



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

**Reference: Integrity of the electoral roll**

WEDNESDAY, 15 NOVEMBER 2000

CANBERRA

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**JOINT COMMITTEE ON ELECTORAL MATTERS**

**Tuesday, 5 December 2000**

**Members:** Mr Pyne (*Chair*), Senators Bartlett, Faulkner, Ferris, Mason and Murray and Mr Laurie Ferguson, Mr McClelland, Mr St Clair and Mr Somlyay

**Senators and members in attendance:** Senators Ferris, Mason and Murray and Mr Laurie Ferguson, Mr McClelland, Mr Pyne, Mr St Clair and Mr Somlyay

Terms of reference for the inquiry:

To 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.

**WITNESSES**

**BECKER, Mr Andrew Kingsley, Electoral Commissioner, Chief Executive Officer, Australian Electoral Commission .....3**

**BROWN, Mr Stephen Lance, Divisional Returning Officer, Herbert, Australian Electoral Commission.....3**

**CUNLIFFE, Mr Mark Ernest, Acting Deputy Electoral Commissioner, Australian Electoral Commission.....3**

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**Committee met at 9.32 a.m.**

**CHAIR**—I declare open the hearing of the Joint Standing Committee on Electoral Matters inquiring into the integrity of the electoral roll. This is the first public hearing of that inquiry. The integrity of the Commonwealth electoral roll is vital to the conduct of free and fair elections. It is therefore essential that the integrity of the roll is not compromised and that all Australians have confidence in the accuracy of the roll. The committee's current inquiry is designed to do that. The inquiry is not designed to probe the internal matters of Australian political parties. They are matters beyond the terms of reference, except insofar as they impact on the integrity of the electoral roll.

Today we are hearing from the Australian Electoral Commission. The commission is a vital contributor to this inquiry. It has drawn attention to a number of cases of enrolment fraud, pointed out the strengths of the existing electoral roll procedures, and identified some areas of change to improve the prevention and detection of enrolment fraud and preserve the integrity of the roll. Given the AEC's responsibilities in ensuring the accuracy of the roll, this hearing will be critically important. It may well be necessary to call the AEC on more than one occasion, and the committee is quite open to that prospect: this may well be the first of perhaps two, or even three, hearings with the AEC because of the critical role that the AEC will play in the conduct of our inquiry. We have a significant number of issues to address today, so I will proceed immediately to swearing in the witnesses.

**Mr DANBY**—Before you do that, I draw your attention to the fact that Senator Faulkner, unfortunately, has been delayed because of a mechanical fault of a plane—no fault of his—and because of the situation at Sydney airport. He has asked me to ask you and the committee if you would delay the beginning of these hearings until a few minutes after 10 o'clock. His plane arrives then and that would enable him to fully participate in this hearing, which he has the full intention of doing. He apologises to the committee that, through no fault of own, he is not here.

**CHAIR**—We have a quorum: we have members of the government, the opposition and the Australian Democrats. The beginning of the hearing is the opening statement of Andy Becker from the AEC and that will be in written form, so it will be distributed to him. Half an hour out of a day's hearing that is going to last until 3 o'clock is not a dramatic period of time. I think if it was three or four hours, then maybe you might have a case, but there are eight out of 10 members of the committee here, they are all here on time, and I think it would be a bit inappropriate for us to delay for one member of the inquiry, albeit an important member, but each person on the committee is equally important. If members of the committee agree to it or like the idea, we could sit into the lunch period that we are going to have from 12.30 p.m. to 1.30 p.m. We could sit until 1 o'clock, if people think that is reasonable, to make up that half an hour, so that Senator Faulkner does not feel too disadvantaged, but I am not of a mind to delay the inquiry for half an hour for Senator Faulkner.

**Mr DANBY**—I do not think Senator Faulkner feels disadvantaged, except that he is not here.

**CHAIR**—If he is not disadvantaged, then he would not be worried about not being here.

**Mr DANBY**—I am sure he would not mind, nor do I mind, nor I am sure would other members of the committee mind sitting through the lunch hour, but a half hour delay seems to

me to be a reasonable thing when the opposition is represented by only one person. I am quite happy to represent them, but I think—

**CHAIR**—I think you will do a sterling job, Mr Danby.

**Mr DANBY**—I am sure I will with your impartial chairing, but we need to be fully represented at this. We intended to be, but unfortunately for half an hour we cannot be. If the committee wants to be seen to be giving an impartial look at the AEC's submission and other issues, it would really help me and the opposition if you were able to delay it until Senator Faulkner came.

**CHAIR**—Are there any other views on that matter? I am not of a mind to do that.

**Senator FERRIS**—Could we perhaps see how long the opening statement takes from Mr Becker and then reconsider it after that, given that that will be material that will already have been published for Senator Faulkner's benefit.

**CHAIR**—That is not a bad idea. Senator Faulkner can look at the opening statement quite independently anyway.

**Mr DANBY**—You are not suggesting, Senator Ferris, that Mr Becker will filibuster for an extra 10 minutes.

**Senator FERRIS**—I am certainly not suggesting that, Chair. I am just trying to find a way through the impasse.

**CHAIR**—I suggest that we swear in the witnesses, hear from Mr Becker and look at it again at that point.

[9.40 a.m.]

**BECKER, Mr Andrew Kingsley, Electoral Commissioner, Chief Executive Officer, Australian Electoral Commission**

**BROWN, Mr Stephen Lance, Divisional Returning Officer, Herbert, Australian Electoral Commission**

**CUNLIFFE, Mr Mark Ernest, Acting Deputy Electoral Commissioner, Australian Electoral Commission**

**DACEY, Mr Paul, Assistant Commissioner, Elections and Enrolment, Australian Electoral Commission**

**LONGLAND, Mr Robert Lance, Australian Electoral Officer, Queensland, Australian Electoral Commission**

**MADDEN, Ms Bronwyn Anne, Divisional Returning Officer, Hinkler, Australian Electoral Commission**

**MUFFET, Dr David, Australian Electoral Officer, Victoria, Australian Electoral Commission**

**SHIELDS, Mr Gregory John, Divisional Clerk, Fisher, Australian Electoral Commission**

**CHAIR**—I welcome the Australian Electoral Commission to today's public hearing. At the outset, I would like to state that this inquiry is about the integrity of the electoral roll. This is not an inquiry into the internal matters of any political party, except insofar as they impact on the electoral roll. In answering questions, witnesses should keep that fact uppermost in their minds and not be distracted on issues that are not the domain of the committee's inquiry. The evidence that is given at the public hearing today is considered to be part of the proceedings of parliament. Accordingly, I advise that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament. The committee has received submission No. 26 from the AEC, which has been authorised for publication. When you start your opening statement, I would appreciate it if you would indicate whether you would like to make any corrections or amendments to your submission. After your opening statement, I will outline how the committee intends to proceed with the detail in going through the chapters and the time limits.

Resolved (on motion by **Senator Ferris**, seconded by **Mr Somlyay**):

That the committee authorises the recording, broadcasting and publication of today's proceedings.

**CHAIR**—Mr Becker, do you have anything to say about the capacity in which the witnesses appear today?

**Mr Becker**—Dr David Muffet is the Australian Electoral Officer for Victoria and was the Australian Electoral Officer for Queensland when some of the problems occurred in Queensland. Mr Greg Shields was the Divisional Clerk in 1987 and is currently the Divisional Clerk in Fisher.

**CHAIR**—I now ask you to make your opening statement.

**Mr Becker**—I would like to welcome you, Mr Chairman, because I think you will enjoy this committee. It has been a very important committee as far as the AEC is concerned and over the years has contributed tremendously to the building up of the Electoral Act and electoral processes and procedures in general. We see it as a very important part of the electoral process in this country and hope that continuing governments will make sure that we have a Joint Standing Committee on Electoral Matters.

I would like to now commence my opening statement. I have no corrections to the submission as such. There might be some clarification as I go through. Copies of this statement have been given to the secretary of the committee. This inquiry into the integrity of the electoral roll was requested by the Special Minister of State, Senator Chris Ellison, on 23 August 2000 in response to allegations by Ms Karen Ehrmann of organised branch stacking in the Queensland ALP. Minister Ellison was concerned that such activities could impact upon the integrity of the Commonwealth electoral roll, which is managed under the joint roll arrangements between the Commonwealth and the various states and territories. The committee called for submissions on 9 September, with a closing date of 15 October. The AEC's submission was filed on 17 October and, after being released by the committee on 31 October, is now available on the AEC web site.

Unlike other political parties, the Queensland ALP apparently requires evidence of electoral enrolments for party members to vote in internal party preselection ballots. Within the federal division of Herbert in North Queensland in 1996 to 1997, branch stacking activities for state preselection ballots resulted in fraudulent enrolments being lodged with the AEC by Ms Ehrmann, Mr Foster and Mr Kehoe. The suspect enrolments were initially detected by AEC staff in the division of Herbert and successful prosecutions followed for forging and uttering. During her sentencing, Ms Ehrmann alleged that she was only 'a bit player' in a larger ALP conspiracy to stack party branches in Queensland for preselection purposes.

Following legal advice on Ms Ehrmann's allegations by Mr McMurdo QC, the Queensland Criminal Justice Commission established the Shepherdson inquiry into possible official misconduct and criminal activities. On the first day of the Shepherdson inquiry, which is still in progress, Ms Ehrmann alleged that there was an 'insider in the Electoral Commission' who was providing white cards as official acknowledgment that party members were enrolled and could vote in preselection ballots. As a result of this new allegation about the existence of an 'Electoral Commission insider', the AEC determined that an independent inquiry was necessary, and on 12 October the Commonwealth Ombudsman agreed that his office would conduct such an inquiry, which is now in progress.

This committee would also be aware that the Queensland Legal, Constitutional and Administrative Review Committee is also inquiring into the prevention of electoral fraud and tabled its report in the Queensland parliament yesterday. That was an interim report, I might



add. In its report the Queensland committee recommends that the Queensland Electoral Commission be provided with extra resourcing to enable it to establish computerised datamatching systems with other Queensland agencies and to make the relevant information available to the AEC to improve the integrity of the Commonwealth electoral roll.

At the same time as this inquiry into the integrity of the electoral roll was commenced, there was to have been a parallel inquiry into electoral funding and disclosure. The AEC filed a submission for the FAD inquiry on 17 October, but now understands that this inquiry has been postponed so that the committee can concentrate on the integrity inquiry. The AEC hopes that the FAD inquiry will be restored to the committee's agenda as there are some critical issues to be addressed in the funding and disclosure regime under the Electoral Act before the next federal election.

The integrity inquiry has resulted in intense press speculation on the issue of electoral fraud and there have been allegations made of electoral fraud going back more than a decade. On 4 November a journalist, Mr Chris Griffith, published allegations in the *Courier-Mail* of electoral fraud at the 1987 federal election in the division of Fisher. Mr Griffith's report was based on allegations made by an 'ALP insider' who, according to all reports, remains unidentified. On 6 November the Prime Minister referred these allegations to the Australian Federal Police. They have already been in touch with the AEC and have been provided with AEC files from 1987 that relate to the division of Fisher. It is difficult for the AEC to make any comment on this matter whilst an AFP investigation is under way but it is necessary to put on the record in this parliamentary forum that the AEC holds no evidence on its files of any organised electoral fraud at the 1987 Fisher election that would have affected the result of that election.

The AEC is concerned about the impact on public confidence in the electoral system of the canvassing of unsubstantiated and anonymous allegations of electoral fraud over a decade after the event. The electoral legislation allows a period of 40 days for challenges to be taken to the Court of Disputed Returns. This strict timetable was recently affirmed by the High Court, which remarked on the necessity for election disputes to be resolved quickly in order to avoid instability in government. The winning margin at the 1987 Fisher election was some 700 votes. After scanning of the certified lists, 200 multiple marks were recorded by the AEC and 188 of these were recorded as official errors because they could be matched with apparent non-voters. There remained 11 cases of possible multiple voting for which no conclusive evidence could be found and one case was referred to the AFP for investigation. Even if all 200 marks had been substantiated as multiple voting, this would not have been nearly enough to have affected the 700-vote winning margin. Further, there were no complaints made to the AEC of any impersonated voting or any other method of defrauding votes.

A petition by Mr Colin Smith was filed with the Court of Disputed Returns against the Fisher election, but this related to issues of bribery and electoral advertising and not to the defrauding of votes. The petition was not progressed through the court and it was apparently abandoned by the petitioner.

The AEC files from that period show press reports of allegations of electoral fraud made by an unidentified person at a National Party meeting in Toowoomba. Mr Chris Griffith, who was responsible for the recent *Courier-Mail* reports, was active in the press in 1989 in calling for these allegations to be properly investigated. The file also shows that the then Electoral

Commissioner, Dr Colin Hughes, invited anyone who had evidence of electoral fraud to bring it forward to the AEC or to test their claims in the Court of Disputed Returns. No such evidence was forthcoming.

The AEC understands that this committee may have the power to summon Mr Griffith to find out the identity of the 'ALP insider' who has made these allegations and to question this person about the veracity of the claims made. The AEC believes that such a course of action should be seriously considered by this committee, despite the fact that an AFP investigation is already in train.

As part of the AEC submission to this inquiry, attachment 20 lists 71 cases of possible enrolment fraud detected by the AEC over the past decade. Some of the reported Queensland cases, detected and referred to the AFP well before this inquiry got under way, have now been concluded and convictions recorded. However, three of these cases, Queensland Nos 15 to 17, uncovered as part of the normal continuous roll updating procedures in the divisions of Moreton, Ryan and Moncrieff have now been reported in the press as being cases of enrolment fraud arising in the context of this inquiry. This less than accurate press reporting has contributed to an atmosphere of severe crisis in the federal electoral system, reflected on radio talkback and the letters columns of the newspapers, that the AEC believes is not justified by the facts.

The enrolment fraud cases investigated by the AEC, the AFP and the Director of Public Prosecutions over the past decade, and already reported to this committee, do not reveal any underlying organised conspiracy against federal elections. The AEC is willing to assert once again that there is no evidence that any federal election since the establishment of the AEC in 1984 has been subjected to any widespread and organised conspiracy that would have affected the results of those federal elections.

This committee would be aware that the government is presently negotiating with the states to bring in regulations to enforce new enrolment witnessing and identification provisions in the Electoral and Referendum Amendment Act (No. 1) 1999. In paragraph 6.8 of the AEC submission to this inquiry, dated 17 October, the AEC advised that as long ago as 1996 it had indicated its conditional support for any reforms in a submission to the committee. That is, 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.

In relation to the convictions of Andy Kehoe, Shane Foster and Karen Ehrmann for enrolment forgery in the division of Herbert, the Special Minister of State said in a media release of 23 August that the amendments would have made this type of fraud virtually impossible. However, in paragraph 6.2 of the AEC submission of 17 October, the AEC said that it was unable to agree with the minister that the new provisions would have made the fraud perpetrated by Kehoe, Foster and Ehrmann virtually impossible.

I would like to take this opportunity to clarify the difference of opinion between the AEC and the minister, relating as it does only to the particular forgery convictions in the division of Herbert. The Electoral and Referendum Amendment Act (No. 1) 1999 contains provisions that have yet to be proclaimed. Proclamation has been delayed pending finalisation of associated

regulations and consultation with state and territory governments concerning complementary legislation. Two of the provisions yet to be proclaimed relate to the witnessing of applications for enrolment and the requirement for proof of identity to be provided with certain applications for enrolment. When proclaimed, the new proof of identity requirements will apply only to those persons enrolling for the first time. When proclaimed, the new witnessing provisions will apply to new enrolments and transfers of enrolment involving a change of subdivision—which for most states and the ACT means a change of division.

It is unlikely that either the new proof of identity provisions or the new witnessing provisions would have prevented the sort of enrolment fraud seen in the Kehoe-Foster-Ehrmann cases. They did not involve new enrolments and they would probably have fitted one of the classes of witnesses, which were very broad.

In conclusion, it is my view that the federal electoral system is in very good shape, and I have no reason to dispute the conclusion reached in previous AEC submissions and JSCEM reports and Court of Disputed Return decision that no federal election result since 1984, when the AEC was established, has been affected by widespread and organised electoral fraud. The AEC submission of 17 October to this committee concludes that there should be no need for any radical changes to the federal electoral system, such as the early close of rolls or the introduction of voter identification or subdivisional voting. The AEC is concerned that such major changes could have negative impacts on the franchise, in particular. However, the AEC has recommended an increase in the penalties for electoral fraud offences and an upgrading of the computerised systems used to maintain the integrity of the roll. Needless to say, the upgrading of these computerised enrolment systems would require increased resourcing for the AEC. Such increased resourcing for the AEC would have to be accompanied by specific legislative measures enabling guaranteed and continuing access to a wider range of data sources than is currently available to us for data matching purposes, including from Commonwealth agencies such as the ATO and from state and territory agencies.

**CHAIR**—In terms of how we are going to conduct today's proceedings, we propose to deal with each chapter sequentially—one after the other—in order to maintain some sense of where we are going, because the submission is a very large one. We had proposed—and I have discussed this informally with members of the committee—giving the government 20 or 30 minutes to pursue a line of questioning and then members of the opposition 20 or 30 minutes to pursue a line of questioning, with the Australian Democrats able to ask a question as they see appropriate within that framework without a time limit.

Before we move on to chapter 2, I would like you to expand, if you would not mind, on your opening statement with regard to issues concerning security in the AEC and perhaps how the AEC handles the holding of and access to information—for example, who has access to it and how they are cleared for security purposes.

**Mr Becker**—In terms of divisional, central office, head office or—

**CHAIR**—I think we would like to take it through the whole process of the AEC, from the DRO level right up to the head office here in Canberra. To start with, what sorts of security checks are put in place for Divisional Returning Officers?

**Mr Becker**—With respect to their appointment?

**CHAIR**—Yes.

**Mr Becker**—None as such. We do not do checks with ASIO or anybody like that—to my knowledge anyway. I would be quite surprised if that were the case. I know those sorts of checks apply further up the line, but they do not apply at the divisional staff level. We do require, of course, that no staff of the AEC have any connection whatsoever with any political party. We are not saying that people should not have their own views on politics, but there should be no connection with any political party or any side of politics. So the first thing is that people have to agree with that particular requirement when they apply for the positions and they also have to make a statement to the effect that they do not have any commitment in that respect. Other than that, there is no direct security involvement with the staff at the time of appointment.

In terms of the data itself, the cards are entered into the system, and that system is very secure. It was not as secure in the past but those past problems have long since been corrected. The cards are scanned, copied and held—hopefully in the near future electronically—and then the cards are destroyed. So the actual information that is held by the AEC is quite secure. There are, of course, issues when we are required to give data to other organisations—to members of parliament, political parties and so on—where, I must admit, we have no control over the security of data in those environments. We have an undertaking from those people that they will treat that information properly and use it only for the purposes specified when the data was provided.

**CHAIR**—Mr Becker, that is about the cards and the information that the AEC holds, but I would just like to go through the staffing of the AEC first, before we deal with the actual information you hold. At the district returning officer level there is no security check other than, I suppose, the question, ‘Are you affiliated with any political party?’ I would say that no security check would obviously go for the local returning officer at each polling booth too, and for the people who work at the polling booth on the day. Is it correct that there are no security checks?

**Mr Becker**—That is true, yes. Of course, the people on the day have to give an undertaking that they are not connected with a political party.

**CHAIR**—But no checks are conducted into staff at any of those three levels?

**Mr Becker**—No. The undertakings assigned by the staff are taken at face value. I would imagine that it probably would not take too long before somebody’s connection with a candidate or a party would come to light. But there are penalties, of which I have just been reminded, which are \$1,000 or six months or both, for a person who does breach that undertaking not to be connected with a political party or candidate.

**CHAIR**—So we have established that there are no security checks at the local level. What about the Queensland state office level? Are there security checks at the state office level for people who work in Queensland or South Australia or whatever state?

**Mr Becker**—No, there are not. Mr Dacey would like to raise another issue.

**Mr Dacey**—All staff at the AEC are required at all levels to sign the undertaking under section 323, I think, of the Commonwealth Electoral Act, a breach of which, as Mr Becker pointed out, is subject to a penalty of \$1,000 or six months or both.

**CHAIR**—That is about political affiliation?

**Mr Dacey**—No. That is about secrecy. Political affiliation is quite different. There are certain designated positions within the AEC, obviously, where people should not have political affiliations, and those people must agree that they do not have those affiliations. But all staff are required to sign the secrecy undertaking with regard to information held by the AEC, and those under that penalty.

**CHAIR**—Mr Becker, what about trade union membership at the local level? Are people who work at the polling booths or the DRO or the local returning officers required to indicate whether they are active members or even members of a trade union?

**Mr Becker**—No, they are not. We do not ask that information. Our own staff, of course, are members of unions, and the CPSU in particular. Not all of them; some are and some are not—I do not know who is and who is not—but there is no restriction on their membership of the CPSU.

**CHAIR**—Now could you answer the question about the state office and security checks? We have dealt with the secrecy provisions but what about security checks for state office officers of the AEC?

**Mr Becker**—There are no security checks that I am aware of, unless of their own volition someone like ASIO were doing it.

**CHAIR**—What about in Canberra, at the federal level?

**Mr Becker**—None at all. It is the same thing.

**CHAIR**—There are no security checks at all for any AEC staff that you are aware of through the Commonwealth, the state offices or the local set-ups.

**Mr Becker**—Not today, and probably never in history to my knowledge.

**CHAIR**—Yet, when you get a job with a minister, or in some cases members of parliament, security checks are mandatory and are run by offices of the government, usually ASIO. But, even though the AEC holds such sensitive information, you do not feel that that would be an appropriate check to be maintained at the AEC level?

**Mr Becker**—The information that we hold—okay, it may well be considered sensitive but it is not accessible to everybody. For example, I do not have access to the electoral roll and I am the commissioner. I have no need to have access to the electoral roll so, consequently, why

would I? They do not just put it on my desk because I happen to be the boss. It would only be on a need to know basis. In those circumstances, we have a very strict regime within the AEC as to how that information is to be used. You just cannot go in and ask somebody to go and look at a person on the electoral roll and find out their date of birth or anything like that, unless you have a very good reason for doing it.

**CHAIR**—They just happen to put the electoral roll on your desk because you are the boss, you said, but you do not actually have official access to the electoral roll.

**Mr Becker**—I do not have it. It is not available to me.

**CHAIR**—So, therefore, if somebody put it on your desk you could have look at it, couldn't you?

**Mr Becker**—If somebody put it on my desk, yes. But they would have to have a reason to put it in there—I am talking about the desktop machine, the computer.

**CHAIR**—So, therefore, do you think it would be easy for officers of the AEC to access the sort of information that you have access to because someone, as you said, puts it on your desk?

**Mr Becker**—Someone just does not go and put it on the desk. It has got to be bona fide; a person has got to have a good reason for wanting that information on their desk. If the roll management system, RMANS, is to be accessible to people who are dealing with enrolment matters, then they have got access to the data that is being held inside that system.

**CHAIR**—Who determines who has access to the information held by the AEC?

**Mr Becker**—Who has access to the actual files would be determined by the supervisor of that particular area. So I imagine that in the case of the Assistant Commissioner Elections Enrolment, the people in the enrolment area that need access to reports and all those sorts of things would have to request, through our IT people, that it be put on their desk, on request by Mr Dacey.

**CHAIR**—Do you see that the information held by the AEC is so sensitive—including, obviously, for the purposes of this inquiry, the way it is set up, because that has become an issue—that it would surprise members of the committee to find out that there are zero security checks run on any officer of the AEC, from Commissioner to local polling booth operator?

**Mr Becker**—I suppose it may surprise them, but it has not been an issue. We have not ever been in a situation where we have heard of anybody providing information from the AEC to anybody—whether it be to the press or to the public or to, say, a Dun and Bradstreet type organisation that may want to use that information. That has never been questioned inside the AEC. I presume as a consequence of that there has been no question of needing those sorts of ASIO type checks that you are taking about.

**CHAIR**—Until now—or do you still not believe that those sorts of checks would be necessary?

**Mr Becker**—I think they would be most unnecessary in most cases, because very few people, in fact—apart from the divisional staff—have access to it. In central office I imagine there would be very few people out of the 140-odd people there that would need access to the electoral roll itself.

**CHAIR**—Did you say 140 people?

**Mr Becker**—In central office.

**CHAIR**—And, of course, that fans out across Australia, doesn't it, in terms of the number of people?

**Mr Becker**—Yes, all-up we are talking about 800 full-time equivalents.

**CHAIR**—So 800 full-time people would have access to sensitive information and not one of them would have had a security check?

**Mr Becker**—All 800 have not got access to it—that is what I am saying. Only those people who need access to it, people who are working on the roll, would have access to it.

**Senator FERRIS**—Mr Chair, I have one question on the issue that you have been asking Mr Becker about. I note that in point 10 of your introductory remarks you say that you are concerned about the impact on public confidence in the electoral system. We all share that concern that you have. Therefore, I wonder if, given the allegations by Ms Ehrmann, which I accept you are still pursuing, you would now reconsider whether or not it may be appropriate to, at some level in the Electoral Commission, implement the same sorts of security checks that are applied to people at other senior levels of the Public Service and, indeed, in this building.

**Mr Becker**—It remains to be seen what comes out of that inquiry.

**Senator FERRIS**—Notwithstanding that, you would not pursue that in any case as a matter of principle related to your point 10 in relation to public confidence?

**Mr Becker**—Again, I must admit we have not seen the need for these sorts of things. We can belt and brace the whole thing, and that is going to cost us an absolute fortune. That includes precinct voting—it could include all sorts of things. We could spend an amazing amount of money—as Mexico has and as, to a significant extent, the United States has. I do not think we realise just how much money they put into their full electoral system.

**Mr DANBY**—They do not do as well as you.

**Mr Becker**—I do not think they do, either. I think there would be a lot of people who would say the same thing. You can go to the Federated States of Micronesia, where we are having some discussions at the moment, and find that one-third of their budget is spent on their electoral process. Quite frankly, that would be absolutely ridiculous in this country. We do not have a culture of electoral fraud. We have in certain areas seen significant fraud in local government areas: the ones that come to mind are the Richmond City Council in Melbourne,

Marrickville and Leichhardt, where you did have a culture of fraud. But generally throughout this country we do not. To say straight out that we would put everyone in the commission—the 800 people we have—into an ASIO security check would be a bit over the top. However, it may well be that we review the people who do have access to the sensitive information—so-called sensitive, because some of it is not. The things I call ‘sensitive’ are things like occupation, which is held for Queensland; date of birth; and maybe salutation. Some people, I do not why, may want to be called Mrs, Miss, Ms or Dr—those sorts of things I do not see as being life threatening sorts of information.

I must admit I would be probably more concerned about the security that occurs inside members’ offices after they finish with a particular set of disks—which, up until relatively recently, contained the information on every elector in the country across 148 divisions, not to mention the parties and everything else. I would be far more concerned about the security of that stuff than about any of the problems we may have within the Australian Electoral Commission. I understand that, within those electorate offices, members do have secure destruction of stuff, but that does not mean that every disk that is going to be coming out of that member’s office is going to hit that security area and may not just end up on a rubbish dump and be picked up and the file downloaded from the Internet which will give you access to it. The security on that thing is not all that flash.

**Senator FERRIS**—Mr Becker, have you tried to recover those disks? Have you made any steps to do that?

**Mr Becker**—After the problems we have had, as you all know, with the provision of electoral data, what we are putting in place now is that when we send out the new data, we will be requiring the one before last to be returned to us.

**CHAIR**—Mr Becker, do you see that the lack of security checks across the AEC and the reasonably widespread access to sensitive information—because, of course, sensitive information is in the eye of the beholder to an extent—might create the opportunity for an insider, as has been alleged by Karen Ehrmann, to operate in the AEC to assist, in this instance, the Australian Labor Party?

**Mr Becker**—Yes, of course I can. But I would also say about the allegation about the insider that the acknowledgment cards were received from an insider. There is no suggestion that the insider was actually completing those acknowledgment cards. All you need is a blank card or a photocopy and you can put whatever you like on that as proof of your enrolment in that area—and you may not be enrolled in that area. We know nothing about this and, until such time as that inquiry has been completed, we really cannot comment on it.

**Mr Longland**—I would like to interpose a comment there. Karen Ehrmann did not allege there was an insider. She suggested that she had been told by another person that there was an insider. That other person, a Mr Powell, has not yet appeared before the Shepherdson inquiry, so we are a little bereft of information on what that allegation exactly meant—although the ombudsman’s office is actively involved now in interviewing a large range of people regarding that. It may in fact include Mr Powell at some time.



**Senator FAULKNER**—Could you explain the process to us of that particular inquiry, just so I am clear on it?

**Mr Becker**—The ombudsman inquiry?

**Senator FAULKNER**—No, in relation to the ‘insider’.

**Mr Becker**—That is the ombudsman inquiry. We have put it to the ombudsman and, frankly, we are not talking to him until he is finished. He is running his own course.

**Mr Cunliffe**—I may be able to help. If you are inquiring about the circumstances which led to the decision to ask the ombudsman, it was while I was acting as commissioner and Mr Becker was on leave. The allegation is potentially a serious issue, even if it is hearsay at this stage and even if it is not sensitive roll data. There has been no suggestion in the inquiry that I am aware of—

**CHAIR**—Can I just interpose? We were going to have a break at 10.15, because we were expecting Senator Faulkner to arrive at about that time. Do we still want to have a coffee break at 10.15, or will we just proceed?

**Senator FAULKNER**—Mr Ferguson was arriving with me. He should be here.

**Mr SOMLYAY**—Mr Chairman, before you do that, can I ask a question? Mr Becker, the penalties that you mentioned earlier in your comments—

**Senator FAULKNER**—I was just going to canvass this issue, so what are we doing? Are we going to a break?

**Mr SOMLYAY**—Just this one.

**CHAIR**—We were going to have 20 minutes to half an hour of government questions and then 20 minutes to half an hour of opposition questions, with the Democrats interposing as they saw fit. If we were to continue we would finish at about 25 past, and then I would call you, Senator Faulkner, to ask your set of questions.

**Senator FAULKNER**—I am more than happy to be called at some time, but I am not sure that I will be able to limit my questions to 20 minutes. I do not intend to.

**Senator FERRIS**—We were not suggesting that, Senator Faulkner; we were suggesting it on a rolling basis.

**CHAIR**—I will call Mr Somlyay, and then at 25 past we will have opposition questions. If the Democrats wish to get the call at any point they only need to indicate to me. We will not break for coffee at 10.15, because Senator Faulkner has now arrived.

**Senator FAULKNER**—If we are discussing a particular issue—for example, the ombudsman’s inquiry—we may need to leave that and come back to it at a later stage. I am not

used to such an approach—that we redo it, that we handle questioning in that way. It seems to me that this might actually elongate the hearings.

**CHAIR**—I have been advised that some Senate committees operate in this way in order to ensure that everybody gets a fair go. There is a cost-benefit about it, of course. As you say, it does truncate pursuit of a particular issue. But, in order to be able to finish the day with everyone—government, opposition and the Democrats—feeling that they have had a fair chance to ask questions and have answers, I cannot see any other way of doing it, lest one person dominate proceedings for most of the day and everybody therefore feel that they have not had a good opportunity. But we are of course eating into government time, so I ask Mr Somlyay to ask his question.

**Mr SOMLYAY**—My question is on a point of clarification. You mentioned that there are severe penalties in the AEC for staff who breach guidelines—\$1,000 or six months. How often have they had to be invoked, if at all?

**Mr Dacey**—To my knowledge, they have not been invoked. We have not had an instance where we have needed to invoke them, to my knowledge—I certainly am not aware of one, and I have been in the organisation for 16 years.

**Senator MASON**—You just mentioned the 16 years. Can I just ask Mr Dacey to clarify what he understands to be the situation regarding the ASIO type checks or the APS type checks that occur, at least at the senior level.

**Mr Dacey**—Certainly some of us, including some in this room, have been with the AEC for quite a long time and have recollections of having undergone ASIO checks. Obviously, we all work in the central office, so we are having someone check now with our personnel area as to what the standard checks are. But certainly all officers of the AEC are APS officers and have to undergo the standard checks that all APS officers undergo, which I would guess would be very similar to staff of, for instance, the ATO or Centrelink. So there are the standard APS checks, and we will confirm with the committee what further checks are undertaken. It is wrong to think there are no checks at all; there are the standard APS checks, because they are APS officers.

**CHAIR**—Mr Becker, what investigations did the AEC instantly conduct into Karen Ehrmann's allegations about an insider in the AEC?

**Mr Becker**—I can ask Mr Cunliffe to answer that, because he was acting at the time.

**Mr Cunliffe**—We did not conduct a formal investigation in terms of an investigation officer being appointed or anything, Senator; we sought to gather as much detail as possible of the records of how acknowledgment cards had been produced and distributed over time. The circumstances of Ms Ehrmann's allegation were non-specific. Later evidence, for instance, suggested that, if this were relevant, it had happened before 1993—I think that is the date—when, as a later witness indicated, acknowledgment cards were no longer relied on. So we are talking some time ago in terms of the processes in place. Once we had established the details that were available and the officers who would have been involved at certain points within central office and the head office in terms of the distribution processes, et cetera, we then considered appropriate independent investigation options. It was my view, and after consulting

with the commissioner and other members of the statutory commission—it is a three-person commission, as you may know—they agreed with my view that it was essential to have an independent inquiry which would withstand scrutiny. The risk with doing something internally is that people suspect it is not seriously undertaken. On that basis, I approached the ombudsman and the ombudsman had agreed to take the matter forward. So that is the process.

**CHAIR**—Did your preliminary information gathering indicate to you whether the insider was Brisbane based or Herbert based?

**Mr Cunliffe**—The investigations indicate no knowledge of whether there even was an insider, Senator. It is hearsay; Ms Ehrmann has claimed to have been told this. So far as we are aware, this is not a claim that she has previously made. So for it now to have been made in light of later evidence to the CJC it apparently must have happened some time before 1993—

**CHAIR**—You can determine that because of where the white cards were issued from; is that what you are saying?

**Mr Cunliffe**—Determine what, Senator?

**CHAIR**—That the insider must have been before 1993.

**Mr Cunliffe**—No, Mr Chairman. As I indicated, later evidence to the CJC from another witness indicated that acknowledgment cards were no longer relied on for internal Labor Party preselection activities—and I have to be a bit cautious, given your opening statement about the internal workings of parties—within Queensland after 1993, at which point, apparently, they made use of electronic roll information. So, if there is any basis to the claim at all, then for it to make sense, it must have been before that date.

**CHAIR**—Could you outline for the committee how useful a white card would have been in terms of the electoral enrolment of somebody for the purposes of preselection and voting in elections?

**Mr Cunliffe**—It would be absolutely no use in terms of the electoral roll. If you wish to inquire into how useful it would have been—my response is merely hearsay and press based—you would need to talk to the Queensland branch of the Labor Party because it related to their internal processes. But, as I understand it from those press reports, they created their own roll of members, which was based partly on the paper rolls which were available to them. But, because the paper rolls were not updated on the same basis as the electronic data is now updated, they supplemented that with acknowledgment cards. As I say, I cannot verify that that is right, but that seems to be what the evidence suggests.

**CHAIR**—What other kind of information that the AEC holds do you think would have been of use to the ALP in terms of their preselection processes that an insider would have been able to provide to the ALP?

**Senator FAULKNER**—On a point of order: are you not, Mr Chairman, crossing the line? I think there was some relevance in the other question. I think these are perhaps reasonable questions to ask of the Australian Labor Party, but I think you need to think whether they are

reasonable questions to ask of the Australian Electoral Commission. At some point, obviously, we may well have other witnesses before the inquiry who might be able to assist you there, but I think it is very difficult to ask the AEC to make these sorts of judgments on internal party selection processes. There is obviously an interrelation and a correlation with the events which are being canvassed, but I think the form in which you asked that question asks a lot of an official of the Australian Electoral Commission in commenting on those aspects of internal political party preselection processes, regardless of what they are. So I would caution that it will be difficult if we continue to ask the AEC those sorts of hypothetical questions about political parties.

**CHAIR**—I accept that, Senator Faulkner. Inasmuch as they impact on the electoral roll, the AEC can answer. But in terms of that question you may well be right; it may be a question better directed to the ALP.

**Senator FAULKNER**—It is actually that question that I am referring to, Mr Chairman.

**CHAIR**—Yes, the previous questions were questions with respect to the electoral roll. Would any members of the opposition care to ask any questions of the AEC with respect to chapter 2?

**Senator FAULKNER**—We have not had the advantage of hearing Mr Becker's opening statement. I would have preferred to have heard the opening statement of the Electoral Commissioner, but I have to read that now. Mr Ferguson and I have been unavoidably delayed because of a problem at Mascot airport.

**CHAIR**—We will let the Democrats ask a series of questions and then we will have a break for 10 minutes after that, to give you an opportunity to collect your thoughts and read the opening statement.

**Senator MURRAY**—Mr Becker, you made the statement that the Queensland Labor Party are the only political party that tie their preselections to the voters roll. To refresh the memory of the committee: do you receive all constitutions of all political parties that are registered?

**Mr Becker**—Yes, at registration.

**Senator MURRAY**—Do you have up-to-date constitutions of all those political parties?

**Mr Cunliffe**—No. There is no obligation under the act for updates to constitutions or party rules or any of those details to be provided to us. That is not an obligation which applies to anybody except at the point of creation. The wording of the act, from memory, is 'constitution, by whatever name', so those meet a variety of forms.

**Senator MURRAY**—How old could the oldest constitution that is in your hands be?

**Mr Cunliffe**—Sometime after 1984, I suspect.

**Senator MURRAY**—So they could be absolutely out of date?

**Mr Cunliffe**—Absolutely; and we would have no basis for inquiring whether they had been changed or amended in any form—generally speaking.

**Senator MURRAY**—In arriving at your view that no political party has tied preselection processes to the electoral roll apart from the Queensland Labor Party, what have you done to verify that statement? Have you checked through those old constitutions, or have you contacted each political party? What have you done?

**Mr Cunliffe**—It is based on press reports. It is based on what we have understood from press reports that this is not the general case. It may well be that there are minor parties that have some similar process. But it is based on press reports and so I suspect, again, comes into the strong category of hearsay. I have not observed corrections or other parties suggesting that that is not the case. But that is what the basis is.

**Senator MURRAY**—I think the only party which is national is the Democrats. I think every other party is federal. So you would need to have established that every single state and branch of every party met your statement. With respect, I would just say that your statement is a judgment, not a fact. That would be right, would it not?

**Mr Becker**—It is. We have no reason to question how a party conducts its internal affairs.

**Senator MURRAY**—Also arising out of your opening statement was the question of the security of the roll. In another committee hearing in this building, one large agency with a very large and important database indicated that they had about 1,600 attacks a month on that database and that they constructed firewalls to resist such attacks and had, in fact, encouraged a range of attacks to occur so that they could see where their security could be breached. Do you have similar processes and procedures to protect your roll?

**Mr Becker**—I am not aware of us actually trying to do any entrapment at all.

**Mr Dacey**—I may perhaps be able to answer that. We do have a firewall, and it is Defence Signals Directorate accredited. Since we have had that firewall in place we have had no evidence of any attacks.

**Senator MURRAY**—The line of questioning from the chairman queried the opportunity for the roll to be tampered with and was along the lines that that would be internal rather than external. Is it your view that it is easier to tamper with the roll internally rather than externally?

**Mr Dacey**—It is certainly my view that if someone was minded to tamper internally, it would be easier to tamper internally than externally because of the firewall we have established.

**Senator MURRAY**—The last question I have arising out of your opening statement concerns Ms Ehrmann's statement. I will read her actual statement, which is quoted in your chapter 3. She said:

I was a bit player in a well-known scheme being carried out by the AWU long before I was involved.

Is it possible that the Queensland events have far more to do with union factional politics than with Labor Party politics? In other words, was Karen Ehrmann, in her statements and her conviction in the evidence she gave, pointing the finger at union activity?

**Mr Becker**—I have seen only the press reports, but I think—

**Senator MASON**—I think that is really a question you might need to direct to Ms Ehrmann.

**Senator MURRAY**—Yes, but I would assume that, when you quote such things and draw attention to them in your submission, you would have gone through the evidence, which is a matter of public record, and that you would have taken a view. The Ehrmann case attends to the issue of whether the integrity of the roll was breached for particular purposes. Therefore, the motives and the people who lie behind it have to be attended to, and you will need to come to a judgment about that. The fact is that the integrity of the roll was breached and a conviction has been recorded, and Ms Ehrmann specifically points the finger in that statement at the union, not the Labor Party.

**Mr Becker**—To the extent that the fraud that occurred there was aimed at preselection and, from the press reports, was a power struggle perhaps within the union movement there, I think that is accurate. The fraud was not directed against the electoral roll. To the best of our knowledge, all the problems that occurred were corrected.

**Mr Longland**—That is right. Our submission actually shows the progress of the enrolments that were affected by those three people, and they have all been corrected. While it might be a conclusion that you could draw, Senator, that this was an inter-union factional type of activity, I do not think it is one that the AEC ought to be trying to draw conclusions on. We saw from the statements that Karen Ehrmann made at her sentencing and the material that was presented to the court that this was directed at preselection activities, and we let it go at that. After that, our activity was really directed at what impact this had had on the roll.

**Senator MURRAY**—I will draw your attention, because possibly you have seen them, to some submissions from DROs. In there, they clearly indicate the motives that people have for attacking the integrity of the roll—for instance, they may want to link back to social security fraud by establishing an identity alibi, or those sorts of things. So, in any security operation, you have to attend to the motives of people and why they would want to get into the roll and change it, and it is that relevance that I am drawing to your attention. If this is one more motive to add to the range of others which are in fact summarised somewhere within those submissions, then I think you do have to attend to it. If this is the only state where union involvement through the preselection process results in an attack on the integrity of the roll, then it is a motive you have to take regard of, I would suggest.

**Mr Longland**—Our submission also addresses that issue in relation to the 71 cases, where we try to draw conclusions about motives. But of course sometimes the motives are very unclear. The fact that there has been some form of fraudulent activity has been detected on the basis of the way we process enrolment and not on the basis of a scan of what motives there might be.

**Senator MURRAY**—But there is nothing in your documentation which indicates whether, of those 71 cases, those people concerned were members of a political party, members of a union or whatever else. In other words, the committee is left blind as to what guided or drove those people.

**Mr Longland**—But we would not know that.

**CHAIR**—If I may be so bold, Senator Murray, I think what you are getting at is that the motivations for enrolling people on the electoral roll—whether for identity fraud, social security or internal party preselections or plebiscites, as was the case in Queensland—are a reason why the electoral roll then becomes corrupted and its integrity called into question. I do not think the AEC can then say, ‘We wash our hands of that because it is not motivation that we are interested in.’ I think Senator Murray is saying that we are talking about whether the roll is corrupted or not, not the reasons why it became corrupted. I think he is trying to draw out the motivations—one of them is for internal party preselections. Is that right, Senator Murray?

**Senator MURRAY**—Yes, it is. In any security operation—and Mr Dacey is probably the most expert on that panel—you have to know why people want to do certain things, to help you build resistance against them. I am just suggesting that in the 71 cases, if you were able to establish what motives there were, it helps guide you, and in the case of the Ehrmann stuff it is relevant in that she clearly, very bluntly, says it was the AWU that was the major motivation.

**Mr Becker**—Yes, but it is all ex post, isn’t it? It happens and then you establish the motive. Quite frankly, I would not have thought that an acknowledgment card would have had any value whatsoever for a person in a political party. That would not have occurred to me, but now that we are told that it may have some value, then, okay, we have a point of contact, haven’t we? I remember a presenter of *Four Corners* some years ago enrolled a 17-year-old just to prove it could be done. The motive there was just to prove that it could be done and then to say, ‘This just proves that the electoral roll is not as good as it could be and could easily be frauded.’ One unfortunate part about that was that that person then was not followed up and taken to court. Had that happened, we might have got something out of it.

**Senator BARTLETT**—Going back to your opening statement, you referred to the planned new regulations relating to enrolment and witnessing identification provisions. Do you know what stage those regulations are up to? Have they been gazetted yet?

**Mr Becker**—No, they have not.

**Mr Cunliffe**—I understand that the minister has written to state ministers with a copy of the latest draft, seeking their views, and some have replied and some have not.

**Senator FAULKNER**—So we are clear: what was the date of the latest draft? I understand there have been some developments and there certainly were some discussions at an earlier stage between the opposition and the government.

**Mr Cunliffe**—I think they were dated late September or early October.

**Senator BARTLETT**—Are those publicly available, or are they able to be provided to the committee?

**Mr Cunliffe**—We would probably need to consult with the minister's office because they are the minister's.

**Senator FAULKNER**—Would it be correct to say that they are with the joint roll partners effectively, and I do not think this committee or the Commonwealth parliament has seen the latest iteration. Would that be right?

**Mr Cunliffe**—I do not know.

**CHAIR**—Senator Faulkner, to be fair, I think Senator Bartlett has a series of questions.

**Senator BARTLETT**—Anyway, we can check whether or not we have them and whether we can get them. In the statement you made in relation to the general intent of those, are you basically saying that, regardless of whether or not they are in, they would not have made any difference to the type of enrolment fraud that we have seen in Townsville? Is that correct?

**Mr Becker**—Yes, in that case.

**Senator BARTLETT**—Are they likely to have had any positive impact in preventing or detecting fraud in all the other cases that you have identified?

**Mr Becker**—Frankly, I do not know, because we did not actually look at that specifically. I was just looking at the minister's press release and responding to that particular statement.

**Senator BARTLETT**—In relation to the issue of the roll being as accurate as possible, if there was a return to separate state and federal rolls, as was the case in the past, would that create more difficulties in ensuring accuracy of rolls and integrity of electoral results, whether you are talking about state or federal?

**Mr Becker**—Not necessarily in itself. The only problem would be that the rolls inevitably would separate, and you would then have to ask the question: which one is the right one? We have had that situation in the past. In the case of Western Australia, in particular, there was some extraordinary number—50,000 to 100,000—difference.

**Mr Dacey**—In the early nineties there was about a 40,000 difference between the WA state roll and the WA Commonwealth roll.

**Senator BARTLETT**—In terms of numbers of people?

**Mr Dacey**—Yes, in terms of numbers. The main difficulty is the imposition on voters or electors: they might enrol for Commonwealth and not for state elections, or vice versa, so the rolls get out of kilter.

**Senator BARTLETT**—And the state roll in that case had the fewer enrolments?



**Mr Dacey**—Yes, the state roll had fewer enrolments.

**Senator BARTLETT**—I will not go too far down this track because it is slightly off the specific purpose, but part of the issue of the integrity of the roll is ensuring that people who should be on it are on it, so those who are not enrolled but are eligible to be put on it are detected and encouraged to go on. The commission, I know, puts a fair bit of effort into that. When you do that and find people and put them on it, do you do much analysis about why it is that people were not on the roll? Are you able to determine from that that, if you put more hurdles or difficulties in the way of people, they are more inclined not to go on it?

**Mr Becker**—That has been a concern. The more difficult you make a thing to do must have some deterrence. It is difficult to say why people do not enrol. We know that the youth do not enrol to the same extent as the people of my generation, and it may take another 20 or 30 years before they do. But, interestingly enough, Victoria—Victoria is a good one to compare with, as against other states—have a very good regime with the motor vehicles department with licensing and so on. They are getting about one-third of their 18- to 20-year-olds on the roll, which is significantly greater than any other state. So that would seem to indicate that the desire to get on the roll is something which needs to be connected to something else before people see it as an issue. I think it is just apathy.

**Senator BARTLETT**—Is that linking to things such as registration or other mechanisms likely to also increase the accuracy of the roll if you cross-check it with other activities?

**Mr Becker**—Inevitably.

**Mr Dacey**—One of the advantages of linking, not just for accuracy, is being able to get to the market at the time of change so, when we get advised of a change of address, we can then target that elector rather than waiting for that elector, who may or may not change their address particularly during a close of rolls time when we get hit with a rush.

**Senator BARTLETT**—Which is also more likely to link back to what seems to have been the problem with some of the allegations, which is not false identity; it is false place of residence.

**Mr Dacey**—Correct.

**Senator BARTLETT**—I do not know if you have had a chance to read all of the submissions to the inquiry to date. There is one from Dr Colin Hughes, whom I am sure you know well, which, among other things, recommended, for parties to register under the Electoral Act and qualify for electoral funding et cetera, that their rules adequately state the procedures for membership and roll keeping. It also suggested that significant elections or preselections within those parties be conducted by officers of the AEC or the state electoral commission. Do you have a comment on that?

**Mr Becker**—We have not discussed this at all. I must admit I first noticed that this morning in the clips. I think it would be better probably to flesh it out with Dr Hughes. It is almost taking us into the United States primary type system—that may be a good or a bad thing, I do not know. Quite frankly, we have not looked at it.

**Senator BARTLETT**—I am sure we will be talking to you again at some stage, so you might have further thoughts on it later.

**Mr Dacey**—Mr Chairman, would it be possible for me to make one clarification on a question that Senator Murray had?

**CHAIR**—Yes.

**Mr Dacey**—Concerning the possibility of hacking, my statement was it would be easier to manipulate data from inside. I still stand by that statement but I did not point out—and I should point out—that we do have security checks and audit trails in place so that, if any internal manipulation for fraudulent purposes was detected through logons and passwords and through our IT security system, we would be able to track that to the individual officers.

**Senator MURRAY**—Perhaps I may ask you, through the chair, to provide the committee with how many people out of your 800 can access the roll—

**Mr Dacey**—The electronic form of the roll and being able to manipulate it?

**Senator MURRAY**—Yes, or make entries, and what the criteria by which they are established are.

**Mr Dacey**—Certainly, we can provide that.

**Senator FAULKNER**—I gather we are dealing at the moment with the commission's opening statement. Could I ask you, Mr Becker, about paragraph 5 of your opening statement, which I was about to canvass with Mr Cunliffe before other procedures overtook us. I am just interested in understanding whether the decision to ask the ombudsman to conduct that inquiry was your decision, Mr Cunliffe, as the acting commissioner at the time.

**Mr Cunliffe**—Yes, but it was a decision that I took in conjunction with the commissioner. The commissioner was on leave but I was obviously conscious that it was a decision which he had to be comfortable with. I also spoke to the chairman and to the non-judicial member of the commission in general terms without necessarily reciting to them the various options. The advantages, in my mind, of an ombudsman's inquiry are that the ombudsman's general role is to look at matters of administration. This, if the allegation were true, was clearly such a matter. Secondly, the ombudsman, unlike any of the other independent entities that I had in my mind, had powers to require witnesses to attend, powers to obtain evidence et cetera, all of the sorts of things which, if there were to be a basis to it, quite likely would be necessary.

**Senator FAULKNER**—What I suppose I am driving at, Mr Cunliffe, just so that we understand, is that the commission internally did look at a number of possible alternatives and decided that the ombudsman would be best suited to conduct the inquiry. Is that so?

**Mr Cunliffe**—Yes, that is correct.

**Senator FAULKNER**—I see. And you—or Mr Becker, whoever was in the chair at the time—formally requested him to do that?

**Mr Cunliffe**—I think I signed the letter, Senator. In formal terms, of course, because it is a discretion, the ombudsman has a discretion whether to perform any inquiry. But this particular category is known in the ombudsman's office as an 'own motion inquiry' in formal terms. It did not follow a complaint in the normal way that somebody might complain about a taxation dealing or whatever. It followed a discussion and a letter, and then the ombudsman confirmed that an own motion inquiry was being pursued.

**Senator FAULKNER**—And the AEC has offered all and every assistance for this?

**Mr Cunliffe**—Yes.

**Senator FAULKNER**—I appreciate the point—I think it was Mr Becker who made it—that at the moment this is an ongoing inquiry by the ombudsman. Do you have any indication at this stage about the timing of that inquiry?

**Mr Cunliffe**—No, Senator; and nor have we inquired in any formal way.

**Senator FAULKNER**—That was my only other question. I would have thought there was some urgency about this and that it was a higher priority from the commission's perspective. I do not think it would be improper to say to the ombudsman that that is the case.

**Mr Cunliffe**—Yes. The ombudsman is well aware of the significance of it and of the other matters which are on foot. As I understand, it is pursuing it with all expedition. But I am also conscious that the ombudsman is a statutory appointee with a series of roles and statutory obligations and that it is important to allow that process to run forward without inappropriate interventions.

**Senator FAULKNER**—Thank you for that. Mr Becker, paragraph 7 of your opening statement goes to the funding and disclosure inquiry. I think the AEC makes the point that this funding and disclosure inquiry, which is something that has been postponed at this stage by majority decision of this committee, is an important one. Do you make the point in relation to its restoration to the committee's agenda because of the AEC's view that there needs to be legislative change prior to the next general election?

**Mr Becker**—Certainly, ideally, because one of the things to which these relate is the transparency of the electoral process. That is really our view. But I do take the point that dealing with the integrity of the roll first probably should take precedence because that really is fundamental to the whole system. In terms of the actual detail of that—and I dare say that you have probably got a fair grasp of what it is that we are looking at in that area—

**Senator FAULKNER**—I hope so.

**Mr Becker**—it would be preferable if we were able to get some changes in so that we could implement them prior to the next election.

**Senator FAULKNER**—My interest in this is, as I say, the question of whether there will be an opportunity for legislative amendment to the disclosure provisions of the act, given the delay in the inquiry.

**Mr Cunliffe**—It certainly must depend on the timing of any inquiry and any recommendations. Obviously, as recent events show, legislation can be effected quickly where there is the shared view of the importance of the legislation and its priority.

**Senator FAULKNER**—If there is a will to do so.

**Mr Cunliffe**—But it depends obviously in the process on this committee's inquiry first. So the timing of the next election will obviously have the potential to affect that.

**Senator FAULKNER**—Mr Becker, in relation to the next paragraph of your opening statement, which goes to this question of the ALP insider, you make the point that the Prime Minister has referred these allegations to the AFP. You make the point that the AFP has contacted the AEC and has been provided with AEC files from the division of Fisher that relate to the 1987 election. Obviously in parliamentary committees of this type there is always a definitional question of how a committee like this might approach an operational matter of the Australian Federal Police. I am interested in the first instance—and I would have come to the conclusion that this would be properly defined as an operational matter—in whether you would agree with that and, if so, whether you think that leads to certain constraints.

**Mr Becker**—You haven't got a tough one, have you? I really do not know what the constraints may be. Certainly, if you are talking about an operational matter of the AFP, yes, it is. Presumably it will stay that way, and we would not want to interfere with that inquiry. I am sure that we would not have the power to in the first place. That may get us back to the same situation as the ombudsman. We do not want to get involved with that, unless of course it seems to drag out. Then we have to ask the question: when will we finish it? We do need to finish it. I do not know how the committee gets involved in that either.

**Senator FAULKNER**—This is an issue that comes across the table in many parliamentary committees. I think you are right to say it is an operational matter. It clearly is from the information that you have provided to us in relation to the response of the AFP to the Prime Minister's referral. As far as the opposition are concerned, I think we have been pretty consistent in not wanting to trample on areas that are subject to an ongoing operational inquiry by the AFP, although the previous opposition did not adopt the same set of principles. That is something we have been pretty consistent on. But I ask you this in the context of paragraph 14 of your opening statement, which goes to a recommendation from the Australian Electoral Commission that the Joint Standing Committee on Electoral Matters should seriously consider dragging the journalist Mr Griffith before the committee to question him about the identity of the insider. You suggest we should seriously consider this but qualify it by saying 'despite the fact that an AFP investigation is already in train'. It is a serious step when you have an operational matter like this before the AFP for a committee of the parliament to start blundering in. What counsel would you provide the committee with on this?

**Mr Becker**—They are some tough ones. I think it would largely depend on how quickly we got any information out of the AFP and whether the AFP could identify something with us. In

that case, there would be no point in this committee doing anything. If people are just going to ground and there is no way in the world that you are going to get them other than by quizzing a journalist, the powers to quiz that journalist reside, as far as I understand it, within the parliamentary arena.

**Senator FAULKNER**—Yes, that may well be so, but it is your recommendation in your opening statement to this committee.

**Mr Becker**—Yes. You are saying—

**Senator FAULKNER**—Let me make it clear: I am worried about the fact that this is an operational matter. I am worried about all sorts of other aspects of this. I generally do concern myself with the behaviour of parliamentary committees. I might consider this inappropriate for a range of other reasons, but that is a pretty crucial one. I am interested in trying to understand why you, as the Australian Electoral Commissioner, have made this recommendation in this form to the committee.

**Mr Becker**—It was made in that form because if it is serious enough to look for an insider, there is no other way of getting it, and maybe one way of getting it is for this committee to call the person who, one would believe, knows who this insider is. Then if it is important enough, that is a possibility. It is up to the committee to decide whether it is important enough; it is not up to the commission. We think it is important, but the committee is the one with the power and the committee has to make the decision.

**CHAIR**—What makes you think that a journalist would disclose his sources to—

**Mr Becker**—I would say that he would be most reluctant to, but that does not mean to say that we have not used the powers of the parliament in the past to require journalists to provide information. When they have not, of course, they have had to suffer the consequences.

**Senator FERRIS**—Surely it could be argued that the journalist has performed a valuable public role in disclosing some of this information so that the ombudsman's inquiry could take place.

**CHAIR**—Otherwise it might never have come to the public eye.

**Mr Cunliffe**—Mr Chairman, we seem to be moving between the insider allegation, which is attributable to Ms Ehrmann and the CJC and does not involve the *Courier-Mail* journalist, and the allegations to do with Fisher, which involve the *Courier-Mail* journalist. One of the elements, at least in the press arena and in the media consideration, that underlines the questions of integrity about the electoral roll is the allegation attributed to an unidentified insider that, in the seat of Fisher, voting options were sourced to Labor Party workers who, through doorknocking, obtained details of people who had moved. They then, in effect, identified themselves as those people in order to vote. If that has any strength, it seems to us that it can be identified not by a journalist, who is passing on alleged hearsay, but by the source. I think that if the committee is going to base its considerations on assumptions about the veracity of the claims in the article, then perhaps the committee needs to satisfy itself that that is well based.

**Senator FAULKNER**—Yes, but, with respect, others may be getting their insiders a little mixed up but I am not, Mr Cunliffe. I can assure you that I understand the point that you make, and I ask this not in relation to what the ombudsman is doing but in relation to the AFP inquiry. I think I did make that clear.

**Mr Cunliffe**—Yes. I was not suggesting otherwise, Senator, but I thought the discussion then had moved between the two—

**Senator FAULKNER**—Others moved it along, that is right, but I would like to focus on the recommendation in relation to the division of Fisher. Is this an unprecedented call by the Australian Electoral Commission to this committee, or to any other comparable body? It seems to me that we are in uncharted territory. Would that be right?

**Mr Becker**—I think that would be correct, but I suppose you have to have a precedent sometime.

**Mr Longland**—Senator Faulkner, perhaps I could add some further material to this. Mr Griffith, as a journalist, is well known to the AEC. He writes a fair bit of stuff on electoral matters. I have spoken to him and to his co-writer, Mr Hedley Thomas, on a couple of occasions in recent times, and I have asked them directly for the details of this insider. Of course they said that they did not want to give me that; they said that they would like to, but they want to protect him because he fears prosecution and jailing. I pointed out to them that the allegations that he is reported to have made—and they refer to him as ‘he’, incidentally—are very old, 13 years, and it may well be that the fellow is immune from prosecution anyway under most of the legislation that would be involved. Perhaps the *Courier-Mail* would consider providing him with some legal advice on the subject which may convince him to come into the public arena and talk to us.

I have given those thoughts to the AFP in their investigations as well. But I would like to point out that, as mentioned in paragraph 13 of the commissioner’s opening statement, Mr Griffiths, who I think used to entitle himself as the ‘Coordinator of the Citizens for Democracy’—I have no idea what that group was or did—was aware of these allegations in 1989; they were reported in the press. But he has chosen to bring them forward again, using the vehicle of an insider who may or may not even exist.

**CHAIR**—The insider may be more concerned about the AWU than going to jail, Mr Longland; dare I say it.

**Senator FAULKNER**—I am trying to deal with a process issue here, and a serious one, of an ongoing operational AFP inquiry into these matters. That is the status of it. I assume it is ongoing, because that is the advice we have before us. The AFP have taken some action; they have contacted the AEC; they have been provided with AEC material relating to the division of Fisher in 1987. I think that is a reasonable conclusion for us to come to. I am exploring, if you like, the appropriateness or otherwise of the recommendation that is made to us. I hear what you say, Mr Longland, no doubt the AFP will knock on Mr Griffiths’s door and it will go wherever it goes. My point is that there is an AFP inquiry in process. But if we actually focus around the process in Fisher—as I think it is reasonable for us to do, and trying not to break my own rule in relation to improperly wandering into an area that is better dealt with by the AFP—would it be

fair to summarise the allegation in the *Courier-Mail*, which the commissioner refers to in his opening address, as being that there was a doorknock, the idea being to use some form of street order or street address roll that would identify nonresident enrollees—I think that is probably the best terminology to use—you make a list of them and you get the list out on polling day, and the allegation is that voters vote at different booths within the division in the names of those people who are on the list? Is it fair to say that that is a reasonable summary of what the allegation is?

**Mr Becker**—Yes, that is correct.

**Senator FAULKNER**—And what we know from the opening statement of the commissioner that he placed before today's inquiry is that, in the seat of Fisher, there was a winning margin of 700 votes. After the scanning of the certified lists, 200 multiple marks were recorded by the AEC; 188 of these were recorded as official errors because they could be matched with apparent nonvoters. I know those statistics were made available in a question on notice a very long time ago. I think it probably would be useful for the committee to hear an explanation of what are 'official errors because they are matched with apparent nonvoters'. I think people around this table might understand that this is because they are wrongly marked up, basically, or no-one marked up or marked down either side of the actual recorded multiple voter. I do think it might be useful, Mr Becker, given the significance, to have an explanation about that before the committee.

**Mr Becker**—Perhaps we could bring the DROs into this, who are responsible for the ultimate decision of what comes out of the scanning process.

**CHAIR**—Mr Becker, perhaps the DRO for Fisher would be appropriate, given that the questions are about Fisher.

**Senator FAULKNER**—Mr Shields, were you the DRO in Fisher in 1987?

**Mr Shields**—I was the Divisional Clerk. The DRO at the time is currently overseas on private business. When people go in to vote at polling booths, the polling official asks them their name, address, and whether they have voted before in the election. They then mark off the name, give them the ballot papers and tell them how to vote, and people go off and vote. As you quite understand, it is very busy and there can be some human error, when people are flustered and they are busy and names are marked off incorrectly. In this case in the division of Fisher, there were 200. We then write out to all those people to find out if they voted and where they voted, and we get their replies. From the marks made in each book we know where they did vote. There might be a vote cast in one part of the division and it is marked off twice. We write out to that person. They then write back to us, saying, 'We just voted in our own local area.' We have a consolidated list of electors and it shows where they voted. If we see that the elector below or the elector above or an elector with a very, very similar name—it might even be father and son with the same name at the same address—is a 'non-voter' and lives at a different part of the division and, when we have written out to them, they have told us they voted and voted at that particular area, we can match it up. You can understand that these polling officials who only work once every three years do make mistakes. It is just straight human error.

**Senator FAULKNER**—Yes. Some of them are marked but if they are above or below an unmarked voter with a very similar name—some of them might be identical but different address or whatever it might be—this is what the 188 effectively refers to.

**Mr Shields**—That is correct.

**Senator FAULKNER**—I think it is worth explaining this because, while we around this table might understand this, there would be a lot of people who would not understand it. I think it is not unreasonable that they would not understand it in the circumstances. In regard to all those statistics that have been made available to us previously, is it fair for me to say that in the case of Fisher, say, of the 200 you might define, say, 188 as clerical errors? Maybe Mr Cunliffe might be a better person to ask, given that is his direct responsibility.

**Mr Cunliffe**—I think that is a fair description. The view was taken that those were clerical errors, after the process that has been described had occurred.

**Senator FAULKNER**—I think it is helpful to understand that.. I think it is worth having a look at the general issue of the nonresident enrollee—again, in a process sense because, as I have indicated, I do not want to cross the invisible line into what I think is an operational matter for the AFP, even though the AEC is suggesting we might do so. Even if you did identify the nonresident enrollee, by virtue of whatever mechanism it might be—a street order roll or the process that is outlined in the *Courier-Mail* or any other way of identifying who was on the roll but not actually living there when an election was called—isn't there still a really significant issue in terms of the nonresident enrollees actually casting their ballots?

Some of these people could have moved within the division and may have voted at another polling place. That is one possibility. I think all of us who have worked on polling booths have experienced from time to time someone driving along because they are still on the roll at X address when they have actually moved. Anyone who has handed out how to vote pamphlets for more than half an hour would have had that experience from time to time. Others might vote absentee or postal. I think it is reasonable to say that, is it not, Mr Becker?

**Mr Becker**—Yes. They would be perfectly legitimate, too. You could have the situation where the new people who have just moved into the house have been quick off the mark and have enrolled while the other people are complying absolutely with the legislation and have not yet enrolled for their new address. That would be perfectly legitimate.

**Senator FAULKNER**—But the point is that it is not uncommon.

**Mr Becker**—It is not uncommon.

**Senator FAULKNER**—Obviously, there are a whole range of procedures, and this inquiry is going to look at—hopefully later today—some of these very closely and a whole raft of new procedures that the AEC is engaging in to ensure that this does not happen as much as it has previously. With respect to the term 'impersonation', which is used in the submission, it is one thing to engage in that activity; it is absolutely another thing to know that the genuine enrollee is not going to front up to vote at that polling booth or another polling within the division, vote



absentee or postal or get in their car and drive to the polling booth or whatever. You would expect a massive spike in terms of multiple voting, surely?

**Mr Becker**—You would. That is why we are saying that we do not have a fraudulent culture in this country. People are not doing that to the extent that some people are claiming.

**Mr Dacey**—That is right. If that happened in that division, as alleged, that spike would show up in that 200, which it does not appear to do at the moment.

**CHAIR**—Could I ask that we end the questioning there for the moment and have a break?

**Senator FAULKNER**—I do not mind, but I do want to come back to these questions. There are a whole range of other issues that I would like to explore, but I certainly have not finished with questions on this issue.

**CHAIR**—There is certainly no suggestion that you cannot ask whatever question you want.

**Mr Becker**—Just before we break, the electoral background paper that we have here, which explains the whole process of multiple voting and what we do, what the divisional staff do and so on, is available if you would like it.

**CHAIR**—We accept that as an exhibit.

**Proceedings suspended from 11.18 a.m. to 11.37 a.m.**

**Senator MASON**—Mr Becker, I have some preliminary questions. Senator Faulkner touched on Fisher, and perhaps we should get back to that later. Senator Bartlett touched on new enrollees; perhaps we will get back to that later. I have some further issues relating to character checks. I think that was the first issue raised this morning. Are there legislative requirements for you to ask new employees about any past involvement with political parties?

**Mr Becker**—In the Commonwealth Electoral Act?

**Senator MASON**—Yes.

**Mr Dacey**—No, there is not. It is an internal administrative procedure where we have actually designated particular positions as politically sensitive. In designating those positions, we require those people to give us an undertaking that they are not politically active. So it is people who are at the coalface level involved with the process.

**Senator MASON**—What question do you ask of them?

**Mr Dacey**—The question is that they are not, and are not seen to be, politically active, basically. We can get a copy of the form for you. I just do not have it with me.

**Senator MASON**—That would be useful, I think, Mr Chairman, to have a look at that.

**CHAIR**—Yes.

**Senator MASON**—Do you check whether in fact someone is active?

**Mr Dacey**—No, we do not. We take the declaration of the officer.

**Senator MASON**—The precise wording of that document would be interesting, I think. Mr Becker, you used the words ‘people connections’. I am not holding you to those being the words on the form, but it really depends a lot on what that wording is as to how broad people’s involvement in politics can be. I just wanted to check that there is no legislative requirement.

**Mr Dacey**—There is not a legislative requirement. The only legislative requirement is in terms of secrecy of information that comes to the attention of officers in the performance of their duties.

**Senator FERRIS**—I just want to make the point that, when senior members of staff are appointed to ministers’ offices, there is a requirement that they detail their previous 10 years employment history. I am just wondering whether that also applies or whether you are talking about a declaration as of today in relation to employment of senior staff in positions that are considered politically sensitive.

**Mr Dacey**—I am not sure. I would need to take that on notice.

**Senator FERRIS**—I have a couple of questions related to Mr Becker’s opening statement. I refer you back to point 16 in your opening statement, where you say:

This less than accurate press reporting has contributed to an atmosphere of severe crisis in the federal electoral system ...

I noted your remarks, in addition, that you believe we do not have a culture of electoral fraud. I would just like to explore some matters of electoral fraud which are in attachment 20 of your submission. Particularly, I would be interested if we could just go through a couple of those individual cases in attachment 20. For example, in NSW5 in 1990 in the seat of Macquarie—which then would have been held, I believe, by Mr Alasdair Webster—how long did it take for you to detect the application for enrolment by somebody’s pet cat?

**Mr Dacey**—We do not have that detail with us, but we can find out for you.

**Senator FERRIS**—I do notice that you cancelled the enrolment of the pet cat, which presumably means that pussy was for some time enrolled.

**Mr Dacey**—I do not have the details, but it appears on the face of it that, yes, pussy was enrolled. I do not know for how long. But when that was brought to our attention or discovered by our staff that enrolment was cancelled.

**Senator FERRIS**—How would somebody be able to enrol their cat? What would be the process by which somebody would come in and enrol their cat on the electoral roll and have it accepted? By what process would you subsequently have found that to be in fact a cat and have cancelled it?

**CHAIR**—While you answer Senator Ferris’s question, can you let us know what the cat’s name was, for the purposes of our inquiry?

**Senator FERRIS**—I do think, Mr Becker, this does go to the heart of the integrity and what you say is a ‘severe crisis in the federal electoral system’ brought about by things like cats being able to be accepted for enrolment and subsequently cancelled, and not rejected at the point of enrolment. I know it is a fine point, but I think it is a very important point, and I would like to explore that if possible, please.

**Mr Dacey**—I have some details here. An elector had her cat enrolled under the name of ‘Curacao Fischer Catt’.

**CHAIR**—‘Curacao’; as in the drink?

**Mr Dacey**—Yes. When the member for Macquarie wrote a welcome letter to Curacao Fischer Catt obviously something came back from Australia Post or from some source through the mail that this was not a legitimate person, and the divisional returning officer took the necessary action to cancel that registration or enrolment. I do not have the dates at hand.

**Senator FERRIS**—If a person decided to enrol their cat and the enrolment was accepted, and it would have to have been witnessed, why would that person then send back a welcome letter from the member? Presumably they had wanted to enrol their cat, so why would they then expose the fraud?

**Mr Dacey**—It may well have been Australia Post that sent the letter back. It may not have got to the letterbox.

**Senator FERRIS**—How would Australia Post have known that in fact it was a cat?

**Mr Dacey**—Australia Post may have known that this person—thinking it was a person—is not at this address.

**Senator FERRIS**—That level of scrutiny by Australia Post into individual letters surprises me.

**Mr Dacey**—We have instances of Australia Post returning mail to us that does not get out of the post office, because they know that, say, Paul Dacey lives there and no other family lives there. So they would mark it ‘not at this address’. It would not actually get into the letterbox of the elector.

**Senator FERRIS**—Was Fischer the name of the voter who lived at that house who enrolled their cat?

**Mr Dacey**—That is correct.

**Senator FERRIS**—When the enrolment of the cat was cancelled, what was the result?

**Mr Dacey**—The matter was referred to the AFP. There were no charges laid. The matter was closed, because the statute of limitations had expired.

**Senator FERRIS**—So it was not the AEC itself that detected that pussy was in fact not a legitimate voter.

**Mr Dacey**—From the information I have here, it was from return to sender mail to the member, not from the AEC.

**Senator FERRIS**—Are you able to tell me how long that process took?

**Mr Dacey**—Not now, Senator. We would need to check the files. I do not have that detail.

**Senator FERRIS**—Is this the only time that you have been able to find where people have enrolled their animals? Is it a common occurrence for people to enrol their cats and dogs?

**Mr Dacey**—It is the only one we are aware of.

**Senator FERRIS**—In Australia, ever?

**Mr Dacey**—Certainly that I am aware of. I cannot say that that is the case, but it is the only one that the officers present here are aware of.

**Senator FERRIS**—As a result of that enrolment being accepted, did you change any procedures at the point of enrolment to enable you to be more comfortable that an enrolment you had received was in fact a person?

**Mr Dacey**—Senator, it would be difficult, I would suggest, to detect from this name that it was not in fact a person. It could well have been a person. There was a legitimate address supplied, and we do address checks. What we did not have in place at that time was any cross-checking. With a name like ‘Curacao Fischer Catt’, it could on the face of it look like a person.

**Senator FERRIS**—You described it as frivolous, but what you are telling me is that there could be lots and lots of cats and dogs enrolled because it could be too difficult to work out whether or not they were legitimate human beings.

**Mr DANBY**—To be fair, the AEC has put in a submission. Senator Ferris should have read that there are only 71 cases of fraudulent enrolment and they have been dealt with.

**CHAIR**—I think Senator Ferris is trying to determine the—

**Mr DANBY**—This stuff about cats and dogs is denigrating the AEC, in my view, and is trivialising the Australian electoral system, which is bloody good compared with what has been happening overseas.

**Senator FERRIS**—Chair, I am very grateful for Mr Danby’s commentary, but the point I am trying to establish is that it is in fact still possible to give the Electoral Commission the name of

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what appears to be an individual when in fact it could be a family pet. Whilst I am grateful for the comments of the ALP about whether or not it is comedy hour, the reality is that the Electoral Commission—

**Mr DANBY**—I did not say that; I was just drawing your attention to the AEC submission.

**Senator FERRIS**—the Electoral Commission have said that there is not a culture of fraud. I accept that, but recognise they also say that there is a severe crisis in the federal electoral system reflected on radio talkback and it is creating an atmosphere of concern. I am simply trying to explore that. I believe it is a serious matter. So can I go back and ask: can you tell whether there are any procedures with which—apart from the name C-a-t-t, as distinct from C-a-t—it is now possible for you to check that people are not enrolling cats, dogs, birds or whatever?

**Mr Dacey**—Senator, because we do not have the legislative power to do cross-checks and data matching with other agencies, when someone lodges an enrolment claim with us, if it is a legitimate address and it appears that the name is not frivolous, we do not have any power to do any checking with other agencies or with other data that in fact someone with the surname C-a-t-t does live there. We can check other household surnames, but it is quite common in society for people with multiple surnames to share houses. There is no legislative base for the AEC, unless it is obviously frivolous to us. For instance, if someone lodges a Mickey Mouse or a Felix the Cat—which does happen, but they are picked up because of the name; people do try to do that—if it appears on the face of it that it is a legitimate name and that the registration is for a legitimate address which does exist, there is really no way we can cross-check to pick that up. We do send acknowledgment cards. If those acknowledgment cards come back to us from Australia Post as not resident there or, as in this instance, members' mail, or if we do targeted doorknocks, which we still do, and we knock on the door and say, 'Does Curacao Fischer Catt still live here?' then we are relying on the honesty of the person at the door to confirm that.

**Senator FERRIS**—Yes. Presumably, if Mr Webster sent out his welcome letters reasonably promptly after being advised by you of the names of the new enrollees, it would seem unlikely that the pussy voted. Is that correct?

**Mr Dacey**—It would seem very unlikely but, as I said, I do not have those dates with me. As you say, if that welcome letter was sent in a short time and got back from Australia Post to us, then, yes, that enrolment would have been cancelled.

**Senator FERRIS**—Nevertheless, it raises the question of integrity. I think that is at the heart of some of the comments that Mr Becker made in his introductory remarks about making sure that the community does accept that we have a role of integrity in the electoral process.

**Mr Becker**—I quite agree. I think one of the problems we have had is that a lot of these unsubstantiated reports are getting a lot of airplay and we are getting editorial comment in quite a lot of the newspapers saying that the system is not good enough and, frankly, we have not had a lot of evidence to suggest that it is as bad as people are making out. That is the thing that is really concerning. I do not believe for a moment that it is as bad as people are making out.

**Senator MASON**—But, as Mr Dacey just said, all you need to enrol to vote—and this gets back to Senator Bartlett's earlier point today—is a bona fide address and a witness; you do not

need anything else. I think Senator Ferris's point is quite legitimate. You would not even know if there was fraud.

**Mr Becker**—I am not suggesting for a second that the point is not legitimate. A determined forger is going to be able to get around any system that you put in. There are very few preventive things that you can put in front of people. You can ask for proof of identity for first time enrolment—and probably 99 per cent of the people will be legitimate—but a determined forger is going to get past that. Kids have driving licences at 15 years of age, and they look for all the world exactly the same as the driving licences that you and I have.

**Senator FERRIS**—But this would have involved two people complicit in the fraud because somebody presumably signed as a witness.

**Mr Dacey**—The person—Curacao—may have forged the witness's signature.

**Mr Becker**—Presumably.

**Senator FERRIS**—That may have been the case. When you are having a look for me for those dates, I would also be interested to know who the witness was put down as and whether the AFP explored that. As Senator Mason says, the situation still continues today and it would be possible to continue to operate in that way until we get voter ID at the point of enrolment. Presumably, you cannot turn up with a picture of a cat and be enrolled.

**Mr DANBY**—99 per cent—

**Senator FERRIS**—We actually do not know that because it is not possible to detect that.

**CHAIR**—I think the point Senator Ferris is making is that these are examples of where the roll is not operating in a way that would restore the Australian people's faith in its honesty and integrity, and that is the whole purpose of this inquiry. Mr Becker made the opening statement that he did not believe that this was a serious problem. Clearly, there are people in jail over electoral enrolment fraud, and I would say it was a pretty serious problem.

**Mr Becker**—There is just one thing I would like to add to that. You can put these sorts of things in place, and that is fine, but the sort of enrolment system that I think seems to be being called for, largely by the media, is one which is a very expensive exercise. Sure, we have ideas as to what we could do about having these point of entry validation checks. We could check the witness and see if that witness, for a start, is on the roll. They are not required to be on the roll, but we could check the witness's own enrolment card and check the address. We could look at our own data and write to the people we have not heard from for 10 years to see if they are still on the roll and that they are still living at the address and that the details are still the same. There are a lot of things that we can do, but they are not cheap. If it comes to that, someone has to be prepared to pay. We are quite happy to go along with these sorts of things, but it is going to cost.

**CHAIR**—What does the AEC require to take the step of looking behind the enrolment of someone? For example, if Vermouth Fischer Catt and Campari Fischer Catt joined up on the same day as Curacao Fischer Catt, would the Electoral Commission say, 'There's something

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going on here', or would they just say, 'I've got a form in front of me. It is signed and it seems in order; we have to accept it'? It does not seem to bear out in commonsense, does it?

**Mr Becker**—No, it does not. We have brought with us to the hearing divisional returning officers from Queensland. Perhaps we can involve them with respect to what the actual process is.

**Senator FERRIS**—A cat was actually enrolled in New South Wales.

**Mr Becker**—Yes, I know.

**Senator FERRIS**—But the principle remains the same.

**Mr Becker**—The principle is the same.

**CHAIR**—If you think your officers can answer the question, we would be happy to hear from them.

**Ms Madden**—I am in a division that has two major provincial cities but the rest of it is basically rural. I would think that perhaps 40 per cent of our cards would be followed up in some way, just by virtue of the fact that we need to make inquiries about localities, the real location of the house. Councils just in the last couple of years have been doing rural road numbering—a lot of them have not yet—and we have done a lot of follow-up for that. We ring councils to verify addresses, and a natural follow-on from that would be to ring the owners of the property, because we usually go through the rates departments. If there is something missing from the card, we ring the people or we could ring the witnesses on occasions—anything we can do to verify or to get further information. We also write to people. We do not accept cards that are not complete. We need to find more information, either by writing or ringing. I would say that, for example, in my division, amounted to approximately 40 per cent of the cards, and that would be the case certainly for country divisions. It is less likely to happen in city divisions, where suburbs are stable or there is no housing growth, perhaps; but, where there is some movement, I would think that people would be checking as well. A lot of enrolment cards simply do not get processed and put on a roll just like that.

**Senator FERRIS**—But the point the chair makes about having two or three unusual names is one thing. Mr Dacey, I will go back to that comment you make about the difficulty without the opportunity to cross-check. If those names had been Jane, Mary and Joe, and they had been fraudulently enrolled and accepted, presumably Australia Post would not have picked them up. They may also not have been picked up by Mr Webster's welcome letters. Therefore, they would have been accepted, they would have been enrolled and they could have voted. So, without the opportunity to do any other check, and in the absence of an unusual name which the post office picks up or the member picks up, what else can be done if somebody seriously wants to do that, unless there is the opportunity to cross-check through other agencies?

**Mr Dacey**—That is really the basis of what Mr Becker was saying. We do need to have that facility if the security needs to be, for the integrity of the roll, at that level. If someone put in Jane Mary Smith and Jane Mary Smith were fictitious, the address was legitimate and there was nothing to indicate to us or to Australia Post that Jane Mary Smith did not live there—because

they had the household name, and so Australia Post may well deliver—they could very well remain enrolled.

**Mr Longland**—Certainly now, under the CRU processes that are described in our submission—

**Mr DANBY**—Can you just explain so that people in the back know what CRU is?

**Mr Longland**—It is the continuous roll update process which, in its various guises, helps us to validate the roll at any point in time.

**Mr DANBY**—By using different databases.

**Mr Longland**—We use a number of databases now that provide for us information about the moving population. We take the data that exist within our own RMANS database and exploit that by producing reports on multiple enrolments at particular addresses. We have limits for particular land use codes for those addresses. We do checks—and I think we have discussed this before—about multiple surnames at addresses. We are doing cross-checks on postal addresses with multiple enrolled addresses, and issues like that. We are looking at a range of other activities or pointers that will assist us—for example, multiple movements at addresses, or multiple movements by enrolled name. Issues like that are on the cards for the development of the CRU, so we are not just sitting down accepting every card that comes in—although the legislation in essence requires us to do that. We are going beyond that in terms of looking at the gross data that we have and ensuring that aberrant situations are highlighted and dealt with.

**Senator MURRAY**—For clarification, so that I understand this completely, Mr Longland: if this Fischer person had lived alone at a valid address and had fraudulently created, say, two additional voters—let us call them Jane Fischer and Mary Fischer—which you had accepted, and she had voted both for herself and for those two people, so there would not be multiple voting, you would not know that?

**Mr Longland**—No, we would not know that, but we have never said that the existing system defies an attack for mischievous reasons; but creating the two extra people and voting in their name is highly unlikely to affect the outcome of an election.

**CHAIR**—But it has been proven to be the case that there have been people being enrolled under fictitious names, and this is a problem that has spread through Queensland. Do we really believe that the problem in Queensland is not replicated anywhere else in Australia and that it is only the Queensland AWU or Labor Party that are engaging in this sort of activity? It is just a nonsense to suggest that.

**Mr Longland**—The point is that we have no evidence to suggest—

**Senator FAULKNER**—This is a really crucial point, and I think it is good that you have raised it. We ought to look at those allegations, and I think it is proper for us to do so. I might be wrong but as I understand it, from the evidence and the submission, these in fact are not fictitious people. There is no suggestion that the people themselves are not real. The question goes to their place of residence and enrolment and, of course, it also goes to the motivation for



the rorting of those enrolments. It is really important that we get this right, Mr Chairman. There is no suggestion—

**Mr LAURIE FERGUSON**—It is to fabricate claims.

**CHAIR**—What can I say? You do not think Fischer Catt is fictitious?

**Senator FAULKNER**—You talked about Queensland.

**Mr LAURIE FERGUSON**—No. The claim is made—your ad hominem a few minutes ago.

**Senator FAULKNER**—I want to be clear on this.

**CHAIR**—Can we pursue this later, because Senator Ferris is still continuing with her questioning?

**Senator FERRIS**—I think Senator Faulkner had a pretty good run before, and he will have a pretty good run again.

**Mr LAURIE FERGUSON**—With respect, you chose to make a point from the chair which is a total fabrication.

**CHAIR**—That is not true. Senator Ferris, would you like to continue? That is a matter of debate. You have a different view from me.

**Senator FAULKNER**—My question went to whether there are any fictitious names in Queensland?

**CHAIR**—Can I suggest you ask your question when we return?

**Senator FAULKNER**—I prefer to ask it now because we are dealing with it.

**Mr LAURIE FERGUSON**—You interjected and made the statement.

**CHAIR**—I prefer you to do that at about 10 past 12 or thereabouts, Senator Faulkner.

**Mr LAURIE FERGUSON**—I would prefer you stopped making those kinds of interjections.

**Senator FERRIS**—Thanks for that advice. Can we just go back to the point that I was trying to make before: if in fact that person who enrolled her cat had chosen to put the word ‘Catt’ as the middle name for that person, it is very possible that that could have gone through.

**Mr Dacey**—That is possible, yes.

**Senator FERRIS**—Therefore, it is still possible for people who deliberately want to enrol their cats, their birds or whatever to continue to do it, particularly if, as many families do, they

give their animals a human sounding name like Fred or Bill. The principle remains the same; is that correct?

**Mr Dacey**—That is correct; it is possible. But, as Mr Longland pointed out, as we develop more crosschecks in the roll there is a higher chance of us picking them up. But the system as it is, the legislation as it is and the open system as it is do allow for that.

**Mr SOMLYAY**—Are you picking up people who do not exist in your continuous roll update?

**Mr Longland**—We have done. I think our submission says that the last three cases listed in our attachment are under investigation. Two of them have subsequently moved to prosecution and the people were convicted and fined—one on 10 November and one in late September. In one of those cases there was an attempt at a fictitious name, but it was fictitious only to that person. He had chosen to use the name of a person who had died. It would seem from what the police have said to us, but it is only anecdotal I am afraid, that he was trying to do this to capture the social security benefits of the person who had died so as to continue some form of benefit that the person had had.

**Mr SOMLYAY**—So it is possible to enrol a fictitious name with a fictitious address and with a fictitious witness?

**Mr Longland**—Fictitious name and fictitious witness are still possible, but it is not possible to enrol with a fictitious address any more. Since we established the address register, we only have on the roll addresses that are real, habitable and active.

**Mr SOMLYAY**—What about post office box numbers?

**Mr Longland**—We do not enrol people for post office boxes.

**CHAIR**—In the past it was possible to have a fictitious address, wasn't it? That was the allegation that was made in Redlands by David Watson in the Legislative Assembly recently. It was also backed up by Graham Smith, the chairman of the National Party campaign in Fisher in a submission some time ago. But that has obviously been changed.

**Mr Longland**—Yes.

**CHAIR**—When was that changed?

**Mr Longland**—We established that register in February 1997. We are developing it as we go. We do not claim to have a perfect address register. That is a very difficult thing to achieve in this country because there are so many different address standards. We are participating with Australia Post, Telstra, the public sector mapping agency and the Bureau of Statistics to establish a national address file.

**Mr SOMLYAY**—Can I continue on from what Senator Faulkner said. Mr Shields, in the electorate of Fisher, where the doorknocking went ahead and households were identified which

had moved elsewhere, it would have been fairly likely that in that event a fair proportion of those people who had left the electorate would have voted absentee or by postal vote, and fulfilled their obligation. Was there any crosscheck to identify those voters who had voted absentee and whose names were marked off on the roll as having voted locally?

**Mr Shields**—That would have come up in the multiple voters report. We get that consolidated list of electors. That shows where they voted and it gives an ID number which refers it back to a certified list, which is a roll, at each polling booth. If someone had voted for someone else and someone had also done, say, an absentee or a postal vote, the codes would indicate what vote was cast and where it was cast.

**Mr SOMLYAY**—Was there any indication in 1987 that that figure was higher than perhaps three years earlier, in 1984?

**Mr Shields**—To my best recollection, we usually get somewhere between one and 200 possible multiple voters.

**Mr SOMLYAY**—That is in your submission. But you cannot identify from those figures how many of those in the electorate of Fisher were absentees in whose name someone also voted.

**Mr Shields**—If someone has voted absentee, it is shown up as one of the 300-list electors. If they have voted somewhere else, then it would show up as a one to 200 number.

**Mr SOMLYAY**—Can you tell me now, or take it on notice, how many people voted absentee who were also crossed off on the roll in the electorate on the day?

**Mr Longland**—We can take it on notice. My feeling is that those records would not be available because all we have now are the aggregate numbers. We have discussed those earlier—the 200 for 1987, 188 of which were removed by the crosschecking process that showed clerical error in the polling place. As to whether they voted, absent, ordinary, prepoll or whatever, I think that is lost.

**Mr SOMLYAY**—How many absentee and postal votes were there in 1987, all told.

**CHAIR**—Dr Muffet might be able to answer some of these questions, being the commissioner in Queensland at the time

**Mr SOMLYAY**—You would expect there to be thousands, wouldn't you?

**Mr Longland**—There would be thousands.

**Mr Cunliffe**—I think what is important to spell out is that, as you will see if you go back to the response that was given to Mr Cadman in 1988, the balance—if I can call it that—between the 200 and the 188 that were ascribed to clerical error was then broken down into two groups: for one group apparently sufficient evidence was unable to be found to take forward, and one matter was referred for prosecution. But what we are talking about is 12. We probably will not be able to establish whether those 12 consisted of people who apparently voted twice at two

different polling places in the division or one was within a polling place and one was absentee or one postal—but we can check. We would not normally retain that detailed record 13 years later, but it can be checked.

**Mr Shields**—In the one that was prosecuted, the brother voted in the local area for his elder brother who had gone away for the weekend, but the elder brother voted absentee. That is basically how we picked it up.

**Mr SOMLYAY**—But, if the allegations in the article in the *Courier-Mail* are correct, there is no way the Electoral Commission has of identifying the fact, if it is fact, that people voted for someone else in the division of Fisher in 1987.

**Mr Cunliffe**—What can be identified, I think, is that there were no more than 12 such cases, or that the real people in those instances did not vote, because the scanning procedure would have disclosed if two votes had been recorded in any way for those electors.

**Mr SOMLYAY**—That is why I asked the question on the absentee votes or postal votes. If there were more than the usual number of people crossed off twice for people who voted postal, that would indicate that some systematic rorting of the rolls is going on, if you had that detail.

**Mr Becker**—I raise the issue that if you are expecting the systematic rorting of the rolls you would expect a higher turnout in a year like 1987 than you would in any other year. It, 1987, happens to be the lowest of the last five elections. I can table that, if you like.

**Mr SOMLYAY**—In Fisher.

**Mr Becker**—In Fisher. There was a turnout of 93.52, as opposed to 1996, which was 95; 1993 was close to 96 per cent; 1990 was 96 per cent, or near enough; and 1984 was 94.64. So 93.52 is Fisher in 1987. If there were systematic rorting of the roll, you would expect to get more people voting.

**Mr SOMLYAY**—Have other electorates in Queensland in the same area experienced the same low level of turnout?

**Mr Becker**—I do not know, quite frankly, because we looked at Fisher to see what the outcome was there. But we could look at that.

**CHAIR**—Mr Forrest has been very patient and has not asked a question since 9.30. He would like to ask one. Then the Democrats and the Labor Party, which is the order we established.

**Mr FORREST**—I am trying to be buoyed by the confidence expressed in the submission from the AEC and again reiterated this morning that there are no major problems with integrity of the roll, but I am not, and I need to be assured. I do not want to be part of feeding popular sentiment and undermining the confidence the community has, but it seems to me, in reviewing all the evidence and even what you said this morning, that the only reason this situation in Queensland has been revealed to the AEC is because of either a whistleblower or the absolute ineptness of Mr Kehoe, who simply blundered through his fraud. I am looking for some

stronger assurances that these sorts of things can be avoided because the AEC has got some proper procedures in place. I just have not heard it yet.

**Mr Becker**—Mr Forrest, what about the vigilance of our staff that picked it up? These people living in the divisions know what is going on in their divisions pretty well. Occasionally you are going to get a Curacao Fischer Catt or something like that. We are saying that nobody has given us any evidence of any wholesale rorting of the roll, and what fraudulent activity we have discovered and detected has not affected the outcome of any election certainly since 1984. That is really what we are saying. Okay, maybe Kehoe did make a silly mistake in lodging half a dozen together and so it was easy to see it. But do not rule out the vigilance of the staff. Our staff are pretty good and they pick up a lot of these sorts of things at the outset.

**Mr FORREST**—Can I put it to you, though, that, rather than it being described as ineptness, my impression is just the sheer arrogance of the persons in Queensland who had been doing this so often that they thought they could ring up and ask the Electoral Commission to post-date the bulk of applications that were made. My view is that they do it so regularly they think it is the common course. That is the impression I form in reading the evidence that has been put to us.

**Mr Becker**—It doesn't look good, does it? But the fact of the matter is that that does not happen very often. I am pretty sure it has only happened the once.

**Mr Longland**—I mean, Kehoe was an idiot. There is no doubt. You can call him inept; you can call him anything you like.

**Senator FERRIS**—He is also a criminal.

**Mr Longland**—Yes. Well, he has been convicted for that, too, although he got off too lightly. But he is an idiot. He sent his wife in to put stuff on the table, and blind Freddy would have picked it up. The point about the whole process of wholesale rorting of the rolls is that there is no basis for it, in any of the inquiries that have been done or in any of the systems that we use. When we did doorknocking—which some people now say was the saviour of the world—we were still picking up changes in a wholesale way. We have moved to a more modern and more targeted process, which still includes doorknocking. We did 130,000 in Queensland in May-June and we are doing 110,000 right now, across the state, as a part of the CRU process. We are not picking up the wholesale rorting that is being alleged around the place.

**Mr DANBY**—Is this what you call targeted fieldwork?

**Mr Longland**—The targeted fieldwork is a process where, if we actually identify that, for some reason, a house is vacant, a person has moved, there are too many people at the address, or whatever, we write to them and, if we do not get a satisfactory response, we go and visit them. We do not surround the house to make sure they do not slip out the laundry door, but we go and knock on the door and inquire about them. What we are doing is proving that 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. The sheer arrogance of the Fisher allegations go to the fact that these people are supposedly so clever, and they have identified all of these people who have moved but are still on the roll. Our figures show that a high proportion of people who move actually move intradivision—they have just moved down the street. They may have won the

lotto and have gone from a caravan to a big, flash house, but they have not gone far. Those people—because Australians are conditioned to vote—still cast that vote. In 1987 it would have shown up in enormous numbers of multiple votes, which we have demonstrated did not happen.

The chances of these carloads of zealots, who are rushing around and voting in other people's names, coming across a polling official who knew one of these people would have to be reasonably high. We had 40-odd polling places in Fisher. Walking into them and blatantly saying, 'I'm Mary Jones and I'm here to vote', hoping that nobody there knew Mary Jones, is a bit of a punt. We did not have any examples of that occurring at the Fisher election either.

Finally, to get numbers that might actually impact on a 700 margin would require a conspiracy of silence that I do not think most people are capable of. The conspiracy level of this has not been examined and ought to be, because these people would talk. They would boast about it. They would not wait for 13 years like the supposed insider and say, 'I feel hurt and aggrieved because poor Karen has been sacrificed to jail.' They would have done something about it; they would have skited to their mates or whatever. There is no evidence of this happening, and I think that the whole nature of saying that the rolls are absolutely out of whack, and should be abandoned and restarted, just defies logic.

**CHAIR**—Just to demonstrate my greater partiality as chairman: Mr Forrest, I have to cut you off, and, Senator Mason, I have to cut you off. We have to go to the Democrats, and we will come straight back to Mr Forrest and then to Senator Mason. Next time it is the government's questioning; otherwise I will be accused by the Labor Party of not being fair. The Democrats—Andrew Bartlett, do you have some questions?

**Senator BARTLETT**—Yes, thank you. In terms of some of the points that have been raised, I am particularly interested in those DROs or divisional clerks who work at the divisional office level. How important is that local knowledge of knowing people and having a bit of an idea about who is around the place and that sort of thing? Is it an important component, in addition to the continuous roll update and those sorts of things, of maximising the chances of picking up anything untoward?

**Mr Brown**—It can be important at some particular times knowing who it is within the community and what particular role they have to play, whether it be in government or whatever.

**Senator BARTLETT**—When these enrolment cards come in, are they examined firstly at the local office level?

**Mr Brown**—Yes, they are all examined. Every card that comes through is put through a process by the divisional staff.

**Senator BARTLETT**—Without wanting to get too much into what may be an internal argument in relation to the people involved, a couple of the submissions we have raise concerns about co-locating divisional offices or having them in the city rather than in the locality. Do you think it is a legitimate concern that, if they are centralised, that local knowledge aspect is going to be weakened?

**Mr Brown**—It is a matter of conjecture, I suppose. Some people might perceive it as being so—losing contact with local identity and whatever. I cannot really comment on that other than to say that we have been stable in our circumstance and we have not been required to make any co-locations, so I do not know how that would physically affect people in the long term.

**Senator BARTLETT**—For the day at the polling booth you have to find a vast army of casual workers to staff the booths. On the whole, do people staff a booth that is in their community or somewhere near where they live or do you deliberately put them away from those?

**Mr Brown**—Not necessarily; they could be anywhere and they could be from all over the division. We do not try to place people because of where they live necessarily into the nearest polling place.

**Senator BARTLETT**—You just put people where the gaps are?

**Ms Madden**—Yes, but in a town like Bundaberg, they are still going to be in Bundaberg; it is still a reasonably small community. We certainly do not move them outside their town. It may not be near their home or their community things, such as schools or clubs, but it is certainly still within the town itself. In towns like that, their knowledge is of the town, not of their little area or their suburb.

**Senator BARTLETT**—So, if someone came in to vote at a booth in Bundaberg, say, in 1984—this is to try to shift things away from Fisher to the Hinkler allegations—and they walked up to vote and said, ‘I am so-and-so’ and the staff person knew that they were not, what would happen?

**Ms Madden**—I could only presume that the person would question them. I think they would be foolish to go ahead and say that they were so-and-so if they knew the person who was actually issuing the vote. I would think that the person in charge of the booth would be called in and I would think that I would then be called in.

**Senator BARTLETT**—So you would normally expect it to be reported to the presiding officer and back to the returning officer?

**Ms Madden**—Absolutely.

**Senator BARTLETT**—Does that happen very often?

**Ms Madden**—I have never had it happen.

**Mr Brown**—The OICs are required to report at the conclusion of election day. In my experience I have received no report where any of those circumstances might have risen.

**Ms Madden**—These polling places can be 20 kilometres apart and there is still a large likelihood that they would know people from the different areas—from the beach or things like

that. The people would be well known. Again, it is a percentage thing but it would not be uncommon for them to know a lot of the people who come into the polling booths.

**Senator BARTLETT**—Were the allegations that were raised about Hinkler, of which I have seen only a newspaper report and a very brief grab on the *7.30 Report*, raised at the time? Was there any special investigation or anything like that?

**Ms Madden**—I had heard nothing until the last couple of weeks. Those two items that you referred to are the only things I have ever heard.

**Senator BARTLETT**—That was the first time you had ever heard of them?

**Ms Madden**—Yes.

**Senator BARTLETT**—I have a final question in terms of the issues of the Electoral Commission following up or identifying potentially dodgy or dubious activity and encouraging people who should be on the roll to be on it. Is there a belief that you could do with more powers, whether they are more investigative powers, rather than having to refer things to the AFP? I have noticed some frustration expressed that the AFP do not necessarily give a high enough priority to prosecuting some of these instances, compared to other things that they are doing. Would you like to have some of those powers to initiate action yourself, or wider investigative powers?

**Mr Becker**—Frankly, I do not know. The resources that the AEC has are just as limited in those sorts of things as the AFP's, I would venture to suggest, so we would need resourcing if we were to do that in the first place.

**Mr Cunliffe**—A better option might be to have tied funding specifically available to the AFP for electoral inquiry activities, perhaps on the basis that that was not able to be dissipated in other activities, given that they have the skills in investigation and training to do this sort of work.

**Senator BARTLETT**—Are there any legislative impediments at the moment to the AEC going further down the track of some of the things you talked about earlier, like crossmatching with car registrations or bank accounts or whatever?

**Mr Cunliffe**—To make it work we need enhanced legislative provision. There are a variety of potentially valuable data sources which we cannot guarantee access to; we are able to obtain them from time to time. There are also issues which would need to be resolved. Again, legislation would be one way, in conjunction with the Privacy Commissioner and steps of that nature. But, for instance, our power to obtain state records is limited and, increasingly, what was once upon a time a state public sector agency is not any longer. Gas or fuel or electricity will have been taken out of the public sector and will have been privatised in a range of states. So some of our powers would need to reflect today's trends, because many of those sources are the most useful. If we were to look at, for instance, point of entry checking, we would need to have that sort of material on a regular basis and a frequent basis, not just on a grace and favour basis, if I can put it in those terms. Similarly, something that we would wish to have seriously considered would be access to the tax records because the tax records again are a particularly



valuable source of data, used in conjunction with other records. In an ideal world, if you are trying to establish identity, multiplicity of data sources is the way to pursue it. So there would need to be legislation; it is not just a resource question.

**Senator MURRAY**—Mr Longland, it seems to me that the best evidence so far given against fraud is your statement that there is the fear of the possibility of discovery or of being caught out. But, even having said that, if I may summarise it, since 1997 the opportunities for creating fictitious addresses have pretty well disappeared. If the idea of grassy knolls, vacant lots and so on existed, that was in the past. However, given the evidence today, it is possible for fictitious names to be created and for people to vote against them. That has been identified and, frankly, a doorknock could never establish that because, if the person who answered the door said such a person existed but was not at home, you would accept that.

There is an area that we have not yet discussed, and that is the use of an actual name. As I understand AEC procedures, you now have checks on people who have died, through the deaths register. Perhaps you will answer on that, but that seems to be addressed. There is the question of non-citizens voting. You would not know whether there were large numbers of non-citizens on the roll, I assume, because if they had an actual address and an actual name they might well be on the tax system, if ever you accessed that. You would not know that they were not citizens. I presume that is possible. The second thing is the situation—

**Mr DANBY**—Do you want to get a comment on that?

**Senator MURRAY**—I just want to run through a list. The second area is people voting for others who may be away. I have been told that at any one time in summer 15 per cent of New Zealanders between 18 and 24 are overseas. Maybe it is like that for young Australians. Maybe people are voting for people when they are away. One of the allegations in a submission, I think from Dr McGrath, is that the relatives of many old people vote for them. With that range of comments, I would like to know how easy it is and how possible it is for people to vote for actual persons, but who should not be doing so.

**Mr Longland**—The simple answer is that it is quite easy. If your child is overseas on holidays and made no provision to vote—you can vote in 100 different places overseas in federal elections—and you felt moved to exercise their franchise for them, principally, I suspect, so that they would not get a non-voting fine, if you were prepared to front up to a polling place or perhaps even to apply for a postal vote in their name, you could do it. It would require a series of criminal acts—false declarations, false witnessing, issues like that—but yes, you could do it.

**Senator MURRAY**—The roll in front of the officer at the table in the polling booth does not have a date of birth recorded on it, does it?

**Mr Longland**—That is correct.

**Senator MURRAY**—So an old person could come in and vote for a young person and you would not know, would you?

**Mr Longland**—No.

**Mr Becker**—That would be a relatively simple thing to fix. In the United States they put the age next to the name.

**Senator MURRAY**—You now have gender.

**Mr Becker**—You have gender and you could have age. So if an 18-year-old is overseas and a parent comes in, if the roll stated that that person is 18 and the person in front of you obviously is not 18, then that is another check. Those sorts of things could be relatively easily done.

**Senator MURRAY**—It is now not possible for a young lady to come in and vote for an older man?

**Mr Cunliffe**—The lists at the polling places just have name and address.

**Mr Becker**—They do not have gender or age.

**Senator MURRAY**—So with a name for both sexes—say, Leslie—a young lady could come in and vote for an older man with the name of Leslie?

**Mr Longland**—Potentially, yes.

**CHAIR**—Now we have the option of—

**Mr Longland**—Does Senator Murray want to explore the issues of deaths and citizenship?

**Senator MURRAY**—Perhaps because, as you know, that was explored at some length in the 1998 inquiry because the member for Robertson raised it as an issue. My understanding is that your new systems mean that you are picking up registered deaths. The weakness in your system is the delay between the time it finally gets onto the register of deaths and reaches you—that is, several months or longer. But you do check deaths, as I understand it.

**Mr Longland**—We do daily checking of deaths in the newspapers right across the country. So far as we can make an accurate identification of the individual, we mark them up as having died. In terms of the registrar process, we have now accessed the national fact of death file, which is a compilation of all the registrars' activities and that is proving to be a far more valuable source. It certainly is an important one for the longer term. Of course, we have always had in the legislation the requirement for the registrars to provide us with detail. In Queensland, I get that monthly and it is generally quite up to date and is processed quite expeditiously. We do have a reasonable record of having detected that death from the newspapers anyway. So death is no longer an issue in terms of concerns about people voting in the names of dead people. We did have coincidentally at the 1987 election a quite extensive review of people who appeared to have died and may have voted. We picked up very few who did actually vote who were not explained. The majority of them were explained. We were a bit overzealous in taking people off the roll—they had not died. Coincidentally, in Fisher there were 42 cases of people who had died between the close of the rolls and polling day and none of those recorded a vote, which I thought was a useful statistic to point out to the Federal Police yesterday.

Citizenship has been a thorny question for a long time, and it has been before this committee and its predecessors on a number of occasions. The AEC has been accused of a number of heinous crimes in terms of cutting off access to the Department of Immigration and Multicultural Affairs through informal arrangements established by a number of divisional returning officers. It has been suggested that we did this with some neglect of the quality of the roll. Nothing could be further from the truth in that the research of the inquiries, the submissions that have been put to the inquiries over the years and the responses that the committees have made suggest that we were doing the right thing with citizenship inquiries. The problem still remains that a person can tick the 'Yes, I'm an Australian citizen' box in the same way as they can enrol their cat—if we want to use a contemporary example. They can do that. Whether they are a citizen or not is not open for us to be able to find out. But, with the sort of crosschecking that we are able to do now and hopefully that we will be able to do with more detail in the future, we have the ability to detect these sorts of things. We now have access to the citizenship database of the Department of Immigration and Multicultural Affairs, and we are doing checks right across the roll to try to assure ourselves that we do not have people on there who are not entitled to be.

**Senator MURRAY**—What are you discovering?

**Mr Longland**—I do not have the numbers on that because I am not privy to the exercise, other than the fact that I know it is going on.

**Senator MURRAY**—Through the chair, could we get some data on notice as to what you have discovered?

**Mr Longland**—It is in test now, and hopefully we will have some results in the not too distant future.

**CHAIR**—You might provide that to the committee as a supplementary submission of some kind. Now we have an option. We can either break for lunch or allow the opposition to ask half an hour of questions. The government has had its run and the Democrats have had a run. It would probably be an asymmetry unless the opposition had half an hour of questioning and then we broke for lunch for half an hour. I would prefer to do it that way. Otherwise, the opposition will not have had the opportunity to ask half an hour of questions before lunch. I propose that we continue for half an hour and then break for lunch for half an hour.

**Mr Longland**—Mr Chairman, could I just point out one fact. We did request of the secretary that the three divisional staff be able to depart at about 2.30 so that they could return to their homes in Townsville, Bundaberg and Caboolture this evening. If that were able to be factored into your program and your questioning, I would be very grateful.

**CHAIR**—I have a number of questions for the DROs which I have not had a chance to ask because of my even-handedness as chair, and Senator Mason has a number of questions. If we have half an hour from the opposition and then half an hour for lunch, perhaps we can move directly to questions to the DROs. Do they have to leave at 2.30 or is their plane at 2.30?

**Mr Longland**—Their plane is some time soon after 3, I think.

**CHAIR**—We will take that into account and perhaps ask the questions that we had intended to direct to them as soon as we come back from lunch, at least until 2.30, when they will have to go. If we do not finish asking the questions that we want to ask them, we can always call them back when we meet with the AEC again. Of course, Dr Muffet might be able to answer some questions too. He has had a quiet time on the interchange bench for a while, so we might give him a run. We will have 30 minutes from the Labor Party and then we will have some lunch for half an hour.

**Senator FAULKNER**—Mr Longland, could I briefly try to sum up the situation as I understand it with the evidence that you have given us in relation to the allegations that have been made about Fisher. I suppose that goes to the link—which I think you have been drawing out, and I was certainly interested in exploring this in my earlier question—between electoral fraud, the nature of which has been outlined in that article, and multiple voting. As I understand it, in 1987 the number of apparent multiple voter cases investigated was 200.

**Mr Longland**—That is correct.

**Senator FAULKNER**—So the number of multiple voter cases that were non-voter matched or—if we use Mr Cunliffe’s term and my earlier term—were ‘clerical errors’ was 188. In other words, of that 200, the number marked up wrongly was 188.

**Mr Longland**—That is right.

**Senator FAULKNER**—Evidence was inconclusive in another 11 cases—

**Mr Longland**—Yes.

**Senator FAULKNER**—And one case was referred to the AFP—

**Mr Longland**—Yes, and resolved.

**Senator FAULKNER**—And resolved, yes. So that gives you 188, plus 11, plus one, which happens, fortunately, to equal 200. Is it fair to say then that, as far as the AEC is concerned, of the 200 apparent multiple voter cases, 12 were real multiple voter cases—that is my terminology; you might like to use other terminology?

**Mr Longland**—In the absence of any other evidence, we would have to say, yes, they were 12 real cases.

**Senator FAULKNER**—This then you have to interface with the nature of the allegations in the electorate of Fisher, which I summarised as a doorknock which identified non-resident enrollees, a list was made of them and it was alleged that rorters were then voting in different booths using that list.

**Mr Longland**—Yes.

**Senator FAULKNER**—Is it fair to say that such a scam could only work on the assumption that the real enrollees do not vote? Is that a fair conclusion?

**Mr Longland**—Precisely.

**Senator FAULKNER**—I think that is a conclusion you are drawing. I am interested to know whether there are any real statistics—I do not think there are any, because I have informally asked this question and they would be a bit hard to get—about such individuals. We know a number of people in every electorate in Australia would fall into that category because, as you say, the rolls are living and breathing documents in a sense and are always changing because of their nature. I do not think there are any, but just to be clear for the purposes of the record, are there any statistics for that category of individuals, non-resident enrollees, voter turnout or voter patterns? That would be hard to find anywhere, I imagine.

**Mr Longland**—I do not think there are any reliable pointers to the scale of that sort of situation.

**Senator FAULKNER**—But we do know in relation to Fisher or any other electorate that it is possible to be a non-resident enrollee because you have moved but still have your new residence within the same division and be able to go to the polling booth—they do not have to vote absentee or anything else—and just cast an ordinary vote. It is a possibility that they hop into their car and go back to where they used to live and cast a vote. It is a possibility that they might vote absentee, use a postal vote or use a prepoll vote. All those are possibilities.

**Mr Longland**—Yes.

**Senator FAULKNER**—And we do know that the declaration votes—and let us categorise it: absentees, postals and prepolls, who might be ordinary voters with an ordinary vote cast—are included in the 200.

**Mr Longland**—Yes, they are.

**Senator FAULKNER**—Mr Somlyay's questioning was very helpful I think to ascertain that. So we do know that is the case, although at the moment you have indicated that you cannot disaggregate that. But it is included in the 200. I note that appendix A—the multiple voting manual for the identification and investigation of cases—to one of the previous AEC submissions to this committee in 1987 goes to some of the process that Mr Shields talked about a little earlier on in his evidence.

**Mr Longland**—And is outlined in some detail in that electoral backgrounder that is being circulated.

**Senator FAULKNER**—That is helpful. I do not know if we have received that yet. It is certainly also in that appendix and that was useful background. We know what the voter turnout was in the seat of Fisher in 1987. I think from memory the figure Mr Becker gave us was 93.5. We also know that Fisher had a significantly high enrolment; it was in the top 10 electorates in terms of size in 1987. On my quick count I had placed it at number nine, but it was certainly in

the top 10. So you would expect it to be on the high end of multiple voting statistics and a whole range of other statistics. Would that be fair?

**Mr Longland**—Possibly so.

**Senator FAULKNER**—The real point of this is that, at the end of the day, if you had a scam going on, the expectation would be that you would have a very measurable, a quantifiable, if not a massive, increase in unexplained or unexplainable multiple voting. That is the assumption I draw. I want you to tell me that assumption is wrong.

**Mr Longland**—I agree with you. Australians are conditioned to vote. Whether these non-enrolled people—or nonresident enrollees is I think the term you have coined—are actually living in the place they are supposed to, they would still most likely have voted.

**Senator FAULKNER**—Yes, because if the voters had gone in and voted, the real enrollees would still go and vote, whether it be absent, hopping in your car and going to another polling booth, postal or whatever. It was a pretty fair turnout in Fisher; it was about what you would expect. Mr Becker has drawn some comparisons with other electoral events, which have been useful, but when all this starts to be put in place, it does raise a pattern. Were any of these issues passed on to the AFP in that briefing you had?

**Mr Longland**—In terms of my interaction with the AFP, I have provided them with access to all of the files, after I had dusted them off and retrieved them from the archives, but their investigation is their own business. I have been put on notice that I will be formally interviewed by the police some time in the near future, but as to the conduct of their investigation, I have no knowledge of how they are going about it.

**Mr LAURIE FERGUSON**—I have two questions on Fisher. On the one hand, as Mr Somlyay and Senator Faulkner have pointed out, the actual number of double voting was minimal—a majority of 703 for the successful candidate. If we move from the allegation of the use of electoral enrolment for internal party purposes to the broad insinuation of election day corruption, has the AEC got information on the level to which the turnover of enrollees is actually within the same electorate, and it might be too difficult for Fisher at the time? Obviously, there is not only the matter of people bothering to drive to their former place and vote because they think they might get a penalty or whatever. Have we got figures on the degree to which people re-enrol internally within the electorate?

**Mr Longland**—I just have with me an extract from the AEC annual report that was tabled recently. It states that, in the year ending 30 June 2000, there were 660,506 intrastate transfers of enrolments, 153,060 interstate transfers and 961,538 intradivision transfers—that is, within that same division—which is by far the bulk of transfers.

**Mr LAURIE FERGUSON**—So if someone is going to indulge in massive voting on behalf of other people, they realistically have a great danger that the person they purport to vote for is going to still be within that electorate—

**Mr Longland**—Absolutely.

**Mr LAURIE FERGUSON**—and have enrolled in another address in that electorate?

**Mr Longland**—Well, not enrolled, because obviously that is the problem. They have not re-enrolled; they have just moved, and that is how allegedly these people determine that they should pick on them to vote for. They have moved but not yet re-enrolled.

**Mr LAURIE FERGUSON**—I did not pick that point up earlier. I thought they just went to an address and found that there was not a person enrolled at that address.

**Mr Longland**—I think the substance of the allegation is that they went to the address and on the habitation list they had developed they had determined that a person was enrolled there but on inquiry found that the person no longer lived there, so they ticked that name as one that they could use. That person, as I said, may well have moved within the same division—statistically they are more likely to have moved within the same division—but not yet re-enrolled. So they were on the roll for the old address, and that was the modus operandi that is being alleged.

**Senator FAULKNER**—Yes, within the same division.

**Mr Longland**—More likely than not.

**Mr LAURIE FERGUSON**—Was Mr Slipper a candidate in 1987?

**Mr Longland**—I believe he was.

**Mr LAURIE FERGUSON**—He was a candidate for the seat. We have had allegations by a journalist in the *Courier-Mail* about an unidentified person at a National Party meeting, an unidentified ALP insider and Mr Colin Smith. It appears that Mr Slipper at the time made no formal complaints and did not go to disputed returns, et cetera. Were there any claims or any approaches by him at the time about the 1987 Fisher election?

**Mr Longland**—I was not in the AEC in those days, so my answer is based on a review of the files that I extracted in preparation for talking to the AFP. No, there were no such claims on file. Perhaps Mr Shields or Dr Muffet, who were actively involved, may be able to help you with that.

**Dr Muffet**—I do not recall anything at all.

**Mr Shields**—I have no knowledge of any claims along those lines, no.

**Senator FAULKNER**—Very briefly before I hand over to Mr Danby, are you still pressing with us, Mr Becker, your suggestion in paragraph 14 of your opening statement in relation to the committee summoning Mr Griffith to appear before the committee and perhaps questioning him about the veracity of the claims made in the newspaper? Are you still pressing that in the circumstances?

**Mr Becker**—It is up to you. It is the committee's decision, Mr Chair. We are making a recommendation based on, if the AFP is unable to find anyone there, then that is a suggestion

we strongly urge the committee to consider. If you consider it, that is fine. If you do not want to consider it, that is also fine. But we have made that suggestion and, if it is within power of the committee, if we do not get any sense out of the AFP investigation, the committee might look at that possibility.

**Senator FAULKNER**—That is another qualification that does not appear in your opening statement—if you do not get any sense out of the AFP investigation. My point does not go to the rights and wrongs of Mr Griffith being summoned. I have not got to that point and I would have strong views on that anyway. But that is another issue. My point goes to the fact that the AFP is currently involved in this matter; it is an operational matter of the Australian Federal Police. I am interested that the Australian Electoral Commission thinks it is appropriate that Mr Griffith be called. That you think it is appropriate that he be called is one issue. Whether he be called before that AFP inquiry has concluded is very much another issue. Anyway, you do not have anything to add on that.

**Mr Becker**—Not really, no.

**Senator FAULKNER**—I noted, Mr Longland, that you described Mr Kehoe as an idiot. I thought that was pretty fair. But I would probably make the point that, more importantly, one of the issues for us, whether he is an idiot or not, is that he is a shonk and a rorter. That is the real point as far as I am concerned. I want to touch on the question raised by the chairman which I said I would come back to—talking about fictitious enrolments in Queensland. I want to get this clarified. The problem with Kehoe, Foster and Ehrmann, as I understood it, but I might be wrong here and I do want it clear for the record, is not a question of fictitious persons; it is a question of fraudulent enrolment. The people are real in a sense. The individuals being enrolled are real people—hardly surprising because it is probably being done for the purposes of internal Labor Party preselection ballots. I am trying to be frank about this. As I understand it, but you can correct me if I am wrong, the people are real, not fictitious. The enrolment is fraudulent and the enrolment may be fictitious, but that is a different issue. Is that a reasonable distinction for me at the table to draw in relation to this?

**Mr Longland**—They are the facts based on the investigation undertaken by the AFP. These people were on the roll before. They were attacked by Kehoe, Foster and Ehrmann in terms of moving them without their knowledge. They were all, as far as we are aware, interviewed by the police in the process of their investigation which led to the prosecution. The vast majority of them remain on the roll but in a corrected state for their new, real addresses. A couple have dropped off the roll and we do not know where they are.

**Senator FAULKNER**—I do not want my intervention on that to be misunderstood. I am not going to defend any of the individuals concerned now or at any other time. I just think we need to be absolutely clear about what we are talking about. We are talking about fraudulent enrolments, and the motivation for that is something that I suspect was well canvassed earlier in the day.

**Mr Cunliffe**—Attachments 4, 5 and 6 successively deal with each of them.

**Senator FAULKNER**—They detail the nature and I think it is also fair to say, Mr Cunliffe—I was not going to raise that issue, but you have raised it—that it really deals with the question

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of the interface between these fraudulent enrolments, the activity that these three shonks or rorters have been engaged in and the impact that that might have on a number of electoral events.

**Mr Cunliffe**—Yes, Senator.

**Mr DANBY**—That is precisely the point I wanted to go to, Mr Longland. Just to take further Senator Faulkner's point, those people were not fictitious people; they were actual people who were moved around within the federal seat of Herbert for the purposes of state preselections. Is that correct?

**Mr Longland**—Herbert and other places. Some of them were outside of Herbert but the activity that was under way at the time these offences occurred related to state preselections.

**Mr DANBY**—I am not sure whether you or Dr Muffet were Queensland electoral officers at the time, but in the introduction to the AEC's very comprehensive report there is a conclusion in point 1.5 where you say:

... there is no evidence available to the AEC that ALP branch-stacking activities in Queensland, for the purposes of preselection ballots relating to local and State Government elections over the period 1993-1997, have contaminated the Electoral Roll irreparably, or affected the result of any federal election.

On the basis of your judgment of those activities, you can both say to us that, in your expert opinion, these did not affect the federal election result in Herbert.

**Mr Longland**—That is correct.

**Dr Muffet**—I was not there in 1993 to 1997.

**Mr DANBY**—Mr Becker, the chairman also went on about—I am going to come to the security checks on officers in a second—the terribly sensitive material that your people deal with. One of the things I have noted in the report that you focus on, quite rightly, is the importance of the transparency of the roll and of the Electoral Commission's activities so that voters can understand where they are, all kinds of people can make judgments about the integrity of the roll, et cetera. If this material was considered so sensitive that it could not be shared with the public as it is now, wouldn't there be a danger that the transparency of the Australian electoral roll would be affected if Electoral Commission officers were not able to deal with the sensitive matters that the chairman was talking about?

**Mr Becker**—The sensitive matters that are dealt with by AEC staff, in 99 per cent of cases, are happening in the divisional area where they are maintaining the roll. The sensitivity of that information is going to vary from electorate to electorate, of course. I do not really care who knows what day or year I was born or what my occupation may be, were I a Queenslanders. Some people do. Some people are sensitive to that being public information. Consequently, the only people who have access to that are the people who need to have access to it.

As far as the transparency is concerned, we do have the ability under the Commonwealth Electoral Act to challenge the enrolment of any elector. That is very rarely done on an

individual basis. In many cases, of course, the enrolment of electors is most likely to be challenged by the divisional staff; hence this huge objection process we have.

**Mr DANBY**—I understand that you have a process where individual citizens can challenge people on the electoral roll. If this material was so sensitive that it was never available to the public, they would never be able to do that.

**Mr Becker**—Regrettably, in that sense, it is true. They have to have a very good suspicion that this person is wrongly or fraudulently enrolled before they can actually come to us to ask us to investigate the case. It may be good enough to know the name and address—that may be all you need to know. Therefore, the transparency is not affected. You do not need to know the date of birth to know that that person does not live there. You may know that they are not 18 years of age or that they are not an Australian citizen and you see them on the roll and you say, ‘That person does not seem to be eligible.’ Then you can come to the AEC and we—

**Mr Cunliffe**—There are distinctions, of course, between the publicly available information, which is accessible and which the act requires to be accessible at divisional offices in some form, and the range of data which is gathered for a variety of purposes and is very much more extensive.

**Mr DANBY**—Mr Cunliffe, that takes me on to the next question to you and Mr Dacey. I am not sure whether it was a suggestion, a proposal or an implication by the Chair that it would be appropriate for full-time staff of the AEC to have had security checks done before they could be employed. Could you explain what the process is now? So you have a written agreement which all of your staff sign and, if they breach that agreement, they face a fine of \$1,000 and/or some other penalty. Is that correct?

**Mr Dacey**—Six months imprisonment.

**Mr DANBY**—I would think that is a fairly serious document to sign.

**Mr Dacey**—We need to confirm this further with our corporate area, but our understanding as of this morning is that all our permanent staff undergo police security checks, as do other public servants. Our staff are employed under the Public Service Act. As I suggested this morning, this may be no less than staff of agencies such as Centrelink and the ATO, but we would need to confirm that with those agencies. Our staff undergo normal APS security checks before they are employed.

**Mr DANBY**—Can you confirm that no AEC staff have ever been subject to this \$1,000 fine or the six months?

**Mr Dacey**—Certainly in my 16 years in the AEC it has not been heard of.

**Mr DANBY**—So there have been no allegations against AEC staff—

**Mr Dacey**—No allegations internally or externally.

**Mr DANBY**—of any substance in a long period of time?

**Mr Dacey**—That is correct.

**Mr DANBY**—Just as I thought. Mr Becker mentioned in his opening statement that there is a list of 71 cases of electoral fraud all around Australia. Is that 71 cases of documented electoral fraud over a 10-year period all over Australia? How many elections would that cover?

**Mr Becker**—It covers four federal elections and a referendum.

**Mr DANBY**—So the entire population of Australia voting four times, and we have had 71 cases of documented electoral fraud?

**Mr Becker**—Six times actually—four elections, a referendum and a constitutional convention.

**Mr DANBY**—So you would have pursued these electoral fraud allegations at the referendums as well?

**Mr Becker**—Absolutely.

**CHAIR**—What is AEC definition of ‘fraud’ in these 71 cases; is this fraud that has been found to be fraud by the DPP or the AFP, or is it every occasion that someone has raised a question of enrolment fraud that has been dealt with but maybe not referred to the AFP or the DPP? What is the definition of these 71 frauds?

**Mr Dacey**—Offences under the Commonwealth Electoral Act that have been referred for further investigation.

**CHAIR**—And have been found to be substantiated at the investigations and people have been prosecuted or fined?

**Mr Dacey**—Either prosecution or insufficient evidence or whatever the result may be.

**Mr Cunliffe**—Attachment 20 identifies in summary form the result in each instance.

**CHAIR**—So it does not actually deal with every person who has rung up and said, ‘I think there is a fraud going on in Spring Street, Springvale; you should check it out’? These are people whom you have actually pursued?

**Mr Dacey**—There needs to be sufficient evidence of that fraud before a referral would be successful.

**Mr DANBY**—My last question goes to the end of chapter 2 of your report. It deals with what all of the officers here have mentioned this morning: the continuous roll update and the AEC’s roll management system. How long have these been in use by the AEC to overcome these

problems of fraud as well as updating the roll and making sure that we have people at the right addresses at election time? How long have they been in practice?

**Mr Becker**—In certain areas for quite a long while. For example, for residential tenancies, when people move, they lodge a bond and redeem a bond, and we have used those movements to get new claim forms and update our roll. That is one side of it. In Victoria, the Victorian Electoral Commission has been using motor vehicle data matching for five years.

**Mr DANBY**—The motor vehicle database is one of the databases you have used?

**Mr Becker**—That is one.

**Mr Dacey**—The implementation as a national program commenced in 1997. As came out this morning, we are still looking at developing further that process. But we have had what we call full-blown national implementation since 1997.

**Mr DANBY**—These are attempts by the Electoral Commission to prevent amongst other things voter fraud?

**Mr Becker**—Yes. Primarily to try and have a more up-to-date roll at any one time, rather than just taking a ‘snapshot’ which actually takes three months to develop, and of course within that three months you have significant movement anyway.

**Mr DANBY**—Can you explain the roll management system to me a bit more. How is that different from the CRU?

**Mr Becker**—The roll management system is the actual database and all the programs that hang from it—RMANS. We are able to mine our own data to do the sorts of checks we used to find by accident, like the PO box that has been duplicated on half a dozen enrolments, or whatever. That could be done through mining our own data.

**Mr Longland**—The roll management system is an iterative development that has been going on for many years, but in terms of enrolment fraud activity it is the ‘front end’ of the card. Once you get that card, and the quite significant manual checking is done on it for completeness and the like, it is entered into that database through a series of quite complete edits. The names are checked, for example. We go through to make sure that we can try to match names so that we do not have people on there twice because they are not off by transfer. We do the work with the address that I was referring to earlier, to make sure that it is a valid and active address. We look at age edits. If the person is under 17 or over 100 or has no complete date of birth, the bells ring so we can check that. We look into issues like deaths. All the deaths are recorded in our deleted and archived files. If a person tries to enrol for a dead person, the bell rings. All of those types of issues are process steps but they are also audit checks, so that by the time that card is processed we can be reasonably sure that what we know about that person resulting from their declaration on the enrolment form has been properly dealt with and added to the list.

**Mr DANBY**—In addition to that, you are doing targeted doorknocking in different states—I think you said 130,000 a few months ago in Queensland and another 110,000 at the moment. Why do you decide to do a block of 110,000 or 130,000?

**Mr Longland**—Because the CRU process starts with us identifying the fact that somebody appears to have moved to a new address, or a habitable address that is on our address register is vacant. So we are going through on a constant basis with a scheduled series of mailouts to those individuals or to the householder at that address, seeking enrolment. If we do not get responses from those householders in a reasonable period of time, and that is dictated rather more by the availability of resources than any other benchmark, we list them for a visit. So the 110,000 we are doing in Queensland now is just a net list. We did not get responses that satisfied us in a reasonable time, and we are going out to visit them.

**Mr DANBY**—I would like to address my last question in my series on this particular point to the three DROs. How do you see the balance of this CRU roll management and selective doorknocking as against the 71 electoral frauds over the decade? Do you think the Electoral Commission, in your experience, is handling electoral fraud in your seats with the systems that you have got? I suppose I am also asking you a policy question, which is probably better answered by Mr Becker, and that is about the balance between what you have got at the moment and the problems of voters who shift around a lot: Aboriginal voters, young people, et cetera. What if you were to go to a higher standard of witnessing and otherwise tighten the roll as some people on this committee would recommend? May I have your feelings, the three of you, about those kinds of issues?

**Mr Brown**—Our experience so far with the CRU has been that there were some reservations, from a staff angle, when it first came in. In my case, I have two very experienced staff with 20 years enrolment experience apiece. They are very pleased with what has happened to date and the ability that we have got now, with the refining that is going on, to reach a higher standard in the accuracy of the roll.

**Mr DANBY**—And in Fisher?

**Mr Shields**—I agree with Steve, in that things are much more up to date now than they ever were. When I started in 1984, there were people who were not quite as happy with the rolls. It was not as up to date. But as we have progressed, my feeling is that it is getting more accurate the whole time.

**Mr DANBY**—And in Hinkler?

**Ms Madden**—Yes, I agree. In the early days in the country, more often than not we did not reach the new people in the country, because we did things by mail. Now we are using the other databases, like Centrelink and Transport. The information is much more current and complete than it had been.

**Mr DANBY**—So you were able to put people at the right address before they inform you that they have shifted—

**Ms Madden**—At times that is exactly what happens, yes.

**Mr DANBY**—Very good.

**Mr Becker**—I would like to table something, which would be almost like a Rolls Royce continuous roll update program which would increase human resources and technical resources. If we were to go significantly beyond what we are doing at the moment, we would have to get legislative change, we would have to have proper data matching, et cetera. I have some costings here. You may have seen in the paper that the electoral commissioner in Queensland, Mr Des O’Shea, is likely to get \$7 million to put towards building a system to try to overcome the difficulties that the Beattie government is expecting. We would be looking at something in the order of \$25 million. But I think that might be something that—

**Mr DANBY**—\$25 million federally if you were to do the same thing. In addition to—

**Mr Becker**—And then per annum, ongoing. I will table that.

**CHAIR**—We accept the document tabled; it will be exhibit No. 2.

**Proceedings suspended from 1.15 p.m. to 1.44 p.m.**

**CHAIR**—The committee will now reconvene. Senator Mason has indicated to me that he would like to ask some questions about the seat of Fisher.

**Senator MASON**—I have questions about the seat of Fisher and more generally about potential electoral fraud. I think it was Mr Longland who answered some questions from Senator Faulkner about multiple voting. I will move off multiple voting in a moment but, as I understand it, the assumption in relation to Fisher is that the nonresident enrollees, to use Senator Faulkner’s words, would be recorded as a multiple voters only if the non-resident enrollees, (1), voted and, (2), voted in Fisher. Is that right?

**Mr Longland**—The first part is right—if they voted. But the second part is that they could not vote anywhere else because that is where they were on the roll. They could vote anywhere in the world but only for Fisher.

**Senator MASON**—But the assumption is that they did vote. How about if they had moved from Fisher elsewhere? They would be recorded, wouldn’t they?

**Mr Longland**—If they submitted an enrolment card, yes.

**Senator MASON**—The assumption you are making for a multiple voter is that they have voted.

**Mr Longland**—Yes.

**Senator MASON**—Has the AEC ever caught any multiple voters in the past?

**Mr Longland**—Yes.

**Senator MASON**—If I were to take the Fisher example and I am doorknocking and getting people’s names and so forth, if I voted on behalf of Joe Bloggs, who was not at a particular address at a certain time, how would I get caught?

**Mr Longland**—If you were careful enough, you would probably not get caught. From our point of view, we would detect it as a multiple vote if Bloggs subsequently voted.

**Senator MASON**—Always assuming they voted.

**Mr Longland**—And we would have no recourse but to question Bloggs and say, ‘You appear to have voted more than once; what’s your excuse?’ Presumably he would say, ‘Please, Your Honour, it’s not me.’ That is, as in the Fisher case in 1987, probably the sort of thing under which the 11 unresolved cases fell. If you cannot do anything about it that is fine; you cannot do anything about it. But the commission has the right to petition the Court of Disputed Returns if it thinks there was a sufficient quantity of such votes to affect the result.

**Senator MASON**—Before I move on, just to summarise it in one: with respect to Fisher the assumption always is that those people who were not there on the day, firstly, voted and, secondly, even if they did, in terms of actually catching anyone it would be extremely difficult, wouldn’t it?

**Mr Longland**—Yes. But you also have to assume that the allegations being made by this person were actually true and that it did happen.

**Senator MASON**—Let us get to that, because that really is your bottom line of defence, I suppose: where is the evidence; we are not sure? It seems to me that the two best methods you can use to rot the system, and there have been many suggestions here this morning, is the one that was brought up by Senator Ferris originally—that is, fictitious people, in effect, at a real address. The other one, which stems from the Queensland example, the Ehrmann examples, where you have real people but they are deliberately enrolled at a wrong address.

**Mr Longland**—By a third party.

**Senator MASON**—That is right; those two options. Do you have any idea by how many votes the seat of Herbert was won by the Liberal Party in 1998?

**Mr Brown**—At the end, after the distribution of preferences, I think it was by a total of around 130-odd votes. It was the second closest in Australia.

**Senator MASON**—You have just given evidence on both of those formats—of fictitious people voting at a real address or of real people voting at a wrong address. Can you be certain that that did not occur? Before you answer, I should just make an admission: I used to be a teacher of criminology, and the police would always say in relation to any offence, Mr Longland: ‘There is no evidence of it.’ Yet there was what criminologists call a very large dark figure, which you may know is the difference between those offences, in a sense, recorded and those charged. It is a huge difference. With murder there is not much difference obviously—you usually find a body or somebody goes missing. Ten or 20 years ago people used to say there was no evidence of paedophilia or domestic violence. Yet today in criminology two huge areas of study are domestic violence and paedophilia. So it does not work with me to say that there is no evidence. We know the means and there is a motive: a very marginal seat—140-odd votes. So how can you say that there is no evidence and that is sufficient?

**Mr Longland**—I have made it very clear here today that these things can be done. It is a matter of them being done on a scale that would affect the result.

**Senator MASON**—Herbert is 100—

**Mr Longland**—Did you predict that Herbert would be 130-odd votes at the last election?

**Senator MASON**—There are five or six seats in Queensland which are held by the coalition by under one per cent. I can predict that, in the next federal election, all of those seats will be marginal.

**Mr Longland**—That is based on 1998 figures.

**Senator MASON**—Sure.

**Mr Longland**—I wonder how accurate that prediction will be. It may vary.

**Senator MASON**—If you target those two methods—particularly fictitious people in real addresses—I bet that you will be able to pick most of the seats that will be under one per cent after the next election.

**Mr Longland**—I bow to your knowledge on that. My reading of the history is that that is not generally the case; that it is based on a lot of things, including issues, the quality of the candidates, the performance of the sitting members—issues like that that tend to be a dynamic rather than a set situation.

**Senator MASON**—So do you think that, after the next election, Petrie, Herbert or Robertson in New South Wales will become safe seats?

**Mr Longland**—It is not my business to predict the outcomes—we never do.

**Senator MASON**—You just made a prediction.

**Mr Longland**—No.

**Senator MASON**—You just said—

**Mr Longland**—We count votes.

**Senator MASON**—If you cannot make a prediction, how do you know that that is not going to occur?

**Mr Longland**—I do not even want to venture an opinion—

**Senator MASON**—You don't?

**Mr Longland**—It is your opinion.



**Senator MASON**—I have spelt out the fact that you have the means. You suggested before, and no-one has disagreed with us, that fictitious people at real addresses is a real means of defrauding. To suggest that there is not a motive is ridiculous—the motive is federal government. You used the word ‘arrogant’ before, Mr Longland. It is rather arrogant to say, ‘There’s no evidence—that is enough.’ They said that about domestic violence and paedophilia 20 years ago. It was not good enough then either.

**Mr Longland**—I think it is equally arrogant to suggest that every federal election conducted in the last 16 years or whatever has been less than an expression of the will of the voters.

**Senator MASON**—No-one is suggesting that. We are suggesting that if there is targeted interference it could make a difference—not that the whole system is a rort. We are suggesting that targeted interference can make a difference. You do not seem to think it can.

**Mr Longland**—That is correct; I stand by that.

**Senator MASON**—So you are saying that targeted interference cannot make a difference? Is that your claim?

**Mr Longland**—It cannot change the results of an election.

**Senator MASON**—That is your claim?

**Mr Longland**—Yes.

**Senator FAULKNER**—Are you badgering the witness?

**Senator MASON**—Senator Faulkner, it is a very fair question.

**Senator FAULKNER**—It may be a fair question, but you are not putting it in a fair way.

**Senator MASON**—Everyone has admitted that the system of targeting fictitious people at real addresses can work. No-one has said that that system does not work. It clearly does work, and it cannot even be detected. That is the evidence: it cannot be detected. To say that targeted interference cannot have a result does not add up.

**Mr Becker**—We are confident that we have not had a situation where fraud has affected the outcome of an election. I have given some costings on what it would cost us to really do the sort of examination you are suggesting we might do. It is going to cost us \$24 million a year. What we have at the moment is not a Volkswagen; it is probably a Statesman. It is not a Rolls Royce.

**Senator MASON**—I do not disagree with that.

**Mr Becker**—If that is what the committee wants, it really needs to recommend that we have those resources to put to this test. At the moment we do not have the resources. Hawker was 16 votes and we have had a couple of others within that sort of range. There was not even a suggestion in the case of Hawker 10 or 12 years ago that would even get to a Court of Disputed

Returns—not even a suggestion. Crumbs, when you are talking 60,000-odd votes and you only have 15 votes between them and you only need 7½ of them to turn the other way, you would have thought they would have gone to the Court of Disputed Returns, but they did not.

**CHAIR**—Maybe, Mr Becker, if the Ehrmann allegations or her jailing had happened before Hawker, that might well have happened.

**Mr Becker**—That is right.

**CHAIR**—But I think people were not aware that there was a problem, which I think is Senator Mason's point.

**Mr Becker**—You are right, but you are still using the word 'allegations'.

**CHAIR**—Can I turn to some questions about Fisher as well. Mr Colin Smith, who was the chairman of the National Party in Fisher for the 1987 election, made a submission to the joint standing committee inquiry following the 1987 election. In that submission he said:

On election day groups of people visited the booths and voted under different names. A person may be given 30 different booths and use a different name in each. Through this method there would be no record of duplicated voting and the electoral office would not be aware of any untoward actions.

As recently as a few weeks ago a so-called Labor Party insider made the claim in the *Courier-Mail* that, while making small talk with residents, particularly in caravan parks, the campaign worker intent on rorting would ask if the roll is accurate. Often, particularly in rental properties and caravan parks, tenants have moved elsewhere and they would underline the name of the person who was registered at a particular address but was no longer present. He also said:

You find that people have obviously moved somewhere to another area. Their names were underlined and on polling day these campaign workers who are in on the rort divide the names and give each of them a vote.

He also said that he cannot be certain Michael Lavarch would not have won unaided. He said:

We rorted it to ensure that he got up. Casting the rorted votes is easy: front up to a polling booth—in Fisher in 1987 there were more than 60—and vote in the name of the person being impersonated then move on to a neighbouring booth to impersonate someone else on the list ...

My point in setting out those two statements is that one was made in 1987 and one was made in 2000. One was made by a National Party figure and one was made by a Labor Party figure—he is probably not very welcome in the Labor Party these days, but nevertheless it was a Labor Party figure—with 13 years difference between those two allegations. Doesn't it seem unusual to you that such similar allegations would be made by two such dissimilar figures and there not be some ring of truth about it?

**Mr Becker**—As to the last bit, it seems strange that two such dissimilar people over such a long time would say such a thing. I just cannot take it that extra step.

**CHAIR**—I am not asking you to take it an extra step.

**Mr Becker**—There has been a lot of tit for tat going on about these allegations in Queensland. We really have to clear the air first. Let us forget about the history. We really have to focus on the future and I think that is really what we should be trying to do. If we are going to focus on the future, let us focus on how we are going to stop these things from occurring in the long run. Sure, POI will go some of the way and witness identity will go some of the way, but the real stuff is going to cost money.

**CHAIR**—It is all very well, Mr Becker, to focus on the future. You sound more like a politician when you say we should be focusing on the future—and we will be focusing on the future because we want to get a legislative outcome from this inquiry. The purpose of this inquiry is to go through some of the fraudulent activity that has gone on in the past and you could be mistaken for believing that, after hearing the AEC's testimony today, the suggestion is that really the Karen Ehrmann allegations are limited to 30 votes in Townsville and no further and that the Fisher allegations are all meaningless. My point is that it has a ring of truth to me as an ordinary person in the street. When a National Party figure says there is a system of rorting the ballot and a Labor Party figure says there is a system of rorting the ballot 13 years later and they are both very similar, it surprises me that the AEC, who I hope would have been trained to pick up rorting electoral rolls—that would be one of their prime jobs—would sit there like the three monkeys and hear no evil, see no evil and speak no evil and say, 'As long as it has been referred to the AFP—and there are 71 cases of that—then we really have no responsibility.' Doesn't that seem a bit unusual?

**Senator MASON**—The AEC have to say that the evidence is that they do not know it is being rorted. That is the evidence: that they do not know.

**Mr Becker**—It is true.

**Senator MASON**—That is the evidence.

**Mr LAURIE FERGUSON**—No, the real point is they are trying to destroy the system for partisan reasons.

**CHAIR**—Oh, don't be ridiculous. Would you like to answer my question, Mr Becker?

**Senator FAULKNER**—The real question is: when did you know about it? You knew about it when the *Courier-Mail* put an article in their newspaper; isn't that right?

**CHAIR**—My point is that the AEC should have known about it well beforehand. Would you like to return to the statement I put to you and comment on it?

**Mr Becker**—Okay. I take your point; that does look odd.

**CHAIR**—It does look odd.

**Mr Becker**—We have no way of detecting that. I do not know how you would have gone about detecting that then, but we do have the technology today to do that, and we just do not have the ability at the present time to do it.

**CHAIR**—Has the AEC questioned Karen Ehrmann about her allegations that she was only a very small cog in a much larger wheel and that she was being pressured by others to behave in the way that she has been?

**Mr Becker**—I would have thought that was sub judice.

**CHAIR**—It is not sub judice anymore; she is in jail.

**Mr Becker**—She is, but she has come back again.

**Mr Longland**—The reason we have not questioned her is because she is in jail. She was escorted by a prison officer to the CJC inquiry because they have powers that can compel an individual to give evidence. But we have no such powers.

**CHAIR**—Has the AEC visited David Watson to ask him about the allegations he has made about East Brisbane, Morningside and the Redlands elections?

**Mr Longland**—He has not made those allegations to us.

**CHAIR**—But they have been made in the newspapers. Wouldn't it be the AEC's job to say, 'Goodness gracious, someone is making allegations about electoral fraud. Perhaps we should go and speak to them about it'?

**Mr Longland**—The first allegation that he made, in recent times, related to an apparent multiple voter—somebody who, he claimed, voted 40 times in the seat of Forde when he was the member in 1984. They voted in the name of an individual who had been injured in a car crash the night before. But in 1984 in Forde, there were 23 recorded instances of multiple voting, none of which were more than two.

**CHAIR**—So the AEC has not been to see David Watson about his allegations and has not made any attempt to speak to Karen Ehrmann. Has the AEC spoken to Mark Dyer, the solicitor for Karen Ehrmann, about his statement that his client was only part of a very small, much wider conspiracy? I think I have a quote; let me see if I can find it to make it easier for you. Mark Dyer said, 'a general scheme that was followed in the Australian Labor Party in Queensland, which was practised across the state in a widespread manner', and he was referring to the clients.

**Mr DANBY**—Who is Mark Dyer?

**CHAIR**—He is the solicitor for Karen Ehrmann. Did you question Mark Dyer about his allegations?

**Mr Longland**—Those affidavits were referred by, I believe, the Attorney-General in Queensland to the state electoral commissioner, who considered them. His action was to refer that to the CJC, who appointed Phillip McMurdo to do his first overview of the issue, and it went straight to a full public inquiry, which is on now.

**Senator FAULKNER**—That is right. It is still going, isn't it?

**CHAIR**—Can I ask another question about Fisher. Graham Smith—Colin Graham Smith; he refers to himself as Graham—in his submission to the Joint Standing Committee on Electoral Matters in 1987, following that election, said that when he was the chairman of the campaign in 1987, he visited the polling booths in Fisher of Petrie, Langton and Bray Park to question volunteers of the Wildlife Preservation Society and the Wilderness Society about the makeup of their how to votes and how they were behaving. He asked the local returning officers in each one what they were going to do about the behaviour of these people. He also made the claim in his submission that the district returning officer for the Petrie polling booth, rather than ringing the district returning officer for Fisher at the time, or, in fact, Dr Muffet, the Queensland state commissioner, rang Peter Beattie, the Secretary of the ALP, to seek his advice on what action the local returning officer should take against the Wildlife Preservation Society and the Wilderness Society over their how to votes.

Could Mr Shields, for Fisher, shed some light on why the local returning officer would ring the Secretary of the ALP at the time—Peter Beattie, now the Premier—rather than the district returning officer for Fisher?

**Mr Shields**—I have no knowledge of any of those events, I am afraid; no knowledge whatsoever.

**CHAIR**—Would the local returning officer have referred the matter to the Queensland head office, Dr Muffet?

**Dr Muffet**—I am sure he would, but I have no recollection either.

**CHAIR**—So the fact that Peter Beattie was directly involved in advising local returning officers was never raised with the Queensland Electoral Commission?

**Mr LAURIE FERGUSON**—Someone said something, in fact.

**CHAIR**—The claim was made, in a submission to the standing committee. I am just wondering whether the DRO—

**Mr DANBY**—Why did they not make the complaints to them at the time, and you know about them now? It is very suspicious.

**CHAIR**—It was a Joint Standing Committee on Electoral Matters inquiry in 1987. It is not a private document. I am just wondering if the DROs would be aware of that, but obviously it was just swept under the carpet, was it, just ignored? What would be the normal process be for dealing with those sorts of complaints?

**Mr Shields**—If there is any complaint made at a polling booth, the polling place manager would ring the Divisional Returning Officer, who would then either issue an instruction or seek further advice from the state head office.

**CHAIR**—So the local returning officer, who has had no character or security checks, would be required to ring the district returning officer for Fisher—

**Mr Shields**—Divisional Returning Officer.

**CHAIR**—Who is not here today, and you are here in his place. Then the district returning officer would be expected to ring probably Dr Muffet to seek advice on how to deal with a request from, at that stage, the National Party. Would that be the process?

**Mr Shields**—That is correct.

**CHAIR**—Why would that process not have been followed, do you think?

**Mr Cunliffe**—I do not think that is a question that you can ask of somebody who was not a party to it.

**CHAIR**—Who am I supposed to ask? You are the Electoral Commission.

**Mr Cunliffe**—I was not part of the AEC in 1987. If this was a submission to the joint standing committee in 1987, I expect the matter was dealt with, that the AEC responded to it and that the joint standing committee's report would have taken it further if the issues were serious. I wonder if that is a matter that perhaps we might be able to explore.

**CHAIR**—If it was responded to in a satisfactory way.

**Mr Cunliffe**—I do not think we anticipated that this matter would be before us today.

**Senator FAULKNER**—What can you tell us about—to try to get some sanity into the hearing—item 12 of the opening statement about Mr Smith's application to the Court of Disputed Returns? That is what we do know, courtesy of Mr Becker. I think it was on the public record anyway. I certainly knew about it before Mr Becker's opening statement. You might remind us about that, Mr Becker.

**Mr Becker**—I do not have all the details of that. I am just wondering—

**Mr Longland**—It was a petition on a number of grounds to the Court of Disputed Returns that did not proceed. Presumably, the petitioner withdrew.

**Senator FAULKNER**—It was abandoned by the petitioner.

**CHAIR**—But there is no reason why we cannot revisit those allegations in the year 2000, given that we are revisiting a whole lot of matters which span the last 15 years. It does not preclude us from going back to it. The fact that the Joint Standing Committee on Electoral Matters dealt with it once before does not mean that they dealt with it satisfactorily.

**Mr LAURIE FERGUSON**—Was there a minority report?

**CHAIR**—When the complaint was made by Mr Smith, the returning officer directed—according to Mr Smith—the Wildlife Preservation Society and the Wilderness Society to hand out the ALP how to vote cards. Why would the local returning officer be directing, after a complaint from Mr Smith, the Wildlife Preservation Society people to hand out the ALP how to vote cards?

**Mr Cunliffe**—Again, in fairness to our staff member, you are asking the person who was not the Divisional Returning Officer to respond on behalf of somebody else. It is not a fair thing to do to our staff member. If you wish to pursue it with the individual who was the alleged person—

**Senator FAULKNER**—Frankly, a chairman of this committee should know better. You do not badger the witnesses like that. If you have a question to ask about Colin Smith, ask him—bring him before the committee.

**CHAIR**—What I am trying to find out is whether Dr Muffet, as the commissioner at the time, was alerted to this problem. Since it was in a submission to the Joint Standing Committee on Electoral Matters inquiry in 1987, it surprises me that somebody would not have said to Dr Muffet, ‘This allegation has been made; do you think you should be giving the local returning officer or the DRO for Fisher a call about this and seeing if there is any truth in it?’

**Senator FAULKNER**—On a point of order: it is not—

**CHAIR**—The fact that we appear here today 13 years later and everyone says, ‘I don’t know anything about it,’ is quite surprising to me. Perhaps it can be taken on notice.

**Senator FAULKNER**—I would counsel the Australian Electoral Commission not to answer such absurd hypothetical questions.

**CHAIR**—It is not an absurd question at all.

**Senator FAULKNER**—Let’s get Mr Smith before the committee and ask him.

**CHAIR**—The committee might well decide to do that.

**Mr LAURIE FERGUSON**—Bring him here.

**CHAIR**—Perhaps you can take those questions on notice, Mr Becker—

**Senator FAULKNER**—How can they take them on notice? They are not first parties to them. They are not second parties to them. They are not even third parties to them.

**CHAIR**—And see if you can get a more detailed response, given that the people are not here and are not able to answer.

**Senator FAULKNER**—How could they possibly take them on notice? They should not take them on notice. If I were the Australian Electoral Commission I would treat you with the contempt you deserve.

**CHAIR**—You are wasting our question time, Senator Faulkner, which means that we will simply have to keep meeting to get the answers.

**Senator FAULKNER**—I am making the point to you that it is not reasonable to ask the AEC hypothetical questions like that in a badgering way.

**CHAIR**—It is not a hypothetical question.

**Senator FAULKNER**—It is a hypothetical question.

**CHAIR**—It was a submission to the Joint Standing Committee on Electoral Matters in 1987.

**Mr LAURIE FERGUSON**—About which the coalition did not put in a minority report.

**CHAIR**—It is perfectly reasonable to ask the question today about what action was or was not taken. I must admit that I am flabbergasted that the AEC would have no answers.

**Senator FAULKNER**—Not 13 years later to people who were not first parties to this issue.

**CHAIR**—If you want to keep trying to talk over the chairman, that is fine—we will just keep meeting until we get the answers we want. I am not badgering anybody; the witnesses are quite relaxed about the whole matter.

**Mr LAURIE FERGUSON**—You're going to keep meeting until you get the answers you want?

**Mr DANBY**—Mr Chairman, I want to move a resolution as a result of what you said.

**CHAIR**—No, with respect to the witnesses, we will have a private meeting at a later date. This is a public hearing.

**Mr DANBY**—I give you notice that I will be moving that resolution at the private meeting.

**CHAIR**—That is terrific. We will deal with that at the private meeting when we have it. I have a couple of questions. I want to speak to the DROs for Herbert before they have to leave at 2.30 p.m. The Townsville AEC office detected the Andy Kehoe fraud in November 1996 and referred the matter to the AFP in January 1997. What investigations did the AEC conduct between November 1996 and January 1997?

**Mr Brown**—Our office responded to the AFP investigations along the way.

**CHAIR**—Between November 1996 and January 1997, what investigations did you conduct before you referred it to the AFP? You did not refer it until January 1997.



**Mr Brown**—Head office was made aware of it immediately—the day we detected it or the very next day—and it went from there.

**Mr Longland**—The divisional office does not refer those matters to the AFP; they go through my office. On 10 October, when the first batch of cards came to us, we received details of what was on the cards and we proposed actions that we might take to determine their correctness or otherwise. The cards were processed with the enrolled addresses and not the postal addresses that were given to us, because they seemed suspicious. That was in an attempt to generate any returned mail or any level of complaint from individuals who did live at those addresses. We did get one such response, and we wrote to Mr Kehoe about that on 6 November. That was the same day, coincidentally, that he wrote to us saying that he would like them backdated. They were processed on the 15th and he wanted them processed on the 14th because it was the cut-off day for the preselection. We had the evidence of those enrolment cards, and we looked for other evidence related to previous enrolments for those individuals. We had Mr Kehoe's letter to us and we were looking for and hoping for a response from Mr Kehoe, which was never forthcoming. With the intervention of Christmas, there was a delay and it was referred promptly to the AFP in early January.

**CHAIR**—How did the Karen Ehrmann fraud come to the attention of the AEC in Townsville?

**Mr Brown**—I believe that Mr Peter Lindsay, the sitting member, received some documentation that he referred to us. In that there were certain names of people who were alleged to have been moved about illegally. That in turn took over after the Kehoe case and was subsequently investigated as well.

**CHAIR**—And that came to your attention in April 1997. Is that right?

**Mr Brown**—Yes, it would have been that time.

**CHAIR**—And you referred that matter to the AFP in June 1997—two months later?

**Mr Brown**—It would have been around that time.

**CHAIR**—And you conducted similar investigations between April and June for those fraudulent activities?

**Mr Longland**—Yes. We were looking for all the cards for the electors involved, trying to determine for ourselves whether there was apparent wrongdoing by way of forgery and the like. We presented a bundle of evidence to the AFP to continue their work. I might add that it was not just the letter from Mr Lindsay that brought this matter to light. According to the AFP, in discussions we have had with them, when they commenced interviewing a lot of people around Townsville relating to the Kehoe case, they began to accumulate for themselves an array of other issues that they thought were related to electoral fraud. So the package, if you like, resulted in the eventual charging of Foster and Ehrmann.

**CHAIR**—Did you inform the Minister for Administrative Services at that time of both of those matters being referred to the AFP?

**Mr Longland**—Not personally.

**CHAIR**—Are you aware if the AEC officially, out of Canberra or out of Brisbane, referred those matters to the then Minister for Administrative Services?

**Mr Becker**—I am not.

**CHAIR**—What would the normal process have been in a case where quite obvious fraudulent activity had come to light?

**Mr Becker**—We now brief the minister.

**CHAIR**—You do now?

**Mr Becker**—Yes.

**CHAIR**—When did you start doing that?

**Mr Cunliffe**—I do not know that we have that practice as a matter of course.

**CHAIR**—You do not know if you have that practice?

**Mr Becker**—Or that we have done.

**CHAIR**—Do you think it is a relevant issue that perhaps should be referred to the minister so that they should be aware that there are AFP fraud investigations?

**Mr Cunliffe**—I think that, on the contrary, there would be times when it would be totally inappropriate to refer some potential investigations to the minister, given the context in which we operate. To change the field slightly, for instance, in relation to investigations to do with funding and disclosure, inevitably a person who is potentially being looked at if there is some anomaly is likely to be a political player, and there are issues of concern. I think it is one of the reasons why the Australian Electoral Commission is a commission and has a level of separation which sets it apart from a department of state.

**CHAIR**—I have two quick questions before we see if the Democrats would like to ask any questions. You have referred regularly to your 71 cases of fraud that have been referred to the AFP. Could the AEC come back, if you cannot answer this today, and let the committee know how many allegations of fraud have been made to the AEC over the same time period which have either not been investigated for whatever reason or been investigated at the AEC level and dealt with rather than being referred to the AFP. I mean people who ring up, write letters or come and visit and say, ‘Do you know such-and-such is happening?’ I would assume you would have file notes on those things and would be able to provide that sort of information.

**Mr Dacey**—There would probably be thousands, but a lot of them would be anecdotal, a lot of them would have no substance and be anonymous with all sorts of allegations about things happening.

**CHAIR**—Thousands of allegations of enrolment fraud?

**Mr Dacey**—Not necessarily fraud; thousands of allegations of something happening in the election, but many are anonymous and many are nonspecific. We ask for more information and more information is not forthcoming. We would not go to the DPP unless we had sufficient information for the DPP to act upon.

**Mr FORREST**—Perhaps a question on notice—I would be interested in knowing the fall of those 71 cases over a period of time; say, if it is over a decade. I have expectations that probably most of them have occurred in the last few years, rather than being evenly spread. Could we have that answered in relation to that question?

**Mr Cunliffe**—Attachment 20 does indicate the years.

**CHAIR**—Finally, the media have reported that the DRO for Herbert in 1984, Ray Muller, wrote to Joan Budd, who is one of the Deputy Premier of Queensland Jim Elder's senior office people, asking the ALP to tighten their rules in Herbert because of the concerns that Ray Muller had with respect to looseness of the arrangements. Can you comment on why Ray Muller would have felt the need to write to Joan Budd?

**Mr Cunliffe**—As I have read it, Ray Muller was a Labor Party member who was the returning officer for internal Labor Party plebiscites or elections.

**Mr LAURIE FERGUSON**—Have you got it right now, Chris?

**CHAIR**—So he is not in the AEC, sorry.

**Mr SOMLYAY**—I refer to the people who were subject to being moved around Herbert from one electorate to another. There were also people moved in from Brisbane into Herbert, for preselection purposes, by the ALP. Have all those people been identified and questioned by the commission, the CJC or the AFP?

**Mr Longland**—All of the people for whom Kehoe, Foster and Ehrmann were charged have been dealt with by the police and their enrolments corrected. It is reasonable to suggest that few, if any, of those people knew that they were being manipulated in this way. That was the nub of the case, as I understand it.

**Mr SOMLYAY**—Does that include the people from Brisbane?

**Mr Longland**—As to the people from Brisbane, there have been recent allegations that have arisen in the CJC and, until such time as that report is concluded, our approach has been to step back from it, principally because Mr Shepherdson has been reasonably liberal in offering immunity as well as in suppressing names and things like that. The total body of the report and the sorts of wrongdoings that may need further investigation will have to be looked at in the light of his report and in the light of the law relating to his offer of immunity.

**Senator MASON**—The exhibit, Mr Becker, that you handed out before about costings for upgrades to the enrolment process: you are in favour of upgrading the process?

**Mr Becker**—If the money were available, of course.

**Senator MASON**—And why is that?

**Mr Becker**—Because we would then be able to face a committee like this and say, quite categorically, ‘These allegations are a lot of nonsense,’ as distinct from something which is a bit less certain.

**Senator MASON**—If you had this funding, would you be able to detect the problem that I outlined to Mr Longland before about fictitious people at real addresses or, indeed, real people at the wrong address?

**Mr Dacey**—If, for instance, you look at point 3, checks on all witness details in relation to the Ehrmann case, what we could do if we had this computing power and these resources is, when enrolling a person, check the witness and check the witness was enrolled. You could also, if you had a system online of signature recognition, check the signature of the witness on their original application for enrolment against their signature on the new claim. However, that comes at a price; not only a price in terms of machinery but also a significant price in terms of the time it would take to process an enrolment. That would have significant implications for a close of rolls period when you are looking at processing 300,000 enrolments in a period of a week and doubling or tripling that time if you made those checks. We are not saying the checks cannot be done; we are saying the checks can be done, but with a significant price not only in terms of dollars for equipment but in terms of time as well.

**Senator MASON**—So it is a balance?

**Mr Dacey**—It is a balance: a balance as to whether, in a compulsory registration and voting system, we need to go to those extremes.

**Senator MASON**—But at least then you would probably have the evidence to be able to say that there has not been rotting of, for example—

**Mr Dacey**—You could eyeball Paul Dacey’s original signature when he registered. If he then witnesses someone else’s enrolment form 10 years later, you might be making a pretty good judgment—signatures mature and we are not handwriting experts, but you would have some indication—that that looks pretty good; that that signature is verifiable.

**Senator MASON**—So, Mr Becker, you would say that, if you were better resourced and had this, you would better be able to ensure the integrity of the electoral roll?

**Mr Becker**—Certainly. I might add that, with a continuous roll update process, we are still only very much in the early days. There are other things that we can do that will not require a significant sum of money.

**Senator MASON**—So we would not, in the future, if you had this, have to rely on people's gut assumption that probably there is no evidence and that probably there is not any fraud.

**Mr Cunliffe**—I do not think you could ever say there is no fraud, especially if you are talking about criminality. You would know better than me, but people who are, for example, expert forgers would have no difficulty attempting your autograph perhaps or mine. You cannot rule out those sorts of possibilities and say that 100 per cent are accurate unless we have retinal scanning or some such thing for both groups. I think probably that level of intrusiveness is a little bit—

**Senator MASON**—So what I take as the message is that this is a recognition of a problem: either (1) there is fraud—undetected fraud, perhaps—or (2) the public perception is that there is undetected fraud. It is either of those two things, and either way there is a problem.

**Mr DANBY**—He said that these were the Rolls Royce in extrapolation—

**CHAIR**—Senator Mason directed the question to the AEC. I am sure the Labor Party would like to answer, but let us let the AEC answer it.

**Mr DANBY**—I listened to his answer before.

**Mr Becker**—This is not a recognition that there necessarily is something wrong. We are saying that, if this committee believes there is something wrong—we do not necessarily have to believe there is something wrong, but if you do—we can give you a Rolls Royce job that will dot every jolly 'i' and cross every jolly 't', but it will not prevent organised fraud.

**Senator MASON**—Mr Becker, is what you are saying that you support the idea of tightening up enrolment procedures?

**Mr Becker**—Yes.

**Senator MASON**—And why do you support it?

**Mr Becker**—I can answer that very quickly. Why have we made a move from biannual habitation reviews to a continuous roll update? Because we want to tighten up the procedures.

**Senator MASON**—You want to tighten up the procedures—why?

**Mr Becker**—So that we are more confident we have a more up-to-date roll.

**Senator MASON**—That is right: because you want to deter fraud and detect fraud—correct?

**Mr Becker**—That is one of the issues.

**Senator MASON**—Thank you.

**Senator BARTLETT**—On that issue of adequate resourcing, both in terms of maximising the prospects of detecting fraud and the other aspect of the commissioner's role of getting everybody onto the roll who should be on it, what has been the budgetary resources supplied to the commission in recent years? Has your funding been going up?

**Mr Becker**—Funding has been fairly stable.

**Mr Dacey**—Funding has been stable except for CPI indexation since 1987.

**Senator BARTLETT**—So there has been no extra resources provided to assist in—

**Mr Becker**—We have had extra resources provided to the divisions to the extent that now we have three full-time equivalent personnel in each of the divisions.

**Mr Dacey**—But our general ongoing funding for support for roll management has basically remained static despite an increase in the number of electors.

**Senator BARTLETT**—So you have had to use the same amount of money to try and oversee an increasing number of electors. Was there also an increasing mobility amongst the Australian population? Is that still going up?

**Mr Becker**—There is all that, but you do have economies of scale.

**Mr Dacey**—We are also finding efficiencies, obviously, through computerisation and IT.

**Senator BARTLETT**—But in some sense you have had to choose a bit between putting extra resources into your continuous roll update versus doorknocking and those sorts of things? You have had programs cut as well, like the indigenous program that was aimed at increasing people's ability to get on the roll—is that right?

**Mr Becker**—The funding to that ATSI program was cut. We then had to institute other measures to accommodate that population prior to an election.

**Senator BARTLETT**—How much discretion do you have over your budget? Do you just get a specific chunk of money and you can slice it up however you like?

**Mr Becker**—That is it basically; but in the final analysis, as you probably know, that is one area that is of concern in the commission. That is one area that does not leave the commission as independent as perhaps it ought to be. For example, when we got the extra 75 full-time equivalent staff, the other half a person per division, we said, 'Okay, the government votes that we shall get'—I cannot remember the exact figure—'say, \$750,000, which will then fund those extra people.' We then get a call from the department of finance saying, 'We will give you \$500,000. Can you pick up the other \$250,000 yourself?' To me, that is an area where we can be, if you like, done in the eye. I think that is something that really needs to be considered in the long run with respect to the independence of the commission.

**Senator BARTLETT**—It is a bit hard to build your Rolls Royce if you do not get a choice over the parts to go into it.

**Mr Becker**—It is hard to ask us for a Rolls Royce job and get the vote for a Rolls Royce job and then we only get half of it.

**Senator MURRAY**—You cannot ask for a topnotch service if you do not pay for it! I have read two submissions so far from DROs, and there might be others have come in that I am not aware of. That leads me to this question: does the AEC have a standardised or a regular survey of all its DROs and their views on, say, the potential for electoral fraud and the ways in which things should be improved? In other words, how do you arrive at your recommendations coming here? Is it the result of a kind of head office circle or is it a bottom-up process or a top-down process? What is your form of consultation?

**Mr Becker**—The way in which the AEC is structured, as you know, is we have Australian electoral officers in each of the states and the Northern Territory; the ACT is administered from New South Wales. Those Australian electoral officers do have regular meetings with their divisional returning officers and one hopes that there is some sort of bottom-up input from those people. No-one has ever suggested that we stop divisional returning officers from coming straight to a committee such as this with their views. In fact, a couple of those DROs have come up with some good ideas. Frankly, I think it could even be worth looking at bringing back the expiation type of situation where we find a person is not enrolled and should be. There is consultation.

More recently—if I may just go on for a second, Senator—we as an organisation have been looking at the sort of AEC that we want to see in the not too distant future. Focus groups are being set up for that, which will involve a range of people in both Sydney and Melbourne. In addition to that, all staff have been emailed to throw their ideas into the centre. Then, when we have the final meeting for this year to consider these things, which includes the management board and some other staff, we will be able to bring these things into that forum and start considering people's views about how they want the AEC to look, what we should be focusing on and so on. That is just something which is on at the moment.

**Senator MURRAY**—Let me get a more specific answer from you. The integrity of the roll is your prime task. It seems to me that you have two sources of information as to whether there are any threats to or problems with the electoral roll and the way in which people register, vote and so on. One is machine driven, which is the comparison of the roll through mechanical means. The other is people driven, which is any observations they make when enrolment occurs or in administering the roll. The expertise on the machine side, I would assume, is primarily central office. On the people side, I would think it would be primarily in the district offices. I would have thought, when you have a major inquiry like this, the first question to all DROs would have been: here is the inquiry, here are the terms of reference—what views do you have and what recommendations would you make? My specific question is: was that question asked of your DROs? If it has not been, will it be?

**Mr Longland**—Given that the two DROs that you refer to are both Queenslanders, perhaps I could outline the process that I have been going through on development of these sorts of strategies.

**Senator MURRAY**—I would be glad if you did, Mr Longman, but first I would like to know for the whole country, because one of the prime points that was made in the devising of this inquiry is: if there is a problem in Queensland then notionally there is a problem nationally. It is not the Labor Party in Queensland. If this is open to any sorting, it could be any political party in any state. First I would like a national answer and then a Queensland answer.

**CHAIR**—Senator Murray, do you mind if I interrupt you. The three DROs are wanting to go at half past two. Do you think your question could be answered by the Queensland commissioners?

**Senator MURRAY**—Yes, I do not need the three of them.

**CHAIR**—Is everyone else for the three DROs to catch their planes?

**Senator FAULKNER**—Opposition members of the committee have not had any chance—

**CHAIR**—Alex has just let me know that he is going to give them a ride out to the airport, because he is on the same plane. So they can stay until Alex has to go.

**Senator MURRAY**—If I could get a succinct answer from the commissioner and the Queensland commissioner, I would be happy to defer to Labor and then come back.

**Mr Becker**—Mr Dacey might be able to give a fairly quick answer.

**Mr Dacey**—I am obviously from central office in Canberra. To take, for example, the CRU processes which we have been instituting over the last two or three years, we certainly do not sit in Canberra and do that in isolation. We recognise that the experience is in the field and the knowledge is in the field. In each of the states they have operational conferences. We have a standard working party which meets in Canberra, and they develop things like integrity checks. I might say that one of the players in that working party was a staff member of the DRO for Herbert, who was instrumental in the procedures that were in place in Townsville when the Ehrmann problems were discovered.

So we have a system of best practice where we look at best practice in all divisions throughout Australia and we amalgamate that best practice through a working party system that filters up and eventually comes into national procedures. They go out to staff for comment and then they are implemented. It is not a top-down approach; it is certainly a bottom-up approach in the way we look at the way we maintain our roll and the way we conduct elections. In fact, this applies to all our activities.

**Senator MURRAY**—With regard to the terms of reference of this inquiry, was that done?

**Mr Dacey**—This specific inquiry did not go to divisional returning officers but would have gone through Australian electoral offices in the state.

**Mr Becker**—I have something which has just been given to me from Mr Geoff Marles, Deputy Director Enrolment, who is sitting on the end here. He has got a memo to all staff—this



is New South Wales. He is talking about the JSC. This includes all enrolment fraud matters that have been either referred to the Australian Federal Police for investigation or complaints referred to the AFP for investigation, asking them to contribute in the broad sense of what the broad terms of reference are. I am happy to table that.

**Senator MURRAY**—Thank you. I think that is useful.

**Mr Becker**—That is an example of what is happening in New South Wales.

**Senator MURRAY**—What lies behind my question is this: if you have not done the kind of in-depth survey of the views of people who have a daily experience of this at the people level—provided, of course, they feel able to express their viewpoint, and I cannot see why they shouldn't—then there will be the allegation made that you simply have not checked down the line as to whether there are real problems and how to deal with them relative to what is a very strong and fresh allegation arising out of the Queensland events. For the sake of this inquiry and for the sake of your own integrity of your submission, I was seeking that answer.

**Mr Becker**—The answer is that they do have regular meetings and have the opportunities to raise these things. Here is an example, in New South Wales alone admittedly, asking all staff to comment.

**Mr Longland**—In Queensland, on 16, 17 and 18 October, we had a three-day workshop of every divisional returning officer in the state and the head office management team where we explored an array of issues focused on pre-election management training, preparations for the elections and consultation methods, and including open forums on CRU methods, where there was a lot of useful interaction and useful exchange which assisted in my preparation for this approach to you. Significantly, neither of the two DROs who have lodged submissions have referred to that gathering, nor did they raise any issues at those meetings. My reading of their submissions is that they are not suggesting that they have been left out of the loop in any way either. It is a fairly comprehensive approach that we take to sharing views and developing views. I guess one of the key issues in this is that very many people look upon the commission as a three-tiered structure, with a central office here in Canberra, the state head offices in ivory towers in the capital cities and then the poor long-suffering divisional staff out there in the tentacles. That is an unfortunate view of the commission. It is far more integrated than that. While there will always be people at any level in any organisation who feel aggrieved about their lack of ability to contribute, I put it to you that that is not the case and has certainly not been mentioned by either of those two officers.

**Senator MURRAY**—Through the chair, Senator Faulkner, do you want to come back to the three and then come back to me when you have completed that?

**Senator FAULKNER**—Ms Madden, as I understand it, you were the DRO in Hinkler in 1984—I am not sure if you still are.

**Ms Madden**—Yes.

**Senator FAULKNER**—Okay. There has been a small amount of media comment about alleged irregularities in Hinkler in the 1984 federal election, I think made by Mr Courtice, who

was to become the member at a later stage. Has that developed any more other than media commentary and speculation about that?

**Ms Madden**—That is the first time I heard anything, and I have heard nothing since.

**Senator FAULKNER**—There have been no other developments that you are aware of?

**Ms Madden**—No.

**Mr DANBY**—So Mr Courtice never spoke to you when you were—

**Ms Madden**—Mr Courtice has not spoken to me at any time about it.

**Senator FAULKNER**—Thank you. In paragraph 15 of your opening statement, Mr Becker, you talk about the cases dubbed Queensland 15-17 in Bowman, Ryan and Moncrieff. Can you provide any further information about those specific issues, apart from the process that you have outlined briefly in your opening statement? Is there is anything further you can assist the committee with in relation to those matters

**Mr Becker**—Ask Mr Longland, he has got the—

**Mr Longland**—Only to the extent that the Bowman and Ryan cases have resulted in successful prosecutions. The parties involved were fined \$350 for forging and uttering. The Moncrieff one is still under active investigation by the AFP, and their most recent advice to me was that they expect to have a brief for prosecution ready in the near future.

**Mr DANBY**—What were the dates of the three of them?

**Mr Longland**—They were all between June and September of this year.

**Senator FAULKNER**—Does that mean the Bowman and Ryan cases have been concluded?

**Mr Longland**—Yes.

**Senator FAULKNER**—So the only one ongoing is Moncrieff?

**Mr Longland**—Yes.

**Senator FAULKNER**—Thank you. I do not think there is anything I specifically need to direct to any of the divisional office staff, if that is of any assistance, Senator Murray. I did not quite catch what you said to me across the table.

**Senator MURRAY**—I just wanted to give you the option to talk to them before they left. I need to follow up a bit with my questions, that is all.

**Senator FAULKNER**—I do not have any questions.

**CHAIR**—Why don't we let Senator Murray continue his questioning and then come back to the opposition.

**Senator FAULKNER**—You don't want to badger the witnesses anymore?

**CHAIR**—I haven't badgered the witnesses yet, and I don't plan on ever doing so.

**Senator FAULKNER**—I don't think it works, really, to be honest with you. I think a change of tactics at lunchtime was rather unfortunate and, frankly, unnecessary in the circumstances.

**Senator MURRAY**—Back to what I was asking about, Mr Becker: it would be true, wouldn't it, that the DROs—perhaps all of them—had not seen the AEC submission before it came in?

**Mr Becker**—Certainly. It is on our webpage at the moment, but that was only after it was released.

**Senator MURRAY**—Could I please request, through the chair, that the AEC ask, by whatever method you want, all DROs to have a look at that submission and see if they have anything further to add or any additional information which could be used by you in your supplementary submission. I ask you to do that bearing in mind your independence, because I was interested by both the quality and thoughtfulness contained in the two DRO submissions that I saw. It may well be that they could amplify or make additional information available.

**Mr Becker**—Certainly.

**Senator MURRAY**—The other question I want to come back to is—

**Senator FERRIS**—Senator Murray, could we thank these people for making the effort to come down?

**CHAIR**—On behalf of the committee, I very much thank the local DROs. I think it has been very helpful to the committee to have that local input, and I know it has been a big effort to get down here and back. Thank you very much, and thank you to Andy for organising this to happen. We appreciate it immensely, and we also thank Dr Muffet for making the effort to come out of pseudo-retirement for the same purpose.

**Senator MURRAY**—Back to the weaknesses of the AFP investigations which have been commented on in submissions and were subject to some views taken by the JSCEM in the 1998 inquiry, and that is that they have matters referred to them which rank very low in their priority list because of the low level of penalties or whatever other reason. One proposition put is that the commission should be given a far greater role, if you like, in investigating and preparing a brief so that the AFP have much less to do. Do you at present have a specialist fraud unit?

**Mr Becker**—Not as such, no.

**Mr Dacey**—We certainly do not have trained investigators; that is not the nature of our game. It would be our preference, if there were funding made available for such a scheme, that the funding perhaps be made available to the AFP, who are the professionals and trained in that business. The AEC does not want to become its own police force, and I think rightly so. If, as Mr Cunliffe mentioned this morning, some funds could perhaps be isolated for the AFP for electoral investigations to give our cases more of a priority, given their critical nature at times, it would certainly be our preference that that would be the way to go, rather than have our own ‘police force’ as such.

**Senator MURRAY**—But, Mr Dacey, you would be unusual in that view. Every major regulatory agency in control of a significant database which they are required to police, in the broadest meaning of that word, does have such internal capabilities, for instance, the ATO, ASIC—there are a number of them like that. Why wouldn’t it be appropriate for you to have a specialist unit in this field?

**Mr Dacey**—It is not necessarily an ongoing problem. Problems arise particularly at election time, when more allegations do surface. Our people are particularly tied up at those busy times and I cannot see that there would be a full-time role for an investigative unit in the AEC. If we were provided with funding to fulfil that sort of role, I suspect it would be something that we may well consider outsourcing as not our core business, not only because it is not a full-time role and because of its cyclical nature but also, as I said, because we are not the experts. Okay, we can train the experts, but there are experts out there trained in that field, and if they could be devoted to our task and have resources when we require those resources, at those particular busy electoral times, I feel that would be more appropriate. That is my view. I do not know whether my colleagues share similar views.

**Senator MURRAY**—Let me follow it through. It is claimed that the Australian Federal Police have no passion, interest or enthusiasm in this area.

**Mr Dacey**—I think a lot of that has to do with resourcing and prioritisation as well.

**Senator MURRAY**—The fact is that their resourcing may not change and their prioritisation may not change. One of the proposals made to attract their interest is that the penalties should be raised. But what happens if the penalties are raised and they are still not interested?

**Mr Cunliffe**—That is why we have suggested some form of tied funding and, following it through, that that tied funding would be made available to the AFP specifically for this electoral activity. In turn, they would, I would suggest, have a responsibility for reporting, probably to this committee and to the parliament, separately about the work that they had undertaken.

**Senator MURRAY**—Is it your view that the committee should perhaps ask the AFP to appear before it to ask about their views on penalties and prioritisation and the ties such as you suggest?

**Mr Cunliffe**—I think that would be view that we would find appealing, if you were to talk to the AFP about those sorts of options. The other reason I think it is preferable not to have the internal force is that it is very difficult to create career progression for people of that sort within

agencies which are doing narrow sorts of work. People generally tend to have some scope for movement.

**Senator MURRAY**—I just refer the question to the chair for consideration at a private meeting, perhaps.

**CHAIR**—I was about to say that at the next private meeting when we come back to parliament we can go through a number of different people we would like to call arising out of today, including whether the AEC might need to come back, because I have got lots of other questions and we are obviously going to run out of time.

**Senator MURRAY**—Before Mr Danby follows on on the same point, in view of the fact that we might have to consider this at a private meeting, could you please outline for us, as clearly as you can, the proposals you consider appropriate and the manner in which you would like the AFP to operate? I have not seen that in your submission.

**Mr Becker**—No, it is not in there.

**Dr Muffet**—The police see it as piddling stuff. It is as simple as that.

**Senator MURRAY**—Yes, I am aware of that. That is why I was focusing on the internal view. Do you have a different view to Mr Dacey, Dr Muffet?

**Dr Muffet**—I do not think we should have our own investigators, seriously.

**Mr DANBY**—Mr Longland, back to the 71 proven cases of fraudulent enrolment: there are a couple at the end that we have already discussed which are under investigation in government-held seats in Ryan and Moncrieff. There are two of your DROs in Queensland who, in their personal submissions, have suggested that there were examples of electoral fraud in their electorates as well. Are they covered by these 71?

**Mr Longland**—I could not respond to that. I do not know which ones they have referred to and whether or not they are included in our list.

**Mr DANBY**—They might be referring to allegations that have not come to the pointy end like these have.

**Mr Longland**—That is possible, but I cannot make that connection either.

**Mr DANBY**—As I remember, they are in Forde and Moreton.

**Mr Longland**—No, Forde and McPherson.

**Mr DANBY**—That is the one just across the border.

**Mr Longland**—That is right.

**Mr DANBY**—And they said that those in McPherson were partially motivated by social security or Centrelink scams and desires to get driver's licences that have been cancelled in New South Wales.

**Mr Longland**—Yes, interstate differences.

**Mr DANBY**—Are those quite common grounds for the minor amount of electoral fraud? In fact, are they the principal reasons for electoral fraud that you deal with?

**Mr Longland**—That has been my experience, yes.

**Mr DANBY**—And people from other states too, Mr Becker?

**Mr Becker**—As we understand it. It was interesting in that particular case, I think they moved the divisional office a bit further away from the border. It seems to be a real issue. It has been our contention all along that a lot of this fraud is not directed at the electoral roll or at elections. It is still a problem, but it is not directed at us.

**Mr DANBY**—I have two other questions for you. Chapter 3 of the AEC submission includes the affidavit of Karen Ehrmann, and it refers to the activities of Lee Bermingham, who was the person whom she said she acted under pressure of. Is Mr Bermingham allegedly the principal person behind these electoral frauds in Townsville and East Brisbane? First of all, to Mr Longland and Mr Becker: is he the alleged mastermind that is referred to in all of these allegations?

**Mr Longland**—There are a lot of problems trying to respond adequately to a question like that, because we have seen the transcripts of the CJC as they have progressed so far, except for the closed hearing that they had with Lee Bermingham. They resumed public hearings on the 20th, and we do not know how long they will go again for, but I have seen press speculation that Bermingham—

**Mr DANBY**—So that is a question that is best left to the Shepherdson inquiry.

**Mr Longland**—That is where it sits right now.

**Mr DANBY**—The puzzle I had was that this is the gentleman who appeared on the *Four Corners* program as the principal witness for the prosecution, when in fact it seems that the question before the Shepherdson inquiry is that he is the principal source of the prosecution.

**Mr Longland**—Possibly so. Before you go off the issue of the Ehrmann allegations, I said earlier this morning that the allegation she made was that she was told by Bermingham or Powell that an electoral commission insider was there to help them, and we have covered the issue of the ombudsman's inquiry into that matter. But I think it is worth noting that she actually said 'the electoral commission'. She did not say 'the Australian Electoral Commission', nor did she say 'the Queensland Electoral Commission'. As Mr Cunliffe pointed out, further evidence in the CJC suggested that the ALP returning officer responsible for these issues stopped using those acknowledgment cards after 1993. The Queensland Electoral Commission was using acknowledgment cards of their own up until 31 December 1991. I pointed that out in my

grilling from the ombudsman's investigator: this may not even have anything to do with the AEC—if in fact there is any truth to the allegation at all.

**Senator FAULKNER**—The Queensland branch of the Labor Party, like the Queensland division of the Liberal Party and umpteen other parties, I assume, would, by this stage anyway, probably have the roll in electronic form, wouldn't they?

**Mr Longland**—From my knowledge of electoral rolls and their access around the world, I think Australian politicians and political parties have unprecedented access to the roll.

**Senator FAULKNER**—Yes, I appreciate that point that you make and I think that is a fair comment for you to make. I was thinking more of the time, the dates.

**Mr Cunliffe**—Certainly, the evidence suggested that by late 1993 they had electronic access, which presumably was through our source.

**Senator FAULKNER**—What that means I know not, but I knew it was about the same time when access of that nature was available more broadly than otherwise had been the case previously.

**Mr DANBY**—I have a question regarding chapter 5, Mr Becker. I thought your response in 5.7 to the minister's press release about doing door to door habitation checks was that the AEC does not share the views and that the electronic database searching and correlation, which you call the CRU, is more effective, together with your roll update—that is, your internal database. I thought it was very interesting that you specifically said that door to door habitation checks all around Australia were not the way to go, as the minister was suggesting, but that later in 5.8 you say 'more focused fieldwork', which I understand means—

**Mr Becker**—Targeted.

**Mr DANBY**—You are going to do more doorknocking but targeted.

**Mr Becker**—Not necessarily more.

**Mr Dacey**—Less door knocking than for a national doorknock, but more targeted in response to other methods of updating the roll, such as data matching and mail-out. So rather than doing a national doorknock as such, it is targeting specifically where we are looking for information which we have not had through other channels.

**Mr DANBY**—And these were all planned before these allegations of electoral fraud became a hot political issue before this committee?

**Mr Dacey**—Yes, that is correct.

**Mr Becker**—There are a number of issues why we do not believe the way to go is to continue with the biennial doorknock. One is an occupational health and safety one—we have to send people out at night. Another one is the Sanctuary Cove type of set-up: how do you get in

there? You cannot. Around Sydney and Melbourne we have more and more secure apartments, and we are not really getting a lot of value out of that sort of thing, and so taking the targeted approach is much better once you have identified where you it is that you want to look, and we use the CRU to get there.

**Mr Dacey**—For instance, you may well target a new subdivision that is being developed, where a whole lot of people have moved in. That is an ideal place to target.

**Mr DANBY**—And you might do it in a place where they have easily accessible doors and you do not have to go through a security screen to speak to everyone.

**Mr Becker**—That is right. It is difficult to get into those places.

**Mr Cunliffe**—But only if you otherwise felt there was that need. Some areas have higher turnovers.

**Mr DANBY**—I have a completely new subdivision in my electorate—Beacon Cove, which has got 2,500 people. So if it is a new area, you would sweep through that, at least for the first time.

**Mr LAURIE FERGUSON**—Mr Longland, I want to move from that rather excited outburst from the chairman where he confused the returning officer from the Labor Party in Herbert and move from the anonymous claims at a National Party meeting or some insider unidentified in the papers to specifics about Dr Watson. Things seemed to be left a bit up in the air. He has referred to allegations. I just want to get it clear: the only one that the AEC is aware of is a claim that one person voted for an individual 40 times, and the investigation showed that there was one instance or more than one of multiple voting: is that the case?

**Mr Longland**—None more than two. There were 23 cases, but they were all duals.

**Mr LAURIE FERGUSON**—And one of more than two?

**Mr Dacey**—None of more than two.

**Mr LAURIE FERGUSON**—Is that your understanding of the total Watson allegations, or are there others that we have not heard about today?

**Mr Longland**—So many allegations of varying degrees of severity—with some counteracting each other—have appeared in the press that I have not been tracking them.

**Mr LAURIE FERGUSON**—There are so many from Dr Watson that you have not been tracking them?

**Mr Longland**—No, from all sources.

**Mr LAURIE FERGUSON**—I am asking about Dr Watson.



**Mr Longland**—That is the only one I have dealt with.

**Mr LAURIE FERGUSON**—Is anyone else from the AEC today aware of any others from Dr Watson?

**Mr Longland**—No.

**Mr LAURIE FERGUSON**—So that is the total of his complaints. Mr Dacey, to clarify another point, at the end of your contribution regarding complaints about false enrolment, the chairman used phraseology about ‘thousands’ and you were endeavouring to say that they covered more than that.

**Mr Dacey**—It is more than false enrolment or allegations of fraudulent enrolment. It is electoral type complaints. On polling day, for instance, we may get hundreds or thousands of complaints about how-to-vote cards. They are not necessarily all complaints about fraudulent activity.

**Mr LAURIE FERGUSON**—After the 71 that have been referred to throughout the day, what is the next level down of complaint about enrolment? After the mass of those complaints—people whingeing about people down the road, someone having a fight with somebody, jealousy over social security, et cetera, ad nauseam—what would be the next most serious style of claim of enrolment malpractice below the 71? Just give us the flavour of what we are talking about after the 71.

**Mr Dacey**—Most of the ones to do with fraud are included in those 71. There are some where you do not get a particular allegation, such as the ones that Mr Longland has been speaking about in Queensland where you do not get specifics. The next most serious and numerous complaints we get during an election period would be from party headquarters in relation to how-to-vote cards, authorisation of material and those sorts of things. A lot of those do not get past us because we have previous advice which covers them. Some of them get to the DPP and an offence may not be disclosed or we may take them further. That would be the next level down—the election period complaints from party headquarters complaining about the other side.

**Mr LAURIE FERGUSON**—The level of complaint about enrolment problems is far closer to 71 than 1,000?

**Mr Dacey**—That is correct. I was talking generally about complaints, particularly at election time.

**Mr LAURIE FERGUSON**—In actual numbers, if not in seriousness, they are a minuscule proportion of the complaints that you have?

**Mr Dacey**—They would be.

**Mr LAURIE FERGUSON**—Thank you.

**Senator FAULKNER**—We are running out of time, so the only thing I want to touch on is the general question of cemetery voting. This is dealt with in your submission at 11.2.11.

**CHAIR**—Senator Faulkner, so that you are aware, we have agreed that we will go to 3.30 p.m. That will give us an extra half hour, so you have until about 3.20 p.m.

**Senator FAULKNER**—This has been touched on by a couple of previous witnesses at the table. For example, we heard Mr Longland indicate that, in Fisher, there were some 42 deceased that the provisional returning officer became aware of in the latter stages of the 1987 federal election campaign and none of those voted. The submission does outline what occurs at critical times through monitoring of death notices in newspapers and a range of other activities that are undertaken. I was interested as to whether there is a protocol at either a state level or a central level for DROs in relation to procedures and processes to minimise the risk of any cemetery voting—to use the more popular term.

**Mr Longland**—Their organisation is governed by a plethora of large and thick manuals. We have the divisional officer election procedures manual, which is used principally to guide the activities of the conduct of the election. We have the general enrolment manual, the so-called ‘GEM’, which deals with enrolment matters. To my knowledge, and this may need clarification, there is nothing in there that specifically addresses the issue of what to do if a dead person turns up at the polling place. What we do, as a matter of course, is monitor deaths, and all the individuals who have been on the roll for many years are maintained on the roll as deleted or dead people when they die so that nobody can enrol in their name. We think that that deals with the enrolment fraud case. In terms of their voting, we continually monitor the newspapers, particularly at election time, and we mark up those names on reference rolls so that we can make sure that individuals who appear to have died—we do not have anything certain by way of material from the registrar at that stage—do not vote. Sometimes these people do vote. Sometimes it is because they had a pre-poll before they died, and we can deal with that issue in terms of dates. We have had over the years quite a number of grieving partners who have voted, or have arranged to vote, for their dead partner because they did not want to see that person pinned for not voting. It may be a bizarre sort of grief reaction, I don’t know, but we have had cases like that. I suspect that we do not have, in any organised way, detailed statistics of the number of people who we are reasonably sure have died but who have cast a vote after the time they have died. What the DROs do in producing returns for us is to ensure that, if those situations arise, they do not occur in numbers that, again, would allow the commissioner to petition the Court of Disputed Returns.

**Senator FAULKNER**—I appreciate that, but I am asking whether there is any sort of protocol or written instructions for your DROs to enable them to maximise the chances of removing anyone who has died from the rolls. I know some of your processes, but is there something we could have a look at in relation to that? Is that covered in the standing instructions to your divisional returning officers, or the like?

**Dr Muffet**—I have forgotten the specifics, but in 1987 there were 25 dead voters in the division of Capricornia. The DRO picked them up—I have forgotten the procedures.

**Mr DANBY**—Can you explain what you mean by dead voters?

**Dr Muffet**—People have voted for them. People die in Mount Morgan on the Capricornia coast, and yet they turn up voting in Rockhampton.

**Senator FAULKNER**—He wasn't suggesting they came from the grave.

**Mr DANBY**—You picked them all up?

**Dr Muffet**—We picked up 25 votes. We saw the Federal Police about it, but we could not find who did it.

**Senator FAULKNER**—Is this one area where it might be worth while having a close look at trying to see whether there is a way of improving or expanding or developing the procedures and processes that would minimise this problem? It may be a tough one; I don't know. Most of the evidence before us does indicate that so-called cemetery voting is not a major area of electoral fraud. Is that a fair statement for us to make, Mr Becker? You accept that. But this is not necessarily a view that might be shared outside those who live and breathe Australian electoral law. There is a lot of press speculation about it. I would be interested in having a look at what the procedures are, first of all, and whether there are any suggestions internally that might be able to be generated to toughen this up. I appreciate that it is not a massive concern if you are looking at the range of different categories of electoral fraud, but it is certainly one that has some public notoriety.

**Mr Becker**—There are two issues here. One is the fraud issue and the other one is sending the non-voter's notice to a person who is dead. That can be quite traumatic. We have had a problem with the fact that births, deaths and marriages are state based registries. Now we are getting the national fact of death file, which I understand is being maintained in Tasmania.

**Mr Dacey**—That is probably the most current initiative we have, this national fact of death file, which is now a national file compiled in Tasmania, which is a file through all registries so you are picking up people who die interstate as well. We are running that on a regular basis past our roll.

**Senator MURRAY**—Who runs it?

**Mr Dacey**—The Tasmanian registrar is coordinating this national file for Australia.

**Senator MURRAY**—It is hatch, match and dispatch—that one?

**Mr Becker**—Yes. That is available to us. Even then there is still that time lag.

**Mr Dacey**—There is. We could point to the fact, though, that we have checked with the fact of death file records for electors who died before polling day for the 1999 referendum, and nationally we have found only 11 cases which are inconclusive. So, of all the deaths, and I do not know the number—

**Senator MURRAY**—Does that go back to past deaths or is it just current deaths?

**Mr Dacey**—About 8,000 deaths between close of rolls and polling date. In passing that against our records from the 1999 referendum, there are only 11 cases which are still inconclusive.

**Senator MURRAY**—But if somebody used a dead name 10 years ago and is on the roll for 10 years, you wouldn't find that out, would you?

**Mr Dacey**—If we know that person is dead, we annotate our roll that that person is dead.

**Senator MURRAY**—But if you did not know that person is dead, that would not be thrown up by this register, would it?

**Mr Dacey**—That is right; it is 12 months.

**Senator MURRAY**—So historical fraud you could not pick up but current fraud you can.

**Mr Dacey**—Unless we had picked it up over the years.

**Senator FAULKNER**—In relation to the LCARC inquiry, I noticed that in the submission you mentioned that the LCARC invited the Special Minister of State to provide a submission but not specifically the Australian Electoral Commissioner, that that was organised through the Queensland Electoral Commissioner, who I think had some contact with you, Mr Longland, in relation to this particular matter. Do we know whether the Special Minister of State actually put in a submission to the LCARC?

**Mr Longland**—It is not listed in their table of submissions in the report that was tabled yesterday.

**Senator FAULKNER**—There was no formal Commonwealth submission in any sense, then.

**Mr Longland**—No.

**Senator FAULKNER**—There has been some press speculation about the issue we have talked about before. Mr Cunliffe issued an internal AEC circular advising of an independent inquiry into the possible existence of the AEC insider—we are now talking about the first insider, not the second. There were some media reports canvassed in the AEC's submission to this inquiry about the Special Minister of State ordering the AEC to conduct an investigation. That was in the *Weekend Australian* and the *Canberra Times*. In your submission you talk about if it is questionable whether under section 7(1)(b) of the act in fact the minister has the authority to issue such an order. Have we got to the bottom of that? Do we know what actually happened there?

**Mr Becker**—We certainly did not get an order from the Special Minister of State, and we do agree it would be beyond his power to do so. Only from file notes from within the commission do we get the impression that a journalist believed that that was an indication of an order from the minister to us, but that certainly was not the case.

**Mr Cunliffe**—The minister has assured us that that was not briefed by his office to journalists, so we have not got to the bottom of where the thought might have come from.

**Senator FAULKNER**—There are two press reports.

**Mr Cunliffe**—It does not appear to be the case.

**Senator FAULKNER**—So you have received that assurance from the minister?

**Mr Cunliffe**—Yes.

**Mr Becker**—We have received no order.

**Senator FAULKNER**—No, I heard before that you did not receive such an order. Has the minister clarified those reports? Is there some clarification you could point me to?

**Mr Cunliffe**—To us, in discussions?

**Senator FAULKNER**—Publicly.

**Mr Cunliffe**—I do not know of that.

**Senator FAULKNER**—To the newspapers concerned?

**Mr Cunliffe**—I do not know, Senator.

**Senator FAULKNER**—So it is lucky we have raised it here to get it corrected.

**Mr Becker**—Yes, I suppose that is true. But certainly I do not know. We normally see his press releases.

**Senator FAULKNER**—My interest there was whether there had been any clarification of it at all. You cannot help me?

**Mr Becker**—No. As I said, if the minister has issued a press release to clarify that, we have not seen it.

**Senator FAULKNER**—There is just one other thing which I thought might be useful for the record as we are going through. One thing that is clear from reading the submissions, in the case of Kehoe, Foster and Ehrmann, is that some prosecutions were under the Crimes Act and other prosecutions or convictions were under the Electoral Act. For the record, Mr Longland, it might be quite useful for that to be very briefly explained in evidence here because I do not think the distinction is well understood. The consequence of the distinction, in terms of the jail sentence that one of the perpetrators received, is probably worth mentioning.

**Mr Longland**—I believe that the Kehoe case was under the Electoral Act because it was fresh—it had not timed out. The others were beyond a year. With the Electoral Act, there is a

limitation on charges so they went for the Crimes Act, which coincidentally carried much higher penalties.

**Senator FAULKNER**—For the purpose of the record, can you explain to the committee why the Kehoe prosecution for forging and uttering is under the Electoral Act and the other two are prosecuted under the Crimes Act?

**Mr Longland**—It was a decision of the DPP. I cannot explain it.

**Mr Cunliffe**—The DPP may be able to advise of other grounds, if any, that were taken into account, but it is not our decision.

**Senator FAULKNER**—I appreciate it is not your decision, but I wondered whether you are able to provide an explanation to the committee.

**Mr DANBY**—Did Kehoe plead guilty within the one-year period, and therefore that meant that he could be prosecuted under the Electoral Act?

**Mr Longland**—Without referring to the case, I cannot recall whether he pleaded guilty. I know that Foster did, and eventually Ehrmann did, but I am not sure about Kehoe.

**CHAIR**—I think Kehoe pleaded guilty as well.

**Senator FAULKNER**—It is just that you used the term ‘freshness’.

**Mr Longland**—Yes.

**Senator FAULKNER**—That is what I am trying to explore.

**Mr Longland**—He was charged and convicted within 12 months.

**Mr DANBY**—Is that a provision of the Electoral Act?

**Mr Longland**—I am advised that that is the case.

**Mr Cunliffe**—The statute of limitations applies to the institution of the proceedings. The actual proceedings may happen at a later date.

**CHAIR**—Senator Faulkner, if you do not mind, we have about 10 minutes left. We have to take a few questions on notice that Senator Murray and Senator Ferris want to flag and make the closing statement, so we probably have about five or six minutes left for a few questions from Senator Ferris, who has indicated that she would like to ask questions. I am absolutely certain that we want to hear from the AEC again. I have a myriad of questions that I have not had the opportunity to ask, and Senator Mason has indicated the same. I am sure that the Labor Party have the same, as well as the Democrats. We might, in our next private meeting, consider whether to have the AEC back during a sitting time, for example, or whether we will schedule

another day like this one before the end of the year to hear from them. So do not think that there will be no more questions from people on the committee; we probably will hear from you again.

**Mr DANBY**—Are we having a private meeting also after this?

**CHAIR**—Not today. We will not be able to have a private meeting until—

**Mr DANBY**—What about scheduling a public hearing?

**CHAIR**—We can do that all when we go back to Canberra. We are running out of time. I have to catch a plane, too.

**Senator FERRIS**—As I said to the Electoral Commissioner during our break, I do have a number of questions related to attachment 20. In view of the constraints on time, I will put those on notice. I want to go back to this comment that you made in your opening statement about the crisis of confidence in the community. In point 16 you talk about talkback radio. In your submission I note at point 7.10 criticism of the Sydney announcer Alan Jones. Can you conclusively, after today's evidence, refute Mr Jones's statement that he made on 13 September, which you cite in your submission, that:

... the bloke Bill Smith ... could vote for Peter Beattie or John Howard 20 times ... When they approach Bill Smith he denies he voted 20 times. He said, oh someone else must have voted in my name and crossed my name off at these many subdivisions.

Can you absolutely refute that statement that Mr Jones broadcast on 13 September?

**Mr Becker**—No, we cannot absolutely refute those sorts of statements. On the other side of the coin, he is just making a statement like that. There is no substance actually in this allegation. He is just saying that, because you can do it, it has happened. If somebody goes up and says, 'I don't even want to vote once let alone 20 times'—and that is invariably what happens when the police go out and have a talk to these people—there is not much you can do about that.

**Senator FERRIS**—Have you tried to go on Mr Jones's program to explain these things that he has said?

**Mr Becker**—I have not, but I do have to say that we have had numerous contacts over the years with Mr Jones, mainly through our information officer and directory information.

**Senator FERRIS**—I am interested in another quote that again comes from you, where he said that 'in 1993 there were 15,000 multiple or plural votes cast' and '45,620 names reinstated' when they appealed against the removal of the polling booth. Does it therefore not surprise you that Mr Jones would be a critic of the system?

**Mr Becker**—The reinstatements are another issue. This is something that the AEC has been concerned about for many years. But we need support to get that legislation changed.

**Mr Dacey**—It was discussed in the JSCEM report on the 1998 election. We are still awaiting the government response on that report. The AEC had suggested to the committee at that stage that automatic reinstatements not occur.

**Senator FERRIS**—So actually you are in favour of there being no automatic reinstatements?

**Mr Becker**—Yes. The act provides for an objection process that you go through. It takes about three months. After about two or three attempts to contact these people, the name is removed from the roll. That is the law. If all of a sudden we say, okay, if they turn up to vote we will give them the vote, not only do we count it but we reinstate them on the roll. We then send them out an acknowledgment card saying they are back on the roll and the acknowledgment card is returned unclaimed. It is a bit of a nonsense. The process has been correctly performed. I know there are concerns about removing the franchising in the case of official error. We can cope with that situation in the case of official error and we can then reinstate them. We can give them a new claim form, they can fill it out and be properly enrolled and they will not lose the franchise if we have made a mistake. But this business of reinstatement is just causing us more and more problems.

**Mr DANBY**—There is no evidence either way that these 42,000 reinstated voted one way or the other, as is the implication that Mr Jones has broadcast, or that these 42,000 affected these 15,000 votes?

**Mr Becker**—No, I am not suggesting—

**Mr DANBY**—They probably were not even in the right seats. Is there any indication of how they voted?

**Mr Becker**—No, we would not have a clue how they voted. That is not really the issue; we are talking about the clean rolls.

**Senator FERRIS**—Mr Danby, I am not raising now. I am simply quoting these figures. You seem to think that I always need assistance with my questions, Mr Danby, and I can assure you that I do not.

**Mr DANBY**—I think it is a chivalry thing.

**Senator FERRIS**—Yes, well, it might be chivalrous of him, but it is a new experience for him, I am sure. In section 7.1.3. you say that in the past the AEC has attempted to convince Mr Jones that his doubts about the integrity of the federal electoral system are not supported by facts—but without success. It must be of great concern to you that Mr Jones continues to make these comments, and yet you have not actually been on his program.

**Mr Becker**—I have not, no.

**Senator FERRIS**—Would you like to go on his program?

**Mr Becker**—Not particularly, frankly, but—



**Senator FERRIS**—How else are you going to address the difficulty that you have cited yourself in your opening remarks today and in your submission that there is a severe crisis in the federal electoral system brought about by these sorts of circumstances. If you as the federal electoral commissioner could go onto a program that has hundreds of thousands of listeners and assure them, surely that would be a very valuable action?

**Mr Becker**—Put it this way: I am more than happy to talk to Mr Jones. I would talk to him in the studio, not on the phone.

**Senator FERRIS**—Sure.

**Mr Becker**—When people have got button control they can do all sorts of things, and we know how that has happened, certainly with the shock jocks, of whom Mr Jones is one. Really, we have got to look at this in perspective: he is a shock jock and there is a good story. It is really those sorts of things that are concerning me: they are undermining it. Perhaps you are right; perhaps the answer is to say: well, okay, let us buy some time from Mr Jones and go and talk to him in his studio.

**Senator FERRIS**—Given that Mr Jones has made this an issue of such public interest, I would have thought you would not need to buy time on the program.

**Mr Becker**—No, I am not suggesting that.

**Senator FERRIS**—Buying time is what is considered to be a commercial. I would have thought this was arguably a significant issue of public debate. I wanted to raise with you another claim that Mr Jones has made. It relates to the fact that on 15 October 1993 when the rolls closed for that election, 450,000 people enrolled to vote on that day. Is that an unusual number of people, and could you reassure us now that all of those enrolments were checked, because clearly it was a very short period of time from the date of that close of rolls to the election? These are the issues where there are questions raised in the community.

**Mr Becker**—I know that sounds terrible: 450,000 in one day. It was not one day.

**Mr Dacey**—The total number for the close of rolls period was 450,000 for the seven-day close of rolls period. That figure has been reducing since 1993. I think it was just over 300,000 for the last election, and we would hope that figure would reduce more because of continuous roll update. We are capturing people as they move. But we all know that the last thing people change is their enrolment when they move. So most of those 450,000 would have been changes to the roll, not new enrolments, and they would have been processed through our divisional office as all other enrolment forms are processed, as we have discussed today. That figure has been reducing, but it has always been a high figure in that close of rolls week period.

**Senator FERRIS**—Could I ask you to take on notice a breakdown of that. It would be very useful to know how many of those people were new enrolments and how many of them were reassigned.

**Mr Dacey**—I have a breakdown with me which I am happy to table.

**Senator FERRIS**—Fantastic.

**Mr Dacey**—Could I comment on one other figure. Mr Jones mentioned the figure of 15,000 multiple voters. I would like to clarify that: that is 15,000 apparent multiple voters. As with the 200 multiple voters in the division of Fisher which dropped to 12 that we were discussing before, this 15,000 is also apparent multiple voters which would have dropped to a handful after those clerical errors were taken into consideration. So it is not a net 15,000; it is a gross 15,000 apparent multiple voters.

**Senator FERRIS**—A fact I am sure that Mr Becker could clarify if he was to go on the program. I did pick up from your submission that the number of suspected multiple voters was concentrated in Sydney and that you suggest this could in some way be the result of some of this inflammatory public debate that takes place on these radio stations with people that you describe as ‘shock jocks’. I wonder whether you seriously think that that does play a role and that people think they can push the envelope in relation to multiple voting?

**Mr Becker**—I did mention earlier that there are different cultures around this country. I mentioned in particular Marrickville, and Richmond in Victoria was a shocking council area. I think you will find that it is more likely to happen in places where you have a difference in culture than, perhaps, in places like Perth or Adelaide.

**Senator MASON**—I have a question in relation to questions that Senator Faulkner raised before, Mr Becker. Is it the case that the Special Minister of State, Senator Ellison, sent a copy of the proposed Commonwealth regulations to the Queensland review? Although he did not make a formal submission, he did in fact send copies of the Commonwealth proposals for discussion; is that right?

**Mr Cunliffe**—I know he proposed to do that, Senator. I am in fact wondering whether that has finally happened. I am not sure.

**Senator MASON**—I think that did occur. In relation to the view that, somehow, the Special Minister of State ordered the AEC to investigate, is it not simply the case that he in fact asked them to investigate?

**Mr Cunliffe**—No, not even that.

**Senator MASON**—What did he do?

**Mr Cunliffe**—The only relevant discussion that I can elaborate on was a discussion in which I advised the minister of the thoughts I had and of my plans to talk to the electoral commissioner and to take it forward. I think that was the same day as the publication of the assertions. I have to say that the minister did not say, ‘Don’t do it.’ Nor did the minister say, nor would I have expected the minister to say, ‘You must do that,’ or, ‘You should do that.’

**Senator MASON**—Thank you, Mr Cunliffe; that is better still.

**CHAIR**—Senator Ferris has handed some questions on notice to the committee secretary. Senator Murray is to circulate some by email to be passed on to the AEC. Mr Ferguson has indicated that he wishes to provide some questions on notice as well.

**Mr LAURIE FERGUSON**—I have just one. Mr Becker, earlier a few facts got in the way of a story from Dr Watson about multiple voting. Dealing with Mr Jones for a moment, could you supply to the committee—we will not even try 20, we will try 10—the number of occasions in the last decade on which there has been anywhere in Australia in any federal election instances of a person or persons voting for one person 10 times? I am seeking the total number of occasions that that has been detected.

**Mr Becker**—Instances of a person voting 10 times?

**Mr LAURIE FERGUSON**—Instances where a person has voted 10 times in any election or in any electorate in Australia over the last decade.

**Mr FORREST**—I also have some questions on notice. Just looking at the 71 presented cases, 60 per cent of them have resulted in New South Wales, 21 per cent in Queensland and very few in the Northern Territory, Victoria, Western Australia or South Australia. I would be interested in any insights as to why that is the case, in addition to what you have already said. I heard something said earlier. I would also appreciate the committee being kept apprised of some of these cases. The bulk of them are in the fifth column, where it says, ‘Action still pending; action still pending.’ I am interested in New South Wales 43 and New South Wales 45. The number of 45 is in Reid, where it is asserted that the Australian Federal Police declined to investigate. That appears consistently in a number of cases. I would be interested in why they have declined to investigate. Some assert that there is no real evidence of fraud. Others state a lack of resources. There just seems to be an unwillingness.

**Senator FERRIS**—Mr Forrest, perhaps I could help by showing you the questions I have on notice that all relate to that section, and you can add any that you want to put on notice as well. I have about 20 questions related to that section, and they are very similar to what you are saying.

**CHAIR**—Senator Mason and Mr Danby have also indicated they want to put some questions on notice.

**Mr Cunliffe**—Mr Chairman, I would like to just quickly clarify one thing that was raised this morning and which I checked at lunchtime. I was asked whether a copy of the regulation as was provided to the states could be provided to this committee. I am assured that in fact that was provided to the previous chair and so it should be in the records of this committee. I gather that the print date and the sending date are September/October. That is the final draft.

**CHAIR**—I thank the AEC for their attendance and their very good-natured answering of the questions put by the committee. I thank the committee for their very good-natured approach to the hearings today. We look forward to hearing from the AEC again in the future. I thank the secretariat for the work they have done in putting it together.

Resolved (on motion by **Senator Mason**, seconded by **Senator Faulkner**):

That, pursuant to the power conferred by section 2(2) of the Parliamentary Papers Act 1908, this committee authorises publication of the evidence given before it at public hearing this day.

**Committee adjourned at 3.35 p.m.**