

# Chris Gallus

Federal Member for Hindmarsh



18 September 2002

Joint Standing Committee on Electoral Matters
Submission No. .... 162 .....
Date Received .... 18/09/02 .....
Secretary .....

Alex Olah  
Inquiry Secretary  
Secretariat, Joint Standing Committee on Electoral Matters  
Parliament House, Canberra

Dear Mr Olah

Please find attached my submission to the Inquiry into the Conduct of the 2001 Election.

I look forward to addressing the Committee on Friday.

Yours sincerely

**CHRIS GALLUS**  
Federal Member for Hindmarsh

# **Submission to the Inquiry into the Conduct of the 2001 Federal Election**

**Chris Gallus MP**

## **Introduction**

After contesting five elections I have concerns about the integrity of the electoral process.

My concerns stem from (i) the lack of checks to prevent electors from safe electorates enrolling in a marginal electorate to influence the result, and (ii) a lack of appropriate process by AEC divisional offices.

## **Illegal enrolment**

The Australian Electoral Commission (AEC) maintains that although the system has few safeguards to prevent illegal enrolments, it is not widespread but the AEC does not provide any evidence or research to support such an assertion.

I understand there have been very few prosecutions against persons who have falsely registered at an address in a marginal electorate. To claim the lack of prosecutions is evidence that that illegal enrolments do not occur is naive. Illegal enrolments clearly do occur, but because of a lack of vigilance and appropriate follow up by the AEC, we cannot ascertain to what extent.

In my experience, the AEC is loath to follow up on any evidence that is presented to them that electors have falsely enrolled for the purpose of influencing an election.

## **Lack of Checks in the System**

- As there is no requirement for electors to show proof of residence, it is extremely easy for an elector from one electorate to register at a house in another electorate for the duration of an election.
- Prior to each election, in the short time between the calling of the election and the closing of the rolls, thousands of new electors are placed on the roll, either enrolling for the first time, or changing their address and hence their electorate.
- It is my understanding that the AEC has never followed up on changed enrolments to ascertain how long these new enrolments stay on the electoral roll in that electorate, and how many transfer out immediately after the election.
- As indicated by the attached correspondence between my office and the AEC, even when the AEC is informed at the beginning of an election period of the names of electors who do not appear to be at the

residence listed, these people remain on the roll and are able to vote at the election.

This is because the current process requires that before anyone can be removed from the electoral roll a letter must be sent to the elector to determine if in fact this person is or is not living at the stated address.

The recipient is then given 28 days to reply. If no reply is received then the AEC send another letter and if no reply is received the name is removed from the roll.

Clearly this process would allow electors who were so inclined to give false addresses, remain on the electoral roll for the election, and to remove their name after the election after they have voted, with no danger of discovery to themselves.

### **Election 2001**

As indicated by the attached correspondence with the AEC Division of Hindmarsh, in the 2001 election, 1043 people where enrolled in the electorate of Hindmarsh who were not entitled to vote in Hindmarsh.

The AEC claim to be unable to determine how many of those ineligible voters actually did vote in Hindmarsh. I can only conclude from this that the 1043 electors who we know were not eligible to vote in Hindmarsh may have done so.

### **Election 1998**

During the 1998 we had three major problems with the AEC:

1. My office was informed that pre-polling for the electorate of Hindmarsh would start on the Tuesday. Because the pre-polling started in the electorate of Adelaide on the Monday I personally queried the Hindmarsh Divisional Returning Officer about the day of commencement of pre-polling in Hindmarsh. The Divisional Returning Officer confirmed that pre-polling in Hindmarsh would not start until the Tuesday.

On Monday morning voters informed my office that the Electoral Commission had opened a shop-front pre-poll station for the electorate of Hindmarsh. These voters were concerned that there was no-one handing out Liberal Party How-to-Vote cards but representatives of the Labor Party had been there since early morning.

2. I understand the Hindmarsh Divisional Office accidentally discarded some Postal Vote Application forms. After complaints come into my office from electors who had not received their postal vote, the AEC addressed this issue and assured us that all formerly abandoned applications had been retrieved.

As some people did not receive their postal votes until very late in the process, a less than friendly relationship developed between my office and the Hindmarsh Electoral Commission, exacerbated by the divisional officer claiming there was no problem.

3. My husband made a pre-poll vote before realising that, as a silent elector, he had been sent a postal vote. On realisation he rang up the Hindmarsh Divisional Office to ask what he should do. He was told to throw out the postal vote.

My husband felt that this was not an appropriate action and took his postal vote ballot to the Divisional Office. At the counter he was told it was okay and all he had to do was throw it out and if he gave it to the people at the desk then that is exactly what they would do.

My husband handed over the ballot paper and requested a receipt for it. I understand the Divisional Office did not do this with good grace.

From this I can only conclude that an elector who had received a postal voting slip could retrieve it from the envelope and hand it in with the voting slip issued on the day, thereby voting twice. I am aware each polling booth checks its numbers and that any double voting would be picked up. However this would not be until the votes are counted and at that stage nothing could be done about it except register that there was an extra vote cast. Apparently this is has not been a problem, however it does indicate a lack of due process by the AEC.

### **Election 1993**

In 1993, a resident of Hindmarsh contacted me because of her concern about an individual falsely enrolled at their home for the sole purpose of voting in the electorate of Hindmarsh.

The resident told me she had received mail at their home addressed to their daughter's boyfriend. The boyfriend resided with his parents in the safe electorate of Sturt and had never stayed with his girlfriend even for a single night.

When my constituent confronted her daughter and her boyfriend about this, she was told her address was used to allow the young man to vote in Hindmarsh.

When my constituent expressed her disapproval of such a practice she was told not to be "so silly" and that "everyone did it".

My constituent was told that young people supporting a particular side and who lived in safe electorates were being urged to find a friend or acquaintance with an address in Hindmarsh and to register at that address with the electoral commission for the duration of the election.

I reported this instance verbally by phone to the Electoral Commission. The Electoral Commissioner suggested that the young man had registered at this particular address because he did not have a permanent place of abode.

When I pointed out that the young man lived securely with his parents on the other side of town it was suggested he might have had a falling out with them.

When I pointed out that he was in fact still living with his parents the Electoral Commissioner said I had no grounds for complaint because I didn't know which way this young man would vote.

It was clear that the Electoral Commission had no intention of following up this complaint. As this occurred during the election campaign, I did not have the time to follow it up further at that stage. After the election I approached the constituent who confirmed her original report, but asked that I did not take it further because the young man in question was now engaged to her daughter and she did not want to cause a family break-up.

### **Conclusions**

1. There is a lack of appropriate safeguards within the AEC process.
2. The Electoral commission cannot guarantee the integrity of the electoral roll.
3. There are serious questions about the legitimacy of over one thousand votes (1.2%) cast in Hindmarsh in the 2001 election
4. Electoral fraud may have occurred at the 2001 election.



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Hon Chris Gallus  
Federal Member for Hindmarsh  
4 Byron St  
Glenelg 5045

Dear Chris

### **Re Member Returned Undelivered Mail**

Further to my recent telephone discussion with Carolyn I advise that when a Member's office provides the Australian Electoral Commission with details of electors who have been sent a letter by the Member, and it has been returned undelivered to the Member, the Commission checks the Divisional roll to establish whether the electors are still on that roll.

If the elector is on the roll, and there is no objection action pending, the Commission is required to seek information, under section 92 of the Commonwealth Electoral Act 1918, to see if the elector is currently living at the enrolled address shown on the letter. A letter is sent requesting the elector to check the name and address details shown.

If the letter is returned undelivered, or there is no reply in 28 days, action is taken to object to the elector remaining on the roll for that Division.

I confirm the figures available for the first batch of photocopies of envelopes sent January 2002 to this office. Letters were not sent until late March because of processing of enrolment for the 2002 State election.

No. of electors advised at residential addresses	1065
No. of electors no longer on the Hindmarsh roll	755
No. of letters sent by AEC	310
No. of letters returned 27/3/2002- 26/4/ 2002	111
No. of letters returned advising electors still at the address shown	22
No of objections taken for non-reply	84

-2-

If you have any further enquires please contact Mr Brian Beggs of the Commission's Adelaide office (ph 8237 6541). He is due to return from leave on 15 July 2002.

Yours sincerely



Graham Carey  
Divisional Returning Officer  
for Hindmarsh

9 July 2002

**Chris Gallus**

Federal Member for Hindmarsh



Ref: CT/ELECTORAL COMMISSION.JUL

19 July 2002

Mr Graham Carey  
Divisional Returning Officer for Hindmarsh  
Australian Electoral Commission  
Division of Hindmarsh  
PO Box 438  
OAKLANDS PARK SA 5046

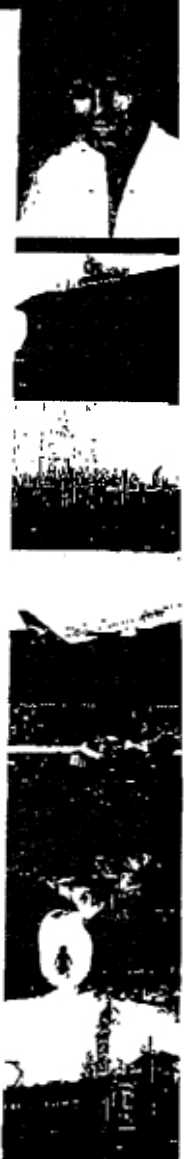
Dear Mr Carey

Thank you for your letter of 9 July. I write to seek further clarification of the action taken.

- 1 a) Of the 755 electors no longer on the Hindmarsh roll how many were registered to vote on the Hindmarsh roll on 11 November 2001 for the federal election?
- b) How many of the 755 actually voted?
- 2 What action is going to be taken in regard to the 199 who did not respond to the letters sent by the AEC? Did these people vote in the 11 November election?
- 3 What action is taken of the objections taken for non-reply?
- 4 Are we correct in assuming 22 of the 310 electors are still currently residents of Hindmarsh?

I would appreciate your response in writing.

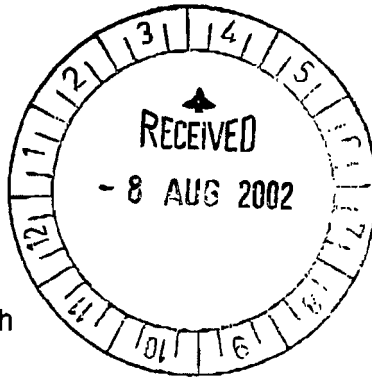
Yours sincerely







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Ref No:

Contact: Ralph Reivyitis

The Hon Chris Gallus  
Federal Member for Hindmarsh  
4 Byron St  
Gleneig 5045

The Hon Chris Gallus

I refer to your letter of 19 July 2002 seeking further clarification of the action taken in regards to

- letters returned undelivered to your office
- copies of these forwarded to the Division of Hindmarsh for necessary action.

On receipt of the information from your office a search of the roll was conducted for all of the 1065 copies of the Return to Sender (RTS) letters.

1 Of the 1065 investigations that were conducted, the results were provided by Mr Carey in his letter of 9<sup>th</sup> July

- 755 electors were no longer on the Hindmarsh electoral roll in March 2002 (transferred to other divisions etc)
- copies of these letters have been destroyed, as there is no requirement to retain these letters if no further action is required.

In response to your letter there is no information available to determine if any of the 755 electors voted for the Division of Hindmarsh in the 11 November 2001 Federal Election. |||

2 Of the 199 who did not respond to the letters that were posted by the AEC

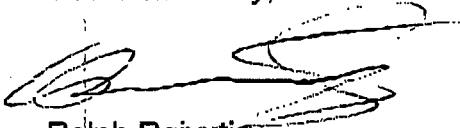
- objection action was initiated to have their names removed from the electoral roll for the Division of Hindmarsh
- as to whether they voted in the 11 November 2001 election, I am unable to provide an answer to this question, as there is no requirement to maintain such statistics. ] ||

3 Any enrolled elector that fails to reply to official AEC correspondence has objection action initiated to have their name removed from the electoral roll after a set period of time.

4 The remaining 22 electors are still currently enrolled for the Division of Hindmarsh.

For your information I have enclosed a copy of an extract from the Commonwealth Electoral Act 1918 regarding 'objection to enrolment' and copies of an objection and a determination notice that are used by the AEC to remove an elector's name from the roll.

Yours sincerely,



Ralph Reivy  
Acting Divisional Returning Officer  
7 August, 2002

**Chris Gallus**

Federal Member for Hindmarsh

Ref: CT/AEC.AUG

12 August 2002

Mr R Reivyitis  
Acting Divisional Returning Officer  
Australian Electoral Commission  
PO Box 438  
OAKLANDS PARK SA 5038

Dear Mr Reivyitis

Thank you for your letter of 7 August.

I would like to confirm from your response that it is possible that a total of 954 (199 + 755) who were registered to vote in the November 2001 and who were not entitled to vote in the electorate of Hindmarsh, may have done so.

I would also like to confirm that you do not have any way to check whether or not any of the 954 people who were not entitled to vote in Hindmarsh did in fact vote in Hindmarsh.

Yours sincerely



**Hon Chris Gallus MP**  
*Federal Member for Hindmarsh*  
*Parliamentary Secretary for the Minister for Foreign Affairs*





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Ref No: 13  
Contact: Barry Barons

The Hon Chris Gallus  
Federal Member for Hindmarsh  
4 Byron St  
GLENELG SA 5045

Dear Chris,

I refer to your letter dated 12 August 2002 seeking further clarification of electors not on the electoral roll, subsequent to the 11 November 2001 Federal Election, and whether they had voted at that Federal Election.

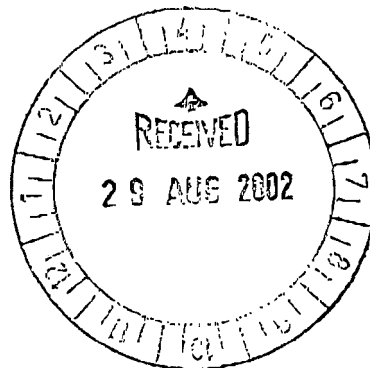
As previously stated I can only confirm that there is no information available to determine if any of the 755 electors voted for the Division of Hindmarsh in the 11 November 2001 Federal Election.

It is my belief that electors were correctly enrolled at the time of the 2001 Federal election and were therefore entitled to vote.

Yours sincerely,

Barry Barons  
Acting Divisional Returning Officer

28 August, 2002



**Chris Gallus**

Federal Member for Hindmarsh



Ref: MS/AECSeptember 2002

3 September 2002

Mr Barry Barons  
Divisional Returning Officer  
Australian Electoral Commission  
PO Box 438  
Oaklands Park SA 5038

Dear Mr Barons

Thank you for your letter of 28 August 2002. Again for clarification can you confirm that;

- The Electoral Commission was informed, prior to 11 November 2001, of 1065 people who were apparently not resident at the addresses they were registered with at the Electoral Commission.
- At sometime after 2001 Federal Election, 755 of these people, who we believed were not entitled to claim a residential address in the Federal Electorate of Hindmarsh were removed from the Electoral Role. These names were removed after the 2001 Election, even though this information was provided prior to the Election
- The Electoral Commission has no way of checking whether these 755 people who should have been removed from the role, prior to the Election, voted as Hindmarsh residents at the Election.
- In March 2002 the Electoral Commission sent 310 letters to electors, who were still on the electoral role. Of these only 22 were confirmed to live at the address shown.
- Therefore, the information we provided to the Electoral Commission regarding the original 1065 people, was in fact true of 1043 people.
- There is no information available to the Electoral Commission to determine how many of the 1043 registered voters in Hindmarsh, who were in fact not entitled to vote in Hindmarsh, actually did vote in Hindmarsh in the 2001 Federal Election.

Could you please confirm that I have correctly understood your responses to my previous letters regarding this issue.

Yours sincerely

**Hon Chris Gallus MP**  
*Federal Member for Hindmarsh*  
*Parliamentary Secretary for the Minister for Foreign Affairs*





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Ref No: 13

Contact: Barry Barons

The Hon Chris Gallus  
Federal Member for Hindmarsh  
4 Byron St  
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Dear Chris,

I refer to your letter dated 3 September 2002 seeking confirmation of electors not on the electoral roll, subsequent to the 11 November 2001 Federal Election.

As previously stated, the 1065 Return to Sender letters were received at the Australian Electoral Commission offices during January/February 2002, and the remainder of questions have been answered in previous correspondence.

Yours sincerely,

Barry Barons  
Acting Divisional Returning Officer

16 September, 2002

