed out that 'the aim of the pilot is to test the value added by GIS technology to CRU in the management of the Roll'.⁸⁸ The AEC expects the evaluation of the pilot studies to be completed by mid-2001.

Removing deceased electors

- 2.64 The AEC noted that 'an essential part of CRU data-matching is to identify and remove the names of deceased electors from the rolls'.⁸⁹ Under section 108 of the Electoral Act the AEC receives, through its DROs and the Australian Electoral Officer in each state and the Northern Territory, death data in each Division from State Registrars-General. This information is matched with the enrolment information on RMANS 'on an ongoing basis', and the 'details of matches are forwarded to the appropriate DRO for manual deletion'.⁹⁰ In addition, DROs in each Division continually monitor death notices in newspapers and advice provided by relatives of deceased electors, and the 'confirmed information is applied to RMANS'.⁹¹ In 1999-2000 there were 99,637 deletions from the electoral roll as a result of death.⁹²

86 Submissions pp S512-S513 (AEC).

87 Submissions p S513 (AEC).

88 Submissions p S513 (AEC).

89 Submissions p S507 (AEC).

90 Submissions p S508 (AEC).

91 Submissions p S508 (AEC).

92 Australian Electoral Commission. 2000. *Annual report 1999-2000*. Canberra, AEC, p 23.

- 2.65 In his submission to the inquiry Mr Jim Lloyd MP pointed out the difficulty he has experienced in verifying the deaths of electors in his electorate as Members of Parliament do not have access to the records of Registrars of Births, Deaths and Marriages.⁹³
- 2.66 The Liberal Party expressed its concern with the removal of names of the deceased from the electoral roll and the 'slow rate' at which this occurs.⁹⁴ The Liberal Party noted the comments of Mr Lloyd MP with regard to his electorate of Robertson in which Mr Lloyd estimates it takes an average of five months for the name of a deceased elector to be removed from the roll.⁹⁵
- 2.67 The Government response to Recommendation 40 of the committee's 1998 Federal Election Inquiry Report stated that in order to 'facilitate the automated removal of names of deceased electors from the rolls, the Registrars of Births, Deaths, and Marriages in the States/Territories have provided the AEC with electronic information on deaths'.⁹⁶ The Fact of Death File, as this information is known, is being evaluated and 'new operation procedures will be implemented as soon as the systems for the electronic matching of death data are brought online'.⁹⁷ The Government believes the AEC will be able to match deceased electors across State/Territory boundaries and 'will allow the identification of deceased electors who are enrolled in a different State/Territory from where their death is registered'.⁹⁸

Return to sender mail

- 2.68 One method used by parliamentarians to gauge the accuracy of the electoral roll has been return to sender mail. As part of its submission to the 1996 federal election inquiry, the AEC emphasised how important it was for parliamentarians to use the most up to date version of the roll to minimise inaccuracies.⁹⁹

93 Submission p S622 (J.Lloyd).

94 Submissions p S398 (Liberal Party).

95 Submissions p S398 (Liberal Party).

96 Government Response to Joint Standing Committee on Electoral Matters Report: The 1998 Federal Election. p 16.

97 Government Response to Joint Standing Committee on Electoral Matters Report: The 1998 Federal Election. p 16.

98 Government Response to Joint Standing Committee on Electoral Matters Report: The 1998 Federal Election. p 16.

99 Joint Standing Committee on Electoral Matters. 2000. *The 1998 Federal Election: Report of the Inquiry into the conduct of the 1998 Federal Election and matters related thereto*. Canberra, CanPrint, p 18.

2.69 Submissions to previous committee inquiries, in particular from Members of Parliament, have highlighted concern about high rates of return to sender mail and the accuracy of the roll.¹⁰⁰ The Liberal Party drew attention to its submission to the committee's inquiry into the conduct of the 1990 federal election in which it noted that 'parliamentarians report that 5-7% of the people on the roll who are written to, do not reside at their stated address'.¹⁰¹ The Liberal Party pointed out:

claims of this type cannot be dismissed as nonsense given the evidence which is provided constantly from large-scale mailing from parliamentarians to their electors.¹⁰²

2.70 In response the AEC noted the following:

- Not all electors are pleased to receive constituency mail from Members of Parliament and may seek to stop any further communication by RTS mail;
- The rolls are continuously amended and Members of Parliament have used out-of-date versions in addressing their mail in the past;
- The Australian elector population is relatively mobile, resulting in a high level of daily enrolment transactions; and
- Not everyone transfers their enrolments as promptly as they should, so that the rolls will never be 100% accurate at any point in time.¹⁰³

2.71 Hon Tom Stephens MLC, Leader of the Opposition in the Western Australian Legislative Council, stated that when mail from State and Federal Members of Parliament to electors is returned, they advise the AEC which sends a letter to the elector inquiring as to the person's enrolment status.¹⁰⁴ Mr Stephens noted that 'if the AEC mail is returned undelivered, the objection process is expeditiously completed and the voter's name removed from the roll'.¹⁰⁵ He was concerned that there is:

an unhealthy preoccupation with expeditiously removing the names of such people from the rolls; and no commensurate concern to inquire where such people could possibly be and how can they be assisted in ensuring their correct enrolment at their correct address and with postal addresses and contact details that

100 Submissions p S498 (AEC).

101 Submissions p S397 (Liberal Party).

102 Submission p S397 (Liberal Party).

103 Submissions p S1164 (AEC).

104 Submissions p S780 (T.Stephens).

105 Submissions p S780 (T.Stephens).

will ensure they can have their lawful electoral enrolments maintained.¹⁰⁶

- 2.72 In addition, according to Mr Stephens, many people in regional areas, because of poor literacy skills, no access to a mail collection service, or a disregard for mail of any sort, do not attend to their mail.¹⁰⁷ He suggested that when following up return to sender mail, the AEC should include contacting electors via telephone and checking with local state and federal MPs, local governments, Aboriginal community organisations and local post offices.¹⁰⁸
- 2.73 The committee shares the concerns expressed by Mr Stephens that the AEC does not appear to be pursuing all avenues for contacting electors when following up return to sender mail. Accordingly the committee supports the recommendation of Mr Stephens that the checking of enrolment details triggered by return to sender mail by the AEC should be broadened to include telephone checking and liaising with other local sources such as State and Federal Members of Parliament and local government authorities.

Recommendation 2

- 2.74 **That when following up return to sender mail the Australian Electoral Commission use all practical means in contacting electors to confirm their enrolment details.**

Full habitation review

- 2.75 Prior to 1995, section 92 of the Electoral Act required the AEC to conduct a two yearly habitation review or Electoral Roll Review (ERR) via a national door-knock.¹⁰⁹ The AEC stated that the ERR was ‘highly resource intensive’ and ‘because of the high mobility of the Australian population, this periodic snapshot of the roll became rapidly dated, particularly around the time of the close of rolls for an election’.¹¹⁰ In addition, there were tensions between the Joint Roll partners over the timing of ERRs,

106 Submissions p S780 (T.Stepens).

107 Submissions p S780 (T.Stepens).

108 Submissions p S780 (T.Stepens).

109 Submissions p S504 (AEC).

110 Submissions p S504 (AEC).

‘with each jurisdiction wanting the ERR as close as possible to their own electoral event’.¹¹¹

2.76 The committee recommended in its 1992 Report, *The conduct of elections: New boundaries for cooperation*, and 1993 Federal Election Inquiry Report that Section 92 of the Electoral Act be amended:

...to allow more flexibility in the timing of electoral roll reviews and so as to ensure that roll reviews are conducted between elections on an ongoing basis’.¹¹²

2.77 The *Electoral and Referendum Amendment Act 1995* amended section 92 of the Electoral Act to allow continuous updating of the roll by the AEC.

2.78 Following a successful trial of continuous roll updating in Queensland in 1996 and 1997, and the negotiation of agreements with Australia Post and other Commonwealth and State/Territory government agencies for access to change of address information, the AEC was able to commence CRU in 1999. In that year the rolls for the Commonwealth, States, Territories and Local Government were updated using CRU activities by both the AEC and its State/Territory counterparts. At the national level this involved:

- Mailing of letters to persons who changed addresses by completing an Australia Post (AP) Change of Address (COA) form and where RMANS did not show an enrolment change had occurred; and
- Vacant Address Mailing (VAM) where letters were mailed to addresses on the RMANS Address Register with no current enrolment with the aim of contacting eligible electors who may live at those addresses.¹¹³

At the State and Territory level CRU activities included:

...receiving data from energy authorities, motor registries and mailing to people who have changed their address or became eligible to enrol and incorporating enrolment forms into all government change of address forms.¹¹⁴

111 Submissions p S504 (AEC).

112 Joint Standing Committee on Electoral Matters. 1994. *The 1993 Federal Election: Report of the Inquiry into the conduct of the 1993 Federal Election and matters related thereto*. Canberra, AGPS, p 48.

113 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 5. http://www.eca.gov.au/reports/1999_cru_report.pdf

114 Electoral Council of Australia. December 1999. *Report of the 1999 Continuous Roll Update Activities to update the electoral roll for the Commonwealth, States, Territories and Local Government*. p 5. http://www.eca.gov.au/reports/1999_cru_report.pdf

- 2.79 CRU 'is still maturing and full implementation is some 18 months away'¹¹⁵, according to the AEC. The AEC noted that midway through the implementation process 'the level of enrolment activity nationally exceeds that generated previously under full ERR door-knocking', and, importantly, electors are 'increasingly being enrolled when they become eligible' as opposed to when they choose to 'initiate contact with the AEC'.¹¹⁶
- 2.80 The AEC stated that CRU has replaced the ERR.¹¹⁷ The AEC also points out that 'targeted door-knocking is an integral part of the plan for the eventual full implementation of CRU'.¹¹⁸ Fieldwork in the form of door-knocks continues at the divisional level in 'a more cost-efficient targeted form, to confirm address information and enrolment details, particularly in areas of high elector turnover', and where there has been no response to CRU mailout letters.¹¹⁹
- 2.81 A number of DROs have expressed their discontent with the replacement of periodic national ERRs with CRU.¹²⁰ In response to an AEC request for comments from DROs on the first AEC submission to the current inquiry, nine DROs, out of the ten DROs who responded, expressed their concerns with CRU and indicted their preference for ERRs.¹²¹ Most of these DROs believe ERRs to be more effective than CRU.
- 2.82 Mr Mark Lamerton, DRO for McPherson, believes that CRU relies too heavily on a continuous mail review at the expense of habitation reviews using door-knocking.¹²² There is no standardised approach by the nine State and Territory electoral bodies to fieldwork, according to Mr Lamerton.¹²³ Queensland and Western Australia, for example, apply targeted fieldwork only to those addresses that have failed to respond to AEC mailouts, whereas in 2001 NSW is conducting a full door-knock of 8-10% of each electorate.¹²⁴ Mr Lamerton recommended that in conjunction with CRU activities, there should be 'a full door-knock review in all urban

115 Submissions p S851 (AEC).

116 Submissions p S851 (AEC).

117 Submissions p S851 (AEC).

118 Submissions p S851 (AEC).

119 Submissions p S505 (AEC).

120 Submissions pp S1109-S1111 (AEC), p S563 (M.Lamerton), p S575 (G.Smith), p S650 (R.Patching) and p S660 (M.Lamerton).

121 Submissions pp S1092-S1107 (AEC).

122 Submissions p S569 (M.Lamerton).

123 Submissions p S569 (M.Lamerton).

124 Submissions p S569 (M.Lamerton).

areas once every election cycle with an emphasis on updating the Address Register'.¹²⁵

- 2.83 Mr Graham Smith, DRO for Forde, believes CRU as it currently operates 'does not go far enough'.¹²⁶ Mr Smith pointed out that CRU 'does not provide total coverage of each Federal Division whereas the "old style" door-knock provide substantially more coverage'.¹²⁷ Mr Smith recommended that CRU 'be part of an overall strategy which involves a full door-knock of the urban areas of each Federal Division once each election cycle'.¹²⁸ Mr Smith also recommended this full door-knock should be conducted over a period of 18 months rather than the three month period used in the periodic national door-knock.¹²⁹
- 2.84 Mr Robert Patching, DRO for Rankin, recommended 'an immediate in depth habitation review' be undertaken in 2001 to restore public confidence in the integrity of the roll.¹³⁰ Mr Patching suggested that this habitation review be combined with 'a complete update of the AEC's RMANS Address Register'.¹³¹ Mr Patching believes CRU should be replaced by an ongoing door-knock, in which each DRO would conduct a habitation review 'over 10 months of the year using 6 to 8 habitation review officers'.¹³² He provided a number of reasons to justify his recommendation including:
- Guaranteed employment for a large part of the year will ensure that your 6 to 8 habitation review officers will to a large extent be the same individuals. This will in turn provide the AEC with an additional 6 to 8 vigilant experts who will constantly be in the field;
 - The constant presence of electoral officials in the field will generate more voluntary enrolment;
 - The RMANS Address Register will be continually updated; and
 - The information provided by Australia Post and Centrelink should cease immediately as the quality and authenticity is questionable.¹³³

125 Submissions p S571 (M.Lamerton).

126 Submissions p S590 (G.Smith).

127 Submissions p S591 (G.Smith).

128 Submissions p S590 (G.Smith).

129 Submissions p S591 (G.Smith).

130 Submissions p S657 (R.Patching).

131 Submissions p S657 (R.Patching).

132 Submissions p S658 (R.Patching).

133 Submissions p S658 (R.Patching).

- 2.85 The AEC noted that many of the DROs who have expressed their dissatisfaction with the replacement of the periodic national ERR by CRU 'may be experiencing problems in adapting to the fundamental changes in approach to roll maintenance that are now expected of them'.¹³⁴ The AEC also acknowledged that the 'expressed discontent by some DROs' may indicate a failure on the part of the AEC to 'properly inform some Divisional staff about the complexities involved in implementing CRU'.¹³⁵ The AEC said it is now engaged in activities to improve its consultation with Divisional staff.¹³⁶ It pointed out that other divisional staff are 'generally supportive of CRU'.¹³⁷
- 2.86 Other submissions from Mrs Cherie Reimer, the Liberal Party, the Australian Labor Party (ALP), and Dr Amy McGrath support habitation reviews in the form of door-knocks in conjunction with CRU.¹³⁸
- 2.87 The AEC has expressed its confidence in detecting 'any inexplicable surge in enrolments leading to an electoral event'.¹³⁹ The AEC pointed out that with the implementation of CRU over the past several years the AEC 'should be' able to detect and prevent the type of enrolment fraud associated with internal party plebiscites recently exposed in Queensland.¹⁴⁰
- 2.88 The committee supports the ongoing implementation of CRU by the AEC.

Roll audits of selected Divisions

- 2.89 A more infrequent method used by the AEC for maintaining the accuracy of the roll, and preventing and detecting fraudulent enrolment are roll audits.¹⁴¹
- 2.90 According to the AEC, internal audits into the integrity of the rolls at the time of the close of rolls have been conducted previously by the AEC and reported to the committee.¹⁴² An example of one such audit was presented

134 Submissions p S852 (AEC).

135 Submissions p S852 (AEC).

136 Submissions p S852 (AEC).

137 Submissions p S852 (AEC).

138 Submissions pp S357 (C.Reimer), p S394 (Liberal Party), p S401 (ALP), p S412 (A.McGrath), and p S613 (A.McGrath).

139 Australian Electoral Commission. *Submission to the Joint Standing Committee on Electoral Matters Inquiry into the 1998 Federal Election and matters related thereto.* p S1692.

140 Submissions p S457 (AEC).

141 Submissions p S522 (AEC).

142 Submissions p S522 (AEC).

to the committee following the 1993 federal election, and involved an investigation into return to sender mail in the Division of Gilmore.¹⁴³

- 2.91 The Electoral Commissioner indicated at the 3 April 2001 hearing that the AEC is considering similar audits following the next federal election. These audits would check the accuracy of the roll, so would not necessarily be directed at detecting fraud. However, fraud may be detected as part of the process.¹⁴⁴
- 2.92 The AEC suggested that one mechanism for improving the prevention and detection of fraud might be for the committee to recommend increased funding for the purposes of upgrading the RMANS system to allow an increased frequency of roll audits.¹⁴⁵ The estimated cost of such additional funding for roll auditing would be around \$25 million per annum.¹⁴⁶

Section 85 of the *Commonwealth Electoral Act 1918*

- 2.93 Section 85 (1) of the *Commonwealth Electoral Act 1918* provides that ‘new rolls for any Subdivision, Division, State or Territory shall be prepared whenever directed by proclamation’. Section 85 (2) provides for the proclamation to ‘specify the manner in which the rolls shall be prepared’. Section 85 (2) also states that an enrolled elector shall not be required to complete a further claim for enrolment ‘in connection with the preparation of a new Roll’.
- 2.94 In his submission, the former Australian Electoral Commissioner Professor Colin Hughes recommended the use of section 85 of the Act to undertake a pilot project in a Division such as Herbert in North Queensland to ascertain the impact of the new enrolment procedures.¹⁴⁷
- 2.95 Professor Hughes noted that the Electoral Act makes it ‘impossible to conduct a controlled experiment’.¹⁴⁸ Professor Hughes ‘would like to see more experimentation, which may entail legislative change’.¹⁴⁹ The proposed revision of the roll in Herbert in accordance with section 85 of the Act, would enable the AEC to:

143 Submissions pp S1233-S1236 (AEC).

144 Transcript p 559 (AEC).

145 Submissions p S839 (AEC).

146 Submissions p S840 (AEC).

147 Submissions p S387 (C.Hughes).

148 Transcript p 236 (C.Hughes).

149 Transcript p 236 (C.Hughes).

check things on the ground and to try something that is slightly different without having to say 12 million people and 148 electoral districts are having to do this all at once'.¹⁵⁰

Revising the roll in Herbert would enable the AEC to uncover any irregularities that have not been picked up through the RMANS and CRU processes.

- 2.96 De-Anne Kelly MP, Member for Dawson, believed the evidence presented to the Shepherdson Inquiry reveals that the integrity of the electoral roll in Queensland has been compromised.¹⁵¹ Ms Kelly recommended that 'there be an exhaustive cleansing of the electoral roll in Queensland'.¹⁵² The cleansing process, according to Ms Kelly, should involve both an AEC mailout to all electors 'requesting an immediate confirmation of their enrolment' at their declared address and subsequent 'Statewide house-to-house visits by AEC staff to confirm those enrolment details'.¹⁵³ Further to this recommendation, Ms Kelly suggested the committee recommend supplementary funding for the AEC to undertake the revision of the electoral roll in Queensland.
- 2.97 The AEC pointed out that section 85 of the Act has 'never been tested'.¹⁵⁴ Therefore the AEC noted it would be necessary to obtain legal advice on how section 85 of the Act should be interpreted in terms of the type of review that could be undertaken.¹⁵⁵ The AEC agreed that a review of the roll for a division such as Herbert may be 'useful activity', but could not be justified in terms of the level of fraudulent enrolment uncovered in recent inquiries.¹⁵⁶
- 2.98 Given the need to resolve the interpretation of section 85, the AEC suggested that rather than creating a new roll 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'.¹⁵⁷ The advantages to this proposal are that these procedures are already in place, could be 'managed by the AEC with

150 Transcript p 236 (C.Hughes).

151 Submissions p S390 (D.Kelly).

152 Submissions p S390 (D.Kelly).

153 Submissions p S390 (D.Kelly).

154 Transcript p 583 (AEC).

155 Transcript p 584 (AEC).

156 Transcript p 583 (AEC).

157 Submissions pp S1352-S1353 (AEC).

sufficient special funding' which the AEC estimates to be roughly \$320,000, and could be conducted within a very short time frame.¹⁵⁸

- 2.99 The committee is of the view that further information is required as to how a review of the roll in accordance with section 85 of the Act in a Division such as Herbert might be undertaken and its cost implications.

Recommendation 3

- 2.100 **That the Australian Electoral Commission investigate and report on the possible conduct in accordance with section 85 of the *Commonwealth Electoral Act 1918* of a revision of the Electoral Roll of a Division such as the Federal Division of Herbert.**

Identity checks at enrolment

- 2.101 As a result of the recommendations in the committee's 1996 Federal Election Inquiry Report the Government introduced amendments to the enrolment provisions in the *Commonwealth Electoral Act 1918* by the *Electoral and Referendum Amendment Act (No 1) 1999*.¹⁵⁹ The *Electoral and Referendum Amendment Act (No 1) 1999* was passed by Parliament on 23 September 1999 and assented to on 13 October 1999. The amendments are to section 98 (Addition of names to rolls) of the Act. These new enrolment requirements mean that:

- The identity of a person enrolling for the first time must be verified through forms of proof of identity documentation prescribed by regulation which may include an Australian birth certificate, passport or photographic driver's licence;
- A person claiming to be an Australian citizen because of the grant of Australian citizenship under the *Australian Citizenship Act 1948*, must have their citizenship verified in the manner prescribed by regulation before they can enrol; and

158 Submissions p S1353 (AEC).

159 Joint Standing Committee on Electoral Matters. 1997. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 Federal Election and matters related thereto*. Canberra, AGPS, pp 7-9.

- All enrolments, including transfers of enrolment, must be witnessed by a person who is currently enrolled and in a class of electors prescribed by regulation.
- 2.102 The detail of the new enrolment procedures is set out in the *Electoral and Referendum Amendment Regulations 2000*. Regulation 12 provides that the identity of a person applying for enrolment must be verified by providing the AEC with the original of at least one document mentioned in a prescribed list outlined in Schedule 5 of the *Electoral and Referendum Amendment Regulations 2000*. The identity of a person applying for enrolment may also be verified by providing the AEC with a written statement from one person on a prescribed list of witnesses outlined in Schedule 4 of the Regulations that the witness is satisfied about the identity of the applicant. Regulation 13 enables persons applying for enrolment who are unable to verify their identity in accordance with Regulation 12 to provide a written reference from a prescribed witness to the AEC. Regulation 14 provides that the Australian citizenship of a person applying for enrolment must be verified through several means including the provision of relevant documents such as a certificate of Australian citizenship or current Australian passport.
- 2.103 On 2 November 2000 the Special Minister of State advised the committee that the draft Regulations have been finalised and released to the State and Territory governments for consultation. The Minister noted that it was hoped that the regulations would be tabled in the Federal Parliament by the end of 2000 and would take effect in 2001. In April 2001 the AEC noted that the States and Territories have not given their full support to the amended regulations and therefore these are still to be promulgated.¹⁶⁰
- 2.104 The provisions contained in the *Electoral and Referendum Amendment Act (No 1) 1999* face opposition from the States and Territories.¹⁶¹ Queensland, in particular, has indicated it would re-establish a separate State Electoral Roll when the Commonwealth regulations are promulgated.¹⁶²
- 2.105 The Premier of South Australia, Hon John Olsen, indicates that South Australia is 'supportive of efforts to reduce electoral fraud, including the 1999 amendments to the Commonwealth *Electoral Act* dealing with

160 Transcript p 566 (AEC).

161 Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee. March 2000. *Report No. 19: Implications of the new Commonwealth enrolment requirements*. Brisbane, LCARC, p 14.

162 Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee. November 2000. *Report No. 28: The prevention of electoral fraud: Interim report*. Brisbane, LCARC, pp 12-13.

verification of identity and citizenship'.¹⁶³ However, Mr Olsen asks the committee to consider 'the impact of any proposal for legislative reform on the joint roll arrangement'.¹⁶⁴

- 2.106 In evidence the AEC pointed out that it has not received any indication that 'States such as Queensland have in any way resiled from their original reluctance to pass complementary legislation' necessary for the implementation of the amended Commonwealth regulations within the joint roll framework.¹⁶⁵
- 2.107 The AEC noted that should the amended regulations come into force this may result in the States and Territories deciding to opt out of the Joint Roll arrangements and establish their own separate State/Territory rolls.¹⁶⁶ The eventual outcome, according to the AEC, could be 'nine separate rolls to cover the nine separate electoral jurisdictions'.¹⁶⁷ Such an outcome would, according to the AEC, adversely affect the accuracy and integrity of the roll.¹⁶⁸ The inconvenience of dual compliance for electors would affect the accuracy of the rolls and lead to disputes over the issues of accuracy and 'which elections best reflect the will of the electorate'.¹⁶⁹
- 2.108 In addition to the potential impact on the joint roll arrangements of the implementation of the provisions of the *Electoral and Referendum Amendment Act (No 1) 1999*, the AEC noted the similar concerns raised by the former Australian Electoral Commissioner, Professor Colin Hughes¹⁷⁰, Counsel Assisting the Shepherdson Inquiry, Mr Russell Hanson QC¹⁷¹, and the Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee (LCARC) in its report into the implications of the new Commonwealth enrolment requirements, published in March 2000.¹⁷²
- 2.109 In its report the LCARC pointed out that the inconvenience and potential cost to them of requiring applicants for enrolment to produce an original form of identification and have their enrolment form witnessed by someone on a list of prescribed persons could deter eligible voters from

163 Submissions p S1144 (J.Olsen).

164 Submissions p S1144 (J.Olsen).

165 Submissions p S824 (AEC).

166 Submissions p S824 (AEC).

167 Submissions p S824 (AEC).

168 Submissions p S824 (AEC).

169 Submissions p S824 (AEC).

170 Submissions pp S821-S822 (AEC).

171 Submissions pp S822-S823 (AEC).

172 Submissions p S483 (AEC).

enrolling. The LCARC believed that the new electoral requirements present a significant obstacle to enrolment. The LCARC cited one example of the effect of making enrolment requirements more stringent.¹⁷³ Between 1979 and 1983 enrolment applications in Western Australia were required to be witnessed by a restricted group of people. During this period the number of people on the State roll dropped significantly.

- 2.110 The Australian Electoral Commissioner, Mr Andy Becker, stated that the AEC's position on the enrolment provisions of the *Electoral and Referendum Amendment Act (No 1) 1999* is as follows:

The AEC has no objection to such a reform of the enrolment system, provided it imposes no cost or inconvenience on electors and provided that there is a sufficiently broad class of enrolment witnesses.¹⁷⁴

- 2.111 The Attorney-General's Department stated that a potential problem with requiring proof-of-identity documentation for enrolment is that 'the reliability of documents that people produce is increasingly under threat'.¹⁷⁵ The ability to forge, create or modify documents is increasing with rapid technological developments, and 'there are some signs of greater retailing of false identities'.¹⁷⁶ The AEC noted the Attorney-General's Department's:

...preference for strengthening personal identity verification through improvements in computer systems and electronic technology, rather than through reliance on personal identity documentation that is increasingly vulnerable to forgery.¹⁷⁷

- 2.112 The ALP indicated its continued opposition to the amended enrolment provisions, believing the amended provisions will 'discourage and frustrate the genuine enrolment of many voters'.¹⁷⁸

173 Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee. March 2000. *Report No. 19: Implications of the new Commonwealth enrolment requirements*. Brisbane, LCARC, p 13.

174 Transcript p 6 (AEC).

175 Transcript p 472 (Attorney-General's Department).

176 Transcript p 472 (Attorney-General's Department).

177 Submissions p S838 (AEC).

178 Submissions p S402 (ALP).

- 2.113 A majority of submissions, however, supported the implementation of the enrolment provisions of the *Electoral and Referendum Amendment Act (No 1) 1999*.¹⁷⁹ In response to an AEC request for comments from DROs on the first AEC submission to the current inquiry, four DROs, out of the ten DROs who responded, indicated their support for the new enrolment provisions.¹⁸⁰
- 2.114 Dr Amy McGrath recommended the Commonwealth Government override the concerns of the States and Territories about the implementation of the enrolment provisions of the *Electoral and Referendum Amendment Act (No 1) 1999*.¹⁸¹
- 2.115 In order to alleviate public concerns about the potential for enrolment fraud and restore public confidence in the integrity of the roll, the committee supports the *Electoral and Referendum Amendment Regulations 2000*. The committee notes the various improvements by the AEC to maintaining the integrity of the roll through the RMANS and the CRU process and supports further enhancement of this process. The committee believes the amended regulations assist the continuous audit of the roll process by requiring more effective identity verification at the beginning of the enrolment process.
- 2.116 The committee also encourages the States and Territories to co-operate with the Commonwealth in implementing the amended regulations prior to the next federal election and in maintaining the Joint Roll Arrangements. Even if some States and Territories remain concerned with the potential impact on the franchise of the amended regulations and prefer to retain their enrolment criteria as it stood prior to the October 1999 Commonwealth amendments, which in effect would mean the (re)establishment of separate State and Territory Electoral rolls, the committee believes the Commonwealth should proceed with the implementation of the amended regulations.

179 Submissions p S357 (C.Reimer), p S362 (L.Hewett), p S368 (B.Kirkpatrick), p S394 (Liberal Party), p S412 (A.McGrath), p S523 (G.Lucas), p S563 (M.Lamerton), p S575 (G.Smith), p S613 (A.McGrath), p S621 (J.Lloyd), p S650 (R.Patching), p S690 (K.Ehrmann), p S697 (P.Lindsay), p S726 (E.Brooks Maher), and p S1144 (J.Olsen).

180 Submissions p S1112 (AEC).

181 Submissions p S615 (A.McGrath).

Recommendation 4

2.117 **That the States and Territories support the *Electoral and Referendum Amendment Regulations 2000* and the Commonwealth proceed to implement the amended regulations in time for the next federal election.**

Should any State or Territory prefer to retain their enrolment criteria as it stood prior to the October 1999 Commonwealth amendments and (re)establish separate State or Territory Electoral Rolls, the Commonwealth should proceed with the implementation of the *Electoral and Referendum Amendment Regulations 2000*.

- 2.118 Professor Colin Hughes believes the existing identification measures are adequate.¹⁸² Professor Hughes believed that if the aim is to introduce more effective identification measures 'to protect the integrity of the electoral process', the amended enrolment provisions are merely 'halfway measures' and that a more comprehensive photographic based identification system would have to be implemented for both enrolment and voting.¹⁸³
- 2.119 A number of witnesses and people making submissions have argued that voters should be required to show some form of appropriate formal identification at a polling place before they are provided with ballot papers as a means of preventing fraud.¹⁸⁴ The AEC argued that while the introduction of such a system is not impossible, it would have significant start up and on-going costs, voter inconvenience, possible disenfranchisement and possible delays in the delivery of election results because of an increase in the level of declaration voting.¹⁸⁵ The committee is of the opinion that with the implementation of the new enrolment provisions, the introduction of voter identification is not warranted as a measure to deter fraud.
- 2.120 The DROs for Berowra, Banks and Werriwa suggested an alternative to voters showing some form of formal identification - the inclusion of date-of-birth on the Certified Lists of Voters for elections.¹⁸⁶ The AEC noted that the inclusion of date-of-birth and gender information on the Certified

182 Submissions pp S678-S679 (C.Hughes).

183 Submissions pp S678-S679 (C.Hughes).

184 Transcript p 337 (P.Lindsay), Submissions p S1098 (AEC). For other support for this measure, see also Submissions p S363 (L.F.Hewett), p S370 (B.Kirkpatrick), p S411 (P.Brun), and p S1063 (R.Johnston).

185 Submissions p S516 (AEC).

186 Submissions p S1112 (AEC).

Lists is 'technically feasible'.¹⁸⁷ The AEC indicated it would conditionally support the introduction of date-of-birth information on the Certified Lists.¹⁸⁸ The committee is of the view that the inclusion of the gender and date-of-birth of electors on the Certified Lists would provide an instant and improved check on identity when voting. The inclusion of this additional information on the Certified Lists would enable polling officials to easily verify the identity of electors if required.

Recommendation 5

2.121 That the gender and date-of-birth of electors be included on the Certified Lists of Voters for elections.

Early close of rolls

2.122 The primary catalyst for enrolment is an electoral event. Section 155 of the Electoral Act provides that the rolls for an election close seven days after the issue of the writ. This statutory period was introduced following the 1983 election, when the rolls closed the day after the election was called. During this seven-day period the AEC receives the largest number of enrolments at any one time, 428,000 during the 1996 federal election and 351,913 during the 1998 federal election. Given the increased volume of enrolments during this period and the limited time frame, the AEC has admitted that detailed checking is 'virtually impossible'.¹⁸⁹

Previous JSCEM federal election inquiry recommendations

2.123 In its reports on the conduct of the 1996 and 1998 federal elections the committee expressed its concern with the potential impact on the integrity of the roll of a large number of enrolments occurring during the seven-day period and the AEC's inability to carry out detailed checking. In its 1998 Federal Election Inquiry Report the committee noted that between the issue of the writs on 31 August 1998 and the close of rolls on 7 September 1998, the AEC received a total of 351,913 enrolment forms and that

187 Submissions p S881 (AEC).

188 Submissions p S1112 (AEC).

189 Joint Standing Committee on Electoral Matters. 1997. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 Federal Election and matters related thereto*. Canberra, AGPS, p 14.

processing of these forms was completed by 9 September 1998.¹⁹⁰ In processing these forms the AEC admitted that:

There was checking done within the system that it is a legitimate address, but in that close of Roll period there is no field checking done.¹⁹¹

- 2.124 As part of the 1996 Federal Election Inquiry Report, the committee recommended that the rolls for an election close to new electors on the date of the issue of the writs, and for existing electors three days after the issue of the writs.¹⁹² In response, the Government proposed an amendment to the Electoral Act in the *Electoral and Referendum Amendment Act 1998* to make the close of the Roll three working days after the issue of the writ. This amendment was rejected during the amending Act's passage through the Senate. The committee made this recommendation again in the 1998 Federal Election Inquiry Report. In its response to the Report the Government supported this recommendation as 'the potential for enrolment fraud at the time of the close of rolls is sufficiently high to warrant this change'.¹⁹³

Submissions to the current inquiry

- 2.125 The AEC noted that an early close of rolls:

would shut down a last-minute opportunity for electors to amend their enrolments to secure their franchise, and for new enrollees, particularly young people, to take up their franchise.¹⁹⁴

Many electors will not keep their enrolments up-to-date at all times, and it has long been recognised that many electors will not attend to this legal requirement until it is absolutely necessary.¹⁹⁵

The AEC also noted that no evidence has been produced to substantiate claims of widespread and organised conspiracies to defraud the roll

190 Joint Standing Committee on Electoral Matters. 2000. *The 1998 Federal Election: Report of the Inquiry into the conduct of the 1998 Federal Election and matters related thereto*. Canberra, CanPrint, p 14.

191 Joint Standing Committee on Electoral Matters. 2000. *The 1998 Federal Election: Report of the Inquiry into the conduct of the 1998 Federal Election and matters related thereto*. Canberra, CanPrint, p 14.

192 Joint Standing Committee on Electoral Matters. 1997. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 Federal Election and matters related thereto*. Canberra, AGPS, p 14.

193 Government Response to Joint Standing Committee on Electoral Matters Report: The 1998 Federal Election. p 2.

194 Submissions p S515 (AEC).

195 Submissions p S515 (AEC).

during the close of rolls period.¹⁹⁶ The AEC summarised its concerns regarding an early close of rolls as follows:

- The AEC believes the emphasis in the committee's 1996 and 1998 federal election inquiry reports on the lack of field checking during the close of rolls needs to be balanced by the ongoing improvements to the accuracy of the rolls through the developments in the RMANS and CRU processes and the absence of evidence of enrolment fraud during the close of rolls period;
- The early close of rolls 'will not improve the accuracy of the rolls for an election, simply because the need for field checking or any other kind of checking will be eliminated', and the AEC expects the rolls to be less accurate because there will be less time for existing electors to correct their enrolments and for new enrolments to be received;
- The AEC expects an increase in the level of declaration voting which would delay election results;
- The AEC is concerned with the potential impact on young people who typically are motivated to enrol for the first time during the close of rolls period; and
- The early close of rolls would 'place the federal electoral system out of line with some State and Territory close of rolls legislation, possibly leading to public confusion and complaint'.¹⁹⁷

2.126 Professor Colin Hughes highlighted several problems with an early close of rolls.¹⁹⁸ Firstly, an early close of rolls 'prevents electors who have moved from re-enrolling for their new addresses and consequently being removed from their old addresses', thus increasing 'the pool of departed electors whose identities can be falsely assumed'.¹⁹⁹ Secondly, Professor Hughes noted that those who wish to engage in an activity that is regulated only within fixed time limits will simply do so outside the regulated time period.²⁰⁰

2.127 A number of submissions supported an early close of rolls in line with the committee's 1998 Federal Election Inquiry Report recommendation.²⁰¹ Dr Amy McGrath implied that the AEC's inability to check all enrolments

196 Submissions p S515 (AEC).

197 Submissions p S516 (AEC).

198 Submissions p S679 (C.Hughes).

199 Submissions p S679 (C.Hughes).

200 Submissions pp S679-S680 (C.Hughes).

201 Submissions pp S88 (A.Viney), p S365 (A.Viney), p S412 (A.McGrath), p S621 (J.Lloyd) and p S697 (P.Lindsay).

during the close of rolls period provides an opportunity for enrolment fraud.²⁰²

- 2.128 In response to an AEC request for comments from DROs on the first AEC submission to the current inquiry, two DROs, out of the ten DROs who responded, indicated their support for an early close of the rolls.²⁰³ Mr Chris Goodwin, DRO for Berowra, recommended the close of rolls occur on the same day as the announcement.²⁰⁴ Mr Gray Franklin, DRO for Werriwa, recommended the close of rolls period be reduced from the present seven days.²⁰⁵
- 2.129 Mr Allan Viney noted that section 101 (4) of the Electoral Act provides that anyone entitled to enrol and transferring enrolment must do so within 21 days from the date of entitlement or transfer or be guilty of an offence.²⁰⁶ Mr Viney pointed out that many last minute enrolments lodged during the close of rolls period would be in breach of section 101 (4) of the Act.²⁰⁷ In addition, he noted an AEC submission to the committee in 1983 acknowledging the difficulty in verifying enrolments during the close of rolls period.²⁰⁸ Mr Viney recommended an ongoing advertising campaign to 'promote civic responsibility' in terms of encouraging those eligible to enrol or electors transferring enrolment to do so within the period specified in the Act.²⁰⁹
- 2.130 Mr Jim Lloyd MP, Member for Robertson, stated that the level of transactions during the close of rolls period provides 'little opportunity for a Member to contact new enrollees or to check the validity of such enrolments'.²¹⁰ Mr Lloyd recommended closing the roll prior to the calling of writs, 'enabling the Member to check on the genuineness of enrolments within a reasonable timeframe'.²¹¹
- 2.131 Mr Peter Lindsay MP, Member for Herbert, recommended the closing of rolls 'immediately an election is called'.²¹²

202 Submissions p S422 (A.McGrath).

203 Submissions p S1112 (AEC).

204 Submissions p S1094 (AEC).

205 Submissions p S1097 (AEC).

206 Submissions p S365 (A.Viney).

207 Submissions p S366 (A.Viney).

208 Submissions p S366 (A.Viney).

209 Submissions pp S366-S367 (A.Viney).

210 Submissions p S621 (J.Lloyd).

211 Submissions p S621 (J.Lloyd).

212 Submissions p S697 (P.Lindsay).

- 2.132 To preserve the integrity of the roll, the committee reiterates the relevant recommendations of the 1996 and 1998 federal election inquiry reports.

Recommendation 6

- 2.133 **That section 155 of the *Commonwealth Electoral Act 1918* be amended to provide that for new enrolments, the rolls for an election close on the day the writ is issued, and for existing electors updating address details, the rolls for an election close at 6.00pm on the third day after the issue of the writ.**

Access to the electoral roll

- 2.134 Another issue on which the committee has received a number of submissions is the public availability of the roll. Under section 90 of the Electoral Act, any organisation or person is entitled to inspect or purchase the latest prints of the Divisional rolls.²¹³
- 2.135 The AEC is aware that the publicly available roll is being used for a range of mostly commercial purposes that are not consistent with the intention of the Electoral Act:

There are a range of uses which over time have grown from the existence and frequency... of the electoral roll. Some you might say have a greater community good than others, but most of them are not electoral.²¹⁴

- 2.136 The production of microfiche copies of the roll for the purposes of sale was stopped by the AEC in March 2000 on the basis that there was no clear legislative basis for the sale of microfiche rolls, and in response to increasing privacy concerns about the commercial exploitation of enrolment information.²¹⁵
- 2.137 The withdrawal of the microfiche roll prompted a number of organisations to make submissions to this inquiry. These included:
- the National Missing Persons Unit, which pointed out that regular access to the microfiche roll by Non Government Organisations

213 Submissions p S1077 (AEC).

214 Transcript p 586 (AEC), and Submissions p S1081 (AEC).

215 Submissions p S1077 (AEC).

involved in tracking missing persons provided them with the most reliable and current information available;²¹⁶

- the Public Trustees Office of South Australia, which stated that it used the roll on microfiche to track will beneficiaries;²¹⁷ and
- the Australian Bankers' Association, which indicated that banks have used the roll for the purposes of processing finance applications and combating fraud.²¹⁸

2.138 A number of other organisations also expressed a similar concern about access to the microfiche roll.²¹⁹

2.139 The proposed use of the rolls by the above organisations is not encompassed within the purpose for which personal elector information is collected by the AEC under the Electoral Act, that is, to establish a public roll of those people eligible to vote at elections for the federal parliament. Neither are they one of the permitted purposes inserted in the electoral and referendum regulations in recent years, which mainly relate to Commonwealth activities in the protection of revenue and the prosecution of crime:

If personal elector information... is made available to organisations for purposes unrelated to the electoral process, it is possible that an increasing number of electors will avoid electoral enrolment because of the decreasing personal privacy entailed...In general, the AEC is opposed to proposals that seek to expand the permitted uses for personal elector information, because a reduction in the completeness and accuracy of the Electoral Roll is a likely outcome.²²⁰

2.140 According to the Privacy Commissioner, because it is compulsory to provide personal information for inclusion on the roll, citizens have a strong expectation that this information will only be used for the purpose for which it was collected:

One of the fundamental principles of information privacy is that personal information that is provided by an individual for one purpose should not be used or disclosed for another unrelated

216 Submissions p S7 (National Missing Persons Unit).

217 Submissions pp S553-S555 (Public Trustee).

218 Submissions p S360 (Australian Bankers' Association).

219 Submissions pp S768-S769 (Benevolent Society), p S783 (Vanish) pp S799-S800 (Rite Recovery Service), pp S1067-S1068 (Salvation Army SA Division), and pp S1279-S1302 (Sacred Heart College Foundation).

220 Submissions p S1078 (AEC).

purpose unless the individual has consented or there are sound public interest reasons for doing so.²²¹

- 2.141 The Privacy Commissioner stated that there is increasing evidence to suggest that the existing privacy regime, constituted in the privacy and electoral acts, is no longer effective in preventing inappropriate use of the roll.²²²
- 2.142 Recommendation 53 of the committee's inquiry into the 1996 federal election was that sections 89 to 92 of the Electoral Act be reviewed to take into account developments in computer technology.²²³ These sections also cover public access to enrolment information. The AEC indicated it had delayed the review because of intervening electoral events and committee inquiries, including the current inquiry.²²⁴
- 2.143 When completed, the AEC will publish the review, entitled *Review of the Legislation governing Access to Enrolment Information*, as a research report on its internet site. The review will be provided to the committee, the Minister, and the Privacy Commissioner for consideration.²²⁵ Judging by the comments of the Privacy Commissioner in his submission to this inquiry, the committee believes action on this issue should not be delayed much longer.

Recommendation 7

- 2.144 **That the Australian Electoral Commission complete its review of sections 89 to 92 of the *Commonwealth Electoral Act 1918* in sufficient time for the committee to consider this matter during the next federal election inquiry.**

221 Submissions p S630 (Federal Privacy Commissioner).

222 Submissions p S630 (Federal Privacy Commissioner).

223 Joint Standing Committee on Electoral Matters. 1997. *The 1996 Federal Election: Report of the Inquiry into the conduct of the 1996 Federal Election and matters related thereto*. Canberra, AGPS, p 94.

224 Submissions p S1083 (AEC).

225 Submissions p S1084 (AEC).

