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Report of the Inquiry into the Integrity of the Electoral Roll

Joint Standing Committee on Electoral Matters

May 2001
Canberra

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Foreword

The accuracy and integrity of Australia's electoral roll is one of the pillars on which the Australian Electoral Commission's enviable reputation rests. The conviction of Karen Ehrmann, Andrew Kehoe and Shane Foster for enrolment fraud brought the integrity of the roll into question and prompted this inquiry, as well as the Shepherdson inquiry and a Legislative Assembly Legal, Constitutional and Administrative Review Committee inquiry in Queensland.

A key intention of the committee's inquiry was to identify the weaknesses and strengths in current roll management practices and make recommendations aimed at restoring confidence in the accuracy of the roll. Throughout this inquiry the committee stressed that it would not probe the internal matters of Australian political parties except in so far as they impact on the integrity of the electoral roll.

Whilst the allegations of fraudulent enrolment in Queensland have achieved the most prominence, the evidence gathered by the committee leads it to believe that this practice is most likely not confined to Queensland. The committee concurs with the findings of the Shepherdson inquiry that enrolment fraud is not uncommon. Indeed, the committee found that enrolment fraud is sufficiently widespread to recommend changes to the management of the roll.

The committee believes that the Australian Electoral Commission has to be careful that it is not overly confident about the effectiveness of its current roll management practices. A more circumspect attitude is more appropriate in the light of the findings of both the Shepherdson inquiry and this committee.

This report, agreed by a majority of the committee, contains 18 recommendations to improve the security of the roll and increase its accuracy.

Much of the committee's concerns about electoral fraud would be alleviated if identification was required for new enrolments and the movement of existing enrolments. This reform has been recommended by previous JSCEM inquiries

and the government has adopted it but failed to have the states agree to a uniform application of identification for enrolment. The committee believes that the Commonwealth should proceed with identification for enrolment without the states if that is required because of the importance of bringing about this long needed reform.

The committee found that one of the main motivators for electoral fraud was gaining control of preselections by both union and non-union forces in the Labor Party. The step from defrauding the roll for the purposes of internal Party preselections and voting for fraudulently enrolled electors on polling day is a small one. For that reason the committee has recommended breaking new ground in the regulation of political parties and proposed the insertion of 'one vote, one value' as a requirement of registered political parties' constitutions.

The committee was particularly pleased that many of the priorities for change identified by it were also independently identified by the Shepherdson inquiry. Such a concurrence of views clearly indicates wider support for the improvements suggested here. The committee hopes that its recommendations are adopted as a matter of urgency, and that public confidence in the electoral roll can be restored.

I would like to take this opportunity to thank the Australian Electoral Commission for its cooperation with the committee during the conduct of this inquiry. I would also like to thank all organisations and members of the public who participated by either making submissions or appearing at public hearings.

Finally, I would like to express my appreciation to my predecessor as Committee Chairman, Mr Gary Nairn MP; the Deputy Chairman, Mr Laurie Ferguson MP; and all members of the Committee for their energetic participation in this inquiry.

Mr C M Pyne MP
Chair



Membership of the Committee

Chair Mr C M Pyne MP (from 6/11/00)
 Mr G R Nairn MP (until 6/11/00)

Deputy Chair Mr L D T Ferguson MP

Members	Senator A J Bartlett	Mr M D Danby MP (until 4/12/00)
	Senator R L D Boswell (until 7/9/00)	Mr J A Forrest MP (until 27/11/00)
	Senator the Hon. J P Faulkner	Hon. D F Jull MP (from 3/4/01)
	Senator J Ferris (from 7/9/00)	Mr R B McClelland MP (from 4/12/00)
	Senator B J Mason	Hon. A M Somylay MP (until 3/4/01)
	Senator A J M Murray	Mr S R St Clair MP (from 27/11/00)

Committee Secretariat

Secretary	Ms Bev Forbes
Inquiry Secretary	Mr Kevin Bodel (from 01/02/01)
	Dr Christine Moore (until 31/01/01)
Research Officers	Mr Quinton Clements
	Mr Scott Bennett (16/04/01 – 27/04/01)
Administrative Officer	Ms Slavica Jurcevic



Terms of reference

On 23 August 2000 the Special Minister of State, Senator the Hon Chris Ellison, asked the Joint Standing Committee on Electoral Matters to examine the issue of the integrity of the electoral roll and fraudulent enrolment. At its meeting on 5 September 2000 the Committee agreed that in examining that matter it would look at the following.

That the Joint Standing Committee on Electoral Matters inquire into and report on:

- the adequacy of the Commonwealth Electoral Act for the prevention and detection of fraudulent enrolment;
- incidents of fraudulent enrolment; and
- the need for legislative reform.



List of abbreviations

AEC	Australian Electoral Commission
AFP	Australian Federal Police
ALP	Australian Labor Party
ANAO	Australian National Audit Office
AWU	Australian Workers Union
CCPM	Case Categorisation and Prioritisation Model
CJC	Criminal Justice Commission
CRU	Continuous Roll Updating
DPP	Commonwealth Director of Public Prosecutions
DRO	Divisional Returning Officer
ECQ	Electoral Commission of Queensland
ERR	Electoral Roll Review
GIS	Geographic Information System
JSCEM	Joint Standing Committee on Electoral Matters
LCARC	Legislative Assembly of Queensland Legal, Constitutional and Administrative Review Committee
RMANS	AEC Roll Management System
RTS	Return to sender mail



List of recommendations

1 Introduction

2 Managing the roll

Recommendation 1

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. (para 2.56)

Recommendation 2

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

Recommendation 3

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. (para 2.100)

Recommendation 4

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*. (para 2.117)

Recommendation 5

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

Recommendation 6

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. (para 2.133)

Recommendation 7

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. (para 2.144)

3 Enrolment fraud management

Recommendation 8

That the Australian Electoral Commission develop a more comprehensive approach to enrolment fraud as part of any new fraud control plan. (para 3.8)

Recommendation 9

That, as part of an overall fraud control plan, all Australian Electoral Commission staff involved in the prevention and detection of enrolment fraud be trained in appropriate prevention and detection strategies. (para 3.13)

Recommendation 10

That all Australian Electoral Commission staff who have access to the Commonwealth Electoral Roll as part of their work be required to obtain a 'Position of Trust' security clearance. (para 3.25)

Recommendation 11

That, as a matter of immediate priority, the Australian Electoral Commission, the Australian Federal Police, and the Commonwealth Director of Public Prosecutions develop a service agreement to cover the

referral of electoral fraud offences for legal advice, investigation and prosecutions. (para 3.42)

Recommendation 12

That the benchmark penalty for the enrolment fraud offences remaining in the *Commonwealth Electoral Act 1918* be increased to 12 months imprisonment or a fine of 60 penalty units. (para 3.66)

Recommendation 13

That the Australian National Audit Office conduct a data-matching exercise with a sample of the Commonwealth Electoral Roll as part of its current performance audit of the Australian Electoral Commission's management of the roll. (para 3.76)

Recommendation 14

That the Australian National Audit Office conduct an annual data-matching exercise on a sample of the Commonwealth Electoral Roll as a regular check on the accuracy of the roll. (para 3.79)

Recommendation 15

That, during each federal election inquiry, the Australian Electoral Commission report all cases of enrolment fraud detected during the previous parliament. (para 3.81)

Recommendation 16

That the Australian Electoral Commission report its progress in implementing the recommendations contained in this report to the committee at the next federal election inquiry. (para 3.82)

4 Regulating political parties

Recommendation 17

That the Australian Electoral Commission allow political parties to use its services to conduct internal party ballots. Such services should be provided on a cost recovery basis. (para 4.51)

Recommendation 18

That the *Commonwealth Electoral Act 1918* be amended to ensure that the principle of one vote, one value for internal party ballots be a prerequisite for the registration of political parties. (para 4.66)