



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Integrity of the electoral roll

TUESDAY, 3 APRIL 2001

CANBERRA

BY AUTHORITY OF THE PARLIAMENT

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

JOINT COMMITTEE ON ELECTORAL MATTERS

Tuesday, 3 April 2001

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

Senators and members in attendance: Senators Bartlett, Faulkner and Murray and Mr Laurie Ferguson, Mr Jull, Mr McClelland, Mr Pyne and Mr St Clair

Terms of reference for the inquiry:

To inquire into and report on:

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

WITNESSES

BECKER, Mr Andrew, Electoral Commissioner, Australian Electoral Commission	539
CUNLIFFE, Mr Mark, First Assistant Commissioner, Australian Electoral Commission	539
DACEY, Mr Paul, Assistant Commissioner, Elections and Enrolment, Australian Electoral Commission.....	539
LONGLAND, Mr Robert, Australian Electoral Officer for Queensland, Australian Electoral Commission.....	539
PICKERING, Mr Tim, Assistant Commissioner, Information Technology, Australian Electoral Commission.....	539

Committee met at 6.05 p.m.

BECKER, Mr Andrew, Electoral Commissioner, Australian Electoral Commission

CUNLIFFE, Mr Mark, First Assistant Commissioner, Australian Electoral Commission

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

LONGLAND, Mr Robert, Australian Electoral Officer for Queensland, Australian Electoral Commission

PICKERING, Mr Tim, Assistant Commissioner, Information Technology, Australian Electoral Commission

CHAIR—I declare open this hearing of the Joint Standing Committee on Electoral Matters for its inquiry into the integrity of the electoral roll. The integrity of the Commonwealth's 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. This evening we are hearing from the body that has responsibility for the maintenance of the electoral roll, the Australian Electoral Commission. As with the previous activities of this committee, the AEC has been an active participant in this inquiry. It has provided detailed evidence relating to allegations of enrolment fraud, pointed out the strengths of the existing electoral roll procedures and identified areas of change to improve their prevention and detection of enrolment fraud and to preserve the integrity of the roll. Given the AEC's responsibilities in ensuring the accuracy of the roll, this hearing will be critically important.

The hearings of this committee are public and open to all and a *Hansard* transcript of the proceedings is being made. The transcript will be available in hard copy from the committee secretariat or via the Parliament House Internet home page.

Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given before it. Parliamentary privilege means that special rights and immunities attach to parliament, its members and others necessary for the discharge of functions of the parliament without obstruction and without fear of prosecution. Any act by any person which may operate to the disadvantage of a witness on account of evidence given by him or her before the committee is treated as a breach of privilege.

While the committee prefers to hear all evidence in public, the committee may accede to a request to take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of that evidence to the Senate. The Senate also has the power to order production and/or publication of such evidence. I should add that any decision regarding publication of in camera evidence or confidential submissions would not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing.

It should be noted that the committee authorises the recording, broadcasting and rebroadcasting of its proceedings today in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings, except in so far as the proceedings are a name, address or evidence that has been ordered not for publication by the Shepherdson inquiry.

I would now formally welcome the Australian Electoral Commission to tonight's public hearing. I would like at the outset to emphasise, as I did the last time you appeared, that the 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. The evidence that is given at the public hearing this evening is considered to be part of the proceedings of parliament, and accordingly I advise that any attempt to mislead the committee is a serious matter and could amount to a contempt of the parliament.

The committee has received the submissions Nos 26, 66, 73, 74, 76 and 81 from the Australian Electoral Commission. Mr Becker, you might to introduce your colleagues and indicate on which capacity they appear. You might like to indicate whether there are any corrections or amendments that you would like to make to those submissions and also, if you would like to make a brief opening statement after you have introduced you and your colleagues, you would be most welcome to do so.

Mr Becker—I will not be making an opening statement, Mr Chairman, in the interests of getting to our next appointment or getting home. So we are all yours.

CHAIR—Thank you very much for the submissions that you made—your initial submission and your supplementary submissions. I propose that we have half an hour of government questions, then Democrat questions when the Democrats arrive and then opposition questions; or, if the opposition would like to go first, you are welcome to do so.

Senator FAULKNER—I do not whether you are aware of this but currently as we speak the Electoral and Referendum Bill (No. 1)—by now I think it will be through the second reading—is in the committee stage in the Senate, which has taken the attention of some committee members and will take mine in a short while. I just wanted to indicate to Mr Becker and his colleagues that I will have to slip out and deal with what should be a comparatively brief committee stage.

CHAIR—Would you like to go first and ask any questions?

Senator FAULKNER—No, I certainly would not, because I will be leaving in a moment or two. I just wanted to indicate that that is occurring. I suspect it is probably affecting a couple of other senators as well. I think Senator Bartlett was on his feet on this matter when I left. I commend to the AEC the speech on the second reading I made which goes to the issues around this particular reference.

CHAIR—I had the pleasure of hearing that contribution, Senator Faulkner, and I would not recommend it to the AEC. Perhaps I might go first then and ask a couple of questions. In your submission No. 66 at paragraph 7.11, you indicated that the AEC is a small government agency and you therefore had doubts about whether they had the scale necessary to achieve efficiencies

that would warrant a centralised fraud control unit in the AEC. I wondered if you would like to expand on that question of a central fraud unit within the AEC and how we could perhaps overcome problems with respect to economies of scale that would help you to create a centralised fraud unit.

Mr Becker—There are two issues there. The first thing is it is almost like ‘who is guarding the guardian?’ if you have the fraud unit within your own organisation, particularly if that fraud control unit, for example, is reporting to me. The second thing is that we are a small agency. If you compare the size of the AEC—roughly 800 full-time equivalent people, with 450 of those out scattered all over the country in the divisional offices—with, say, Centrelink with 26,000 or so people they have—they have capacity to be able to absorb or set up a unit of that nature. We certainly do not have that capacity.

CHAIR—So you think it is better done by your current processes?

Mr Becker—We have pretty good processes. We would not have found out most of these particular problems that we have had with the roll had it not been for our existing processes. They certainly have not been brought about by inquiries of this nature. I mean, we have probably had one or two come out of the woodwork as a consequence of these sorts of inquiries—LCARC, CJC and JSC—but most of them have come out of our own processes. As I say, there have been very few of them over the 10 or 12 years that we have had documented evidence of these problems. It works out roughly one in every 200,000 enrolments on the ones that we have actually detected. There may be more, of course. We are unaware of any more, and nobody else has been able to show us there are any more. We are virtually working on a Murphy’s Law approach that if anything can go wrong, it will. That really seems to be the view that is taken by people who have a different view from the AEC. I do not see any need, quite frankly, for a fraud control unit within the AEC. If it is outside the AEC, then one could always argue that the ANAO is there and that the ombudsman is there. Do we need yet another guardian of these sorts of things?

CHAIR—In the situation where you are presented with a serious fraud or potential fraud, one of your processes is to ask the AFP to investigate. Do you have a memorandum of understanding with the AFP?

Mr Becker—We do not yet but we are in the process of doing that. If we have enough evidence, we can go straight to the DPP but in many cases we do not. We have innuendo, and you have seen that come out of these committee hearings, with a tremendous number of people saying, ‘We have heard from Mrs Smith’ or ‘We heard from a lady three doors down the street that so and so had rorted the roll at some particular stage in 1987.’ That is way beyond the capacity of us to investigate today. Even if it were investigated then, all we can say that it was investigated then and this was the outcome. We would say that we do not have that facility. It can go outside and, if it is to be, it should go outside.

CHAIR—How far down the track are you of negotiating with the AFP about an MOU?

Mr Becker—We have had a meeting with the AFP and we have pretty well signed off on the minutes of that. We are now in the stage of trying to negotiate another meeting with the AFP and the DPP.

CHAIR—Do you have a time frame in mind of when you might be able to—

Mr Becker—I expect we will within the next few weeks.

CHAIR—When you have completed the MOU—I would not propose that you would be able to give us anything on that immediately—would it be the sort of document that you could provide to the committee?

Mr Becker—Sure.

CHAIR—Would you mind making a note to do that in the future?

Mr Becker—Certainly.

CHAIR—We heard from the AFP and they also talked about the role that they play with respect to referrals from the AEC. We found that rather interesting an area for us to investigate further. Do you have regular consultation with the AFP about improving your fraud prevention measures within the AEC and how to catch people involved in these offences?

Mr Becker—We have not had any specific things on how to catch people for these sorts of offences. You have to look at them in the context in which they occurred. It would not have mattered how we conducted our management of the roll or anything like that; there is no way in the world that you would stop those sorts of offences from coming up. The only thing you can do is to increase the penalty and make it very clear that we are not going to tolerate this sort of business. One of the suggestions that I have seen in one of your press releases in the last 24 hours or so is that, if a person is caught rorting the system, they just get a life ban on playing any further part in politics. But, outside of that, we do have our own processes. We have our own internal audit that looks at areas where we may consider that there is some potential for fraud. So consequently we have our own internal audit procedures which do that. We have a fraud control plan generally for the AEC, but that is not directed specifically at enrolment fraud.

CHAIR—Do you feel there is potential room for improvement in terms of dealing with enrolment fraud in the AEC—areas which you could explore further?

Mr Becker—I am sure there is, but I can tell you it is not going to be a biennial door knock. None of these things came to light because somebody saw somebody on a doorstep. The most recent event that we did get from a door knock was just by virtue of the fact that we targeted that particular address and then, when we compare that with our information that we get from our normal data matching and data mining, you can say there is a potential for a fraud here and then you can continue the investigation. Biennial door knocks are certainly not the way to go; targeted door knocks are the way to go; and they are part of the total continuous maintenance of electoral roll review.

CHAIR—I think some people would like to deal with the full habitation reviews and targeted habitation reviews as part of the questions tonight. Before I get on to that, you have suggesting in your submission No. 66 that tied funding be made available to the AFP for specific electoral fraud investigations. Are there other such specific tied funding arrangements for other government agencies that you could tell the committee about?

Mr Becker—Not that I know of. We are not familiar with anything of that sort. The reason why we are suggesting it, of course, is that the AFP really does not have the resources to go ahead with these sorts of fairly major—in terms of numbers—complaints. We are not talking here about enrolment fraud; we are talking about dual voting and that sort of thing where the AFP has had difficulty in trying to follow up on that side of things.

CHAIR—So it is your initiative to establish this new method of funding for the AFP to specifically investigate enrolment fraud?

Mr Becker—It was a suggestion actually posed by the former minister, and if we are going to go that way, really, as far as I could see, the only way we can do it is to have separate funding for this particular type of offence.

Mr Dacey—Hopefully, Mr Chairman, it would be one way of getting that priority that we do wish for from the AFP for these particular cases.

CHAIR—So do you feel at the moment that the AFP does not accord the sort of priority you would hope for in terms of enrolment offences?

Mr Dacey—I think that is true in some cases where the AFP does have a lot of investigative work on its plate and it does have to make those sorts of judgments. Not in all cases do we get the priority that we would like.

CHAIR—Have you had consultations with the AFP about that, about the priority issue?

Mr Dacey—Mr Becker indicated that we met in the last few weeks with them about that and we are hoping to take that further in subsequent meetings in an MOU.

CHAIR—You started doing that in the last few weeks as opposed to the last few years?

Mr Dacey—We have had meetings regularly over the last few years with the AFP. We keep in contact and it has been one of our concerns over that time and over the many years I have been in the organisation that we do not get that priority. This is certainly one suggestion that we have put forward as a way of achieving that sort of priority.

CHAIR—Do you think the AFP does not have enrolment fraud as a high priority because it does not involve significant amounts of money? Secondly, is it because the penalties for offences are such that the AFP might feel that they are spending resources on outcomes in terms of penalties that do not warrant the level of investigation?

Mr Dacey—That is obviously a matter for the AFP to comment on rather than us. Certainly, I am of the opinion that yes, the low penalty that is associated with some of these offences is one of the reasons that some of these cases are given a lower priority. I know the AFP have criteria and take several reasons into account.

CHAIR—Does anybody have other questions on the AEC-AFP relationship, or penalties?

Mr McCLELLAND—In that context, false enrolment—failing to enrol or failing to correct an enrolment—if I recall, has a \$50 fine, or thereabouts. It seems particularly low.

Mr Dacey—Failure to enrol is \$50. False enrolment, I understand, is \$1,000.

Mr McCLELLAND—That is deliberately as opposed to failing—

Mr Dacey—That is right. Misleading information on the electoral roll.

Mr McCLELLAND—Deliberately misleading, it jumps up a category then.

Mr Becker—Imprisonment for six months.

Mr Dacey—Yes, imprisonment for six months; the act says ‘if anyone makes a statement in any claim, application, return or declaration or in an answer to a question.’

Mr McCLELLAND—If you move house and you fail to enrol yourself at the new address within 28 days, that is a \$50 fine?

Mr Dacey—That is a \$50 penalty.

Senator MASON—In submission No. 66, in response to the chairman’s questions, you indicated that AEC staff are responsible for uncovering fraud while tracking down and interviewing suspects and the examination of evidence is a responsibility of the Australian Federal Police. During the course of this inquiry, we have heard a lot about electoral fraud and alleged electoral fraud. The Ehrmann case—let us call it that for want of a better description—in a sense, set off the Shepherdson inquiry and was a large part of the deliberations of this committee. It was uncovered by a certain individual and passed on to the member for Herbert, Mr Lindsay. My question is: how much fraud in fact has the AEC uncovered? It is your responsibility and you say that. I want to know how much has it actually uncovered rather than allegations being referred to it? How many has it uncovered cold?

Mr Becker—If I am interpreting your question correctly, Senator, probably there are 71 cases over 10 years.

Senator MASON—Seventy one cases over 10 years would have been uncovered without being referred by someone else?

Mr Becker—They may have been referred by somebody else, but they were things that we—

Senator MASON—I want to know how many cases of fraud have you uncovered yourselves, where the matters have not been referred by someone else?

Mr Becker—Most of them apparently but, if you want a precise number, we would have to take that on notice.

Senator MASON—I am asking the question because the issue was raised by former divisional returning officers of the AEC that there is some concern about whether the AEC has sufficient proactive capacity to uncover fraud. Much of the evidence we have heard during the course of this inquiry relates to whistleblowers and others. They could be disaffected members of the Labor or Liberal Party—it is not a partisan point. People have given evidence to someone who has been passed it on. I have not seen that many instances where the AEC has actually uncovered fraud per se by itself with its mechanisms.

Mr Becker—Most of them were uncovered by the AEC. You talk about whistleblowing. I have a big problem with that term. I do not believe whistleblowing in the course of this inquiry has occurred because it does not comply with the whistleblowing act. The issue here is the fact that we have been chasing rabbits down burrows because somebody is leading us up a garden path. A lot of this information is dreadfully old. We have got journalists saying there is some insider in the AEC. We have had two investigations. There is no insider in the AEC who has been helping anybody with any of this stuff. We run across these sorts of things in our normal process. Our normal processes are pretty good. We do not just enrol a person in 30 seconds. We actually do a fair bit of investigation when we do that enrolment. The only thing I would say is that we are very confident that we have got first-class rolls. They are Statesman rolls, not Rolls Royce rolls. There is going to be some out-of-date nature to the whole thing.

Senator MASON—We could go into this whole other raft of issues. My question to you is about how many cases of electoral fraud you have detected that have not been referred to you. You can take it on notice.

Mr Becker—We will take it on notice and give you the numbers.

Mr Longland—It would be worth while correcting the record. As Senator Mason commenced his question, he suggested that the Ehrmann case was uncovered as a result of actions by Mr Lindsay MP. In fact, Ehrmann was the third in the chain. We uncovered Mr Kehoe. His prosecution set off the chain of events. Part of that chain was the passing of information to Mr Lindsay. That was only a part of the eventual charges that were successfully laid against Ms Ehrmann. It did come from us.

Senator MASON—But many cases come from disaffected party members saying that so and so happened. My question is how many were detected by the fraud control procedures of the AEC.

Mr Becker—Not many at all from anybody else. Most of them were from within.

CHAIR—Mr Becker, you said in answer to Senator Mason that you had had a couple of investigations into insider allegations arising out of a journalist making that claim.

Mr Becker—It was through the CJC and the ombudsman.

CHAIR—How were the investigations conducted?

Mr Becker—During the CJC, it was said that there was no evidence of any insider. The ombudsman set off to look for an insider. The draft report said that there is no evidence whatsoever of an AEC insider.

CHAIR—But you did not conduct an investigation of your own?

Mr Becker—No, we did not internally.

CHAIR—Don't you think if somebody makes an allegation that there is an insider for the Labor Party in the AEC that you would want to make your own investigation?

Mr Becker—We would trample all over the evidence, I am afraid, Mr Chairman. We are not skilled investigators. We run electoral rolls and elections. Get the professionals.

Mr Cunliffe—There are questions of the appropriateness of the internal investigation when the allegation is of an internal party having conducted activities improperly. Certainly, when that allegation was made last year, we gave consideration to a number of courses. At no point was it in my mind a serious proposition for us to be the judge and jury of that investigation. For it to be a credible investigation, it was my judgment, and a judgment that I discussed with the commissioner who was then away, that it had to be independent of the AEC.

CHAIR—Did you actually ask somebody to conduct the investigation, or did you just wait for it to happen through the Ombudsman and the CJC?

Mr Cunliffe—No, we sought the assistance of the Ombudsman, as we have outlined to this committee previously—and I think the progress of that activity is also recorded in one of our submissions. In terms of the Ombudsman's legislation, the Ombudsman is conducting what is termed a self-initiated investigation, because that is how the structure of the act is set out. But it was at the request of the AEC that that step should happen.

CHAIR—That investigation is completed?

Mr Cunliffe—I am sure one of our reports has been made known to the committee; we are just identifying which one. The Ombudsman is yet to come to a conclusion in full, but the Ombudsman has indicated to us—I think it may have been the acting Ombudsman at that stage because the Ombudsman was and is, I think, on sick leave—that we were free to advise this committee of that part of the Ombudsman's findings.

CHAIR—When did the Ombudsman begin his inquiry?

Mr Cunliffe—If you want the detail on that—

CHAIR—Just the general month.

Mr Cunliffe—I think it was in October that the allegation was first raised. Very soon after that I spoke to the Ombudsman. We then met with him and some of his staff and quite quickly the Ombudsman moved to investigate it. My feeling is it was during the course of October, but

it may have been early November by the time steps were set in place. But, in broad terms, it was in October.

CHAIR—And here we are in April and you have not got final clearance; is that right?

Mr Becker—We got the draft report in January and we are responding to that. They will respond back to us and I dare say we will see something in the not too distant future.

CHAIR—I am only asking these questions, Mr Becker, because in your submission, No. 66 you indicated that you were in the process of developing an undertaking concerning political neutrality that would be used when engaging all staff. Could you indicate what you think that undertaking will contain?

Mr Becker—At this stage I cannot, Mr Chairman.

CHAIR—You do not know how far down the track you are in developing this?

Mr Becker—No, I certainly have not had any involvement with it, but we can certainly follow that up.

CHAIR—And none of your colleagues who are sworn as witnesses have got any involvement with that either?

Mr Becker—No, not directly.

CHAIR—It is just rather germane because you mentioned it in your submission No. 66 at paragraph 2.3. I would have thought you would be able to present the committee with some information concerning what the undertaking will contain, since you mentioned it in your submission. I would have thought you would not have mentioned it in the submission if it had not gone some way down the track and you could present us with something.

Mr Becker—Do you mind reading out the bit that you are actually referring to?

CHAIR—I have just got a reference to it, but we can come back to that.

Mr Becker—Paragraph 2.3 does not talk about that.

Mr Dacey—There is certainly no indication, Mr Chairman, in 2.3 that we are developing anything more than we have currently in relation to the political neutrality of our staff.

CHAIR—We will just check that. We will let Mr Jull ask his question and then we can come back to that when someone has identified it from my notes.

Mr JULL—I am a relative newcomer to this committee, and this is my maiden question, so if the ground has been covered before, I am sure you will gong me out. In terms of the training for DROs, is there anything specifically that is done to help them detect fraud?

Mr Longland—The entire enrolment process in the commission, particularly at the DRO level, is covered in the general enrolment manual, a very detailed document that is drawn from the legislation but includes all of the principle and practice required to properly enrol people and maintain the roll.

While it is not specific about fraudulent enrolment, the opposite is true. It tells you how to make sure that people are properly enrolled and as such provides keys to when a person is not properly enrolled. For example, it gives a lot of information about what to do with defective enrolment involving material that does not have a proper address or is not properly witnessed and issues like that. In keeping the focus on properly enrolling people I think we meet the opposite need to make sure that people are not improperly enrolled.

Mr JULL—Do you actually give them a definition of what you would consider to be fraud?

Mr Longland—Not specifically to enrolment. As the commissioner mentioned a moment ago, there is the general fraud control policy of the AEC. Other documentation is available. The AFP have a fraud control newsletter which is distributed widely within the commission. Issues like that are kept under their nose, so to speak. The committee has had a substantial number of submissions directly from DROs that I think suggest that they at least understand the notion of fraud.

Senator MASON—We have had evidence, Mr Longland, that some Queensland DROs and ex-DROs were not all satisfied with the training that they were given to detect fraud. You have just given evidence yourself that there is nothing explicit in the manual that relates to the detection of electoral fraud. Sure, the AFP may investigate it, but there is nothing explicit about finding electoral fraud in the manual you give DROs?

Mr Longland—That is correct. Did you suggest that there were submissions from ex-DROs? I was not aware of this.

Senator MASON—Here they are—Mr Smith, Mr Patching and Mr Lamerton; I cannot remember all of them.

Mr Longland—They are all current DROs

Senator MASON—The current DROs are concerned about it?

Mr Longland—Three of them are.

Mr JULL—Can I move on? Once again, if you have covered this before let me know. I am intrigued that in submission 26 you have said that council elections appear to be the basis for a large number of cases of enrolment fraud. Is there any reason specifically why this should be the case, and how do we go about making fraud a little less attractive for would-be councillors?

Mr Longland—In the 71 cases that we looked at, there is no particular evidence there that I would draw to suggest that this is a good thing to do at council level. In terms of making it less attractive, quite clearly the issue for us, I think, is the one of penalties, and that has been quite substantially canvassed throughout the inquiry.

Mr Cunliffe—It should be mentioned—as is obvious to this committee, I know— that local council elections will bring in state law as well as federal law.

Mr Becker—Also, in the council elections in many cases you have got the council roll which is attached to what may be the state roll, not necessarily the federal roll. But I might just point out here there is not a large number, Mr Jull. We just said a number of cases, not a large number of cases.

Mr JULL—In your next para you said that one-sixth of all detected fraudulent enrolments were part of a process of creating false identifies for the purposes of defrauding the Commonwealth. Surely that must lead to the situation where proof of identity is going to have to be part of any future enrolment law.

Mr Becker—We are talking about 20 million enrolments over the last 12 years and 71 detected cases. If you add a few more that might have come up since the inquiry began—call it 100—we are talking of one in 200,000 enrolments. We have got to talk about what effort we are going to put towards detecting fraud as opposed to the effort of enabling participation. Your legitimacy is determined by participation. If we make it harder for people to get on the roll, we are then starting to erode a pillar of our parliament.

Senator MASON—Our legitimacy is also vindicated by the integrity of the roll.

Mr Becker—Sure. And we are saying that one in 200,000 is not too bad.

Senator MASON—Integrity as well as participation.

Mr Becker—I quote from the article, ‘Identity fraud: the implications for law enforcement’ in the latest *Comfraud Bulletin*, which came across my desk yesterday:

For a relatively low cost, computer equipment can be purchased to electronically scan and alter official documents in order to produce high quality counterfeit documentation with fictitious details. This allows the fraudster to either create a new identity, alter his or her own identity or create multiple identities.

Recent investigations in Victoria have also identified organised criminal syndicates involved in selling identity kits generated through desktop publishing.

If people are hell-bent on defrauding the electoral roll, they will defraud the electoral roll. What we can do is try and detect them and ping them. If you give us the decent penalties that you mentioned, Mr Chairman, in your press release yesterday, I think we are going somewhere toward doing something about this. If you want to really give us the Rolls Royce, give us another \$2 per elector per year. We will tighten that thing up so tightly that nobody will be able to move without us knowing about it.

CHAIR—Before we move too far into penalties and right identification, I found that reference. It was in attachment 2 to submission 66 which related to paragraph 2.3. It says:

The AEC is currently reviewing its procedures in relation to the political neutrality undertaking made by staff consequent upon recommendation 1 of the June 2000 JSCEM Report. The AEC is developing an undertaking that will be used when engaging all staff, that is, ongoing and non-ongoing staff as well as staff employed under the Electoral Act such as election casuals.

If it is a response to the recommendation 1 of June 2000, I am wondering why in April 2001 you cannot present us with information in respect of that undertaking?

Mr Dacey—I understand that this is part of our normal review process following each election. We review our recruitment practices such as the forms we have in place and the declarations we require of staff. It is also tied up with a wider review of the effectiveness of our staff selection procedures. I understand that these new procedures are in draft form and will go to the next meeting of the AEC management board in May for confirmation and adoption before the next election.

CHAIR—It is a bit of a pity that it has not gone to a meeting earlier in the year so that it would have been completed and be able to be presented to the Joint Standing Committee on Electoral Matters. No doubt you can forward it to us when it is completed.

Mr Cunliffe—I am sure we can. At one stage we were certainly anticipating that this committee would be meeting for some months yet. I am sure you were not suggesting that this timing was adopted to avoid—

CHAIR—Certainly not. I think in November I said that we would be meeting for some months. It is now April. Robert, you indicated that you had some questions on penalties or AEC-AFP relationships.

Mr McCLELLAND—I am just having a look at question number 6 in reply to questions on notice which suggests that, of the 71 cases of possible enrolment fraud over the past decade as reported in attachment 20, 35 cases arose as a result of AEC roll review procedures. Does that sound about right?

Mr Becker—It could be.

Mr Dacey—It is correct.

Mr McCLELLAND—Mr Becker, earlier you mentioned penalties sufficient to prevent someone from participating in politics for life. Certainly at a federal level if someone is convicted of an indictable offence carrying a prison term in excess of 12 months, even if they do not get the full sentence, then I think they are disqualified for life under the Constitution. Is that the sort of thing you had in mind?

Mr Becker—That is fine. What we need is a judiciary that is prepared to put them into jail.

Mr McCLELLAND—I think just a conviction is sufficient.

Mr Becker—It is just the penalty level, is it?

Mr McCLELLAND—But is that what you had in mind when you said penalties to prevent people from participating for life—that sort of thing?

Mr Becker—I was really following on what the chairman—

Mr McCLELLAND—You had that in mind for the intentional false enrolments as opposed to the negligent failure to change an address?

Mr Becker—Yes, it has got to be deliberate.

Mr McCLELLAND—In terms of that sensational cat false enrolment, that was detected within 26 days. Does that sound about right?

Mr Becker—It was, because the member wrote to welcome the new elector to the division and then it all came out.

Mr Dacey—That is correct, Mr McClelland. The local member wrote to Curacao Fischer Catt and received a reply from Curacao Fischer Catt indicating that in fact it was a try-on—within that number of days that you quoted.

Mr McCLELLAND—Which is pretty smartly detected. I note that you have got a procedure, which I have recently seen, that if we forward ‘return to sender’ mail to the AEC I now get a report as to the action that has been taken, which seems to be a sound thing to happen. That is a practice recently implemented.

Mr Dacey—Certainly we have had in practice for, I think, some two years now those procedures for how we handle members and senators ‘return to sender’ mail. They have been provided in the past to all members and senators.

Mr McCLELLAND—The other point made in your submission is that you can have very tight rolls, but you have got to balance that with civil liberty considerations and whether the public would want you knocking their door interrogating them, wanting them to show you every person that lives in the household to be interrogated on their personal affairs.

Mr Becker—There is that downside as far as the public is concerned; there is a fairly big downside as far as our own people are concerned. They get bitten by the dogs, there is the risk of assault, they have got to go out at night because you cannot find people at home during the day. Quite frankly, that is not what we have considered to be an appropriate way of dealing with the issue. We much prefer the approach we are taking now, which is yielding the results. It is very early days; we are only two years into this approach to roll maintenance and we are refining it as we go. We had a very big mail-out just before the Queensland elections and a lot of the problems that arose from that mail-out came from the fact that we did not spell ‘Crescent’ the same way, or we spelled ‘Road’ as ‘Rd’ or whatever. So we went and we hit people that actually we already had pretty good information on anyway.

Mr McCLELLAND—You mentioned a figure that one in 200,000 may be a questionable enrolment.

Mr Becker—We are focusing on the detected fraudulent enrolment. Because there has been some detected fraudulent enrolment, there is a view that, because there is some and because it can happen, it will happen, and it will happen in far greater numbers than has been detected. Quite frankly, that to me is a nonsense. That is just Murphy’s Law, and—

Mr McCLELLAND—I do not want to cut you off, but in the context of your answer you may consider this: Dr Hughes, I think, said that you have got to look at the incentives for people to be falsely enrolled. Certainly there seems to be some incentive as part of the internal party political process for preselections and possibly there would be an incentive for a by-election.

Mr Becker—Perhaps for social security fraud, but there are not many actually to try to sway the result of an election. Let's say we have an election in November. You would want to start thinking about enrolling now if you were going to do it fraudulently, wouldn't you? Which seats would you pick?

CHAIR—You would pick the marginal seats. That is what they seem to pick.

Mr Becker—Yes, but which ones are they?

CHAIR—You would start with the ones under one per cent, I guess, Mr Becker, and then you would move up to the next ones.

Mr Becker—But if you look at the history of that, Mr Chairman, had you done that, you would have been wrong most of the time, because they jump all over the place.

CHAIR—No, I do not agree with that. You said that last time when we met. That is just not true. If there is a one or two per cent swing, most one or two per cent seats fall. That is the just way it is.

Mr Becker—That is 1,600 votes you are going to have to put into that one electorate—just to get over the edge.

CHAIR—Chris Gallus won by 14 votes in 1993.

Mr Becker—Yes, I know she did. Amazingly, there was not a court of dispute of returns, was there, because the election was so close—

CHAIR—In any event, I do not want to get into a political analysis with you of the swings—

Mr Becker—That election was clean.

CHAIR—of the Mackerras pendulum, but that sort of bald response of, 'Where would you start?' is not a hard answer. If you were the Labor Party you would start with the seats under one per cent; if you were the Liberal Party, you would do the same thing, if you wanted to go down that track.

Mr Becker—Yes, but with big numbers, though, Mr Chairman. That is what I am saying. That is a big conspiracy.

Mr St CLAIR—I have a quick question, Mr Becker, about the size of your organisation in dollars. How big is your budget?

Mr Becker—We would roll a budget over of around \$200 million per annum which consists of election, and \$80 million on recurrent budget.

Mr Dacey—In a non-election year, it is about \$100 million per annum. In an election year, we would obviously get the election funding.

Mr St CLAIR—So it is about \$100 million a year. How big an organisation of people are you?

Mr Becker—About 800 full-time equivalents, spread over 155 offices.

Mr St CLAIR—Thank you.

Mr Dacey—Four hundred and fifty of those officers are located in our 150 divisional offices.

Mr LAURIE FERGUSON—The member for Robertson specialises in the obituary notice aspect of this debate. After many years of examination and correspondence et cetera, he is arguing about three of the original list of people that he assumed were on the list incorrectly. The general view of the committee was that perhaps the AEC could have shown a bit more expertise in responding to his complaints. The point I am making is that, after all that work, there are now only about three people—I think there were 50-odd originally. We have a situation where members of parliament seem to think that the fact that they get return mail actually means a lot.

As you note in the report, the reality is that politics is a bit of a turn-off for increasing numbers of Australians. When they see a letter from a member of parliament, many of them would be inclined to put it in the rubbish bin or send it back. As you note, members of parliament sometimes are using out-of-date rolls and the mobility of people et cetera. Could we just have some estimate of the workload on any divisional returning officer of responding to a member of parliament, sending in his list of return mails? What kind of manpower, what kind of allocation of hours and money is devoted to that? One would hope it is a bit more successful than the obituary notice exercise. What is the level of work that falls on the AEC in responding to those?

Mr Longland—I would think that, in a division where there is an active return to sender mail member—and they are not all active—it would be up to five per cent of the workload. It is not just the federal members and senators who return mail. We also have arrangements with the states: state members send back mail, as do some councillors. Because of the joint roll arrangements, we treat all jurisdictions similarly. In some divisions they get none; in others, they get heaps. It is very patchy in terms of effect and in terms of the activity that the local member might be involved in. People who watch Malcolm Mackerras's pendulum know they have a very small margin and tend to be rather more active than people who have so-called safe seats. In a busy division with a lot of mail, there would probably be a five per cent impact on their workload.

Mr LAURIE FERGUSON—I apologise if you have detailed this in your responses. You might not be able to give an answer to this. Could you cite a few examples of the knock-out rate

from some of these efforts by members of parliament? How many people tend to be taken off the roll as a result of these complaints for return mail?

Mr Longland—It started in the days when we were doing doorknocks. Because of the infrequency of those activities, the knock-out rate used to be somewhat higher, probably in the order of about 80 per cent. We did get a lot of letters back, as you suggested. When we get one of these letters, we write to these people again and say we have had official mail returned unclaimed to us. They write back and say, ‘Yes, I know; I do not like that person; I am sending mail back just to ruin his postal budget.’ It was about 80 per cent in those days. That is starting to drop markedly because of the Continuous Roll Update Program; we are getting those changes of addresses a lot earlier. Often, depending on the timeliness of the members’ mail-out and the return of those unclaimed letters to us, we have already got some change under way in the roll. In terms of a strict statistic, I could not give it to you because, as I say, it is very patchy across divisions.

CHAIR—You would welcome, wouldn’t you, mail that has been returned by the MPs, and so on, because it helps you in your work?

Mr Longland—Absolutely. It is a part of the 10-stage process that we have for continuous roll update. It is very much an important part of that because it is an area where members, when they are active in this particular field, are getting a lot of current information that we put into the mix to keep the roll up to date.

Mr McCLELLAND—I recently received a letter from a funeral director advising me that a constituent had passed away and requesting that I notify the Australian Electoral Commission, which I thought was a courtesy that that company was paying to the deceased. Do you think it would be worth while entering into an arrangement with the funeral directors association, or whatever it might be, that that become a service that their members provide in notifying the AEC directly?

Mr Becker—It could well be, because they would probably get information far earlier than we would otherwise get it through the national fact of death file, which is usually some weeks after the person has deceased. In the same way, we are fortunate with real estate agents and so on giving out claim forms on our behalf, or at least alerting the person who has moved that one of the things they have got to do is to change their enrolment.

Mr Longland—I think it is also fair to say, though, in regard to dealing with deaths, that we are very much on top of that issue for most people. We do all of the deaths that we can from newspapers; we do not wait for the registrar to advise us. So where we can make a positive ID from a funeral or death notice in the local press, we do so. And we get weekly, computerised death material from state registrars for each state. The commissioner mentioned the national fact of death file, which is the compilation of those nationally, so that you pick up people who have died in states other than where they were enrolled.

CHAIR—When we talked before about your memorandum of understanding that you are painstakingly working out with the Australian Federal Police, you said that in the last few weeks you had met with them once, with a view to settling those minutes and then coming up with some sort of document. You said that you regularly had met with them over the last few

years to talk about your relationship and how to improve the detection of enrolment fraud and the prosecution or the investigation with a view to prosecuting for the purposes of gaining a penalty against a convicted person. How many meetings over the last few years—say, over the last five years—do you think you would have had with the AFP? Do you think you would have had five meetings?

Mr Becker—When I first arrived here they tended to be just annual or event related. From the central point of view, we would meet annually with our local agents here. I dare say Mr Longland has met with his AFP counterparts in Queensland and similarly in New South Wales.

Mr Dacey—A lot of the contact is between our state chiefs in each of our state head offices and the general manager of the AFP in their state, because a lot of the work happens at that level. They have more regular meetings than we do at the central level.

CHAIR—I guess the average of meetings of the AFP would have been increased quite dramatically over the last six months, with all the work that the AEC and the AFP have been giving each other. Would that be right?

Mr Becker—I must admit that I have not looked at it that way, but it might be something worth looking at.

CHAIR—The transfer of the enrolment of fraud offences to the Criminal Code should make the imprisonment 12 months. We were talking about penalties before. Is that the sort of penalty that you think would be appropriate for someone convicted of an enrolment fraud offence?

Mr Becker—That would deter me, I am sure. I think the issue there is that we also need the time to get through the prosecutions. The time for the statute of limitations that we have got under the Commonwealth Electoral Act is far too short.

CHAIR—So what would you recommend to the committee in terms of, firstly, a fine in lieu of imprisonment? I would like to know that. Also, in terms of the statute of limitations, how long do you think that should be extended for the purposes of being able to—

Mr Becker—I do not think we need to go beyond what the Criminal Code says.

CHAIR—So you are happy with the transfer to the Criminal Code of enrolment fraud offences?

Mr Becker—Sure.

CHAIR—And you are happy with the penalties that that prescribes?

Mr Becker—Yes. Quite frankly, I think that is the only way we can deter this. Anyone hell-bent on trying to defraud the roll will do it, regardless of whatever checks and balances we have in place.

CHAIR—What do you think would be a more appropriate statute of limitations?

Mr Becker—The same as in the Criminal Code.

CHAIR—Which is what?

Mr Becker—I think it is open.

CHAIR—It is currently 12 months, which is the problem.

Mr Becker—It is probably on the offence. It is an indictable offence. We would have to check that.

CHAIR—Could you check that? We are quite keen on the statute of limitations, penalties and things like that, given that a lot of the people who appeared before the CJC confessed to their crimes quite happy in the knowledge that, of course, they were well past the statute of limitations, which was 12 months for most of the offences for which they were confessing.

Mr Cunliffe—I think there is also the broader national perspective of relativities in sentencing in such issues. I know the Attorney-General's Department has already appeared before this committee but they are, if you like, the cross-section specialists in those areas and they have their own responsibilities for relativities. I guess that, inevitably, we see one particular perspective, but there are obviously some broader mixtures of issues that this committee needs to take into account.

CHAIR—In his submission, No. 19, Professor Colin Hughes suggested that, because members of political parties seem to predominantly appear amongst the lists of those engaged in enrolment fraud, there should be a particular offence and penalty that deals with the political nature of the people who are trying to defraud the roll. He recommended something along the lines of banning them from seeking public office over their lifetime. Would you suggest that we should go down that sort of track, creating a new offence and a new penalty for people who might be particularly—

Senator MASON—Could I interrupt you, Mr Chairman? What Mr McClelland said before I think was really pertinent to that, wasn't it? If it is 12 months or more in any case for the offence, under the Constitution, by operation, that excludes people.

CHAIR—Regardless of whether they are political party members or whatever they are?

Senator MASON—Yes, or not.

Mr Cunliffe—Is it in the Constitution on exclusion?

CHAIR—So you do not think Professor Hughes's suggestion should be adopted by the committee?

Mr Becker—I do not know that it is even up to us to make those suggestions.

CHAIR—I am just asking for your opinion, really.

Mr Becker—In the final analysis the parliament has got to decide the import of these offences.

Mr Longland—Mr Chairman, in the act there is already a provision for the disqualification of a person from standing or seeking nomination as a candidate if they are convicted of a section 326 or 327 offence, a bribery offence, so a similar thing to that may be appropriate.

CHAIR—I have one final question in this area about the Electoral Ombudsman but, as it is a new subject, I am wondering if there are any further questions about penalties or offences or the AEC and the AFP. Senator Faulkner, do you want to ask any questions on that?

Senator FAULKNER—Have you heard back yet from the Australian Federal Police on whether the Lindsay matters referred to it have been concluded?

Mr Becker—No.

Senator FAULKNER—So, as far as you are aware, they are ongoing? What does the AFP normally do in regard to a matter like that? Do they normally communicate to you when an investigation is finalised?

Mr Dacey—It is normal practice, yes.

Mr Cunliffe—But as we have seen, Senator, in recent times it may depend upon the result of their considerations as to whether or not we are first to be advised. I know in our estimates committee appearance most recently we discussed some of those issues where the advice actually went to the person who was the subject of the investigation, apparently before we were advised. In other instances I am not sure if that timing is identical but, generally, I think we are advised quite quickly.

Senator FAULKNER—Yes, but this is a case where you have placed the matters before the Australian Federal Police—you being the Australian Electoral Commission.

Mr Dacey—In that case, we would expect to get the advice. Normal practice has been that we would get the advice from the AFP.

Senator FAULKNER—Yes, but at this stage you have received no advice, and you would not expect to receive any advice until their investigations had been concluded?

Mr Dacey—That is the normal practice.

Senator FAULKNER—With the Curacao Fischer Catt enrolment incident, for want of a better description—if I use that terminology I think you will understand what I am talking about—under the government's proposed new regulations, would Curacao Fischer Catt still be able to enrol?

Mr Becker—If it had the ID and if you were hell-bent on doing it, yes.

Senator FAULKNER—Because that is the general impression that is given in your submission from 5.19, from recollection, onwards where you address that issue.

Mr Becker—The major issue is the commitment of the individual to try to get around the system. These people are smart alects. To jaywalk just to prove you can jaywalk is absolutely stupid. You can jaywalk and get killed by a truck on Northbourne Avenue, but we do not move the traffic lights on Northbourne Avenue 50 feet just to accommodate that one person who jaywalked. Really what I am saying is that we cannot accommodate those people who are hell-bent on breaking the law.

Senator FAULKNER—To prove that the law can be broken.

Mr Becker—To prove that the law can be broken.

Senator FAULKNER—So how seriously should a committee like this treat this issue which, considering the motivation of the enrolment, has received a lot of publicity.

Mr Becker—It is pretty hard not to treat it seriously. We are in the situation now where the public are expecting an outcome. A lot of hype has been given to the fraudulent enrolments, which, quite frankly, I do not believe they deserve. We are in the situation now where we have to come up with something and the committee has to do something that is going to be substantial. I think the penalty area is the way to go in addition to perhaps rejigging our roll management system so that we can pick up some of these things that we have mentioned in the past, like putting the age of the elector on the roll inside the polling place so if a person is obviously not 40 years of age you can seek some mechanism to identify them on the spot to try to prove they are not impersonating somebody else. They are issues that have to be treated seriously, but I think we have really overstated the case.

CHAIR—Mr Becker, is it not the case though that the question about Curacao Fischer Catt was not so much that there was a person hell-bent, as you put it, on breaking the law but simply that somebody wanted to show that the ease of putting someone on the roll was farcical and that the government's regulations in terms of beefed up witnessing provisions and identification that are not currently there would make it harder for a cat to be enrolled, because clearly the identification would have to be forged and the witness who witnessed the enrolment would have to be prepared to witness a cat being enrolled? The point is that those regulations would make it harder and therefore are a step in the right direction. The point about Curacao Fischer Catt is not that it would still be able to happen if somebody was, as you put it, hell-bent on breaking the law but that it would diminish the ease by which you can currently break the law.

Mr Becker—It would in the case of the Curacao Fischer Catt. The Curacao Fischer Catt was, as you say, a smart alect approach to prove that you can do something which, quite frankly, did not need proving. That is really the stupidity of it. We are focusing on that particular type of thing. We are focusing on the issue and, quite frankly, they are not the people who are going to defraud the electoral system. The people who are going to defraud the electoral system are going to be the people who are hell-bent on doing it, and they are the ones we cannot catch.

Mr McCLELLAND—Even if there was a witnessing requirement, it would be easy to forge the signature of a witness.

Mr Becker—Sure. But there could be some sort of photographic ID if we really went down the whole line. The Ehrmann situation, for example, would not have been caught by the regs.

Mr McCLELLAND—Paragraphs 6.13 and 6.14 of your submission refer to the interagency workshops on proof of identity—and I have to say that I did not know about that until I read the submission—which had previously been referred to in a submission by the Attorney-General. You mention in 6.14 that the preference of the Attorney-General's Department is for strengthening of verification through improvements in computer systems and electronic technology rather than personal identity documentation. Is the reasoning for that that it is so easy to fabricate or falsify documents?

Mr Becker—It comes back to the *Comfraud Bulletin* that it is easy to falsify documents. Westpac did a survey of birth certificates lodged with them for the 100-point test and found that 13 per cent were fraudulent. If we are talking about electoral fraud where people can affect the result of an election, then we are talking about people who are (a) going to be in a very large conspiracy and (b) determined and capable of getting access to this sort of stuff—it is not hard to get access to.

Mr McCLELLAND—Just on that 100-point test, for the record, it is producing something like a driver's licence, a passport or some other banking credit facility to get your hundred points up?

Mr Becker—That is right—even the enrolment card.

CHAIR—Since you have raised the Westpac study that found 13 per cent of birth certificates were forged, have you considered the possibility of the AEC conducting an inquiry of its own and taking a segment of the electorate and trying to work out what percentage are actually fraudulently enrolled and then trying to apply that elsewhere?

Mr Becker—We have got some ideas that we might apply at the next election, but we will leave those for the moment. We have also got the ANAO looking at the possibility of doing an audit of the electoral roll. We would be going out to look at the accuracy of the roll, not necessarily hunting down fraud. We may pick up the fraud on the way if that is the way it goes. On the other side of the coin, we do what has been suggested by the A-G: you set up your computer systems in such a way that you mine your data, you match your data and then, when you hit all these little triggers, you zero in on that person who may be a fraudulent enrolment.

CHAIR—I am not suggesting you would go out and take 10,000 voters and try to find the ones who are fraudulent. I suggest you take the 10,000 voters and try to work out the percentage that were fraudulently enrolled or incorrectly enrolled and voting in the wrong district—people who move and think, 'Oh well, I'm only 100 kilometres from home. I will just go back when I visit my mother in the town in which she lives on election day and vote there because I can't be bothered changing my enrolment'. So I am just suggesting trying to find out what percentage are incorrectly enrolled.

Mr Becker—That is incorrectly enrolled; it is not actually fraud.

CHAIR—Not actually fraud but it means you are voting potentially in the wrong electorate.

Mr Becker—Those sorts of things can come out of the sorts of things you can do at election time. I think once before we mentioned the possibility of chasing up the provisional votes after election and perhaps even sending out letters and then doing a doorknock to the people we do not get returns from to see if in fact they really do live where they claim to live. I would bet London for a brick that most of them do not.

CHAIR—In terms of the electoral ombudsman, in submission No. 39 Dr Amy McGrath recommended the appointment of an electoral ombudsman; in your submission, No. 66, the AEC indicated it does not support that. Could you outline why you do not support the appointment of an electoral ombudsman?

Mr Becker—Frankly, I think we have got enough policemen around the place. We have already had our own ombudsman involved in an investigation that we referred to it, and then they changed it to an investigation of their own motion. We have the AFP, the DPP, the Ombudsman, ANAO, JSC, CJC—how many bodies of this nature do we want? Who is going to guard the guardian? How far do you go? I just think it is totally unnecessary.

CHAIR—I want to move on. Does anyone want to remark on that question about the ombudsman or are you happy to have that response? Professor Hughes has also made the comment that one of the most beneficial outcomes of the Townsville ‘episode’, as he calls it, is that at last the judiciary have taken enrolment matters seriously and imposed a penalty appropriate to the offence. Do you think in fact one of the benefits out of the Townsville ‘episode’ is that it has highlighted that there are serious issues with respect to enrolment fraud and that they should attract a serious penalty?

Mr Becker—Colin Hughes was just making a statement about what he believed to be the case—

CHAIR—Do you agree with his statement?

Mr Becker—I think it is an acceptable statement. I must admit it is not one that actually came to my mind because in fact we were instrumental in that getting to trial in the first place.

CHAIR—But you would accept that it was a—

Mr Becker—I think certainly if you put somebody in jail, I would imagine it sharpens your senses a little.

CHAIR—Before I move on to district returning officers and some of their evidence to the AEC, I refer to a particular complaint from a Mrs Cherie Reimer, which was made in submission No. 10 to this inquiry, in which she alleged that she and several neighbours in Dolphin Heads—which sounds like a peculiarly Queensland place—found their names removed from the electoral roll on polling day for the 1995 Queensland state election. Have you followed up that accusation, and can you report to the committee on that?

Mr Becker—I have not. The Queensland state election would not be something we would normally follow up unless it was referred to us by the commissioner.

CHAIR—She claims—according to my memory of her submission—that she and many of her neighbours in Dolphin Heads went to vote on election day and found that none of them, from whole streets, were enrolled. I am just wondering whether the AEC thought that was a useful thing to inquire into and follow up, given that obviously it caused her concern. She made a submission to our inquiry. If it is the sort of thing that can happen, I just wonder if you have any comments on it.

Mr Becker—The comment we have made in submission 76, in part 4, is:

The AEC has no way of knowing how long Ms Reimer had been gone from the Dolphin Heads address, but she would have had a total of three contacts before being removed from the roll ...

CHAIR—She claims, though, that she and all her neighbours turned up on election day, when they were all still living at Dolphin Heads, and found that their names had been removed from the roll.

Mr Becker—We are not into oneiromancy—this is not divination by dreams. We need hard evidence. We write out three times, and if we do not get any response from them, they get taken off the roll and then they get told. We send it out again saying they are off the roll. If people do not look at their correspondence—

CHAIR—Mr Becker, I am not trying to trip you up. The point is that Mrs Reimer says not that she was written to three times and did not respond but that she and several hundred people in Dolphin Heads turned up to vote on election day and found that they had all been removed. If that is the case, it is not someone who—

Mr Becker—That is just not possible.

Mr Cunliffe—It might be worth taking you to part 4.2 of our submission, which runs through the circumstances of the removal. It mentions that, as the commissioner has said, she would have had a total of three contacts before being removed. According to our records, she was removed by review objection action on 13 January 1995 and did not enrol until 3 February 1996, at that stage at an address of 64 Ian Wood Drive, as distinct from her earlier address of 32 Ian Wood Drive, Dolphin Heads. Then you will see further that, of the other people mentioned in her submission, the AEC holds details only of Janice Madge Hodson, who was enrolled at 34 Ian Wood Drive, Dolphin Heads from 26 February 1995, and who would have been on the roll according to our records for the 1995 state election. She transferred her enrolment to a Brisbane address in July 1995. So we have attempted to track it and to assist the committee; I do not know that there is any more assistance that we can provide unless the committee has some particular issues to identify from the submission.

CHAIR—No, that is fine. Thank you. I want to move on to some of the DRO evidence. Robert Patching, the divisional returning officer for the federal seat of Rankin in 1996, has asserted that his staff continually express their concern that a number of people claiming enrolment were probably not eligible. He says it was possible for a non-Australian citizen to enrol by merely ticking a box that indicated they are an Australian citizen and leaving the box for their citizenship blank. In the 20 months after the 1996 election he discovered 217 people on the electoral roll who were ineligible to vote for citizenship reasons, four of whom also voted in the 1993 elections. He concluded that he would dare to say that there are many thousands

Australia-wide. He was not alone in his concern about migrant enrolment. The district returning officer for Como, Mr Rabiane, is on record on saying the same sort of thing. Mr Patching told the Joint Standing Committee on Electoral Matters inquiry following the 1996 election:

If an elector born in another country ticked the box indicating they were an Australian citizen, the card was to be processed as acceptable on the basis of the signed declaration. This policy I immediately thought to be ridiculous, as my experience with the Vietnamese community was that the answers to most questions were yes, as it was considered impolite by the Vietnamese to say no. The AEC policy has not changed.

Mr Patching also claims to have been ordered to stop checking immigrants. He also says that the acting officer removed his evidence from the file, which he later found secreted elsewhere in the office. Four years later, he says that the DRO election manuals still do not include reforms recommended in the 1996 JSCEM report. When he appeared before our committee with Mr Lamerton and Mr Smith, he repeated most of those claims, and we questioned him on them. Could you answer this question: who would have ordered Mr Patching to stop checking the immigrants?

Mr Becker—I might have something to add, but Mr Longland can respond.

Mr Longland—Mr Patching's evidence on this issue following the '96 election has been thoroughly discredited in that inquiry. He was instructed to comply with the law. It is not a matter of the procedures. If there is no apparent defect in a person's claim for enrolment, they are to be enrolled. That is what the law requires of the DRO. Mr Patching had entered into an illegal arrangement with the Department of Immigration by which, through personal contact, he was making illegal checks of citizenship. He was instructed by the Director of Operations in Queensland to comply with the law. We were in danger of both invading the privacy of those individuals as well as breaking the law by not properly processing their enrolment when it was received. It was dealt with, as I said, in our submissions following the 1996 election; it was discredited at that time, and the law has not changed in that time. We are now taking action because we have access to DIMA records to look at the entire database of Australian citizenship to see whether or not we can find those sorts of people who may or may not be improperly enrolled. The change that has enabled us to do that is the move to the CRU process and the enabling legislation on CRU. But at this stage a person who makes a declaration of Australian citizenship is, in fact, entitled to be enrolled, and it is as simple as that. It is within the Commonwealth Electoral Act, and that is the way it is done.

CHAIR—Regardless of how Mr Patching came across that evidence—whether he was pursuing an incorrect procedure or breaking the law by talking to DIMA about whether or not these people were actually citizens—his central tenet is that, in his experience, there are large numbers of people who are voting who are non-citizens and, therefore, who are not entitled to vote. Would you like to expand on what the AEC is now doing to try to ensure that that is not happening? Also, you might want to comment on the data-matching facilities that the AEC has or might want to have with other government departments or the ATO or whomever.

Mr Longland—In the first instance, I disagree with Mr Patching's contention that there are a large number of people on the roll who, as non-citizens, are not entitled to be on the roll. There are a large number of non-citizens on the roll by right. People who were British subjects prior to 1984 retain that right. It is often a case of great difficulty that we have to explain to these people that, for example, if they go off the roll for any period of time and lose that entitlement—I am

sure many members will have had the experience of an aggrieved ex-Commonwealth citizen coming to them and saying that the AEC has removed their right to be enrolled—it does have great difficulty for us in an administrative sense, because with variations in state legislation, for example, you can be on the roll for state and local matters but not on for federal matters. Most citizens, or non-citizens in this case, find that difficult to understand. Nevertheless, that is the way the law is written. We are attempting, in the whole data-matching process, to take on board the entire DIMA record of Australian citizenship and to match that back to the roll to see whether or not there are any inconsistencies there that we might be able to deal with. One of the things that CRU has brought to us as a very significant benefit in this area is that the vast majority of new citizens who come onto the roll now do so through citizenship ceremonies, which we attend. Our arrangements with immigration are that they get a pre-printed form that has details drawn from their application for citizenship. That is in the package that is sitting on the chair when they arrive for their ceremony. It is witnessed and completed at the time and, in most sets of circumstances, an AEC officer collects it.

Senator MASON—Mr Longland, did the AEC check the citizenship of those people who Mr Patching claimed were not Australian citizens and were not entitled to vote?

Mr Longland—Mr Patching made what I consider to be a disgraceful assertion. At the time he was doing this we asked him for the information relating to the people that he had checked, and he was not able to present that to us. He was away during the 1996 election through ill health. He claimed that the acting DRO at the time had hidden or destroyed the stuff. It was not until some quite considerable time afterwards that he was able to produce a list. With the passage of time that list was no longer of any particular relevance to us. It was a regrettable period in terms of the administration by that particular officer.

Senator MASON—You didn't check it?

Mr Longland—No, I have not checked it.

Mr McCLELLAND—What was the nature of his ill health at the time? Can you recall?

Mr Longland—I would rather not discuss his private health matters; he was just away for several months, both prior to and following the election.

Mr McCLELLAND—You are not in a position to make a judgment as whether that would affect his ability—I withdraw the question.

CHAIR—Are there any other questions on this issue of the DROs or any of the evidence that they gave?

Senator MURRAY—Quite frankly, I have accepted the view that there are likely to be numbers—and large is relative because 1,000 in terms of the electoral roll is almost irrelevant when they are spread across the country; whereas, in this room it would be absolutely stultifying—of people on the roll who believe they are citizens but who are not. I have recently come across that with the child migrant inquiry. Numbers of children were sent to Australia as child migrants and got onto the roll, believing they were citizens. In the 1980s or 1990s they applied for passports and found that they were not citizens, but up until that period they had

been voting. I would expect that is replicated with husbands who have married Australian wives or vice versa. For me, the question is: does it matter? Electoral fraud in a democracy really only matters when it affects the outcome of an election, otherwise it is about ensuring your integrity is maintained. Do you think that in your desire not to give the impression that there is electoral fraud in the democratic sense—in terms of affecting the outcome of the elections—you are not being a little overdefensive about the possibility of there being quite significant numbers of non-citizens who might be on the roll but who are there without ill-intent or fraudulent intent?

Mr Becker—I am sure there could be and I am sure there would be, but this is where we do the full datamatch with DIMA. We will probably find out some of those things. We sent boys and girls to Vietnam who were not Australian citizens. They did not need a passport to get to Vietnam but when they wanted to go anywhere else around the world they found they had to go to their country of origin. Those things one would expect to be the case because they come out here at the age of three weeks, 18 months or two years, their parents become Australian citizens and the parents themselves believe they automatically carry the kids along with them, but they do not. So I would expect that would be the case. We can do a check, but then the problem arises of what you do when you find that person who, through no fault of their own, believes they are an Australian citizen and you find that they are not.

Senator MURRAY—That is where I am going to with this. We have been talking about penalties and all that sort of thing, but to me the penalty should be distinguished by intent. To me—using, I think, what is a legal phrase—what we would be discussing here is inadvertent entries onto the electoral roll as opposed to those with criminal intent, which is what fraudulent means. I would ask you to perhaps consider if you could identify a way in which the law could be expressed to allow inadvertent entries, such as those we are describing, to be so identified and not to be subject to the same penalty that—

Mr Becker—I think there is discretion in that, anyway. In any event, we do not have to prosecute. If there is no intention to deceive, we just try and correct the situation.

Mr Cunliffe—Ultimately, Senator, I guess it would fall to parliamentary counsel to draft, but if the clear intention were to ensure that that only applied to those who did it with fraudulent intent or did it with mens rea, to use the Latin phrase—a guilty mind—then those people would not be caught.

Senator MURRAY—I just think greater clarity is necessary in this area, so that discretion can be properly exercised with a full understanding of what the legislative intent is. Inadvertency should never be punishable, in my view. But I will move on to your question to me, which I will bounce back to you: what should be done about it? One of the things I want to ask you is whether the questions that you ask in getting people enrolled need to include a more particular question relative to a person's status—for instance, 'If you were not born in Australia, what is the basis for assuming your citizenship?'

Mr Becker—We do ask that question. In fact, we ask for the citizenship number.

Senator MURRAY—Are your questions specific enough now to prevent inadvertent entries on the basis of people who believe they are citizens when they are not?

Mr Dacey—Yes, Senator, for some time now, since we revised the enrolment form and the questions. They are now particularly specific, and, as Mr Longland mentioned, we will be combining that shortly with our match against the DIMA—immigration department—information as well. So they are quite specific that if you were not born in Australia you have to give a specific set of circumstances as how you became an Australian citizen.

Senator MURRAY—So if there is a problem it relates to people who have always been on the roll, rather than anyone who is new?

Mr Dacey—People that enrolled many years ago, when it was just a question, ‘Are you an Australian citizen? Yes or no,’ and those people who may have inadvertently ticked yes because they believed, as you said, perhaps because they were married to an Australian, that they were an Australian citizen. They would be much more difficult to pick up.

Senator MURRAY—Because you do a large number of renewals as a result of address movements—a massive percentage of people move between elections—do you think that that questioning process should be added to that process so that people who are moving are double-checked as to their criteria, or would that just become too onerous and too bureaucratic?

Mr Dacey—One of the intentions of collecting the information now and also cross-matching that data with Immigration is that we will flag our roll management file. For instance, if it was Paul Dacey, myself, and if I had a citizenship number, if I had citizenship by grant, any time that I move in the future we would have a record and we would not have to ask those details again. So you would be flagged as being an Australian citizen by naturalisation or by grant. As it stands now, before we have that information appended to the file, we annoy a lot of electors by asking each time they move, when they filled out a form, those same details. People rightly get angry and say, ‘Well, I’ve given you that detail 10 times, because I’ve moved 10 times before.’ By having that information permanently on our records, we then will not require it each time they move.

Senator MURRAY—I cannot remember the percentage of such people, but it was very high, say 30 per cent of the population—

Mr Dacey—About 20 to 25 per cent.

Senator MURRAY—If 20 to 25 per cent move over a three-year cycle, that would assume that over, say, a 15-year period many people who are on there and should not be on there would have been checked?

Mr Dacey—That is correct.

CHAIR—Are there other questions in respect of the citizenship issue?

Mr McCLELLAND—It would be a wrong impression to give that there was any design of ethnic takeover of our rolls. One example of this sort of thing would be the children of British migrants; that category from 1984. They may not know their parents have not taken out Australian citizenship. There may be some in that category, but it would be a false impression to say there was some designed ethnic takeover of our electoral process, wouldn’t it?

Mr Dacey—Yes, sure.

Mr Becker—It would be a false impression.

CHAIR—Witnessing identification in the current electoral referendum amendment regulations that Senator Faulkner referred to earlier is currently with the relevant state and territory ministers for comment. The Queensland government and Attorney-General have indicated a lack of support for the regulations. Would you like to comment on whether you think the regulations for witnessing identification would go further towards reducing the propensity of inadvertent, or innocent, enrolment fraud as well as enrolment fraud with a criminal intent? Would you talk a bit about those changes that the government is proposing?

Mr Becker—They are fairly broad, as you know, and probably quite a lot broader than was originally intended. Really, that was not just to accommodate AEC concerns about people's access to the franchise but also to try to accommodate the states. You mentioned the word 'inadvertent'—yes, it will catch the inadvertent; but it will not catch the deliberate because it is broad enough for people to be able to get around it.

It may be difficult, though, for people in Aboriginal communities—or more difficult than it would be today—to be able to meet the criteria. At the moment it is just sitting and, as you know, we do not have the full support of our state counterparts and the state governments. Really, I think at this stage it is back in the hands of the minister and the government if these things are to get up and bring the states into line. I think it would be very difficult for us if we went unilaterally and the states stayed on their own. The chances are we would just end up by breaking the joint roll arrangements and, quite frankly, I think that would go down like a lead balloon with the electorate when they got claim forms from each of us.

CHAIR—Have you been trying to discourage the Electoral Commission in Queensland from going its own way?

Mr Becker—It is not for us to discourage or encourage them. It is up to them to make their decision. We do not lean on our state counterparts. We have a very good relationship with them and all of them adopt exactly the same approach that we have to our electoral roll review. We do believe that participation is important and does legitimise the parliament and, when you have got compulsory voting, compulsory enrolment, putting too many obstacles in the way of the electorate is counterproductive.

Mr Dacey—We have been liaising constantly with our state electoral counterparts for probably 18 months to two years now, since this legislation was first introduced, on the basis of what cooperation we could have with the states in working out arrangements if this did come about. It is quite wrong to suggest that we have been discouraging; we have been actively talking and negotiating with the states, because we do not want the joint roll arrangements to break down. If these regulations do come into place, we want to work with our states to make sure that we keep the joint roll arrangements going as they are now, because we do not want to make it more difficult for electors in having to, as Mr Becker said, enrol separately for separate jurisdictions.

Senator FAULKNER—With the concentration on these electoral fraud issues through this committee—and thank heavens it is nearly over because it has been such a debacle—the focus on the situation in Queensland, the jailing of Ehrmann and more of a focus now on enrolment—apart from the actual responsibilities that I think I understand in terms of your senior officers—have you made any decisions, Mr Becker, in relation to any of those senior officers in enhancing the internal watching brief in terms of this issue and, if you like, its ‘public notoriety’?

Mr Becker—Are you talking about internal responsibilities of—

Senator FAULKNER—The AEC, yes. I wondered if you had enhanced any responsibilities, given the focus it has had, of any of your officers. I appreciate enrolment responsibilities are primarily for maintenance of the roll, et cetera, and where that lies. Have you looked specifically at electoral fraud and AEC responses or the like as being an enhanced responsibility for anyone at a senior level?

Mr Becker—Not specifically, but, as you know, this is the one of the major strategic focuses for the commission. Hopefully, next week we will be sitting down and talking about where we are going with the commission. We did quite a bit of work with focus groups last year. We took our management board and quite a number of our other staff away to Bowral to think about how we go about looking at a lot of these issues.

Senator FAULKNER—Are these focus groups of electors?

Mr Becker—We have had one group of electors. The responsibilities as to what we are going to be looking at will certainly be an area that we will focus on purely and simply because we have focused on it in the past with our own internal audit, and we will obviously continue to do so in the future. In terms of having a particular person allocated to look for fraud inside the commission, I cannot see that happening. I would think it would be more general than that.

Senator FAULKNER—What do you mean by the focus groups? How is that working?

Mr Becker—You have probably ascertained that there is a them-and-us attitude between divisional staff, the head office staff and our central office staff.

CHAIR—That certainly came through.

Mr Becker—It came through loud and clear.

Senator FAULKNER—I must say what came through to me was that that was the case in relation to some divisional staff. How widespread it is, I think, is a hard judgment for this committee to make, though I think the chairman’s comment to say that it came through is fair enough, because I think it did. I agree with that. The extent of how widespread it is, I think, is a difficult judgment for us to make.

Mr Becker—That is right. The chairman mentioned some of the names earlier. Some of those people do not believe that the way in which we are approaching roll management today is as good as it used to be when we doorknocked, but as you all know, all these fraudulent things occurred when we did the biennial doorknock. You also had staff in front of you. When you

asked them a straight question last time we met on what they thought of continuous roll update, each of them said, unsolicited, that it was better than the biennial doorknock. It depends on where you are coming from. We have the problem that there is this them-and-us attitude and it is something I definitely want to make sure that we break down. It is not going to be an easy process. I signed off, I think, 14 long-service awards last year of 30 years of service within the AEC. There are a lot of old attitudes that have yet to be broken down but the other thing is that we have to have a decent communication plan within the AEC so that we can bring our people along with us. Consequently, we are working with a consultant, at the present time, to try and achieve that, and that will be reflected in our strategic plan of the way in which we run our management board, the way we run our executive and the way we communicate with our people.

Senator FAULKNER—So the consultant is running the focus groups?

Mr Becker—Supervising them, yes. That is right.

Senator FAULKNER—I am just trying to understand what they are doing. These are focus groups of AEC staff. I have misunderstood.

Mr Becker—I am sorry. We had two focus groups in the lead-up to the time that we took senior management away to Bowral to give us the issues that we needed to address. After Bowral, we went on to the particular issues that needed to be then discussed with the rest of the people in the AEC, so we went back and ran four focus groups in Adelaide, Newcastle, Brisbane and Canberra. Hopefully in May we are having a management board meeting which will drag the whole lot together into a strategic plan which will also include a communication plan to involve the troops.

Senator FAULKNER—In those large metropolitan areas or capital cities that you mentioned, who comprises the focus groups?

Mr Becker—DROs and head office staff. They were brought in prior to the AEOs.

Senator FAULKNER—A mix of AEC staff.

Mr Becker—Yes.

Senator FAULKNER—Did anyone from outside the AEC, apart from this consultant, come to Bowral, or did the consultant come as well?

Mr Becker—The consultant came to Bowral. The only time we ran a focus group outside the AEC was with electors in Victoria. We had most of our management board people there, plus 25 people who had been selected from the electorate to attend.

Mr Dacey—They were randomly selected.

Senator FAULKNER—Has the report of that focus group in relation to the elector or electorate attitudes been dealt with separately to the other more internal staff and management—

Mr Becker—It is incorporated; it is internal. Once we have wound this whole thing up, we will have no problem with those sorts of things being given to the committee, if that is what the committee would like. Quite frankly, nothing surprises you these days. One person raised the issue that people should be allowed to deviate from the how-to- vote card because she believed that if you did not follow the how-to-vote card exactly your vote would be informal. Then of course that question was asked around the rest of the group, and three of four of that group felt the same way.

CHAIR—These are the returning officers?

Mr Becker—No. These are the electors.

Senator FAULKNER—I am worried about which how-to-vote card.

Mr Becker—This is not going to be a oncer. We have had surveys and consultations with staff over the years. The only thing I want to see happen is that this becomes a regular approach. We do not need to have consultants in every time. We can manage these sorts of things ourselves. We have had regular meetings with electors to ascertain exactly what it is that concerns them and what it is that we are perhaps doing wrongly.

Senator FAULKNER—Apart from the consultant whom you have told us about—that is helpful—did you have anyone else from outside the AEC, in Bowral?

Mr Becker—No.

Mr Dacey—It was basically a board of management meeting.

Mr Becker—And with a few other senior staff. As Mr Dacey has just mentioned to me, not one of the 25 electors we interviewed mentioned fraud as an issue. We consulted 25 people in Melbourne. It might have been a different result in Queensland.

Senator FAULKNER—It may not have been a different result in Queensland. These things in part depend on what the key issues of the day are, when you undertake these focus groups, the nature of the person who is facilitating it—it is pretty random all this sort of qualitative research, as you know. Have we made any progress with your deputy, Mr Becker?

Mr Becker—I live in hope that something will happen shortly.

Senator FAULKNER—So we have got no deputy Australian electoral commissioner still?

Mr Becker—We are getting there.

Senator FAULKNER—You would agree that the deputy of the Australian Electoral Commission has a very important management role in the sorts of issues that we are discussing in relation to relationships with the DRO et cetera, which are of course a key element of that.

CHAIR—It is more of an estimates question than a question about the integrity of the electoral roll.

Senator FAULKNER—I do not know about that.

CHAIR—In the spirit of generosity that we have been evincing this evening—

Senator FAULKNER—I think we have got the answer; it is ‘no’, basically.

CHAIR—I would like to return to this question about the states or territories going their own way with their own electoral rolls. Mr Becker, you have been involved in electoral commissions for a very long time and, therefore, you would have been working in the electoral commissions when there were separate state and federal rolls. I have jotted down something here in my notes from the last time we met which was that there was a 40,000 to 100,000 vote difference between the Western Australian and Commonwealth electoral rolls when they were joined up. The concept of a splitting up of the electoral rolls around Australia worries me. Does that worry you as well and do you think that it would have ramifications for the integrity of the system if there was a splintering of rolls around Australia again?

Mr Becker—Absolutely. I do think that we have to keep it together. As you know, we have a joint card arrangement in Victoria and in Western Australia. The difficulty will be if we have different criteria for enrolment. We would not be able to have a joint card unless there was a little bit of jiggery-pokery. If they comply with our standards, then they would naturally comply for state standards. It is when they comply only with state standards and they miss us that it would have to go out again.

Mr Dacey—One of the other difficulties, of course, is that once you have rolls that diverge, you then get into more conflict about issues of which roll is the accurate one and which one is correct. The other issue, which is a prime consideration, is not only the effect on the elector by having separate rolls and confusion in the electorate, but also the potential for a significant effect on Commonwealth revenue. We are currently attracting revenue to the Commonwealth, by having joint rolls, of between \$7 million and \$8 million a year. If that disappears, that is significant funding that the Commonwealth and the AEC are going to have find. There are serious implications.

Mr Becker—There is another issue too, in that we are now relying on data that we receive from state agencies, like motor registration and licensing and so on. A couple of states are reluctant to give us that information. They would be prepared to give it to their state people, but they may not be prepared to give it to us. If we were in the situation where we were separated from that particular state, for example, in the case of motor registration, we would have difficulty getting that youth enrolment figure up to where we have just recently got it in Queensland where we have got it from one of the lowest in the country to the highest in the country.

CHAIR—Putting aside that the irony of the Queensland Labor government not wanting to sign up to the Commonwealth government's regulations for witnessing and identification, and their LCARC report that recommended that they not do so, are there other states or territories that you are aware of that have indicated a lack of desire to join up to the federal government's changes for witnessing and identification?

Mr Becker—New South Wales and Victoria do not believe that legislative change is necessary—Queensland, of course; and Western Australia: it was not possible to do something within that term. I do not know what would be the situation now but that is in respect of the previous administration. So there are those four in particular. In the case of Western Australia and Victoria, we do not have a joint rolls arrangement; we have a joint card arrangement.

Mr Dacey—But the arrangement is such with those two states that they do return significant revenue to the Commonwealth.

CHAIR—When the AEC and the state electoral commissions joined together, did the Commonwealth have doubts about the accuracy of some aspects of the state and territory rolls, or were they comfortable about accepting each other's rolls?

Mr Becker—Those roll arrangements have been operating around the country since about 1918 or 1920, or something like that, and they have been in various formats all the way through. I do not know whether you recall, but it was really only in about 1997 that the South Australian Commonwealth and state roll moved from a state machine to the DAS machine.

CHAIR—I think you had to actually establish the state machine, did you not, Mr Becker?

Mr Becker—Well, I was there when it started, yes, in 1967.

Mr Longland—I would like to make a comment on some contemporary issues related to the Queensland situation with joint rolls. Following the LCARC report, the state government has allocated \$150,000 to a feasibility study to test some of theories from that report, mainly the merging of an array of state databases used in roll keeping. The process that they are looking at very closely mirrors a proposal that we have raised here before—direct address change. If a person was already on the roll and the data from other agencies, when merged, showed that that person had actually moved, we would not require a card from them at all, but rather we would just change their address on the roll to match the other databases and send them an acknowledgment card, as we do in the normal course of business.

It would have some rather disastrous effects on the joint roll in Queensland if, in fact, they decided to proceed down those lines because they would be changing potentially 50,000 addresses a month in the state and the rolls would diverge by that amount each month, and we would be forced into a catch-up situation of writing to those 50,000 people each month and saying, 'Your roll address for the state has changed. Is that correct? If so, fill in this card and send it back to us.' We are watching that development very closely. We have raised it here before and in submissions and there have been some discussions with the previous minister in relation to the prospects for doing that. That is an idea that we picked up and explored in some detail with the Canadians, who now do that as their principal method of populating their roll. So

it is something that could cause massive change to the joint roll arrangements in Queensland if it were to proceed.

CHAIR—So it would probably have an impact on the people's confidence in the integrity of the system if there were such completely different processes operating.

Mr Longland—If you were on two separate rolls with two different addresses, it would give immediate rise, I am sure, to concerns from all users of the roll as to which one was right.

CHAIR—So we and the AEC would obviously prefer the Queensland Labor government to maintain its joint roll arrangements with the Commonwealth in order to maintain the integrity of the system and people's confidence in it.

Mr Longland—We would obviously prefer to maintain complementary legislation, whichever way it goes.

Mr LAURIE FERGUSON—When the chairman demonstrated the very stark outcome in Western Australia when people actually succeeded in their intention of decreasing Aboriginal enrolment and the way the various rolls varied, you said that it was a big issue and it was pointed out that there are revenue aspects to this. About 15 minutes ago, in contrast, you responded that if states decided to go their own way then really it was not your job to persuade them one way or the other. I am a bit interested that, on the one hand it is vital, it is important for these reasons but, on the other hand, 15 minutes ago you really did not think it was your problem to try and persuade them to stay in.

Mr Becker—Who is driving this? It is going to be driven by the parliament. It is not going to be driven by the electoral commissioner in each of the states. That is what I am really saying. We have spoken to our electoral council colleagues. There are nine electoral administrations in this country. We have spoken to them. We have put our case, saying that it is likely that our federal parliament may go this way. The federal parliament has passed the legislation. The regulations have been drafted. They are sitting, waiting to be dealt with. It is now in a situation where the parliament or the minister or the government—whoever it may be—needs to talk to their state counterparts. In my view, it is out of the officer level.

Senator FAULKNER—Do you really think it is a job for the parliament to talk to their state counterparts?

Mr Becker—The government, sorry. It is a job for the minister or the government to talk to their counterparts.

Mr McCLELLAND—With respect, what you say has to make sense. In any cooperative scheme, it is never achieved by the Commonwealth deciding that this is what we are going to do and then saying—using the vernacular—'Just bend over and cop it.' Clearly, to have a cooperative federal arrangement requires, as you say, negotiation and give and take at both a federal and state level to achieve an outcome that is mutually satisfactory.

Mr Becker—That is right, and in the drafting of the regulations, as I said earlier, we have broadened the catchment to try to accommodate the concerns of our state bureaucratic

colleagues. But those regulations have now been drafted and the states are still saying that their governments in many cases are not interested. So that is where we sit.

Senator FAULKNER—Yes, but the AEC is not fully behind them either, is it?

Mr Becker—We have concerns with them, of course.

Senator FAULKNER—Yes, of course, so let us be fair about this. This is being driven by the federal government—fair enough, we know that is the case. The AEC has got concerns, so it is hardly surprising that a range of state administrations have got concerns as well.

Mr Becker—I know. It is not surprising, is it?

Senator FAULKNER—No. So it is a Mexican stand-off.

Senator MURRAY—Has the Auditor-General commenced an audit of your roll at all?

Mr Becker—Yes. The terms of reference have been given to us and we are expecting something to happen in the not too distant future.

Mr Cunliffe—There is an audit going on within the commission now. They have several stages—you are more familiar with them than I am, I expect, from your role with the other joint committee—but they are in what I think is the first stage—in effect, a scoping stage—as I understand it.

Senator MURRAY—Have they given you an indication of when the process will be completed?

Mr Cunliffe—They have suggested to us in discussion that it depends on a number of decisions along the line but, assuming it went the full extent, as I understand it, it would be some time next calendar year that a report would be forthcoming. I think that is what they have suggested.

Senator MURRAY—So after the election, in other words?

Mr Cunliffe—Yes. I think on any view, after the House of Representatives election.

Senator MURRAY—But I would assume that part of the protocols between you would be that, if they found any problems on the way, they would obviously talk to you about them, wouldn't they?

Mr Dacey—One would expect, on the basis of the previous relationships and contact we have had with the ANAO, that there would be briefings throughout the process.

Mr Cunliffe—They have not specifically identified it.

Mr Dacey—I do not expect that this would be any different, but we are not sure at this stage.

Senator MURRAY—The point of my questioning is that this committee will be able to report that, for the very first time, an outside, independent audit of the roll itself will be undertaken and is under way.

Mr Becker—I think it is an audit of the management of the roll, not necessarily of the roll. I do not know that they are going to try and go out and detect fraud; I think they are looking at the roll management practices.

Mr Dacey—They are looking at the roll management practices within the AEC.

Senator MURRAY—The terms of reference are determined by them, not by the JCPAA. I assume there is no secret about the terms of reference. Would you be able to let us have a copy?

Mr Cunliffe—It might be more appropriate to ask the Audit Office, I suggest. It is their call, I would have thought, both as to the terms of reference and as to the appropriateness or inappropriateness of letting you have a copy of them. I do not claim expertise in their act in a way that would make me feel comfortable about undertaking that.

Senator MURRAY—You can see the value of it, because it is an extra step, if you like, in evaluation. This committee is not competent to do that and they are.

Mr Cunliffe—It may be appropriate to refine the words that they would feel comfortable with as the description of their process. I suppose we are paraphrasing from our perspective.

Senator MURRAY—It does not need to be exact. I would like to know whether it is management or whether it is a sample assessment of a portion of the roll.

Mr Becker—They are scoping it now, so you might find that those things change.

Mr Dacey—That is right. Whilst we have an ANAO presence in the office, they are still in their scoping phase.

Senator MURRAY—Perhaps we should indicate that they have a month or so to respond. If they are still in the scoping phase they will want to establish precisely how they want it to develop.

CHAIR—Yes.

Senator FAULKNER—You talked about relationships with the state administrations. Have any states suggested that the proposed regulations would not have prevented the incidents involving, say, Ehrmann and the others in Queensland?

Mr Becker—We have raised the issue.

Senator FAULKNER—I know you have, and you have made that quite clear. It is a good point—I accept it—but I wondered if any state jurisdictions have raised the issue.

Mr Becker—I cannot remember specifically, but I am sure we have discussed that.

Senator FAULKNER—I wondered whether this was one of the problems that the state jurisdictions had had. Ehrmann et al are all about the transfer of enrolments, and the new regulations do not deal with the transfer of enrolments.

Mr Becker—They are real people.

Senator FAULKNER—I appreciate that. You do not have to convince me of the substance of the argument—I am convinced. I actually agree with the AEC on this point. But I am interested in understanding—particularly, say, in Queensland, which obviously had a particular involvement or interest, or it has at least been close to home, as you would have to acknowledge—whether any of the state jurisdictions have picked up this point. I know that the AEC is across it, and you have raised it on more than one occasion with this committee, but I wonder whether the state jurisdictions are across the issue.

Mr Longland—That was a feature of debate at the LCARC hearings and it is mentioned in their interim report that was presented in November last year. It was very much a divided committee in terms of response, as you may recall, but certainly the majority report suggested that, in their view, the regulations would not meet the intended aim.

Senator FAULKNER—Hanson QC was counsel assisting the Shepherdson inquiry, was he not?

Mr Longland—Yes.

Senator FAULKNER—He raised concerns at the possible disfranchising effect of the regulations, too. I am not saying that it is limited to a Queensland perspective. We all understand the nature of the Shepherdson inquiry—I assume that Mr Longland would be very surprised at this—but there is a Queensland perspective as well. I wondered how much some of these views might be shared more broadly.

Mr Becker—They are shared views with the states.

CHAIR—Do you make an assessment of how accurate the rolls are in a seat like, say, Herbert, with a highly transitory population? Would you say that it was 95 per cent accurate or 90 per cent accurate, given the number of people moving in and out at any given time? Do you try and make that sort of assessment?

Mr Becker—Not directly. As you know, we have pollsters who, under the surveys, try and keep an eye on the roll for us in terms of the basic numbers, but that is only on a state-by-state basis, not on a division-by-division basis. We do, of course, maintain those statistics and we can look at those statistics any time we like—and we often do. As for the level of accuracy in terms of a particular division and vis-a-vis the one next door, I do not know that we have actually done those sorts of checks because it is difficult to check, anyway.

CHAIR—If you take the AECs position, which has been reasonably optimistic and positive about the current system, you might think that the rolls were 98 per cent accurate. But in a seat

like Herbert where the population changes a lot—I think at one time about a third of the people in Herbert were moving in and out on a yearly basis—you would probably not say that the roll was as accurate as the roll for an electorate like mine, for instance, where the number of people moving in and out is fewer than in Herbert because my electorate has a much more stable population. So my electorate roll would be more accurate than the roll of Herbert. To ensure the accuracy of the roll, do you therefore have different procedures in an electorate like Herbert because of the transitory nature of its population?

Mr Becker—The procedures will largely depend on what we can get out of our data matching and our data mining. You are not going to treat the roll in the Northern Territory in the same way as you are going to treat it in East Sydney; it is just not going to happen. There are going to be variations in the way in which we do things. We are not trying to say that one size fits all. What we are trying to do is say that we are going to take an approach to roll management that is going to allow for differences. One of the things that has come up since we have taken on the data matching and the data mining that we are doing at the moment—as distinct from doing a biennial doorknock when you have no idea of how quickly or how often people move; all you know is that they have moved at that time that you have gone in there—is that, because we are doing it on a continuous basis, we are now ascertaining that people are moving a jolly sight more than we ever anticipated in the first place.

Senator MASON—I have a question that relates to Herbert potentially but also to other electorates. One of the measures you mentioned was about people—it could be a member of parliament—sending out material, which is then sent back with ‘return to sender’ or ‘there is no-one of that name at this address’ written on it. I am just wondering whether, as a fraud control mechanism, the AEC had ever checked to see if any of those ‘return to senders’ had ever voted?

Mr Longland—Not as a routine. We have done checks of that in the past, in an audit sense.

Senator MASON—That is what I mean. I am not suggesting that it should be done every time—just as an audit.

Mr Longland—We did six divisions nationally during and after the 1993 election. One of the elements of that was ‘were these people voting?’ But, no, we do not do it as a routine. One of the issues, of course, is that this goes on all the time and elections, fortunately, only come around every three years.

Senator MASON—I understand. I am not suggesting it happens all the time. I am just asking if you have ever checked ‘return to senders’ against who actually votes. It would not matter if it happened once in a decade. I would be interested as a matter of audit, really. Have you ever done that at the AEC?

Mr Longland—It was a part of the study, I believe, in 1993. Whether those results are still available would be questionable. One of the real issues with the fraudulent enrolment cases that we have reported to you is that we always do that because it becomes a feature of a case. If you are trying to build up a case as to whether a person has fraudulently enrolled, either it has been done by somebody else or they have done it themselves, you want to know: has it in fact proceeded through to the act of voting? In most of those cases, we find that people did not vote

and therefore it was one of the triggers that ended up taking them off the roll. I think that was a feature of the Raton case, and certainly Ms Cat. We have a very recent case that has been investigated by the Federal Police in the Division of Longman where an unfortunate staffer of the local member came to our office and admitted that she had enrolled for the purposes of voting for the member. That is now drawing to a conclusion with the reference to the DPP. Yes, it is a feature of the investigation of those sorts of matters and, as the commissioner said earlier, on occasion we will be moved to give those cases directly to the DPP, although in most instances it does require further professional investigation by the AFP before we go ahead.

CHAIR—I think one of the things that Senator Mason is getting at is that, if an MP returns 4,000 envelopes to the local electorate office, would the AEC check afterwards to see whether, say, 100 or 500 of those same addresses ended up being crossed off the roll for voting on election day, because that would surely create a suspicion? For example, with respect to the Ryan by-election, Professor Hughes indicated that he thought that by-elections were more likely to be opportunities for greater electoral fraud than general elections because you could concentrate your resources. In the Ryan by-election, the Liberal Party found 2,137 return-to-sender letters. To follow up Senator Mason's question, has the Electoral Commission checked since the Ryan by-election to see whether any of those 2,137 voted at the Ryan by-election?

Mr Longland—Mr Crosby, I think, provided that information to your committee last week but, to date, the information has not been provided to us. We had some indication from another member of the Liberal Party organisation who was involved in the campaign for Ryan that they had received a good deal of returned unclaimed mail. We had asked them at the time to return it to us, and for them to give us the envelopes. It is pointless for them to try to give us a list of names. The envelopes often contain interesting information. To date, they have not given us that information.

One of the other issues is, if I am reading Mr Crosby's evidence correctly, that he suggested it was from the first mail-out that was done for the Ryan by-election. That mail-out was a personally addressed letter from the Prime Minister that included some postal vote application forms. It was mailed out some time prior to the close of rolls for the election. We are not sure what the age of the database was that created the address list in the first instance and, in preparation for the possible return of that mail, I have done some work just looking at the movements of the roll in Ryan. For the year 1 January through to 17 March, which was polling day, the percentage change on the roll in Ryan was 2.4 per cent, compared with that for the whole of the state of Queensland, which was 2.37 per cent. So on first indicators—gross indicators, admittedly—there would be very little to be concerned about in terms of the scale of returned mail because the movement in a division like Ryan is at that level.

CHAIR—I am not making a specific allegation about whether this might have been the case in Ryan. Senator Mason has asked the quite useful question: does the AEC, with return mail, follow up after the election to see if any of those people whose mail was returned from those addresses actually ended up voting? I asked whether you did the exercise with Ryan and you are suggesting that, because you have not got the envelopes yet, you have not done that. In terms of the general proposition put by Senator Mason, would it not be a useful exercise on the part of the AEC to conduct such an inquiry?

Mr Longland—It may or may not be useful. At this stage, it is not a part of what we normally would do, although I have been referred to submission No. 76, attachment 10, which goes to the division of Gilmore after the 1993 federal election when we did just that. There was nothing that indicated there particular concerns about returned mail versus the vote.

Senator FAULKNER—Could I ask a general question about a comparatively recent case of a coalition member of parliament forwarding return mail to the AEC that turned out to be a political party based mail-out in an attempt to try and stymie certain internal party or factional opponents. Has that case been drawn to your attention?

Mr Longland—Not to mine.

Mr Dacey—Not to mine.

CHAIR—Are there any other questions in respect of this? I would like to see if we could pin down further this question of special procedures for highly transitory electorates. Would you like to hazard a guess at what you think the percentage of the accuracy of the roll is in an electorate like Herbert?

Mr Becker—No, I would not like to hazard a guess, because it would be just that—a guess.

CHAIR—So you think it is 100 per cent accurate?

Mr Becker—I did not say that.

CHAIR—We might be able to get down to it.

Mr Becker—It can never be 100 per cent accurate.

Senator FAULKNER—One thing you should not have is anyone putting words into the witness's mouth.

CHAIR—Unlike your leading the witnesses earlier, when Mr Becker did not pick up your leading and you had to repeat it three times.

Senator FAULKNER—These are important questions. I assume you are asking them seriously.

CHAIR—I think we have got the answer. We cannot get a percentage.

Senator FAULKNER—You have got an answer. Hence I think your follow-up question was totally inappropriate.

CHAIR—Thank you very much, Senator Faulkner. I will certainly take on that board in all my thinking in the future.

Senator FAULKNER—I am happy to provide any advice you require.

CHAIR—Next time you want Mr Becker to respond in the way that you want him to, perhaps I could just give him a nudge and a wink and tell him that what Senator Faulkner was really trying to say was—

Senator FAULKNER—Why don't we all just go home? You know you have been told to end this. You know Mr Howard has said that you have had enough. You could just go home.

CHAIR—The AEC's address register which commenced in 1997 contains 6.9 million addresses. How many addresses on the RMANS are not on the address register? Can you answer that question?

Senator FAULKNER—You are going to read out all those typewritten questions, are you?

Mr Dacey—The address register is part of the RMANS system.

CHAIR—So there is no difference between the numbers of addresses on them?

Mr Becker—No.

Mr Dacey—There may well be vacant addresses on the RMANS system, which are addresses for which we do not have electors where there were electors in the past. They are the sort of electors' addresses that we target through our follow-up activities, where people have moved out and subsequently someone moving in has not yet enrolled. That is the sort of data mining we do carry out. But the address registry and RMANS are basically part of one and the same system.

CHAIR—Does the AEC have any mechanism for identifying addresses of convenience, for example holiday homes, where people might be enrolled to vote but in fact do not live there because it might suit their purposes from the point of view of an internal party preselection, say? For example, in Robertson, would the parents of Ms Defazio, MLC, from the New South Wales state parliament, be in that position?

Mr Dacey—Certainly we do have an ongoing program of allocating what we call land use codes to the address register, and that does include codes such as holiday homes. As you would understand, Mr Chairman, it is not possible to do that for every address in Australia. It is a gradual process and we are building up those land use codes.

CHAIR—Did you make any investigation once those allegations were made in the newspapers about the enrolment of the Defazios in Woy Woy when the evidence seemed to indicate that they lived in Petersham, and that they may have been enrolled in Woy Woy for the purposes of voting in the Robertson preselection?

Senator FAULKNER—Don't you deal with this in item 16.2 of your submission? Probably Mr Pyne has not read it.

CHAIR—I can ask whatever questions I like, Senator Faulkner. I am interested in getting the response.

Senator FAULKNER—It would have been better if you had read the submission on these issues. You have been told to finish the inquiry. It is time for you to go home.

CHAIR—I am interested in getting the response from the electoral commissioner about whether there was an investigation into the allegations made about Ms Defazio's parents. It is the question I have already outlined—

Senator FAULKNER—The name is Fazio, not Defazio. You have not read the submission. You should have read the submission if you are going to try and ask these partisan questions.

CHAIR—whether you perhaps interviewed Belinda Neal, who had quite a lot to say about the question of enrolments in Robertson after she lost her preselection and then threw a bit of a tizz.

Senator FAULKNER—So much for that statement about internal party matters that you did not think we should be asking about.

CHAIR—It goes to the question of electoral enrolment fraud rather directly. In New South Wales, in the Labor Party, you have to be on the electoral roll apparently to vote in internal party preselections.

Senator FAULKNER—So you are raising internal party matters, contrary to your own assertions about it.

CHAIR—No, it is a matter of enrolment fraud. What I am trying to find out, Senator Faulkner, is if addresses of convenience are picked up by the AEC—

Senator FAULKNER—That is fair enough. What is unfortunate is that you have not read the submission on these matters.

CHAIR—and whether they have in fact internal procedures with respect to addresses of convenience. The example of Ms Fazio's parents at Woy Woy versus Petersham is a very good example of potential addresses of convenience.

Senator FAULKNER—Why don't you do your homework? I am trying to help you.

CHAIR—It is not my fault that it happens to be a Labor member of parliament yet again, Senator Faulkner, this time in New South Wales.

Senator FAULKNER—It is your fault that you have not read the submission.

CHAIR—Mr Dacey, would you like to try and respond over Senator Faulkner's interjections?

Mr Dacey—It is at paragraph 16.2 of the submission—Senator Faulkner was correct. The paragraph reads:

AEC records on RMANS show that Mr and Ms Fazio changed their enrolment from Petersham to Woy Woy in 1992 and have been continuously enrolled there since that time. At the electoral roll review of the Woy Woy residents conducted in 1998, they were confirmed as still living at that address.

Senator FAULKNER—That is only nine years before the preselection.

CHAIR—When did Belinda Neal first run for the preselection? In 1992, wasn't it, for the 1993 general election?

Senator FAULKNER—I thought you were not going to raise those sorts of issues. She actually happened to be a senator, believe it or not.

CHAIR—I think she failed in that first preselection. Do you actually have internal Electoral Commission procedures for addresses of convenience?

Mr Becker—Perhaps if we could define an address of convenience—

CHAIR—We are talking, sadly, about mostly internal party matters of the Labor Party because of the enrolment fraud they have been engaged in, in Queensland, New South Wales, Victoria and South Australia—tragically. An address of convenience would be something like a holiday home.

Mr Becker—But how do you define it?

CHAIR—Have you tried to define it for the purposes of maintaining the integrity of the roll?

Mr Becker—No, because we cannot define it.

Mr Dacey—The difficulty with that, Mr Chairman, is that what is a holiday home one week could be a permanent residence the next week, if the people that previously took holidays there decided to live there or sold it. But certainly we can identify, and we do identify, where something may appear to be a holiday home. If we were then to enrol someone for that address, it would mean that we would further investigate that enrolment. It does not mean we would not enrol someone there, because it may well be legitimate.

Mr McCLELLAND—It can often happen, as people get older and retire from their normal working life, that they move to a more desirable location.

Mr Becker—The Electoral Commissioner of Queensland put his house on the market just yesterday so he can move down to the coast, to the house he has bought down there which was his holiday home.

CHAIR—You could almost get the impression that the AEC does not really want to find out whether somebody is living in the place they claim to be for the purpose of the roll.

Mr Becker—We just cannot define it though, Mr Chairman.

CHAIR—You can define it.

Mr Becker—In that circumstance—

CHAIR—Where you mostly live is obviously the definition of where your permanent residence is, as opposed to where you go for the weekend because it is a holiday home. It is a pretty easy definition. But you have answered the question as well as you want to.

Mr Becker—We do not do that, no.

Mr McCLELLAND—This comes down to a resourcing issue, doesn't it? Can you reasonably be expected to put a private detective on someone who owns two locations, to ascertain how much time they spend at some particular location? That is an absurd proposition.

Mr Becker—It may be that the principal place of residence is not the place where they spend most of their time. Your home might be where you stay on weekends; your work might take you somewhere else.

Senator MASON—Yes, but legally in this respect there such a thing as a bona fide domicile, where—

Mr McCLELLAND—I do not think he is disputing that.

Mr Becker—We are talking about principal place of residence as a definable—

Senator FAULKNER—I would not start that, if I were you, Brett.

Senator MASON—There are definitions, I think, within the law that define a bona fide domicile, and it is not totally impossible to characterise.

Mr Becker—You might spend five days at work and live in a flat here in Canberra, as politicians do.

Senator MASON—Are you talking about my domicile?

Mr Becker—I am not talking about yours, Senator. But then you go home and spend two days with the family. Your principal place of residence surely is going to be at home with your family. You are representing that state, and most of your time is spent here in Canberra. It is impossible to define it.

Mr Longland—In the act already is that definition of real place of living. I think we explored that once before with Mr Forrest, when he was on the committee. He told us that he had his daughter still enrolled in his house even though she had been away at university for some years, and he was concerned that that might well be a breach of the act. We were able to assure him on that day that it was not a breach of the act: the definition of real place of living applied to her, in that she had a fixed intention to return to that home because she did not know where she would be going after she finished her university studies. Oftentimes, particularly in rural and remote areas, you find situations like that with people enrolled—people in mining communities and the like.

Mr Becker—We have to allocate the eligible overseas electors to electorates, too.

CHAIR—Section 85 of the Commonwealth Electoral Act enables the Electoral Commission to conduct a full new roll for an electoral division, in particular. Could you outline what conditions need to be met for a full habitation review to be conducted in an electorate to establish a new roll under section 85? Would you like to take that on notice?

Mr Becker—I have just been told it has never been tested.

CHAIR—So it has never been done at all. Do you think it would be a useful exercise, given the evidence that has come out in the last six months through this inquiry, through the Shepherdson inquiry and through the Karen Ehrmann, Kehoe and Foster convictions for there to be a full review, under section 85 of the Commonwealth Electoral Act, in a particular seat to determine the accuracy of a roll? For example, would it be a useful exercise to take Herbert and conduct a new roll under section 85 in order to determine how inaccurate or accurate the roll might be—whether any inaccuracy is from criminal activity or just from inadvertence or people moving who have not changed their enrolment?

Mr Becker—It might well be a useful activity. I do not think you could justify it on the basis of what has been exposed in the last few inquiries. But let us see what the ANAO has to say first, and then we might have a look at it.

Mr Longland—We did have some internal debate on this matter when Professor Hughes suggested that it might be something that your committee or LCARC might be moved to recommend. I think it remains a little indeterminate what was in the mind of the parliament when that section was incorporated into the legislation. For example, I believe Dr Hughes thinks that section 85 would entitle us to dispense with the roll for a division or a state or whatever and start a complete re-enrolment process. It does not imply a roll review, a doorknock or any other sort of process of checking; it involves throwing out what you have got and starting again, using whatever mechanism you might choose. That is his opinion. There is, I think, some debate as to whether or not that is what was intended by the legislation, and whether completely dispensing with the roll for a division would, in fact, be legal under section 85.

CHAIR—In your discussions, did you talk about cost implications of conducting a new roll under section 85 in a seat like, for example, the quite compact seat of Herbert?

Mr Longland—Professor Hughes, I think, raised that issue of cost. He was suggesting— from memory—somewhere in the order of \$100,000, but he suggested that, if either committee were of a mind to look at that, we would have to look at the costs more closely. We have not done any costings on that.

CHAIR—So it has never been done in the entire time that the Electoral Act has been in existence? There have, obviously, been a lot of allegations in the last six months from various different sources—in fact, even longer than six months, considering Ms Ehrmann, Foster and Kehoe. So perhaps it might be a useful exercise, or you might think about providing to the committee cost implications and how it might be done, to conduct a section 85 new roll in a seat like Herbert, so that we might be able to get an exact indication of the accuracy of the roll. It

might be that we find out that, rather than being 90 or 95 per cent accurate, it turns out to be 75 per cent accurate, in which case—

Mr Becker—Or 99.

CHAIR—Or 99 or even close to 100 per cent. And that would be a great thing.

Mr Becker—Let's hope that when you make that recommendation we will not be throwing the baby out with the bathwater when we create the new roll, because you would have to—

CHAIR—That is why I am trying to find out what will be involved in a section 85 new roll.

Mr Becker—So you would keep your normal roll maintenance going and do something over here. But the question then arises: which one is going to be right?

CHAIR—The one that you had just created, I guess, is what you think would be right.

Mr Becker—Why?

CHAIR—Because you would be doing it under tested conditions. But that is a matter I would like you perhaps to look at and return to the committee with some information on, because it might be something we want to look at in our final report.

Mr McCLELLAND—It might be the case, mightn't it, that there would be a lot of people staying at their holiday homes and not have returned to their primary place of domicile?

Mr Longland—I think it will also be important, before we set off on that path—

CHAIR—If you do not think it is important that the roll is accurate, Mr McClelland, that is a matter for you. But I think it is a serious question, to find out whether the rolls are accurate. If the Labor Party wants to continue—

Mr McCLELLAND—With respect, Mr Chairman, you verballed me quite falsely. The proposition was that it would be removing people's constitutional right to vote to strip them off the roll and then to conduct a re-enrolment, and my point was with respect to circumstances where they may well not be present in their electorate. So don't try a false verbal.

CHAIR—Certainly, Mr McClelland.

Mr Longland—If I could just conclude my statement on that: I believe it would be very important, before we set off on any path to do that, for us to get the appropriate legal opinion as to whether or not section 85 actually allowed us to do a re-enrolment process such as we have discussed here.

Mr McCLELLAND—In circumstances where one of the very few rights that Australian citizens have is a right to vote, under the Constitution.

CHAIR—Other questions?

Senator MASON—There is a tension that arises. I would like to address this question to Mr Becker. In submission No. 73, in paragraph 3.2, you quote from part 9 of submission No. 26 of 17 October 2000. Perhaps it is an inherent tension in the process. Your quote reads:

9.2.1 The most important means for maintaining the integrity of electoral rolls, and in deterring and detecting enrolment fraud, is the transparency of those rolls. It is a universally agreed democratic principle that electoral rolls should not be hidden documents administered in secret, but should be open and accessible to all citizens, so that they can check their own enrolments and those of others, and make complaint and seek amendment if any errors or inaccuracies are discovered ...

That is a very fair point. That is the cost, in a sense, or the price of transparency and integrity of the roll. On the other hand, you have got the problem which we have discussed—I think the first time I came on this committee—about access by commercial interests to the roll. It is that same tension: perhaps you do not want to give it out to commercial interests because it may be misused, yet on the other hand—and I think you are quite right—it needs to be transparent so people can check their enrolment and indeed check the enrolment details of others. Is there any way of resolving that tension, or are we just stuck with that?

Mr Becker—There is the penalty issue and there is also the restriction of access. Up to a point, if you allow a printed roll to be accessible within the divisional office, then one may consider that sufficient. If you put it on the Internet, one may consider that is over the top. We have thought of putting it on the Internet but only allowing each person to check their own enrolment and not then download heaps of data about other people for commercial or other purposes. This issue has been around for as long as this federal parliament, and the colonial provincial parliaments before it. There has always been that recognition there is going to be some need for the roll to be transparent so that people can challenge the roll, because they knew that people would or could enter into fraud and be on the roll incorrectly. So, yes, we can look at all sorts of things. I do not know where we are going from here.

Senator MASON—I am just thinking it through, that the more detail you have, in a sense, to perhaps hinder fraud—

Mr Becker—We used to sell microfiche. We are not doing that any more.

Mr Dacey—I think what we need to do is to restrict that access in terms of its commercial availability. It is fine and it is appropriate and proper that anyone can come in and look at the roll. But I do not think it is fine and proper, as the law currently stands, that some unscrupulous marketeer can come in and buy the rolls and have them scanned or keyed in offshore—or even onshore—at some small cost, and then produce what they purport to be an electoral roll and a marketing tool. I do not think that is appropriate and I do not think that was ever an intention of the legislation.

Mr Cunliffe—And technology has made it a far more live issue.

Senator FAULKNER—But it can be done.

Mr Dacey—It can be done. That is the difficulty.

Senator FAULKNER—This is the point. Even though we can deal with the electronic version of the roll and legislate in relation to the use of the electronic version of the roll, if you like, at this stage—as I understand it—it would be important to hear you on this, Mr Dacey. I think when you last informed us about this, and it is pretty clear, there is a capacity for a hard copy or printed copy of the roll to be able to be manipulated in the way that you have just described, through scanning and other modern technological advances. That is still the case, is it not?

Mr Dacey—It is still the case, but we are concerned about that to the extent that we are considering perhaps recommending that we no longer have the printed roll available for sale. Currently, under the act, it is available for sale. If we had other access means such as the Internet, and if that was restricted so that people could not download but could look up particular individuals such as their own enrolment—there is a possibility, for instance, that we would not sell the roll in printed form, that it would be only available for inspection—it would, hopefully, diminish that sort of what I consider to be unscrupulous activity.

Senator FAULKNER—But we also know that this activity in relation to manipulation of the printed roll via scanning and other modern IT usage has actually occurred, hasn't it?

Mr Dacey—It has occurred. We know of companies that do it.

Senator FAULKNER—We also know of at least one company that has been identified, but you have said 'companies'.

Mr Dacey—I think we have talked about it before, Senator, perhaps in another forum. There are other companies that have been brought to our attention as marketing what they call the electoral roll.

Senator FAULKNER—We also know that this can be done offshore as well.

Mr Dacey—We do.

Mr Cunliffe—In some respects it is not a new fact. It has long been the case that mercantile agents or solicitors' clerks or whoever it might happen to be are among our most frequent visitors for, traditionally, the paper copy of the roll. None of them was using it for an electoral purpose, it has to be said. Many people chasing their family tree look for the electoral roll as a starting point. There are a range of uses which over time have grown from the existence and the frequency, up to date, of the electoral roll. Some you might say have a greater community good than others, but most of them are not electoral.

CHAIR—I understand that.

Mr Cunliffe—Most of them are other uses and other benefits. Somewhere across the line you then get into commercial use or what probably most people would agree was abuse, and exactly where the threshold is is not so straightforward. But technology has revolutionised it.

Senator FAULKNER—It is also hard for the law to keep up with this. In some part this is contrary to the spirit of the law, I think it is fair to say. Would you agree with that, Mr Becker? It is contrary to the spirit of the law. It may not be contrary to the letter of the law, because you get

to this point at times where the technology is in front of the law. The legislators, or those recommending change or development of the act, such as yourselves, or amendment to the act, are naturally playing catch-up. This is simply the way it has worked of late. I think that is a fair thing to say, isn't it?

Mr Becker—Yes.

Senator MASON—As the submission says:

... electoral rolls should not be hidden documents administered in secret, but should be open and accessible to all citizens, so that they can check their own enrolments and those of others ...

I should be able to check Mr Jull's, for example. I do not think there is anything wrong with that.

Mr Becker—No. That has been the case for 150 years.

CHAIR—Mr Becker, with respect to areas of high transitory populations, or populations like Herbert, which turn over 55 per cent from the 1996 census to the previous census, does the AEC have different procedures with respect to the checking of people's enrolment in, say, caravan parks?

Mr Longland—The very important principle that we operate on with all enrolment is that every card is dealt with in the same way, using the procedures that are laid down in the manual I referred to earlier. Certainly, for places like caravan parks we have a big issue with addresses. We have got address standards that are very hard to enforce right across 150 divisions. Sometimes you will find people enrolled for a caravan park and it is just the caravan park address itself; others will want to enrol them for site numbers and things like that. In essence, there is no difference in the way we treat those enrolment cards. When you get a card, every one is treated the same. The same sorts of edits are done on the hard copy of the form to make sure that it is okay before it is processed. When it is entered into the computer system, the same sorts of edits are done on it to make sure that the address is actually a live address at which people can be enrolled, and that a match is made, if the person was enrolled elsewhere, so they can be removed from the other address by transfer. In essence, there is no difference.

Mr Dacey—Mr Chairman, just to add to that: there could be a difference in the way that we target the roll management of those sorts of areas. We could choose to follow those up more often because they are transient areas, or we could target them directly by doorknock, perhaps on a more frequent basis than we do in more stable areas.

CHAIR—That is what I am trying to get at, Mr Dacey, whether there is that attitude.

Mr Dacey—Mr Longland said that the way we treat the actual processing is the same, but we could determine that particular areas, because of their transience, may require some sort of attention from us on a more frequent basis. On the other hand, you have to balance that as well with the rest of the electorates, so that you do not introduce some sort of bias into the roll.

Mr Becker—You have got the reverse, of course, Sanctuary Cove: you cannot get in there, so you cannot doorknock it.

CHAIR—They let you in, Jolly.

Senator FAULKNER—It is the same with most places in the CBD of Sydney, for example.

Mr Becker—But once you get the card, you treat it the same.

CHAIR—I do not have any more questions.

Mr LAURIE FERGUSON—In the last parliament, the then member for Griffith, Mr McDougall, was a bit of a pioneer in regard to his argument about the use of multiple names and addresses. He might have been very prescient or perhaps he knew more than most of us at that time. He raised the electorate of Lindsay and the kind of problem he had with multiple names in that electorate. As I say, he may have known more than us at that time in raising that particular electorate, but in this inquiry the Liberal Party has made a submission in regard to large numbers of people of Queensland living in residences which have more than four names, et cetera. In 10.5 to 10.23 you put some reasons as to why people these days do tend to have that situation—foreign nationalities where the male and female names are different, people not taking the male surname on marriage, et cetera. How would you summarise at the end of that the level at which the Australian electorate should be concerned about these figures in Queensland? What would be your summary position in regard to that?

Mr Becker—There is always an element of concern, but you have got to look at the numbers. You have to also recognise that there are Brady Bunches around, and different names and so on—in the case of women, people maintaining their maiden names and not adopting the name of the husband. But there are ways that we can check that. I would say the concern would be when we identified that there was, in practice, something fraudulent about that. To date we have not run across that as a fraudulent exercise, other than those things we have already identified.

Mr LAURIE FERGUSON—You actually found, according to the submission, that on ABS statistics in this country—forget about the electoral roll, forget about Queensland, forget about the Liberal Party submission—the prevalence of households with four or more surnames is roughly what one would expect, in regard to that submission from Queensland. Is not that the case?

Mr Becker—I honestly do not know.

Mr Dacey—That is right, Mr Ferguson.

Mr Becker—But also with our CRU, or continuous roll update, procedures, one of the facilities that we have in our system and do use and have implemented nationally is the follow-up of households with multiple surname enrolments. So we can generate from our database, which we do, those house holds that have over a set number of surnames at an enrolment, and then we target them specifically. We write to them and if we do not get a response we will follow up eventually by doorknock. The letter is along the lines, ‘The following people are enrolled for this address. Is this in fact correct?’ That is a good way of targeting them. As I said, if we do not

have responses to that mail, the next approach is to follow up in other ways, including by door-knock. So We are aware of those households and we do actively follow them up.

Mr LAURIE FERGUSON—Thank you.

CHAIR—I would like in closing to thank the secretariat and Hansard and Sound and Vision, as well as the AEC for appearing tonight, and the members of committee that have arrived and taken part. Senator Ferris has sent an apology but she does indicate that she will put some questions on notice. Another committee, which she chairs, met at the same time tonight, so she will put some questions on notice to you.

Resolved (on motion by **Mr Jull**, seconded by **Senator Faulkner**):

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, and draws the attention of those who may access the transcript to the suppression orders placed on evidence, names or addresses ordered not for publication by the Shepherdson inquiry.

Committee adjourned at 8.49 p.m.