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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Integrity of the electoral roll

TUESDAY, 5 DECEMBER 2000

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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.

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Committee met at 12.59 p.m.

CHAIR—I declare open this hearing of the Joint Standing Committee on Electoral Matters into the integrity of the electoral roll. As I said at the first hearing of the inquiry on 15 November, 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 in so far as they impact on the integrity of the electoral roll.

Today we are hearing from Mr Mark Lamerton, the Divisional Returning Officer for the seat of McPherson, Mr Graham Smith, the Divisional Returning Officer for the seat of Forde and Mr Robert Patching, the Divisional Returning Officer for the seat of Rankin. These three witnesses are appearing in a private capacity despite their affiliation, past or present, with the Australian Electoral Commission. They have all provided submissions to the committee's current inquiry as well to previous election inquiries. All have raised a number of important matters that are very relevant to the committee's inquiry. Some of the witnesses have perceived weaknesses in the AEC's database of electors and in the continuous roll-up date process. Others are aware of the deficiencies in enrolment procedures and processes. All have made suggestions for improvement that would go some of the way to restoring public confidence in the integrity of the electoral roll.

[1.00 p.m.]

LAMERTON, Mr Mark (Private capacity)

SMITH, Mr Graham Francis (Private capacity)

CHAIR—Welcome. Thank you very much for making the effort to be here from Brisbane today. We know it is quite an effort getting down here and back. As I have stated on the record several times, I would like at the outset to emphasise that this inquiry is about the integrity of the electoral roll. This is not an inquiry into the internal party matters of any political party except in so far 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 contempt of the parliament. The committee has received submission No. 35 from Mr Lamerton and submission No. 36 from Mr Smith, both of which have been authorised for publication. Are there any corrections or amendments that you would like to make to your submissions? Would either of you like to make a brief opening statement before I invite members of the committee to proceed to questions?

Mr Lamerton—I have provided a supplementary submission that was handed to the secretary this morning. I will answer any question you put to me, but I do not have an opening statement.

Mr Smith—I have just a short statement. The submission that I presented to the committee was to provide a range of possible options which I believe would assist in reducing the occurrence of electoral fraud.

CHAIR—I will open the batting. My question is to Mr Smith. In your submission, you have stated that the entire enrolment transaction—that is the enrolment of new electors—is wholly based on the applicant's honesty and integrity. In view of the recent happenings in Townsville involving the prosecution of Ms Karen Ehrmann and revelations surfacing at the Shepherdson inquiry into electoral fraud, perhaps that implied trust upon which the current legislation is based is misplaced and the whole enrolment system now needs to be substantially overhauled. You have also said:

I would have thought that any evidence of fraud was too much and that urgent legislative action is now required to completely review our current enrolment process and the way it operates.

You have said:

The Commonwealth Parliament must completely review the existing legislation with a view to ensuring that the obvious current legislative inadequacies are eliminated.

These are strong words about what you see as the perceived inadequacies of the current electoral roll process. When the AEC appeared before us on Wednesday 15 November they suggested to us that, in fact, the problems were minor and isolated and there was not a culture of fraud in Australia. In fact, an exchange with Senator Mason went:

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.

Do you think that targeted interference in elections can make a difference to election results and do you think there is a culture in the AEC of preferring to believe that these issues are ‘minor and isolated’ rather than, perhaps, more deep-seated, as you have indicated in your submission?

Mr Smith—The relevance in relation to the enrolment process, whether it can in fact have a bearing on an election result, ultimately would depend on how close the margin is between the winner and the loser. From my personal experience in the electorate of Forde back in 1984, the winning margin was 43 votes and that is what makes me think there is certainly a possibility that, if matters of fraud did occur, they could in fact have a bearing on an election. I am certainly not suggesting every election, because I do not have any information to suggest that anything happened in that particular election. But I also think there is a potential that, if something had occurred in Townsville, if that had been moved down to the electorate of Forde in 1984, it certainly would have had a bearing on the result in that particular election.

As far as the workings of the Australian Electoral Commission are concerned, basically, if information is given to us in an official role, we certainly investigate that information. I suspect that, if instances are not brought forward, the view may be that there are no such occurrences. After what has now happened in Queensland, there are obviously occurrences of this particular kind that have transpired and that would suggest that they are perhaps happening and we may not be aware of them. That might be the basis for that view.

CHAIR—Have you raised your concerns with the AEC before, internally?

Mr Smith—The matter of the roll and the way that we get the information for the roll has been raised at different forums by meetings of divisional returning officers where different issues have arisen in relation to the matters concerning the way that enrolment forms are processed in relation to, say, citizenship, and also in relation to the processing of the enrolment forms that are received. Basically, if it is signed and witnessed and the information on the form is acceptable—there is nothing missing or defective—the form is processed. Those sorts of issues have been raised over many years at different forums when there have been meetings.

CHAIR—So the DROs have regular meetings, do they, to discuss these concerns?

Mr Smith—Yes, in Queensland there would be regular meetings of divisional staff and minutes would be held of those meetings. We would probably, I suppose, meet once every two to two-and-a-half months. There would certainly be four or five meetings a year. In the state of

Queensland, the groupings are such that the state is basically broken into three areas. Basically, group 1 and group 2 are the city areas and group 3 is the country or rural area. Within each group, group 1 and group 2, we have meetings, as I said, once every two months or thereabouts. In relation to the country people, they may only get to meet once a year or something like that, depending on funds.

CHAIR—Have you found that the AEC has been willing to make changes and suggestions to adopt some of your DROs' concerns or do you feel that you have been whistling in the wind and the AEC has swept a lot of these concerns under the carpet?

Mr Smith—There was a matter raised several years ago in relation to the processing of enrolment forms and the ticking of the citizenship box. If someone fills in the form and says, 'Yes, I am a citizen,' they tick the box. If they are not born in Australia, there is also a part on the form that talks about naturalisation, the date they were naturalised and the citizenship number. The suggestion was made that we should be going back to people and asking them for that extra information to verify whether or not they were a citizen. There were some divisional returning officers who had actually started going down that particular course, and we were advised by Queensland management to stop that because it was not the policy.

CHAIR—In which year did that occur?

Mr Smith—If my memory serves me correctly, it would have been about 1992 or 1993—something like that.

Mr Lamerton—I think it was earlier than that; I think it was about 1990.

CHAIR—These were the sorts of concerns that were being raised by Robert Patching. Is that right?

Mr Lamerton—That is correct.

CHAIR—And obviously reflected by other DROs?

Mr Smith—That is right.

CHAIR—You raised these concerns in your regular meetings and the situation is unchanged. Is that right?

Mr Lamerton—No, that is not the case now. That is what was happening back in about 1990, as Graham said. I was not one of the DROs who was actually doing this, but it was brought up at a meeting that several DROs were concerned that the enrolment card back in those days only had a provision for ticking the box, 'Yes, I am an Australian citizen.' It did not have the current information requiring citizenship numbers. A lot of people were obviously ticking the box, and some DROs decided that they would do a check on these to see whether they were suspicious. If my memory serves me correctly, I understand they were approaching the Department of Immigration and Multicultural Affairs to find out whether these people were in fact Australian citizens. My understanding was that some of them were not. I am not sure

where it developed after that, except that I will back up what Graham said: we did receive some directive that said that the practice was to stop.

CHAIR—I think Mr Patching has made some submissions about that too, so I am sure we will get some information from him. Mr Lamerton, in your submission you said:

There are few Commonwealth agencies with fieldwork structures where management and staff always agree on how things should be done. Sadly the AEC is not one of them.

You continued:

On occasions management has been dismissive of legitimate divisional concerns.

You further said:

Despite management acknowledging weaknesses in the Continuous Roll Update (CRU) strategy, divisional concerns are disregarded.

Do you think there is a culture in AEC management of disregarding the views of divisional returning officers when they raise legitimate concerns, as you have said in your submission?

Mr Lamerton—I am not certain that a culture exists in the way that you put it. The original reference was to the situation that Graham Smith mentioned about the citizenship problem. I presume everybody here knows what the CRU is?

CHAIR—I think so.

Mr Lamerton—The CRU was introduced approximately two years ago as a replacement for the traditional way of reviewing the roll. Returning officers suspected that it may have been under some different format when the concept of CRU came about. I, for example, thought that it was going to be a continuous roll doorknock, but that was not the case. When they started going down the path of what they are doing now, many of us had some concerns, and over the time since then there has been this sense of a fait accompli: this is what we are going to do; we are not going to return to the way of doing the roll in terms of a complete doorknock; that is it; we will not enter into any other discussion, apart from making improvements to the system in the way we have decided it is going to be done.

CHAIR—So, from the divisional level, you put some of these concerns to the AEC through your regular meetings and so on, and you were met with a lack of response. Is that correct?

Mr Lamerton—Yes. It is difficult. Many people do not like the system. As a matter of fact, if an informal survey of divisional returning officers were conducted, I think it would show that they are not at all happy with what is happening at the moment. It seems that we appear to be banging our heads against the wall.

CHAIR—Do you think that the directions with respect to CRU, and the continual banging of your head on the wall because the direction was to not accept some of your questions, came from Canberra or from the Queensland office?

Mr Lamerton—I could not say. I do not know. It is hard to understand where the push is for the CRU.

CHAIR—What about the direction not to investigate potential non-citizens voting? Do you think that direction came from Queensland or from Canberra?

Mr Lamerton—I am sorry, I do not know.

CHAIR—But it was made very clear to all of you not to adopt the practice that Mr Patching had adopted in Rankin?

Mr Lamerton—There was a directive.

Mr SOMLYAY—Was that practice happening in other states?

Mr Lamerton—I could not say. As I recall, at a meeting that we attended, which I think was in around 1990, we were surprised that that decision was made.

CHAIR—I just have one more question because I am sure my coalition colleagues would like to ask questions and we have divided it up with 20 minutes for the opposition, 20 minutes for the government, and the Democrats in between. Mr Smith, on page 12 of your submission you have said, with respect to the objection process:

If names cannot be easily and readily removed from the Electoral Roll when they no longer live at an address then there is the distinct possibility that superfluous entries will exist which could potentially be the target for those intent on perpetrating fraudulent enrolment practices.

In the inquiry on 15 November I put to the AEC the matters that were raised by Mr Colin Smith in Fisher in the 1987 election. 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.

I went on to say:

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 roting 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 who 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 roting divide the names and give each of them a vote.

... ..

... Casting of roting 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 ...

Your submission, at page 12, seems to suggest that that allegation made by both the ALP insider and Mr Colin Smith is quite a plausible allegation, given your suggestion that it would be

possible for there to be superfluous entries which could be used for voting by those intent on defrauding the electoral system. Is that your understanding of your submission?

Mr Smith—The point that I was making there in relation to the objections is that the current legislation talks about a person having left their subdivision. When we have an election we actually have a scrutiny of votes. So if someone has moved from address X to address Y, and both of those addresses are within the same subdivision or, in most cases, the division, basically the objection was incorrectly processed if the name was taken off at address X; and if the person comes along and claims the vote for address Y, then, because they are still in the same division, we have to reinstate the vote. What I was getting at in my submission was that, if we could make the basis for the objection purely and simply on the current address, then we could more easily determine if the person has in fact left their enrolled address as opposed to the subdivision or division, and when we took a name off the roll we would be sure that the information had been processed correctly.

As far as the superfluous entries go, that would go to the manner in which we undertake our business of checking the roll by doing doorknocks, and this comes back to the process of the CRU. I personally would like to see, as part of the CRU, a doorknocking process which was far in expanse of what it currently is. I believe that there are variations across the country in the way that the different states are approaching the actual doorknocking part of it. So, to overcome the superfluous entries I would be advocating that we do far more regular doorknocks in a lot broader coverage. If we are not doing those doorknocks then the potential does exist for entries to be there to be used inappropriately, as you have mentioned was reported in that article.

CHAIR—So it would be possible for someone to leave a caravan park, for example, move to another one, be enrolled in an electorate, decide not to change their enrolment, not bother to turn up and vote in the new division for their old address, and for someone to know that and go along and vote for them on polling day. The AEC would never know that was the case, would they, without voter ID?

Mr Smith—Yes, without voter ID. The only way that someone would pick it up is if, perchance, a person was working in the polling booth who actually knew that person, and that would be a very, very minor possibility.

CHAIR—Especially in a seat with 60 polling booths.

Mr Smith—The larger the number of polling booths, the greater the potential to abuse the system.

Mr SOMLYAY—When the AEC sends me a list of new enrolments in my electorate, and that happens on a regular basis, I write to those people. However, quite a few of those have regularly come back marked, 'Not at this address.' I return those to the Electoral Commission, and I am sure it would be the same practice in your electorate. What does the AEC do when they receive those back from the member?

Mr Smith—There is a process we go through whereby we check the information on the envelope to make sure that it is a match of what is actually on the roll, to make sure there are no errors or typos, if you like. Once we have done that we then write to each and every person that

has had an envelope returned. We seek information from them to see whether they are still resident. If they reply and say they are resident then we would not take any action to remove their name from the roll, but if we did not get a reply then we would start objection proceedings to have the name removed from the roll.

Mr SOMLYAY—Could you explain those proceedings?

Mr Smith—Basically, the objection proceedings would be that we would initiate an objection. That form is posted to the person in question. If we do not receive a reply to that form after about three weeks then a determination is made whereby the name would then be removed from the roll and a letter confirming that removal would also be sent. So there would be two pieces of correspondence sent out to that person at that address.

Mr SOMLYAY—We find it very disconcerting in that these lists of new enrolments, or changes to enrolment, are very recent when we write out to these members. Therefore, it seems fairly strange that we get a fair swag of them back as not being at that address. Does that indicate some sort of fraud?

Mr Smith—I do not know if it particularly indicates fraud. In my particular situation, I have not had great numbers in my particular electorate. Maybe it depends on the nature of the electorate—whether there is a transient population. But whatever is received would need to be researched and checked to determine whether or not there is a problem.

CHAIR—It is now 1.25 p.m. Because question time is at two o'clock I think we should be strict on the times. We can come back at 3.30 p.m. anyway. Do the Democrats have any questions? Do you have any questions, Andrew?

Senator MURRAY—I will ask some later.

CHAIR—Okay. The Labor Party members can ask questions until about quarter to two.

Senator FAULKNER—I have a couple of questions. You indicated on page 5 of your submission, Mr Lamerton—and I think it was quoted in part by the chairman—in the last paragraph:

In the past I have kept criticism of certain AEC policies and procedures in-house but the terms of reference for this Inquiry has dredged up the echoes of concerns voiced by divisional staff both in the past and currently.

I wondered if you would indicate to us—and perhaps I could ask Mr Smith this also, given the nature of the recommendations that you have made to us—how you progress these sorts of suggestions through 'in-house', to use your word.

Mr Lamerton—I was referring initially there to the situation that we just talked about: the occasion of the people born overseas. What I was trying to say there is that at the moment I believe the CRU is a problem. We have talked about this. At the end of 1994, after the doorknock, we found several entries of people such that the review officer would go to an address and find that the address did not exist, or that there were multiple surnames at listed addresses. I directed my inquiries to them, although I will say that, in that particular instance in

1995, management did come back to me that they were going to raise these issues at, I believe, a future RMANS reference group. I think I am personally regarded as being far too outspoken in my own organisation, so I feel as if sometimes I am just banging my head against the wall. We seem to be talking about this CRU ad nauseam, but so far I am not happy with it from a personal point of view. I do not think Graham is, I do not think Bob Patching is, and there would be many other DROs in that position as well. I do not know at what stage you feel that you are actually being listened to.

Senator FAULKNER—I appreciate what you have indicated. I think it is clear to the committee, from listening to what you have said and from reading the submissions that you have placed before the committee, that you do have certain concerns about, in a general sense, the administration of the AEC and some of the policy parameters, if you like, as well. I think that is a fair conclusion for any objective observer to come to. What I am grappling with is trying to understand how you progressed this through the AEC. For example, have you traditionally been able to provide input into the AEC's submissions that are made to this particular parliamentary committee? Those sorts of opportunities, I think, are available to officers such as yourself.

Mr Lamerton—Senator Faulkner, to the best of my knowledge, for this inquiry no Queensland divisional staff were invited to make submissions.

Senator FAULKNER—As you would appreciate, after each electoral event this committee traditionally has an inquiry into the election. There is an opportunity, isn't there, for DROs in Queensland to have an input and involve yourselves in at least the early stages of the preparation of that submission?

Mr Lamerton—You are quite correct. I have chosen not to place submissions before this parliamentary committee, except back in 1992. At that time I was not that satisfied with what was happening, so I decided that from then I was not going to get involved—until we started talking about this particular topic, which I have some concerns about.

Senator FAULKNER—Mr Lamerton, when would the AEC have become aware of the submission that you have made to this inquiry on these important matters?

Mr Lamerton—When I submitted it to this inquiry.

Senator FAULKNER—Mr Smith, I will ask you a similar question. The AEC did make the point to us in one of their numerous submissions that—I think it was you because you are Mr Graham F Smith—

Mr Smith—That is correct.

Senator FAULKNER—I was not sure whether the middle initial meant that we might be mixed up with someone else. They noted in one of their submissions that you made no input to the standard corporate process. That was the invitation from Mr Longland to all Queensland DROs to contribute possible items for inclusion in the major AEC submission No. 88 of 12 March 1999 to this committee. Again, you did not make input into that standard corporate

process. I think the committee would be interested to understand why you may have adopted that course of action and whether you think the channels for providing this input are adequate?

Mr Smith—Certainly. The reason I did not provide a submission to the AEC at the inquiry last year was basically that, with work commitments at the time, I just did not get the opportunity to put my thoughts together in the short time frame available. I missed that because I did not have the time or the resources at that particular moment to put together my points. In relation to the current inquiry, no such approach was offered from the AEC in Queensland and that is why they would not have been aware of my submission.

Senator FAULKNER—They are all in the same boat as Mr Lamerton. In other words, your submission would not have been drawn to the attention of the AEC, really, until it hit the deck with our committee secretary.

Mr Smith—That would be correct on this occasion.

Mr Lamerton—I acknowledge that I had drafted this submission over a couple of weeks, but I did not finally decide to send it until we found out that the AEC submission had already been written.

Senator FAULKNER—Over the years that I have been a member of this committee I have come to the conclusion that there is a bit of friction up there in Queensland—do you think that is unreasonable, Senator Mason, or do you think that is a moderate way of expressing it?—between the DROs and the AEO in Queensland. Do you think that is fair? It is not an unreasonable conclusion to come to. It is not necessarily the Australian Electoral Officer Mr Longland, who of course is well known to this committee and who I think has been an expert witness; I am not being at all critical of him. Perhaps the AEC at a more central level might be a better way of expressing it. Is there some friction between the AEC centrally and the DROs? Are the lines of communication not really open and some of these sorts of ideas, perhaps, not flowing through?

Mr Lamerton—I cannot speak for central office. I do not know. I know people in central office, but the normal method of recording is through the state head office to Canberra. It may be perceived as friction. I know, and I have been told, that I am far too outspoken. So, to a certain extent—

Senator FAULKNER—Someone once said that about me, Mr Lamerton, so I sympathise.

Mr Lamerton—If you are told you are outspoken, and you mention things and nothing happens or you feel that you are ignored, then you usually pull your head in.

Senator FAULKNER—Maybe that is where we have a slightly different approach. But are these ideas bubbling through?

Mr Lamerton—I would not want to promote it that there is a ‘culture’, which I think is the word you used, of out-and-out animosity, because I do not believe there is. I think it is more a perception of whether management may have a perception that whatever we might say is irrelevant and not valued. Those are the words I would use—‘not valued’.

Senator FAULKNER—You suggested a little earlier in your evidence, for example, that if there was an informal survey of DROs—

Mr Lamerton—On the CRU strategy, yes.

Senator FAULKNER—certain trends might become clear. But I gather there aren't those sorts of surveys, either informal or formal, effectively.

Mr Lamerton—Not to my knowledge, at this stage, no.

Mr Smith—If I might make a point there: I think that there were some staff opinion surveys in the early 1990s—I think it was in 1990 and 1993—but I am not aware of any formal survey of staff since that time.

Senator FAULKNER—Both of you, within your submissions, have some substantive recommendations and proposals for this committee to examine. Will this really be the first time, from your own perspective, that these have been publicly aired?

Mr Lamerton—I am sorry, I do not quite understand the question. In relation to the information—

Senator FAULKNER—In terms of your views. You have both made substantive submissions which include recommendations for future action, including recommendations for changes to the electoral law in this country. What I was trying to ask you was: is this the first time that you have really been able to air those sorts of recommendations, or those ideas, and progress them forward?

Mr Lamerton—Until this inquiry came about, I do not believe that we actually considered that some of these situations could arise. Therefore, the ideas that both Graham and I have come up with, we have discussed informally amongst ourselves and had discussed informally with other returning officers. But, by and large, I would not want this to be construed as anything other than my own private submission.

Mr Smith—In my case, the information in there was a result of reading the terms of reference for this inquiry. Most of the issues in there would not have been raised previously, except that at different times the issue of the CRU has been raised at various divisional meetings and forums by a number of people, so it has been an issue that has probably been mentioned a few times over the last couple of years.

Mr LAURIE FERGUSON—Mr Smith, Senator Faulkner has made a comment that there seem to be lingering difficulties within the Queensland AEC, and I thought that came out in a previous inquiry. One of the matters that seem to come through consistently from a group of DROs in Queensland is this question of citizenship. I think it is traceable back to a previous inquiry where there were claims that in a particular electorate—I cannot remember which one but I am told it was Rankin—there were 200-and-something found. I come from an electorate where, in the 1996 census, 46 per cent of people were born overseas. That is not 46 per cent of adults but of total population. I would be very supportive of some of your suggestions, such as increased penalties and doorknocks, but I put it to you that, in the absence of those changes,

requiring every person to have on them or in their head, at the time they fill out enrolment cards, the detail of what day they were naturalised and this type of thing really does put up a major barrier against people being enrolled.

Mr Smith—I certainly accept your point. In that particular case it probably comes down to procedure. I certainly would not like to disenfranchise someone because they had failed to provide that information. Maybe it is an issue as to whether we put the card aside as defective, process it or meet it somewhere in the middle and perhaps process it as a pending enrolment awaiting some information.

Mr LAURIE FERGUSON—That is what I am coming to. Your current proposal does actually disenfranchise, doesn't it, essentially? You put it in?

Mr Smith—As I have put it there, what I am basically saying is that the form should not be processed without that information. However, I would certainly also accept, as a way of approaching the situation, that you could accept the form and process it, but it would not go onto the roll until the person provided that information. I certainly would think that that was also a way of approaching it because, once again, you are going back to the person seeking the information.

Mr LAURIE FERGUSON—What is the current state of interaction between DIMA and AEC? I thought that there was an exchange that could obtain that information from DIMA now?

Mr Lamerton—No, that is not my understanding, Mr Ferguson. Isn't that part of the new current legislation that is to be proclaimed?

Mr LAURIE FERGUSON—I was under the impression this was already basically covered.

Mr Smith—It may be at a central office level.

Mr LAURIE FERGUSON—If it is, isn't that a better way to go? Essentially, you could say, 'We have got a card here. The bloke cannot remember whether he was naturalised in July or August of 1978. Why doesn't DIMA look and come back to us and we will knock it out if—'

Mr Lamerton—Certainly.

Mr Smith—Yes, I think that would be an adequate way of doing it.

Mr Lamerton—I totally agree. We should be talking to DIMA electronically. As far as I can see, if somebody who comes in was born overseas and they do not know their citizenship number, we should be able to just tap into some database—

Mr LAURIE FERGUSON—That is a more sensible way than disenfranchising—

Mr Lamerton—Certainly. I do not think we are ever suggesting that we would like to disenfranchise them. But at the moment, we take everything at face value.

Mr LAURIE FERGUSON—I appreciate Mr Smith is saying there is a middle way, which I think there is, but the current submission says otherwise. What is really so dreadful about a person being in Charters Towers and voting where he lives? Just because he has moved out of Mt Isa, is that really the end of the world? He is actually living in the same electorate.

Mr Smith—The point that I was making there was that I believe the legislation places an onus on a person to be correctly enrolled and to re-enrol after they have been at a new address for a month. I was highlighting the fact that people do not have to comply with that particular piece of the legislation and that can lead to other issues coming along where someone might have their name left on the roll in Mt Isa for several months, if not longer, waiting for them to get to an address in Charters Towers. Because they have not filled in a form in Charters Towers, therefore, their name has not been removed from the roll in Mt Isa. I am just looking at the issue that people have a responsibility, under the current legislation, to enrol at a new address. The point I was making there is more in relation to the objection process to be able to remove names and be fairly certain that when you do process the information, if the name is removed, and it will be on the basis that they have left their address, rather than the subdivision.

Mr LAURIE FERGUSON—We know that hundreds of thousands of Australians would lose their vote under proposals from other parties in regard to enrolment period during elections. What is your understanding of the dimensions, in numbers, affected by that proposal around Australia? What is the number of people that have not changed their enrolment within the same subdivision?

Mr Smith—Unfortunately, I would not like to hazard a guess because I have no idea of what the numbers may be.

Mr LAURIE FERGUSON—Thank you.

Mr McCLELLAND—In terms of this checking to ensure the validity of enrolments and voting and so forth, it is a case, isn't it, that under our federal Constitution the right to vote is one of the very few rights that Australians have, so any proposal should lean on the side of enfranchising, rather than disenfranchising Australian voters?

Mr Lamerton—I totally agree. But we have got to be in a situation where we have confidence that it is right.

Mr McCLELLAND—Sure

Senator MURRAY—Gentlemen, it seems to me that in looking at who should be on the roll, there are three main categories. Firstly, to meet the intent that Mr McClelland has outlined, the maximum number of eligible adult citizens should be on the roll; secondly, there are those who should not be on the roll, but not through criminal intent for instance, those people who think they are citizens or think they are entitled to vote but are not.

The third category, which is the controversial one, is who should not be on there because there is criminal intent—that is, either they have knowingly put themselves on the roll in the wrong place or they are using fictitious names or any other measures. I would like to briefly come back to each of those, but I want to deal with the first one, if I may, Mr Lamerton, and that

is the intention of getting the maximum number on the roll. I think you have done us a favour, frankly, in your submission by reminding the committee that an important part of the integrity of the roll is maximising the number of eligible adult Australian citizens. In the controversial side of this inquiry, we should not lose track of that element.

My summary of your submission is that it seems to me that you apportion the problem in that respect not so much with regard to legislation but with regard to two fundamentals: the first one is budgetary restraints or resources, the financial or other ability; and the second is attitudinal, the will in the AEC to really generate greater enrolment. If I am wrong in my judgment, I would like you to say so, but I would like you to briefly address the committee on those aspects.

Mr Lamerton—I really do believe in the compulsory enrolment provisions of the act. I am personally a supporter of them, so I would not want that to be interpreted in any other way. Since 1984, as far as I am concerned, I understand we have never taken anybody to court for non-enrolment. It would be an onerous task on divisions to start that, but does that lead to a perception out there in the community that we do not care or that, if we ignore them long enough, we will just go away? I do not know the answer to that question. I believe we should be attempting to get as many people on the roll as possible. Where I am coming from is that I do not necessarily think the CRU strategy that we have in place at the moment is the best way of doing that.

Senator MURRAY—If I may say so in a passing comment, I think sometimes that attitude arises because people think voting is a right and not a duty. I am one of those who take the view that it is a duty and therefore that is the reason it is compulsory. For those of you who want to know my view on it, it is expressed in both our 1996 and 1998 minority reports.

On the financial side—because will and attitude is something that has to be addressed internally as a result of ministerial directions and government leadership—have either of you given thought as to whether much more money is needed? Is a big sum of money really needed to get maximum enrolment?

Mr Lamerton—Management has told us that, effectively, the way we used to do it with 100 per cent doorknocks was ‘wasteful’. I think that was the word they used. That is a value I cannot comment on. I just do not know how much money a full doorknock review would have taken.

Senator MURRAY—But surely that is not the only method.

Mr Lamerton—Of doing doorknocks?

Senator MURRAY—No, of maximising enrolment.

Mr Lamerton—I believe there should be a campaign on TV several times a year to encourage people to get on the roll. I am prepared to admit that the AEC has initiated some quite good things. We do enrolment drives for year 12 students—that sort of thing. Both Graham and I have been out there at year 12 school break-ups for the last couple of weeks picking up enrolment cards. There are those sorts of things. In my submission I was more pointing out that we are not taking the compulsory enrolment provisions through finally to the

court. Even though I accept that that would be an onerous task on all divisions, we have not been encouraged to do so.

Senator MURRAY—Do you mean you are just using the carrot without the stick?

Mr Lamerton—Exactly. It is not much point threatening anybody if you are not going to belt them.

Senator MURRAY—I am obviously not equipped to judge these things, but I guess it is an area that we should explore further with the AEC as to what can be done to pick up that side of things. If I can move on, regarding the questions put to you by Mr Ferguson, so far the picture that I have in my mind is that those who should not be on the roll, who are without criminal intent, are primarily non-citizens who think they are citizens. Through the chair, may I ask that the secretary find out and give us a briefing paper on exactly what wash is capable between the immigration department's database and the AEC. I am not aware of what physical data is available to automatically wash the roll and establish who is a citizen and who is not.

CHAIR—I have asked them for that informally but I can ask them formally.

Mr Lamerton—Anecdotally, I would like to point out to the committee that we are rejecting enrolments from non-citizens on a continuous basis in all divisions. I never cease to be surprised that so many people, for example, think that if they have lived here for three years they are Australian citizens and, if they are married to an Australian citizen, they believe they are Australian citizens. I do not know how we address that; I do not know how we get around that.

Senator MURRAY—The last of my three components is: who should not be on the roll because they have criminal intent? That is really the juicy side of this inquiry. My judgment has been, from what I have read, that the trust system under which the AEC operates is flawed and can be abused. The problem is that none of us knows whether it is large enough to affect the result of an election. It does not even seem, at times, to be large enough to affect an ALP plebiscite, so I cannot work it out personally. It seems to me—and I would like your response—that the multiple voting side of it is a red herring. In other words, the same person voting more than once under their name just gets nowhere. The real issue, it seems to me, is what I have seen broadly described as personation, where a real person at a real address in the wrong electorate is established or an unreal person at a real address is established—those sorts of things. Would you agree that the greatest danger is in that personation area?

Mr Lamerton—Yes, but, until the revelations came out of Queensland, I do not think that any of us actually considered it. I would have been more inclined to be worried about identity fraud than something that was systematic, which I have relayed in my submission.

Senator MURRAY—Do you have the same view, Mr Smith?

Mr Smith—I certainly see that, under the current system, it would be possible for such a scheme to be perpetrated and it is certainly a matter of conjecture, I guess, as to how big and how wide that scheme could be. Would it be 10 votes or would it be 20 people voting 20 times, which becomes 400 votes? That is where it gets worrying because, at the moment, the chance of

that scheme actually being found out would rely on a polling official actually knowing one of the people whose name was used. I would think that that would be fairly unlikely to occur.

Senator MURRAY—I would like to put a proposition to you, Mr Smith. It seems that one of the themes in the press has been the idea of conspiracies—in other words, sets of people agree that certain numbers of people will be wrongfully put on the roll. I have a fear that it is far more widespread but it is not a conspiracy at all. In other words, large numbers of people who might have the passion and motive might—of their own volition, knowing that it is easy to do—establish themselves on the roll in an illegal manner and not be found out. I take that view partly because of having seen the Westpac-AFP sample survey in New South Wales, where 13 per cent of a sample who were checked as applying to get a bank account using the hundred points identification were found to be fraudulently doing so. It was not a conspiracy where they all rang up and found a central place. They just knew it was easy to do and they did it individually. Do you think that view—and this will have to be the last question—is possible, that large numbers of people individually could be accessing the roll on a fraudulent basis?

Mr Smith—There could be that potential, particularly given the revelations that have been in the media, certainly in Queensland. That has probably raised the issue more in the public mind. It might mean that other people might consider such a course. You would certainly hope not, but the potential is there.

CHAIR—Thank you, Mr Lamerton and Mr Smith. There are other questions to be asked by the committee, certainly from members of the coalition. Therefore, can I ask you to return to the committee at 3.30 p.m. We will then have about half an hour of questioning, and then we will move on to Mr Patching and Professor Hughes. Thank you for your patience. We will see you when we resume after question time.

Proceedings suspended from 1.56 p.m. to 3.41 p.m.

CHAIR—We now have 20 minutes of government questioning if that is required. I know that Senator Ferris has a number of questions.

Senator FERRIS—The first one was related to casual staff. I would be interested to hear from each of you about the sorts of security checks that you go through when you put on staff for an election. Given the responsibility that these people have, do they go through any training to detect any form of electoral fraud? Do you run them through any kind of security checks before they come?

Mr Lamerton—I would like you to understand that most divisions operate with what we call our well-trained, long-term casuals. That happens to be a case in point. If you are referring to people that come and go—and I would admit that from one event to another that does occur—we do not conduct any formal check of their bona fides, except that they do sign a declaration stating that they are not politically aligned or are not currently within a political party, and they also have to sign a secrecy provision, but that is all.

Senator FERRIS—Have you ever, in retrospect or in hindsight, come across people who might have led you to believe that they were not aligned or had no reason to be driving any particular position politically who subsequently have been found to have been doing so?

Mr Lamerton—Not once.

Mr Smith—Not in my experience either in relation to the electorates that I have worked in.

Senator FERRIS—What about training for picking up electoral fraud generally amongst staff. As divisional returning officers do you go through staff training? For example, is this part of a staff development process—this is a point I think one of the DRO's has made; I think it might be you, Mr Lamerton—in relation to Centrelink and non-Australian citizens trying to register? Do you give any special or ongoing training to people when they come to work for you to pick up those sorts of things?

Mr Lamerton—Yes and no. I am not being evasive here. Those Centrelink cases, by the way, were actually picked up by a casual who was processing return mail from a Centrelink mail-out. She said, 'Have a look at some of these.' They were envelopes that said, 'This person has never lived at this address. Why do I keep getting government letters?' or something along those lines. How would she pick that up? She was trained; she is a long-term casual. The people who are processing this sort of material in most divisional offices do have some long-term experience with what we are doing. In fact, that particular lady has been employed in my office going back to 1984 and she keeps coming back every time I need her for an event.

Mr Smith—A lot of that training, I think, would be experience that has been gained over a number of years on the job.

Mr Lamerton—They are what we call our super casuals.

Senator FERRIS—Commendable, obviously. Are you familiar with the letter that has been written to members of the committee by the acting Electoral Commissioner, Mr Cunliffe?

Mr Lamerton—I would not know which one you were referring to.

Senator FERRIS—It is a letter that was circulated to us with some additional material just in the last few days, related to your submissions.

Mr Smith—In my case, I got a phone call on Friday afternoon from the AEC's central office advising that they were going to be sending a letter and there would be some attachments.

CHAIR—The AEC say that they have sent you copies of it. Would this refresh your memory?

Mr Lamerton—I am not sure; there have been several things happening. I did not see that until yesterday, but because, apart from the first two pages, it did not relate to any previous submission I have seen—it specifically talked about Mr Patching and Mr Smith—I actually have not fully read it. I have not had time.

Senator FERRIS—Let me ask you, within the bounds of how you choose to answer this, how you felt, Mr Smith, having been given no opportunity to contribute towards the major submission that was put in by the Electoral Commissioner. Perhaps, Mr Lamerton, you were not either. There were a number of comments made in that letter by Mr Cunliffe and in the attached

material which in my view seemed to undermine, in what I consider to be quite an unprofessional way, the comments and experiences that you as DROs have amassed over the years. How did you feel about that? Did you feel in any way intimidated or threatened by that letter and that material?

Mr Smith—When I read it I certainly had a feeling of, I suppose, let-down that the matters I had raised did not seem to be looked at from a point of view of objectivity, that before they got to the issues, before they got to the point of the information that I was trying to raise, they were concentrating on various other matters. I did find that a bit disconcerting.

Senator FERRIS—The staff of the Electoral Commission would be employed under the Australian Public Service Act, I imagine. Clearly, the comments that you have made in your submission, and also those that Mr Patching has made in his, would fall within section 13 of the code of conduct, that an APS employee must behave honestly and with integrity in the course of your employment. I would have thought that all three of you, but in particular the two who have been given a fairly hard time as a result of that letter and its attached material, would be quite disappointed, not only because you decided to act with honesty and integrity, given your experience, but also because you decided to make comments which you were only able to make in that way, since you were not given the opportunity to be part of the main submission. In fact, when you knew the main submission was being put together, it had already been finished.

Mr Smith—On this occasion, yes, that is right, it had been completed.

Senator FERRIS—Have you felt, before, that the on-ground experience that all three of you, but perhaps in particular you two now, are raising has been overlooked by the central office down here? You people are the ones who have the practical, on-the-ground experience over years, and yet the people in Canberra seem to have constantly overlooked the sorts of issues that you have raised with them. Is there an ongoing sense that you have of perhaps disappointment or frustration?

Mr Smith—I think there is a feeling, when things are raised at the local level, that you would hope that the Queensland management would consider them objectively and then pass those matters on. I am not privy to whether or not that actually occurs, so I am not sure of what the communication is at that level. So I could not really comment on that aspect.

Senator FERRIS—Do you want to make any comment on that, Mr Lamerton?

Mr Lamerton—I covered that earlier today, didn't I? I feel that over the years, particularly in the last couple of years, my opinion is devalued and therefore I am sometimes reluctant to put forward any thoughts on topics as they come up. The only purpose for this one was that it is something that actually concerns me.

Senator FERRIS—It should concern every Australian, of course, as it is the integrity of the roll that we are talking about here. One of the things that you said in your submission, Mr Smith, was this question of voter ID. You obviously feel very strongly about identification for voting and for enrolments. What do you say to the AEC's major submission which suggests that voter ID would disenfranchise the young and the socially disadvantaged?

Mr Smith—It would depend on the form of ID that was introduced. Most people would have some form of photo ID, perhaps a driver's licence, student ID or something like that. What I was proposing was that if someone comes along to vote they would present a photo ID. That would mean that when the ballot paper was issued then some process of checking was involved. If some people do not have access to a photo ID then I was proposing some form of signature ID as a backup. Someone could come in with a card, a Visa card or a video card. Obviously, you would have to determine which forms of ID were going to be acceptable. If the person did not have a photo ID then they could sign a declaration, the signature would be matched against another signature on a card that they had, and the vote could proceed.

For people who might be disadvantaged, maybe the Commonwealth could help meet the cost of ID. For example, the Commonwealth could ask each of the state transport departments, the motor registries in each state, to provide a photo ID for people to present. Instead of setting up a new bureaucracy the Commonwealth would say, 'Okay, if you processed X number of these, we would provide funding to you for providing that service,' whereas those of us who are going along for a licence go through that as a matter of course. That would be a way of getting around the socially disadvantaged as an option.

Mr SOMLYAY—What about a Medicare card?

Mr Smith—Yes.

Senator FERRIS—I notice that with some irony you make the comment in your submission that it is easier to enrol to vote than to join the local video store and that if voter ID is not introduced then electoral fraud will continue.

We have heard about large numbers of people, hundreds of thousands of people, who get themselves on the roll in the period of time between the calling of an election and the closing of the roll—300,00 to 400,000 people. What happens in your office to all of those names that suddenly go on that roll, perhaps two weeks before an election? On average, how many would you get in each of your offices in that period of time? And what do you do with them?

Mr Lamerton—Several thousand.

Senator FERRIS—What do you do with them?

Mr Lamerton—We just process them normally. As people walk in by the hundred and hand their cards in over the counter, as long as the card is filled out correctly—and invariably they are because they are done in the office—we just process them because there is no time to do anything else.

Mr Smith—Basically the check is: is it signed? Is it witnessed? Is the person an Australian citizen? Is the address a legitimate address? The card would then be processed.

Senator FERRIS—So you actually have no time to really do a proper check on those people because there are just too many of them in a short time.

Mr Lamerton—Currently, we do not require ID at all, so we do not check for ID.

Senator FERRIS—It was suggested to us when the Electoral Commission was here that most of those people, or a large number of them—and I am still waiting for the breakdown from the AEC—are actually people who change addresses. They are not new enrolments.

Mr Lamerton—That is possibly quite correct, but there is no denying that there are a lot of new people who become enrolled. Could I just add something here?

Senator FERRIS—Yes.

Mr Lamerton—I actually have a differing opinion from Graham and Bob Patching. I was heartened by the number of young people who got on the roll in the close of roll period for the referendum. They obviously wanted to have their say and they came through the door in numbers that I had never seen before in any close of roll that I have been engaged in. I am fearful that, if those people had been knocked back because they did not have any ID when they walked through the door, we might lose them forever. I have some concerns about that. I think the concept of ID for enrolment is sound; I do not have a problem with it. I really do worry about those young people who are getting on the roll for the first time. If we put hurdles in front of them and they trip over them and say, ‘They never wanted me’—

Senator FERRIS—What do you say to the suggestion that has been made to this committee by others that the day the election is announced is the day the roll closes?

Mr Lamerton—That is an option for this committee and the parliament to decide. You can argue that that will solve the problem or you can put forward the equally valid argument that you may then disenfranchise hundreds of thousands of people.

Senator FERRIS—The young people, in particular, as I think you, Mr Smith, say are going through years 11 and 12, and perhaps year 10 as well, understanding that they are—

Mr Smith—Yes, increasing their knowledge.

Senator FERRIS—about to become eligible and that they should join on their birthdays or some such thing?

Mr Lamerton—In my conclusion to my submission, I suggested that we must revisit a civics type of program in senior high school, without a doubt.

Senator FERRIS—That is a very sensible idea. Thank you very much.

Mr Smith—In relation to the close of rolls issue, the key factor should be, whichever way you decide to go, that it needs to be common for all. Basically, from the point of view of making the process easier, particularly with advertising and that sort of thing to try to get the message out to the broader community, whatever the cut off is, it should be the same for all. This would be the only point that I would make. Certainly, over time, human nature being what it is, people do tend to leave things to the last minute. As soon as there is an election announced, people fill in the forms that they have been putting off for whatever reason.

CHAIR—We have a couple of moments for some quick questions, probably from Stuart St Clair.

Mr St CLAIR—I have a quick question. You mentioned earlier the question of dropping the citizenship proof. It was a directive given to you. Who sets that management policy? How does it get to you? Who decides that we are no longer going to check on the citizenship question?

Mr Lamerton—The fact is that we were actually doing an informal checking, or some DROs were doing an informal checking system of their own. Once it became known to Queensland management, they decided it was inappropriate to conduct the check that the DROs were doing and, therefore, they said that it was to stop.

Mr St CLAIR—Who decides that policy? Where does that actually originate?

Mr Smith—I think the direction came from Queensland. Whether that was decided at the Queensland level or whether it went to the central office level, I am not aware of that part of the procedure, I am sorry.

Mr St CLAIR—Is that a verbal directive or did they send you a memo?

Mr Lamerton—We can't find the written one, but we believe it was written.

Mr Smith—My recollection is that it was in writing. I think it was in the form of an email as opposed to an office memorandum, but that is my recollection. It is going back a few years now.

Senator MURRAY—I have one question on Senator Ferris's line of questioning. In the last hearing with the AEC, I asked them whether they would consider advising all DROs of their submission—which they had not checked down the line originally—and whether they could ask all DROs for any comments on it. Have you, in fact, received such a request?

Mr Smith—Not as yet.

Mr Lamerton—Not as yet.

Senator MASON—Most of these issues relate to your relationship with the AEC generally. One issue has not been touched on at all. Mr Lamerton, in your submission you mentioned co-locating divisional returning officers into one central area. From your submission, I gather you believe that that will inhibit your capacity to detect fraud?

Mr Lamerton—Yes, I do believe that. In fact, I belong to a co-located office. The divisions of McPherson and Moncrieff are co-located on the Gold Coast. I have no problem with that. I can service the people of McPherson quite adequately from where we are. My office is in the locality of Southport. It is regarded on the Gold Coast as the central business district of the Gold Coast. It is not a problem.

Senator MASON—But there are other examples?

Mr Lamerton—Without a doubt. As I said in my submission, I have no problem with selective co-locations in metropolitan cities as long as the electors are not disadvantaged in getting to these places or in any other thing. It is hard to see how the concept of removing the division of Moreton and the division of Lilley into what I consider to be ‘a CBD black hole’ is going to advantage the people of either Moreton or Lilley. But I am more concerned that, under our new workplace agreement, in-principle agreement, we appear to once again be looking at the structure of the AEC—there seems to be a perennial re-examination of the structure—and that it is possible that the structural make-up of the AEC could change. This was rumoured and put forward as a possibility in the now defunct AEC 2000—

Senator MASON—Sorry to interrupt, Mr Lamerton, but I am aware of the time. You mentioned the Townsville office and that, if you did not have experienced people there who had worked in that area, that could inhibit the detection of electoral fraud.

Mr Lamerton—I believe that.

Senator MASON—What was the attitude of the head office in relation to that?

Mr Lamerton—I just do not know; I am not being evasive. There was a decision made to move those other two metropolitan divisions into the city.

Senator MASON—Did you communicate your concern?

Mr Lamerton—I did not feel that anybody would take any notice of me if I did.

Senator MASON—Secondly and finally, Senator Ferris asked a question about training for detection for fraud. Do you receive any training manuals or such like from head office to detect fraud? I do not mean for training your local people.

Mr Lamerton—I know what you mean.

Senator MASON—Do you receive any manuals to assist in the detection of fraud?

Mr Lamerton—We rely on the Electoral Act and other manuals such as GEM, the general enrolment manual, and on our own procedures manuals. I consider they are adequate for our needs. But I believe it is a combination, because after years of experience you start to know what can possibly happen.

Senator MASON—Sure, but there are no specific directives or training manuals from head office about the detection of fraud?

Mr Lamerton—Not as such, not that I am aware of, but I do not really know.

Senator MASON—Not to your knowledge?

Mr Lamerton—Not to my knowledge.

Senator FERRIS—Nothing proactive?

Mr Lamerton—Not that I am aware of at this stage.

Mr McCLELLAND—Mr Smith, at page 18 of your submission you refer to compulsory enrolment provisions, which obviously have to be relevant to both getting people on the roll—the 10,000-odd estimated not to be enrolled; tens of thousands I think it said in one of the submissions—and getting people to correct incorrect enrolments. You have suggested a penalty of \$20 should be imposed.

I have a recollection—I do not have the section in front of me—that there is already a penalty of \$50 in section 10. But that is not my point. My point is: to what extent is it a problem of inadequate penalty as opposed to willingness to enforce the penalty; and, if so, whose lack of willingness is it? Is it the AEC's lack of willingness to refer it for prosecution or is it the AFP's lack of willingness to take it up?

Mr Smith—My understanding is that before the 1984—I think it was—provisions there was a section in the Electoral Act where the divisional returning officer could impose a penalty. That is what I am getting at there—that \$20 is a penalty at the local level, not a prosecution or a fine.

Mr McCLELLAND—I see; it would be a streamlined sort of thing.

Mr Smith—Yes. Basically, my idea was that you would send the notice and say, 'You've been at this address for this long. You haven't yet done it; you should do it; otherwise you could incur a penalty,' to try to encourage people to do the right thing instead of taking them straight to court. If they did not do something the option would be to look at each case and make a decision as to whether it should be referred to court. At the moment I am not aware of any cases having been taken to that next level, because it certainly has not been put up as an issue where we should be out doing that sort of thing. It could be a matter of the funds, or the dollars, but I am not aware of that. That is basically a head office issue.

Mr McCLELLAND—But you think there is a need for a simple, streamlined procedure where you could issue a—

Mr Smith—I would like to see a simple, streamlined procedure, because at the moment either it is nothing or it goes straight to court.

Mr McCLELLAND—A federal case, literally.

Mr Smith—I would like to have something in the middle, which we have for the non-voter process. If someone writes back and tells us that they have a reason for not voting and we do not consider that to be adequate, we can send out a penalty. If the person pays that, then that is the end of the matter and it does not then have to proceed to court. I was looking at having a similar process for non-enrolment.

Mr McCLELLAND—Thank you.

Mr LAURIE FERGUSON—Mr Lamerton, it would seem to me that a significant common denominator in the two submissions is the problems that arise from the disappearance of the doorknock—that, essentially, you cannot rely on Centrelink because a significant number of people on their list might be cheating Social Security and when you write to them basically they do not respond. If government, or the AEC, political parties or whatever, failed to fund the doorknock, isn't there a balance here between the urgent need to have this doorknock reinstated and to make sure that people are on the roll properly in the first place and that there are regular reviews? If that is not done, then there is a real question as to whether the problem should be used to argue basically for the very big dangers of disenfranchisement by other changes?

Mr Lamerton—I think I understand what you are saying; that is a long question. I would not like to see disenfranchisement of any sort. My concerns are that the CRU is not necessarily targeting all the right people. I would like to see it expanded. I should say that I am not against the CRU; I would just like to add a substantial doorknock—hopefully 100 per cent once every election cycle. If that is not possible, then at least let us look at major growth areas and areas in which we have high turnover, high mobility and that sort of thing. But the one thing we have to try to do also is to update our address register. In my supplementary submission to this committee I indicated that, in an email to me, the AEO for Tasmania indicated that they are doing virtually a full address register updating Tasmania. The question I would ask is: if they are doing it there, why isn't it being done elsewhere?

Mr LAURIE FERGUSON—If the political system, the taxpayer, the AEC, funded and operated proper checking by doorknocks, would that be a significant attack on the problem? Is that a central requirement to address the problem?

Mr Lamerton—I think adequate funds must be made available to the AEC to effectively carry out its charter.

Mr LAURIE FERGUSON—And you see the doorknock as a very crucial part of all this?

Mr Lamerton—I believe that to be so.

Mr LAURIE FERGUSON—Could you elaborate on the threats to disenfranchisement that you make on page 4 with regard to witness prescription—limiting the number of people who can witness enrolments?

Mr Lamerton—I presume you are talking about paragraph 4.

Mr LAURIE FERGUSON—Yes, where it says:

... attempts to enforce this provision of the legislation at a close of roll will result in mayhem.

Earlier you say that there is a real threat to people's rights with regard to franchisement.

Mr Lamerton—Yes. I was trying to point out to Senator Ferris that it is my own personal belief that, if we put hurdles in the way of young people, there is always the risk they will never come back. I also have some major problems with that grouping of prescribed witnesses. I will give an example of that: somebody may go down to the post office to pick up an enrolment card

and want it witnessed, even if they have ID. What happens if it is witnessed by a public servant or a postal official with less than five years experience? How will we ever know? Has anybody thought yet, under this legislation, how we are going to check? If somebody says they are a marriage celebrant, how do we check? Have the witness provisions been looked at? I am not sure that they have. I could be corrected on this, but I understand that with the fraud that was detected in Townsville it would not have mattered if a JP or whoever had signed it. I just do not believe it would have been detected in that way. So if you cannot enforce it, do not do it.

Mr LAURIE FERGUSON—In regard to your views on the issue of faxed vote cards, I think you say you received ‘hundreds’ of cards. My recollection is that you said that 17 were refused on the basis of signature.

Mr Lamerton—It was not a matter of being refused. We could not read them. We did not know where the hell they were from, and we could not respond to them. They came through, but they were jammed and pushed so that you could not read anything on them and you could not make any sense out of them. It is a very bad problem that we have. As I said, I referred to it as a vote of convenience gone mad. If there are intentions here to formalise enrolment, then this is something we have to address. It just does not happen. If you cannot read them, how can you put them on?

Mr LAURIE FERGUSON—The actual figures for Australia—I can be corrected—are 200,000, 300,000 or 400,000 in this period. Is that right?

Mr Lamerton—Yes.

Mr LAURIE FERGUSON—So we are probably talking about more than hundreds, aren’t we?

Mr Lamerton—I said hundreds—

Mr LAURIE FERGUSON—We are talking about 1000-plus.

Mr Lamerton—In the 1996 and 1998 general elections—we have got a co-located office so we have two divisions—we had hundreds coming through on the last day. Where we had a major problem was that a lot of people were going to post offices and leaving their forms at the post office. The post office would say, ‘Yes, we will fax them,’ but because our fax machines were so clogged they never came through until the next day. So there were many people who just never got onto the roll because the roll had closed at 8 o’clock and we did not have those forms in our office, even though those people had walked away thinking that they had got on. It is pretty disappointing when you have given them an interim acknowledgment.

Mr LAURIE FERGUSON—I am not arguing that that is not a problem and we should not be concerned that those people have been deprived of votes. But if the government does not fund a regular doorknock to maintain the roll, we have a reality that hundreds of thousands of Australians do enrol in this late period. People propose to attack that concept of enrolments during this period. I would have thought that if there are 17 people in an electorate who do that—and my guess is that you have probably got over 1,000—you would also find that during the week you would receive forms that are not legible. I am questioning whether that is a big

enough problem to basically ban the faxing of enrolment cards, given the problem of the numbers of people that could be deprived of a vote if we stop this.

Mr Lamerton—Yes, I believe that.

Mr LAURIE FERGUSON—You talked about a mail-out on page 7. How large was that mail-out? You say it was a recent mail-out.

Mr Lamerton—It could have run into several thousand.

Mr LAURIE FERGUSON—Several thousand?

Mr Lamerton—I could be corrected on that—I just do not know. Yes, possibly.

Mr LAURIE FERGUSON—And you say that you are holding several of these return letters. What would be the several out of a couple of thousand?

Mr Lamerton—I was trying to point out that we get a lot of return mail. Across Queensland we are achieving approximately a 33 per cent response rate to our mail-outs.

Mr LAURIE FERGUSON—From Centrelink?

Mr Lamerton—This could be Centrelink or Australia Post. I told my staff to alert me if they got letters back with odd sorts of scriptures on the front of it saying that the person has never lived here or whatever, that it looked like a dodgy address. I told my staff to pull those aside and give them to me. I am holding several of those, probably half a dozen at least, maybe 10—I am not sure. I have relayed that to head office. I am still waiting to find out what they want to do about them.

Mr LAURIE FERGUSON—I am trying to get to the numerical size of the problem. So the mail-out possibly involved thousands, I think you said?

Mr Lamerton—Yes.

Mr LAURIE FERGUSON—You are not sure but there were possibly thousands, and there were several returned letters indicating that people had not lived there. What do you think is 'several', in this case? I appreciate there were others that were returned as well.

Mr Lamerton—I am not making the suggestion that every returned letter involves potential fraud. I am saying that I am holding some—maybe half a dozen. Therefore, I am saying that we should be talking to Centrelink about these.

Mr LAURIE FERGUSON—Finally, there is the proposal that 70-year-olds would be able to say, 'I'm not interested any more.'

Mr Lamerton—It is a personal idea.

Mr LAURIE FERGUSON—Yes, I know; that is why I am asking you rather than Mr Smith. They might not want to vote, they might be elderly and that type of thing. On the one hand we have got postal voting now and that is a lot easier for them. I know you have some problems with postal voting, but is someone going to come around next week and say, ‘Oh, look, there’s a lot of disinterested, apathetic young people. They don’t want to vote either’? If we are attacking voter fraud, why is that necessarily a particular group that we should look at? Why should we do this?

Mr Lamerton—In my electorate I have a very high proportion of elderly people. Every election, whether before or after it, we receive requests from people who say, ‘Can I get my mother off the roll? She no longer knows what it’s all about,’ and then we go through the motions of saying, ‘You’ve got to get a medical certificate.’ In the old days it would need to be from a medical practitioner in the same subdivision. It is a very protracted business and some of these people are very, very upset. I thought, ‘Let’s give the oldies a break.’

Mr LAURIE FERGUSON—Give the oldies a break—

Mr Lamerton—If they want to.

Mr LAURIE FERGUSON—but other people might say, ‘Mr Arbus doesn’t write very good English, give him a break. Young people don’t want to be part of the system, give them a break.’ It is not in any way connected with voter fraud, is it?

Mr Lamerton—Only if we have people impersonating them at polling places. That is why I would like the date of birth put back onto the certified list.

Mr LAURIE FERGUSON—I am not arguing with that concept. I think it is good. What I am saying to you is that they can impersonate anyone. They can impersonate people on holiday in Turkey. There is no real reason, having regard to the particular nature of this group, to provide for them a different kind of rule, is there?

Mr Lamerton—No. As I said, it is a personal opinion of mine which I was putting to the committee for their consideration.

CHAIR—Senator Murray, do you have any questions, or we can move to Mr Patching, if you would prefer?

Senator MURRAY—I have a couple which I would like to repeat with Mr Patching. With respect to this business of voter identity, it seems to me that you are now equipped, in fact, to do it without making people carry cards. You are now entitled, by law, to have the gender, date of birth, as well as the address, so that could be printed on the roll in front of the polling officer, which would mean that the person—

Mr Lamerton—We do not have the date of birth at the moment.

Senator MURRAY—Yes, but you could, because you are permitted to do so by law. Let me go through it: Mr Robert McClelland comes in, you look it up and it has got ‘Ms Robert McClelland’. He is immediately out of the picture because he is not who he says he is, or you

say, 'What's your address?' and he does not know the address. You can knock a person off on that basis. With respect to date of birth, it might say, 'Born in 1980' and you have a good look at him and say, 'Hang on, this is a bit suss.' One of the real worries with carrying any cards—unless it is like an Australia Card, an identity card which everybody carries all the time—is that you will always have people who will forget them and leave them behind. But if you now have three things which can be ticked off to show that people are really who they are, surely we are ready for a voter identity system which does not require extra bureaucracy but which just requires a question and answer session at the polling booth?

Mr Lamerton—If that is the decision of the committee, I—

Senator MURRAY—I put the proposition to you—as somebody who has advanced the proposition that we need better voter identity—that those three things would be sufficient.

Mr Lamerton—I would not want to go down the hackneyed path—and I heard it in the parliament today—that it is easier to go to a video store, but if they require ID, then when people turn up at a polling booth I do not think it is unreasonable to ask that they produce some sort of ID.

Mr McCLELLAND—What about indigenous Australians?

Mr Lamerton—I will accept that one; it is very difficult. There will always be exceptions.

Senator FERRIS—But they have CDEP bank cards.

Mr Lamerton—But I am not sure they would out on a mission or when we have remote polling.

Senator MURRAY—I just put the proposition to you that you have three items of identity there. For most people, they would need to be pretty sure about it. The other thing I want to ask you briefly about is doorknocking. Maybe it is heresy on my part but I think doorknocking is overrated, both as a political device and as an electoral device. My understanding is that the officers go to a door, they knock on the door and whoever answers the door they ask them certain questions. If that house has four voters and only one is there, how do they know those other three voters actually exist? How do they know the person is giving the right answers? In other words, it is a trust based system. Whenever I hear people advocating doorknocks I think it is a useful add-on but it has the same weaknesses as the roll has right now, and that is a trust based system.

Mr Lamerton—I accept that, but history will say that we managed to take a lot of people off the roll that we do not appear to be doing at the moment with the CRU. We also seem to get a lot of enrolment cards. That is not to suggest the CRU is not picking up enrolment, which it is. But my personal opinion is that we used to pick up a lot more with doorknocks.

Senator MURRAY—I will put a proposition to you to get your reaction to it. I am not saying you should not have doorknocks, but I think it is just an extra device to check. If you had sample or selective doorknocking, if you had the habitation survey which you have at present, if you had what I refer to as the 'hatch, match and despatch' cleaning out process with the

registers of births, deaths and marriages, if you had a database match into the Immigration database, which you do not have at present, and if you had a cross-reference through into the tax base and social security, wouldn't that pretty well give you enough of a cleansing mechanism overall if a combination of those things were used?

Mr Lamerton—If it is taken in an overall context, yes. I do not think either Graham or I were trying to suggest anything other than that. We both agree that there is nothing wrong with the CRU strategies in place. I would like it extended. I really am concerned about the address register, because it has not really been looked at since 1997, and I think the only way that will ever be done is if we go out there and physically have a look at what is actually there. That is my concern. I totally agree with the overall concept.

Senator MURRAY—That package would go a long way, wouldn't it?

Mr Lamerton—Most definitely.

Mr Smith—It certainly would. My assessment in my submission is based on the current CRU as it stands today in the state of Queensland. I have concerns that we are not targeting enough of a doorknock to tap into those areas that we should also be doing, other than those that do not reply to letters, which is what we are doing at the moment. I would like to see the doorknock extended to cover growth areas and new housing estates. If you put in a form at the post office to pick up those people, there could be several people who do not get around to putting in the form at the post office. If there is a housing estate being developed, why don't we knock on all the doors rather than selected doors? Also, in areas where we have high turnover and voter mobility, like flats, units and caravan parks, why not do all of those rather than just those that are highlighted because we have picked up a match on another database? I am certainly not suggesting that the CRU is not the way to go, but, as I see it, it has not been fully developed as yet and there are certain areas where I consider we could broaden the approach. I would like to see the CRU with a more fully targeted doorknock. The other things that you have mentioned would certainly be a great step in that direction.

Senator MURRAY—Philosophers would describe the CRU as a necessary but not sufficient condition.

CHAIR—I release you now as witnesses. You are welcome to stay. I thank you both very much for your evidence today, which has been extremely illuminating for the committee, and for your effort to get here.

[4.25 p.m.]

PATCHING, Mr Robert Edwin (Private capacity)

CHAIR—Welcome. Again I remind you that this inquiry is about the integrity of the electoral roll. It is not an inquiry into the internal party matters of any political party, except insofar as they impact on the electoral roll. In answering questions, you should keep that fact uppermost in your minds and not be distracted by 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 you that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament. You have made submissions to previous inquiries conducted by this committee, on which the committee intends to rely. As well, the committee has received a submission, No. 47, from you. Are there any corrections or amendments you would like to make to that submission, and do you wish to make a brief opening statement before I invite members to proceed with questions?

Mr Patching—The submission was thrown together in a couple of days so it might be a bit disjointed, and I would say there are typo errors in there. I have not read my 1996 submission since I walked out of the JSC inquiry after I gave evidence then, mainly because I have moved house and have not been able to find it as yet. I am pretty sure that I can remember most of what is in there; if you have questions about it, you might just need to jog my memory.

CHAIR—Certainly. Mr Patching, the main reason why I thought you would be a useful witness for the committee's inquiry is the submissions you had made with respect to non-citizens voting. In your submission to the 1996 inquiry you talked about staggering numbers being involved in non-citizens voting. You said you had formulated a plan about how to deal in your own division with non-citizens voting, in order to make sure that only people who were eligible to vote could vote, but you tried not to let on to the head office that that was what you were doing because your experience in the AEC led you to believe that a negative response was almost assured. You said they then discovered that you were involved in checking citizenship through the department of immigration and you became the victim of much criticism for not following so-called policy.

Out of the 577 applications for enrolment that were received from electors born overseas at this time but claiming to be Australian citizens, you found that 215 of those electors were found to be ineligible for enrolment. I find that a staggering figure in view of the percentage that 215 out of 577 represents. Would you outline for the committee your concerns with respect to non-citizens voting, the problems that you experienced through the AEC and whether you believe that there was a culture in the AEC that this sort of problem raised by divisional returning officers was something they did not really want to hear about and would rather have swept under the carpet—the old 'see no evil, hear no evil, speak no evil' approach.

Mr Patching—First of all, I would like to describe how it actually came about. My division at that time, Rankin, took in a large community of Vietnamese. A lady that I had working for me, by the name of Kay Mehrens, came to me one day. She was a long-term casual with a lot of experience, who had worked in two divisions. She said to me, 'I'm a bit concerned about these

enrolments. There are a lot of these people that are claiming to be eligible but the ones that come to the counter and that I question do not seem to know what I am talking about. Maybe they are just filling out the form, thinking they're doing the right thing.' I have to admit I was a bit doubtful that it was going to be that anything of a major problem had arisen, so I said to her, 'I'll tell you what we will do. We will start doing a little process that might be just common to my division.'

CHAIR—A little pilot project.

Mr Patching—Yes. I said, 'Let's have a look at it,' and I must admit that I did it to placate her because I did not think that I would find what I found. So we started to do this and we realised that we could not just go to the elector because most of the electors were having trouble speaking English. You could not write to them and say you had a problem, et cetera, because it would be unproductive. We rang the department of immigration, and we found a person who was most helpful who said, 'If you want to fax these to me at the end of each week, I'll just notate what information I have on them and I'll send them back.' So that is what we did.

But the next step in the process was that we did not just take what the department of immigration said. If they said that they were an Australian citizen, we accepted it and we processed the enrolment. If the immigration department indicated that they had no record of citizenship for these people, we then went back to the person and told them that we had contacted the department of immigration on their behalf and that their records seemed to indicate that they were not Australian citizens and were therefore ineligible to enrol and vote. We then asked them if they could contact the office and come in and see us. Perhaps they had been made Australian citizens in another state—at that particular time I do not think the computers in the department of immigration were talking to each other—or they had received citizenship as a child with their parents, and that is when we arrived at that figure. It has always been contended by the Electoral Commission that I was disenfranchising people. I was doing nothing of the sort; I was actually ensuring that they were eligible.

When I realised it was the problem that it was, I was quite amazed. During that period of time, a woman, a Ms McCormick, who was working in my office, moved to the division of Lilley. The divisional returning officer at the time was Tim Scott, and he contacted me and said, 'You're kidding, doing this, aren't you? All this extra work. This will be a bit of a joke.' I said I was doing it because I had a large Vietnamese community. In my electorate previously there had been a suburb where there was an immigration hostel, and when people moved out of the hostel they lived in the immediate vicinity, so it is a high migrant area. I said, 'Why don't you have a look at it? It might apply to your division.' He got back to me and said, 'God, I didn't realise it was such a problem.' He then said to me, 'What do you think about putting this up to management?' I said, 'I'm reluctant to because I believe if you do, they'll just tell you to stop doing it.'

CHAIR—Why would you think that they would do that?

Mr Patching—Just my experience. In the early eighties that was not the case. We had people like Lionel Sampford and Kevin Fitzgerald in Queensland, and they encouraged you to put proposals to them. After they retired that changed. Anyway, Tim was quite adamant that we had nothing to worry about. At one of the group meetings on his side of the river—I am on the south

side of the river; the south side of the river, the north side of the river and, basically, country are the three group meetings we have—I was invited along as a guest. He put it on the agenda, I put down my figures and we were promptly told not to do it anymore by the director of operations.

CHAIR—Was that directive given to you orally and later confirmed in writing?

Mr Patching—It was given to me again twice: once in writing and then I got a phone call from the director of operations, who told me that I had to cease immediately and that, should I be found to be continuing, he would have no alternative but to charge me with official misconduct.

CHAIR—So they came down on you pretty heavily?

Mr Patching—Yes.

CHAIR—Did you suspect at the time when you first discovered this that perhaps Australia-wide there were many thousands of people who were wrongly enrolled?

Mr Patching—Not at the time. I thought it was a local problem because of the large Vietnamese community in my division. In 1993, when I appeared before the JSC, a fellow by the name of Connolly asked a question in relation to that, and that is how it all came to light again. Subsequently, the same person—the director of operations—rang me and said, ‘You brought this figure up at the joint standing committee hearing. We want the names, addresses and birth dates of the 215.’ I said, ‘I can do better than that, I can give you the actual enrolment card.’ He said, ‘No, we don’t want them, we just want the details.’ So an employee, Alan Floyd, and I had to provide them with these lists in the particular format that they wanted.

Previously, when he spoke to me, he said he would send the details to central office and they would decide whether or not they would look at a change of policy. Whether he sent it there or not, I do not know. That was the last I heard of it until 1993. After Connolly asked me the question at the JSC hearing, and I told him the facts—it was not part of my submission—he asked me, ‘Do you think people can get on the roll if they are ineligible?’ It almost sounded like it was a planted question, but it was not. And I answered truthfully. From that point on, things got pretty messy. Following that, in 1996, I was off work. I had recovered but I had not been given a clearance by the doctor. I was ready to return to work and to be involved in the 1996 election. The AEO refused to allow me to return to work unless I allowed him to transfer me to any part of the commission that he saw fit.

CHAIR—Do you think that this harassment that you have outlined in your submission was as a direct result of your raising unpalatable concerns which you and other DROs had with head office?

Mr Patching—I think that was a major part of it. The fact that I brought it up in 1993 in front of the JSC really inflamed the situation.

CHAIR—Do you think that perhaps you have been used by the AEO in Queensland as an example to other officers of the AEO—‘This is what will happen if you raise concerns that we in head office are not interested in being raised’?

Mr Patching—Whether I was an example or intentionally used as an example, I do not know, but I can assure you that a lot of people do think before they put submissions to the joint standing committee. There are three of us here and there are 27 DROs who complain about systems. I quite openly say to them, ‘If you had a backbone you’d put in a submission.’ I suppose I should not take that approach but I think a lot of them are frightened of the fallout.

CHAIR—It is interesting that you said before that you could supply the enrolment forms as well as information, and you were told, ‘No, I don’t want enrolment forms’, because the AEC, in its correspondence to us that we discussed before, of 30 November, signed by Mr Mark Cunliffe, included submission No. 100 of 24 October 2000—they made a supplementary submission. In that they said:

Beyond the list of names supplied to AEC management, Mr Patching has not supplied any supporting detail such as the original enrolment applications.

But you say that you offered them and they said they did not want them.

Mr Patching—I offered them in 1993. Those enrolment cards sat in the storeroom in my office, with the faxes to and from the immigration department and a file system that Kay Merrins had set up that she could quickly check. She was not only concerned about the initial enrolment cards; she was concerned that when she rejected them, at some time in the future they could come back. So she had set up this file system that she could go through in alphabetical order, pull out a card, see what she had done previously, see what information she had received, so that she could then go back to the person and say, ‘Have you been naturalised since this point in time?’ They were all together in my storeroom.

With respect to the letter to the *Sydney Morning Herald* from the Electoral Commissioner in 1996, a friend rang me and told me, ‘There’s a letter about you in the *Sydney Morning Herald*.’ I was not really happy about the light that it showed me in because it sort of accused me of lying to the joint standing committee under oath. I was not happy about that and that is why I submitted the 1996 submission. What actually happened was that, at that point in time, I rang Alan Floyd who had been employed in my office at Rankin for a long time and who was a person that I trusted. Kay Mehrens was working there as a casual during that election. I said to him, ‘Can you go and get those enrolment cards?’ He said, ‘Yes, they will be in the storeroom.’ When he and Kay looked for them, they had gone. For nine years—

CHAIR—Are you suspicious that the AEC might have discovered those documents and destroyed them?

Mr Patching—I do not know what happened to them. Whether or not they were innocently thrown out when the storeroom was being tidied in preparation for the election, I do not know.

CHAIR—But they have certainly disappeared.

Mr Patching—They disappeared at a very convenient time, didn’t they?

Senator FERRIS—That is a very serious charge.

CHAIR—They have never been found?

Mr Patching—They have never been found since.

CHAIR—Can I put two other things to you? We are running out of time and we have 10 minutes of government questions. Following the 1996 election, you said that you discovered eight electors who were enrolled and who appear to be ineligible for citizenship reasons. What I find even more disturbing is that four of these electors voted in the 1996 election, as well as the 1990 and 1993 elections. It poses the question: how many more are there that remain undetected? ‘In view of the 217 that I uncovered in 20 months, I would dare to say that there would be many thousands Australia wide’—do you still stand by that statement?

Mr Patching—I have a new person working for me. Kay Mehrens unfortunately passed away earlier this year. This new lady working for me was partly trained by Kay in the 1998 election and 1999 referendum. She is starting to learn. She brought this enrolment card to me and said, ‘Look at this. This person has moved address. She has been enrolled for 14 years and moved into our division. She ticked that she was not an Australian citizen this time. I have a copy of the previous enrolment card where she ticked last time that she was an Australian citizen.’ She rang the woman to clarify the matter and the woman said that she believed she was an Australian citizen because her ex-father-in-law said that, once she married an Australian, she had all the rights of an Australian citizen, so she was an Australian citizen. She has been voting since, I think, 1986. I worked it out that she had voted in five elections, two referendums and who knows how many state and council elections. You have to say that we really found that by accident. The only way you find them now is if they fill out the card differently when they move.

CHAIR—Let us talk briefly about now. I think in Mr Lamerton’s submission he talks about CRU and how we are writing to people seeking enrolment. He says:

There are many unresolved problems eg. seeking enrolment from electors already enrolled and occasionally from deceased electors, but the worst scenario is when we send letters to ineligible people, such as non-citizens.

This is the CRU. Obviously, you write to them to encourage them to enrol. He makes the comment:

Despite our best intentions, we are tempting ineligible enrolment!

Mr Patching—Of course, we are. Yes.

CHAIR—Regarding the problem that you raised, now many years ago—which you have been able to trace back to 1986 as occurring with respect to non-citizens becoming enrollees, even if they are not eligible—do you feel that the CRU has done nothing to resolve that problem and that you are still facing maybe the same, if not a worse, problem because you are actually encouraging them to enrol?

Mr Patching—That is right. Fortunately, a lot of them do not want to enrol and vote—they admit to it. If you take a point in case, Graham Smith and Michael Sash, the DRO that I co-located with, were in the court on Friday withdrawing a summons for failure to vote against two

people who now claim to be non-citizens. I said to Graham, 'Has the guy voted in a previous election?' He said, 'I did not really look.' I know that the fellow that Michael Sash was dealing with had voted in a number of elections up until this point in time. It is only in the referendum that he decided that he did not want to vote anymore. They are there—in what numbers, I do not know.

CHAIR—So with all your experience as a local DRO, would you say that the problem of non-citizens enrolling to vote and being eligible to vote is endemic in our system?

Mr Patching—It has to be, doesn't it? It is a little bit better now, perhaps, because there is provision for them to provide a citizenship number. The general enrolment manual has never been changed where it says, 'If they tick the box you accept the enrolment,' regardless of whether or not they provide a citizenship number, et cetera.

CHAIR—And the CRU is now writing to them and asking them to enrol and relying on them to work out that they are not actually eligible to enrol?

Mr Patching—When we send out, through the CRU, vacant house letters, we are probably targeting, amongst those vacant house letters, non-citizens, aren't we?

CHAIR—I would have thought so. Are there any other questions from the government?

Senator MASON—Mr Patching, I will quote from the submission of the AEC, paragraph 3.1:

Mr Patching seeks to convey an overall impression that he is a misunderstood and persecuted electoral expert striving alone for excellence, but constantly frustrated by a conspiracy of corrupt and/or incompetent bureaucrats.

What would your reply be to that?

Mr Patching—I do not know that I could reply to it; I would prefer to ignore it. It is a personal attack. I think they would be better off dealing with the facts, wouldn't they? If what I am putting up to them has no substance, then destroy the facts and that destroys my credibility. But destroying my credibility does not destroy the facts, does it?

Senator MASON—You said in your oral evidence before that your opinion used to be valued, but after a Mr Fitzgerald and someone else left, then things changed.

Mr Patching—Certainly.

Senator MASON—When was that?

Mr Patching—It was in the late eighties that they left. After the 1984 election when I was made a divisional returning officer, we never had a divisional office procedures manual that formulised the procedures of running an election. It was a dream of Lionel Sampford and, with the help of Dr Colin Hughes, he started to go down that path. Once you started you found out how big a task it really was. I actually assisted Lionel Sampford, and so did Graham Smith and a fellow by the name of Mike Kearney, to draw up the first draft of the *Divisional Office*

Procedures Manual. Following the 1987 election, Colin Hughes wanted to do an audit on six divisions that he selected at random in order to see how effective those procedures had been. Lionel Sampford had retired then but, because of his involvement in the procedures manual, he was invited by Dr Hughes to return as a consultant. Lionel Sampford rang me at that very point and said to me, 'I will not do this unless you come with me.' That was the degree to which he held me in esteem.

In 1987, when I returned from Canberra—we were there for 7½ months doing that project—Kevin Fitzgerald and John Curtis found rorting in the 1986 Federated Liquor Union ballot. Kevin Fitzgerald and John Curtis selected me personally to do the investigations. I think that speaks for itself.

Senator MASON—Much of your submission concerns what you call proactive fraud control. You say in your submission that there has been insufficient attention paid to that by management at the AEC. Can you explain that?

Mr Patching—If you look at what I produced about the citizenship, no-one ever even came to me and said, 'What are you doing? What does it involve? What's the result? Can we develop it? Are you doing something wrong?' It was just put to me, bang: forget it.

Senator MASON—To your mind, has the detection of electoral fraud been a top priority for management of the AEC?

Mr Patching—No. They honestly believe it does not exist so why look for it.

Senator MASON—Earlier today in oral evidence in response to a question from Senator Faulkner, Mr Lamerton said that many other DROs are also unhappy with the current procedures for maintaining the integrity of the electoral roll, especially the CRU process. Would you agree with that?

Mr Patching—Yes. One DRO in particular rang me and said that what I had to make clear in my submission—which I thought was good of him—was that each enrolment card, I think, in his division that he collected through the doorknock associated with the CRU was costing \$25 a card. He said that I should put that in my submission, and I said I thought it would be better if he put it in his. Other people complained, but it is easier to take a backward step and just be one of the crowd, isn't it? You do not get noticed then.

Senator MASON—It always is.

Senator FERRIS—Your submission and the letter which came to each of us from the acting commissioner, together with the material, paint a picture of a central office amazingly out of touch with what goes on on the ground and, worse still to my way of thinking—correct me if I am wrong—a culture of targeting people who become critics by trying to destroy their credibility. Would you disagree with that?

Mr Patching—It would be hard to if you read that letter. You have got to consider too that that letter was not only submitted to you in relation to my visit here today; it was submitted to

the previous JSC and it was actually put on the AEC web site. I think they have painted a picture.

Senator FERRIS—Do you think you are being targeted as something of a whistleblower?

Mr Patching—Probably. I have never seen myself as a whistleblower. I have always thought that, if you are a returning officer, you see things that you can change within the act so that it is going to be better for everyone, including yourself as an administrator of the act and the public as people who come to vote. I have never thought that that was whistleblowing. I have only been trying to improve the system, and there is nothing they will do to me that will ever stop me.

Senator FERRIS—You have no doubt read, in the *Hansard* of our first hearing, where Mr Becker told us:

... that the federal electoral system is in very good shape, and I have no reason to dispute the conclusion reached in previous AEC submissions ... that no federal election result since 1984 ... has been affected by widespread and organised electoral fraud.

Would you agree with that?

Mr Patching—The honest answer to whether or not an election outcome in any seat has been affected by fraud is that the Electoral Commission, truthfully, have to say they do not know—because we don't, do we?

Senator FERRIS—I think we proved that when I discovered that the cat was enrolled and we were not able to establish that more cats and dogs—in fact, any animal that has a human name—could effectively be enrolled. How optimistic are you, and some of your colleagues who have chosen not to give evidence here today or put in a submission, that in the end the Electoral Commission will listen to you people on the ground and actually make these changes, apart from if they are forced to?

Mr Patching—I do not think they will listen. Once you take an attitude that the election cannot be affected in any way, there is no need to change. They are telling you that the system works perfectly.

Senator FERRIS—There was an electorate in my home state of South Australia where the winning margin was 13 votes, so I am not sure how you can say that, given your previous comments.

Mr Patching—That is right.

Senator MURRAY—I am concerned that 'electoral fraud' as a phrase might be used loosely. Fraud really goes to intent and motive. You might have heard me say earlier today that I thought the inquiry, in this aspect, anyway, fell into three parts: those who should be on the roll or getting onto the roll, those who should not be on the roll but think they should be because they think they are citizens or are entitled to vote for whatever reason; and then those who should not be on who have got criminal intent. Like the chair, I was very struck by your effort—where you

found over 200 people out of 500-odd who apparently should not have been on the roll. In the discovery of those 200 odd—was it 290 something?

Mr Patching—It was 218 or 217.

Senator MURRAY—Were you able to ascertain what their motives were?

Mr Patching—No. From the very beginning, I believed that their motive was purely that they did not understand the system. The majority of them were new migrants. At no stage did I think it was anything that had been organised. Thus, I had the intent of trying to assist those people to determine their eligibility—that was the line I was taking. In retrospect, at that time, in that area, there were supposedly a lot of standover tactics going on. I only thought in retrospect that perhaps there was some social security scam. With a group of New Zealanders, I found that they had said that they could not get the dole and that, if they had an enrolment card or an acknowledgment card, they could get the dole easier. That was the reason they gave me. That was only about six or so cases.

Senator MURRAY—It would be clear from your answer that we could not describe people for whom there was no criminal intent as conducting electoral fraud?

Mr Patching—No, I never saw it as fraud.

Senator MURRAY—Moving to electoral fraud with criminal intent, to me there are again two major divisions. One is where getting on the electoral roll is a means to something else, such as acquiring a social security benefit—in other words, it is not designed to influence the outcome of elections—

Mr Patching—Yes, I would agree with that.

Senator MURRAY—The second is electoral fraud which is designed to influence the outcome of elections. On that one, do you have any instincts, knowledge or understanding that there could be fairly significant problems with the roll?

Mr Patching—No. I have never found organised fraud, as such, to determine the outcome of an election because, if I had, you would have known about it by now.

Senator MURRAY—What happens if it is not organised? It could be a conspiracy but what happens if it is just individuals who feel tribal, motivated or whatever?

Mr Patching—I will correct what I just said. I did find one fellow once—I think it was in the late eighties or early nineties. It was a chap with a most unusual name. According to the scanning machine, he voted at three polling booths, all within a kilometre of his house.

Senator MURRAY—In the same name or in different names?

Mr Patching—In the same name.

Senator MURRAY—So that is multiple voting.

Mr Patching—Yes, he multiple voted. I think it was in the late eighties. He was an individual. I still believe that he did vote the three times. Unfortunately, when we handed it to the Federal Police, they went around and asked him and he said that he had never received my letters and that he only voted once. Of course, once they say that they only voted once, the police say that there is no evidence to take it any further.

CHAIR—I hate to interrupt you. It is the case that the Labor Party has refused to give leave to the committee to meet after 5 o'clock, in a most extraordinary and unprecedented way.

Mr LAURIE FERGUSON—Your whole performance is extraordinary.

CHAIR—The Liberal Party, all three Independents and the Democrats have agreed to give leave to the committee to meet after 5 o'clock but the ALP has not. Because we expected to sit only until 5 o'clock, we therefore do not have the required leave because we could not give the appropriate notice. I wish to pass a resolution before concluding today's public hearing, which will conclude at 5 o'clock. I wish to explain how I want to proceed after that.

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

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

CHAIR—The public hearing will finish at 5 o'clock. We have two options. We can continue to meet after 5 o'clock in a private hearing, as long as we have a quorum, and we could ask the Senate, with the appropriate notice, to post facto make the evidence taken privately public evidence. Professor Hughes has indicated that he would prefer to give evidence in Brisbane so that he can give his evidence in a sure way on the public record and still make his plane—his plane is leaving at 6.25 p.m. I am open to discussion about which way we should proceed with that. I am intensely disappointed that the Labor Party has refused to give us leave but that is beside the point. My inclination is to thank the witnesses for appearing today, close the meeting at 5 o'clock and hear from Professor Hughes in Brisbane. I am open to other suggestions.

Senator MURRAY—We have shown a bit of discourtesy to Professor Hughes, frankly, having kept him waiting. If he is happy to wait to give evidence in Brisbane, that is good. I would like to recommend that we go to a private hearing and finish hearing from Mr Patching, which I guess would not take longer than 15 or 20 minutes.

CHAIR—I think that is a reasonable suggestion.

Evidence was then taken in camera—

Committee adjourned at 4.59 p.m.