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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Conduct of the 2004 federal election and matters related thereto

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INGHAM

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**JOINT STANDING COMMITTEE ON
ELECTORAL MATTERS**

Thursday, 28 April 2005

Members: Mr Anthony Smith (*Chair*), Mr Danby (*Deputy Chair*), Senators Brandis, Carr, Forshaw, Mason, Murray and Mr Ciobo, Mr Melham and Ms Panopoulos

Members in attendance: Senators Brandis, Mason, Murray and Mr Ciobo, Mr Danby and Mr Anthony Smith

Terms of reference for the inquiry:

To inquire into and report on:

Conduct of the 2004 federal election and matters related thereto

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Committee met at 11.15 a.m.**FULLER, Mrs Helen May, Chief Electorate Officer, Office of the Hon. Bob Katter MP**

CHAIR—I declare open this public hearing of the Joint Standing Committee on Electoral Matters inquiry into the conduct of the 2004 federal election. Since 1984, successive Commonwealth governments have referred similar inquiries to this committee's predecessors after each election with a view to improving the operation of Australia's electoral system. These committees have a long and successful history of recommending improvements to our electoral processes and have played a central role in developing the electoral system we now enjoy. The current inquiry into the 2004 election was referred by the Special Minister of State on 2 December 2004, and to date the inquiry has received over 135 submissions, demonstrating a keen interest by the community in the electoral system. Copies of these submissions will be available from the committee's web site early next week.

Today we will be hearing from a range of people who have an interest in the electoral system, the integrity of the electoral roll, postal voting and other matters. I remind all witnesses that, although the committee does not require you to give evidence under oath, this hearing is a legal proceeding of parliament and warrants the same respect as proceedings of the houses themselves. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The evidence given today will be recorded by Hansard and will attract parliamentary privilege.

At the conclusion of the formal program, as advertised, I will invite people from the floor to make any statement they may wish to in relation to the 2004 election. When called to make a statement, I ask that you simply identify yourself and speak for no more than a couple of minutes. This is our third hearing in regional Queensland. We began yesterday in Dalby; then yesterday afternoon we were in Longreach. It is a pleasure for us to be here in Ingham to hear first-hand about some of the problems that may have arisen in the last election and to hear people's ideas for suggested improvements into the future.

I welcome Mrs Helen Fuller to today's hearing. The committee has received Mr Katter's submission, which has been labelled No. 99. It was authorised for publication yesterday. Are there any corrections or amendments that you or Mr Katter would like to make to that submission?

Mrs Fuller—No, it is correct as it is.

CHAIR—I invite you to make a brief opening statement for a couple of minutes before we move to questions.

Mrs Fuller—Firstly, I would like to thank the Joint Standing Committee on Electoral Matters for allowing me to appear before you with my concerns. In the Kennedy electorate, which is the fifth-largest federal electorate in Australia, with a large section of its area of 564,700 square kilometres being rural and remote, we have to ensure that the 91,450 electors have the opportunity to vote. Obstacles were placed in our way during the extremely busy election campaign period. This needs to be improved by the Australian Electoral Commission in the future.

In Kennedy, as well as there being pockets of areas where people had not received their postal votes, we experienced whole townships complaining that their postal votes had not arrived—in Greenvale, approximately 60 voters; and Burketown, approximately 94 voters. Anne Bright of the Australian Electoral Commission arranged for a reissue of the Greenvale postal votes and made an arrangement with Australia Post to accommodate the late returns. This was appreciated. The AEC in Mount Isa advised on 6 October 2004 that they would drive to Burketown the following day to rectify the Burketown problem. Anne confirmed this in her facsimile of 7 October, along with 10 postal votes for Gregory Downs. The people from Gregory Downs at first were told to drive to Cloncurry to vote, as they had not received their ballot papers. This is a 670-kilometre round trip involving seven hours driving.

We wish to acknowledge the service we received from the Australian Electoral Commission office in Mount Isa. Because they are efficient and effective, it would be more appropriate for them to undertake the important role of distributing postal votes. Our complaint is with regard to the inefficiency of the company in Melbourne who obviously won the contract to undertake this important service. What do they know about the vastness of the seat of Kennedy? Are they aware of the postal delivery services to remote areas? Why is the Australian Electoral Commission dealing with a company so far removed from the area they have to service? It is clear from the summary of the review that 568 misaddressed postal voting packages were due to operator error. Is this part of national competition policy? Mr Katter does not agree with national competition policy, and this example of open competition is one that could be reported as a failure.

In future federal elections, we would like to see a company dealing with postal votes that is au fait with our large area—preferably the AEC in Mount Isa but, failing this, at least a company from Queensland. To my knowledge, eligible people are tagged by the AEC to receive postal votes. This could be people in remote areas or those unable to attend polling booths due to illness. Another example is people travelling overseas. I made reference to the mining industry workers in our submission. As they fly in and fly out to their employment, could they be tagged by classification so that they are on file as voters requiring postal votes? I leave these points with you for consideration.

CHAIR—Thank you very much. The submission that Mr Katter has put before the committee and your statement today form part of our deliberations. I would like to thank you for coming along on Mr Katter's behalf. I understand why he cannot be here. As I said at the outset, we are here to hear first-hand these sorts of complaints. The issues with postal votes were no secret in this part of the world. We heard lots of evidence before we even got here and that is why we are here, so thank you very much for coming. If the committee has any questions, I invite them to ask them now.

Mr DANBY—I have one brief question. Thank you, Mrs Fuller; we are very well aware of the problems with postal voting. It has been a very big problem in regional Queensland and in this seat. What led you to believe, as you said in your statement, that the company that issued the postal votes was from Melbourne and that the problem occurred in Melbourne?

Mrs Fuller—I have a letter from the AEC stating the company's name. It said in the letter that it was a law firm. I question that too, because if someone came into Mr Katter's office and asked me about a legal matter I would have no idea, because I am not in that profession.

CHAIR—Can you be sure you are not confused on that matter, Mrs Fuller? There was a law firm that inquired into the postal vote problems after the election, and that law firm was from Melbourne—that does form part of his submission—but they did not distribute the postal votes. Mr Katter’s submission was critical of the fact that a Melbourne law firm was appointed to inquire into that. That may be a confusion on your part.

Mrs Fuller—I was led to believe that it was a firm from Melbourne.

Mr CIOBO—How was the issue of missing postal votes first raised with your office? How did you first become aware of the problem?

Mrs Fuller—We had numerous phone calls from people saying that they had not received their votes. As you can imagine, that is a very busy time in the office. This was a further thing placed on us that we had to rectify during that time.

Mr CIOBO—When inquiries came in from people complaining that they had not received their ballot papers, for example, what was your course of action? Did you contact the AEC or did you refer them directly to the AEC?

Mrs Fuller—We did contact the AEC. We were dealing with Octavian from Mount Isa, as well as Anne Bright.

Mr CIOBO—What were you told when you contacted the AEC?

Mrs Fuller—All the faxes that we received are in the submission. I am not really complaining; they did the best that they could.

Mr CIOBO—Sure. I am just interested to know what advice you had received when you contacted the AEC. Were you told that the ballot papers had been sent? Were you told that they were reissued? What were you told?

Mrs Fuller—Yes, they were to be reissued in some cases. I have stated that.

Mr CIOBO—In those instances where they were to be reissued, were those ballot papers all subsequently received by those people?

Mrs Fuller—Yes, to my knowledge they were. The only way we would know if anyone did not get a chance to vote would be through the AEC after they sent out their letters to ask the people why they did not vote. I do not have that information, of course.

Mr CIOBO—But, to the best of your knowledge, they received them?

Mrs Fuller—Yes.

Mr CIOBO—Would you have known about it but for the fact that constituents were contacting you advising you that they had not received their ballot papers?

Mrs Fuller—Did I know?

Mr CIOBO—Would you have known that ballot papers were not being sent out if it were not for the fact that you had been contacted by constituents who had not received their ballot papers?

Mrs Fuller—I would not have known if the firm had not sent them out. I am only going by the constituents' complaints in the office.

Senator MASON—When did constituents first complain to you about their failure to receive postal vote applications?

Mrs Fuller—I think the time was coming very close and they were not receiving their votes. I could not say the exact day. We could possibly track that down in the office.

Senator MASON—If you could do that, it would be useful to the committee. Did you pass on those complaints directly to the Electoral Commission?

Mrs Fuller—Yes.

Senator MASON—Were there more complaints this time, in September and October 2004, than there had been previously?

Mrs Fuller—Most certainly.

Senator MASON—Most certainly there were more complaints?

Mrs Fuller—I am sure there were more complaints this time. You had whole townships complaining that they had not gotten their postal votes and we had not had that before.

Senator MASON—Were you satisfied with the response of the Electoral Commission?

Mrs Fuller—I was satisfied with the response.

Senator MASON—When I mention the Electoral Commission I am referring to the local Kennedy office of the Electoral Commission. Are you referring to the Brisbane office?

Mrs Fuller—They were both very helpful to me. I am not complaining about that.

Senator MASON—So they responded appropriately and quickly?

Mrs Fuller—Yes, they responded appropriately. What I am concerned about is that in the future for elections, if they are contracted out again, we could possibly have someone from Western Australia supplying our postal votes.

Senator MASON—God forbid!

Senator BRANDIS—You do not have any complaints with the DRO and you do not have any complaints with the Queensland office of the AEC?

Mrs Fuller—No.

Senator BRANDIS—Were you aware that there was an AEC helpline in operation?

Mrs Fuller—Why would I use the AEC helpline?

Senator BRANDIS—I am asking you whether you were aware of it, that is all.

Mrs Fuller—I myself was not. The girl who takes the phone calls in the office may have been, but I myself was not.

Senator BRANDIS—If you were not aware then presumably you did not receive any complaints from your constituents that they had tried to use the AEC helpline and found it unhelpful?

Mrs Fuller—I do not think any constituents said to us that they had tried the AEC before us.

Senator BRANDIS—If a constituent made a complaint to your office, you did not refer them to the AEC helpline because you were unaware of it. Is that the case?

Mrs Fuller—I did not, but you have to bear in mind that that is not my role in the office. I do not answer the phones.

Senator BRANDIS—So you are not sure whether or not others in the office may have done that?

Mrs Fuller—No. I will check that out if you require that information.

Senator BRANDIS—All right. You said in your opening statement that there were 568 misaddressed postal vote packages. When you say ‘misaddressed’, do you mean that postal vote packages were sent to people who had not asked for them or that postal vote packages were sent to the right people at the wrong address? What exactly do you mean?

Mrs Fuller—That was in a summary that was supplied to us by the AEC. I have that with me.

Senator BRANDIS—Perhaps you could furnish that to the committee.

Mrs Fuller—I will.

Senator BRANDIS—Was the misaddressing of postal vote packages, to use your expression, one of the things about which you received constituent complaints?

Mrs Fuller—Not through constituents, because how would the constituents know that? They would not know that they were misaddressed.

Senator BRANDIS—Okay. So the complaints were about the unavailability of or the difficulty in accessing a postal vote?

Mrs Fuller—Yes, they were.

Senator BRANDIS—Finally, one of the observations made in the written submission is about the distance from pre-polling facilities. We heard a suggestion from a witness yesterday in Longreach that the AEC should in future federal elections adopt the practice of the Electoral Commission of Queensland in state elections and have a pre-polling facility at every town where there is a courthouse. Would you go along with that idea?

Mrs Fuller—That might be expensive for the AEC, but it would certainly help. I referred to those people from Gregory Downs. The closest township for them was Burketown, but that was also one where we deleted a booth. So they had to drive that large distance if they could not get a postal vote.

Senator BRANDIS—Yes. Thanks.

CHAIR—As there are no further questions, thank you very much, Mrs Fuller.

[11.30 a.m.]

ROWELL, Mr Marcus Hosking, State Member, Queensland Nationals

CHAIR—I welcome the local state member for Hinchinbrook, Mr Marcus Rowell, who is here on behalf of The Nationals. The committee has already received a submission from The Nationals federal secretariat which was made public yesterday along with all the other submissions. I understand you will be speaking about matters particularly within Hinchinbrook and the federal electorate of Kennedy that you observed throughout the last federal election campaign. Would you like to make a brief opening statement before I invite some questions.

Mr Rowell—Thank you. I am here representing The Nationals. James Doyle was supposed to be here; at the last moment it was not possible for him to attend so I have stepped into the breach. There are a number of contentious issues which are included in the submission. I do not propose to go through all of them but there is the closing of rolls, there is voter enrolment, registration and maintenance, and there is provisional voting and postal voting, which is a very contentious issue. It is on that last issue that I will be speaking very briefly, because I believe the submission has gone into some detail in explaining various situations that occurred in Kennedy prior to, during and after the election. I cannot tell you exactly how many voters there were who complained about postal voting, and admittedly a lot of the information is anecdotal, but I think the main thing is that there are some major concerns as far as postal voting is concerned.

Having listened to the statements that were made previously, I think they reflect pretty much what The Nationals found during that period of the federal election. Really, all I have to do is add some more anecdotal information which is in addition to what has been provided by The Nationals in their submission, and I would like to go through that quickly. Mary Vicary of Somerset eventually received her ballot papers—this was after the election. She had decided to come to town, which was very inconvenient for her, as she did not want to miss out. She has been on the permanent mailing list for a long time. There was a couple at Torrens Creek who have been on the permanent list for many years; they did not receive their ballot papers either. In the southern gulf area there were quite a few problems, as the mail service was only once a week. A lot of people who received their ballot papers in the last week before the election were unable to post them until the following week—which was after the polls had closed—due to the mail service. There was a lot of anguish in that area during that time.

I do not have a great deal more to offer to the committee, except that there have been a number of recommendations made by The Nationals and I think if they were adhered to it might alleviate the situation as far as postal votes in particular are concerned. If there are questions you would like to ask me I will do my best to answer but, under the circumstances, I am not fully au fait with all the issues that prevailed in Kennedy at the time. I know there was a lot of concern, particularly about postal voting, but, as the submission states, there are a number of other issues which have been put forward to the committee to consider.

CHAIR—Thank you for being here, particularly at short notice. It assists the committee to have a state member here because we want to hear not only about the problems from the last federal election but also about wider electoral issues. Given your experience in the state arena—

and I am working on the assumption that you would have assisted in federal election campaigns as a party member—is there anything you have observed that is done at state elections that we could do at the federal level or vice versa?

Mr Rowell—There was mention of pre-poll voting. That could be very valuable in some areas; there is little question about that.

CHAIR—Are there some particular areas where that is done at the state level and not at the federal level that cause confusion?

Mr Rowell—That could happen. Being in a more confined area of the federal electorate of Kennedy, generally it is reasonably well serviced as far as I am aware. But I can understand that some towns in the far reaches of Kennedy could benefit considerably from pre-poll voting. I note you also have sections about voter enrolment, registration and maintenance which have been referred to in the submission. Certainly we are very much aware of the issues of identification and so on of people voting. I think there are some comments that could be made about the sources that you could use for identification that I think would be of particular benefit to ensure that people are not flouting the system.

Mr DANBY—Were you, the National Party candidate or the National Party aware of the AEC hotline that you could ring to make complaints about postal votes and other things during the federal election period?

Mr Rowell—Personally I did not operate at that level. If a hotline was provided and people were not aware of it, I think it was a failing of the system that more information on it was not provided. That is probably the best comment that I can make on the issue.

Mr DANBY—When you said people were on the permanent list, did you mean they were permanent postal voters? Actually, they are called general postal voters, GPVs. Is that what you meant?

Mr Rowell—There has been a mechanism for some time for people in the far out centres where normally they would be informed about postal voting or would have a postal vote sent to them. But I think the issue is that they did not receive them in time. It is about timeliness. The mechanism certainly needs to be looked at more closely.

Mr DANBY—It is very helpful for us to establish that they were permanent postal voters, because the people who seem to have missed out on their vote are the permanent postal voters rather than the people who applied for it just on this occasion. So your evidence about those people is interesting. Are those people mainly elderly or mainly remote?

Mr Rowell—I think they are more remote than elderly. It is a practice that has been adopted in the past, and the information that I have does read ‘permanent’ so I can assume that that is what is meant—those people that are on a list that would necessarily get a postal vote anyway.

Senator MURRAY—Thank you for coming at short notice, Mr Rowell. I want to ask you about electronic voting. It has been suggested by a number of witnesses and people making submissions that the committee should examine electronic voting, particularly for Australians

living in remote locations. Have you come across much interest in that topic and a need for electronic voting by people living in remote parts of regional Australia?

Mr Rowell—This issue has been around, along with the issues of doing away with booths, and the costs of providing leaflets and information and all those sorts of things. I do not think I have heard about electronic voting specifically in relation to remote areas. I would like to raise this issue: if you are going to go ahead with electronic voting, you need to be sure that those people you are going to request be part of the process are enabled to lodge their votes by having access through satellite, or whatever it might be. People in some remote areas have particular problems in getting access. I am not quite sure what you intend by ‘electronic voting’—it is a pretty simplistic term. Does it mean that you use a computer to lodge your vote or you identify a number on a telephone? I am not quite sure what is intended. Maybe you could enlighten me a little on it.

Senator MURRAY—The proposition put to us—and there may be other ways of dealing with it—is that there are two access points possible for remote people. That is what I have heard so far, and there may well be others. One is for people who have broadband or internet access. It would allow them to be able to lodge a vote on the day with a specific PIN which would attach to their vote. As people have indicated, they are sometimes prevented from voting because of weather and difficulties in communication. Of course they have been alarmed by the postal vote fiasco.

The other suggestion is that it might be possible for people without internet or broadband access to go to central locations—like remote schools—which would have that access, and they could lodge a vote there with a password. The intention, as I understand it, is not to replace but to supplement the other forms of voting. We are well aware of the concerns about security and those issues but I am trying to establish from you whether in your role as a representative you have picked up whether people are interested in it or whether there is any demand for it now that communications are being improved in the bush with satellite provisions and so on.

Mr Rowell—If the Electoral Commission can ensure that broadband is available to most people in the outback that certainly could be an option that could be pursued. But I know that there are many areas, even within the confines of Ingham, that do not have broadband available. I think it might be a challenge out at, say, Boulia or some of those areas, for the internet providers to ensure that people have access to broadband or whatever other mechanism you are talking about using.

Senator MURRAY—Just for the assistance of the committee, could you tell us whether you are aware of whether the state government or the state electoral commission have been thinking about, or looking at, this area of electronic voting?

Mr Rowell—To my knowledge it has been waived. There is no question about that. That has been talked about over a period of time but it has not been practical to implement it to date. There is no doubt that if all people had access to computers, broadband or whatever other mechanism you are going to use, there might be some prospect of even going to a full electronic voting system. But I think, in fairness to all those people in western areas who do not get access to it, it would be difficult to implement unless that occurred.

Senator MURRAY—I think I should make it clear that it is not regarded as a substitute; it is regarded as an additional method. So you would still have the ordinary vote, the pre-poll vote and the postal votes but you would add that option to it.

Mr Rowell—I understand that.

Senator BRANDIS—Mr Rowell, you are the first state member we have heard from in our hearings. Thank you very much for being here. I understand from other witnesses that the practice in state elections in Queensland is that it is possible for an elector to lodge a pre-poll vote at every town in an electorate where there is a courthouse. Is that the case, from your experience?

Mr Rowell—Yes, there is access, but there are conditions put on pre-poll votes. You cannot simply make a decision that you want to pre-poll vote: there have to be issues—for instance, you have to be travelling at the time or unable to get access to a polling booth. Those types of issues have to exist. They are quite important. So far as those who just want to lodge a pre-poll vote because they do not want to go to the polling booth on the day are concerned, it is not so much that they have not got access to it but that they have to be in a position where they have not got easy access to a polling booth and therefore have to pre-poll vote.

Senator BRANDIS—I see. I imagine those conditions are provided for by the Queensland Electoral Act. If this committee were of a mind to recommend to the Commonwealth parliament that there should be greater facility for pre-poll voting by, say, making it available at every town where there is a courthouse, we could recommend parliament amend the Commonwealth Electoral Act without imposing those limitations. As a general rule, would you support the notion that there should be much more widespread availability of venues where pre-poll votes can be cast at federal elections? Do you think having a pre-poll polling place at every courthouse—as we have in the state elections—is a good idea?

CHAIR—At least in rural areas.

Mr Rowell—At least in rural areas. It certainly—

Senator BRANDIS—Obviously, only where there are distance issues.

Mr Rowell—It certainly would alleviate some people's concerns. It would make it easier. But whether you limit the conditions as they are limited within the Queensland system I am not quite sure. You indicated that it would not be quite as stringent—is that correct?

Senator BRANDIS—It is a question of whether conditions are imposed by the Commonwealth legislation or not. That is something we would need to think about.

Mr Rowell—That is right.

Senator BRANDIS—It would be helpful to the committee to draw upon your experience as a state parliament member who operates under that system and for the committee to know whether or not as a general rule you think it is a useful system.

Mr Rowell—It is a useful system. But, once again, the conditions have been put there so that those who want to use it as a mechanism to avoid going to a polling booth are not entitled to do that within the state system.

Senator BRANDIS—You made that clear before. I have one last point. I am looking at the National Party Federal Secretariat's submission. Do you have that before you?

Mr Rowell—Yes, I have that here.

Senator BRANDIS—The copy I have is not numbered but I think—

Mr Rowell—Mine is not either. They probably cannot add up.

Senator BRANDIS—it is on the seventh page; the page on which recommendation No. 4 appears at the foot. That discusses from an anecdotal point of view what happened in Kennedy.

Mr Rowell—Recommendation 4?

Senator BRANDIS—Go back to the page before recommendation 4.

Mr Rowell—The graph?

CHAIR—The page after the table.

Mr Rowell—Okay.

Senator BRANDIS—About a quarter of the way down the page it says 'in the electorate of Kennedy' and then there are several pages of anecdotal material.

Mr Rowell—Sure.

Senator BRANDIS—The conclusion is at about the third last paragraph. It says:

... the problems with late postal votes did not stem from the local offices of the AEC ...

I will pause there. To the extent of your involvement with the federal election, do you go along with the view that the local AEC office in Kennedy was not the source of the problem?

Mr Rowell—I was not directly involved and I can only comment, because we do use the federal office of the AEC anyway as far as state rolls are concerned. We get good cooperation from that office. Any time we have approached them, whether because somebody should not be on the roll or wants to move or wants to get on the roll, we have always had good cooperation from them. I have to say that as far as the Mount Isa office is concerned. We do not go further afield than that.

Senator BRANDIS—That is fine. One of our jobs is, to the extent that there were system failures, to locate where those failures occurred. I wanted to give you the opportunity to, as it were, exonerate the local Kennedy office as far as you can speak to that issue. Thank you.

Senator MASON—I want to talk to you about the submission. Take my word that I am reading from the submission; you do not have to find it. Let me read what the submission says and then you can comment on it if you know anything about it at all—if that is all right. It says:

The failure of the AEC to correctly estimate the numbers of postal votes, to not have a proper tracking system in place for these votes, and not taking heed of the warnings of representations that were being made about the failure of votes to turn up is a damning indictment on its procedures.

Can you comment on that at all? Is that your understanding?

Mr Rowell—From what the submission was saying, I think they were extremely concerned. I can only surmise that the AEC got people involved—and I have to say that I am not aware of who they are. If the AEC is the body that actually employs them then they should be responsible, as I would be if I employed someone to do something for me. I suppose the fact that something has gone wrong reverts back to the person who is directly involved in the process. While you may employ somebody to do a certain task for you, at the end of the day, the buck stops with you.

Senator MASON—The oversight role remains with the Electoral Commission?

Mr Rowell—In this particular case, I suppose you would you have to say that—with the issue of the lateness of postal votes, people not getting them and so on. It is no good blaming somebody whom you request or pay to do a task. At the end of the day, responsibility stops with you. In reference to the question asked by Senator Brandis: we have received only good cooperation, as far as the AEC is concerned, in particular state arenas. We have been making certain requests—whether in relation to people who are on the roll, who need to be enrolled, who have died or whatever. This seems to be a specific area where the AEC made its decision to use some other organisation to deal with postal votes. It is quite apparent that there are problems with that. And I think that is the point—if that clarifies what you have asked me. I would say, yes, the responsibility stops with the AEC.

Senator MASON—Ms Fuller was not aware of the AEC central call centre—I think that was in response to a question from Senator Brandis. The National Party submission said:

We understand that the AEC's call centre misinformed people who could get through to them to ask where their ballot paper was, telling them that their ballot papers had been sent when in fact the only confirmation they could reliably provide was that the AEC had lodged their requests for ballot papers to the contracted distributor.

Can you comment on that at all?

Mr Rowell—I can only assume that it is a problem we have spoken about. There was another organisation employed by the AEC to provide the postal ballot papers. There were some problems associated with that. Yes, the AEC in good faith may have believed that the transactions, whatever their nature, had taken place but unfortunately, because of the nature of

the business they were involved in—it was up to those they employed to actually do the business—there could have been some conflict there. And I assume that is what it is all about.

Mr DANBY—As with previous federal elections, it was compulsory to participate in voting at this federal election. Do you personally, or the National Party in Queensland, oppose or support the retention of the current Australian compulsory voting system?

Mr Rowell—I certainly do; I can assure you of that. I know there are countries in the world that do not. It is fraught with problems. If you can get a busload of people, for whom you have paid the bus fare, to go and vote for you, you are probably going to do a lot better than not having people on a compulsory system who are obligated to cast a vote. I think it is a democratic right and, more than anything, a responsibility that people should vote. You do not want people irresponsibly saying, ‘Let somebody else worry about it; it is not my concern.’ I am very strongly of the view that people should vote and that voting should be compulsory.

CHAIR—Thank you very much. Thanks for coming along at short notice. Your evidence has been very valuable to us, particularly your insights regarding the state system, and some of your views on electronic voting and the other matters that Senator Brandis raised.

Proceedings suspended from 11.54 a.m. to 12.10 p.m.

BRIGHT, Ms Anne Geraldine, Australian Electoral Officer for Queensland, Australian Electoral Commission

ORR, Mr Doug, Assistant Commissioner, Elections, Australian Electoral Commission

SENCARIUC, Mr Octavian, Divisional Returning Officer, Australian Electoral Commission

CHAIR—Welcome. The committee has received a submission from the Electoral Commission in Canberra. Given that we have before us a range of issues and that the three of you are here jointly, which we welcome, perhaps you could briefly outline your role and your capacity in the last election rather than make an opening statement. Mr Sencariuc, in your case I think it is quite obvious but for how long have you been the returning officer?

Mr Sencariuc—Since October 1997.

CHAIR—Is that for the last three elections?

Mr Sencariuc—Yes, as well as a referendum, a constitutional convention election and a few ATSI elections.

CHAIR—Ms Bright?

Ms Bright—I took up my appointment as Australian Electoral Officer for Queensland in January 2003. Prior to that, I was the Acting Australian Electoral Officer for Western Australia. Prior to that, I was the deputy for New South Wales for the 2001 election. In addition, I have held a variety of positions over a number of years in the Australian Electoral Commission.

Mr Orr—I head up the elections branch in central office in Canberra. Prior to that, I was in the operations area of New South Wales. My responsibilities in Canberra include parliamentary and industrial elections and funding and disclosure. In the last election, I had responsibility for postal voting, electoral systems and procedures and advice to states—anything to do with the operation of the federal election.

CHAIR—For the record, I wish to clarify a point arising from the evidence of Mrs Fuller and particularly from Mr Katter's submission. I draw your attention to page 4 of Mr Katter's submission, where he asserts that in the 2004 election the postal vote administration by Minter Ellison of Melbourne failed to satisfy postal voters in the electorate of Kennedy. Who handled the direct mail? Was it Minter Ellison or was it a mail house?

Mr Orr—A mail house.

Ms Bright—It was a mail house provider. Minter Ellison was the company that the Australian Electoral Commission engaged to look into the issues surrounding what occurred with postal voting in the 2004 election.

CHAIR—So you can confirm that the assertion in Mr Katter's submission that Minter Ellison was in charge of the postal votes is factually incorrect in every way.

Ms Bright—Yes.

CHAIR—I thought that should be cleared up for the record. We will move to questions now.

Mr DANBY—Chair, before asking questions, I join you in saying that, when coming to regional Australia, I get a bit cheesed off with conspiracy theories about Melbourne and Sydney. It is a shame that Mrs Fuller has left the proceedings at the very point where she might have found out about some of the things that happened. We are here in good faith. A similar thing happened at a JSEM hearing I attended in Darwin, when trying to ascertain what the problem was so it could be avoided at the next election. Mr Orr, I understand that the AEC used these outsource mailing houses in the two previous elections to this one and that there was no problem. Is that correct?

Mr Orr—That is correct, yes.

Mr DANBY—Conspiracy theories about Melbourne, Sydney and Minter Ellison aside, we are trying to find out why the problem happened this time and get to the bottom of it. Rather than speak to our local DRO, whose presence I very much appreciate, could I ask you about the attendance of Australian Electoral Commission officers at the mailing houses where this was done during this election and the previous elections.

Mr Orr—Production took place at two sites: one in Sydney and one in Melbourne. The Melbourne site continued for the full period of postal voting for the election; the Sydney site was used to manage the initial load up to the point at which ballot papers were able to be produced and distributed. That closed down in the second week and the balance was run from Melbourne. At both those sites we had staff—ex-AEC staff in most cases—whose responsibility was to provide quality assurance on the shifts when production was under way.

Mr DANBY—I think you told me in a private conversation which I do not think is a state secret, so you will not mind my revealing it, that you had AEC people there in shifts so you could see that it was fully supervised.

Mr Orr—Yes, we did. At each shift of production we had one person there.

Mr DANBY—Was there a different firm or different staff employed for this election as compared to previous elections?

Mr Orr—The company that did the work associated with the mail-housing part of the process—because it is a multistep process—has been the same since 1999.

Mr DANBY—Did they handle the referendum too?

Mr Orr—Yes.

Mr DANBY—The three elections?

Mr Orr—Yes. The first time that we used the new process was for the third election. The last two, as you said earlier, had been run without problem. This time, though, we did have problems. Previously, we would use one site, which was in Brisbane. This time we used the two, as I mentioned earlier, in Sydney and Melbourne. So the staff on the ground were different, although the company principals were common.

Mr DANBY—Mr Katter's claims about Melbourne and Minter Ellison notwithstanding—we have established that they are not true—in fact you established two mailing houses because the increasing number of postal votes required you to have two mailing houses. Is that right?

Mr Orr—We took a decision after the 2001 election: we thought that having mailing out of two centres would give better services across the width of Australia than just one site at Brisbane. We also thought that, if there were an issue with a massive failure or a fire at one site, we had redundancy inbuilt. That was our reasoning.

Mr DANBY—Is the AEC well aware of the growth in postal voting generally around Australia?

Mr Orr—Yes, certainly. We did not expect it to get as high as it did, but my recollection is that in 2001 we had about 540,000. We had planned for about 660,000 and we always had capacity to upsize as needed.

Mr DANBY—What was the percentage increase in postal voting between 2001 and 2004?

Mr Orr—I think it was in the order of 40 per cent, but I would have to confirm that.

Ms Bright—It was about 38 per cent.

Mr DANBY—I understand that the problems that Minter Ellison and you identified with the non-mailing to GPV voters, particularly here in Queensland, originated in the excess, if I could call it that, mailing house in Sydney.

Mr Orr—That is right. It did happen in Sydney. A few other issues that we had with spoils batches not being reproduced appropriately also came out of the Sydney operation.

Mr DANBY—Was it a new management team who had not participated in the previous successful mail-outs?

Mr Orr—On the production side that was the case. They were based in Sydney and the previous experience had been out of Brisbane. The contract was signed in October 2003, and we had regular interaction with the contractor to develop the processes et cetera along the way. We had regular meetings in 2004 in the lead-up to the election to bed down the processes that we would use. One of the difficulties with something like postal voting is that it all happens in such a short space of time. Whilst all the systems can be in place, the actual production time is very short to get it right. In the past we had not experienced production problems like those we experienced this time.

Mr DANBY—So the management team of this mailing house in Sydney and Melbourne had gone through with you, or with the people from the AEC, what they should do in the case of spoilt ballot papers in a mailing process from either of those two centres?

Mr Orr—The discussions took into account all aspects of the process, including spoils. The discussions initially centred on staff in the Sydney site and later on in the process they involved the Melbourne site more. In fact, after the first week of production, from the second Monday, 27 September, responsibility for project managing the production fell to the general manager of the Melbourne site.

Mr DANBY—That is because the excess had been handled by that stage, and Sydney was not involved?

Mr Orr—That is true. Also I think that person had a better capacity to undertake the process.

Mr DANBY—What did you ask the mailing houses to do with the spoilt ballot papers that had been ruined during the enveloping process?

Mr Orr—Basically, it was that they would be reproduced as part of the process: the main run would go, and the spoils would be identified and remade. It is a rolling process, so they would be fitted into the process as soon as possible thereafter. In that first period of time—

Mr DANBY—So you fully expected them to have those done ASAP and then put back in the mail?

Mr Orr—Yes.

Mr DANBY—When did you eventually find out about this problem of the GPV spoiled ballot papers? On what day following the commencement of the election did you find that out?

Mr Orr—The advice from the company confirming that there was a problem was on Thursday night, 7 October.

Mr DANBY—In fact, this must have occurred very early in the process because it involved GPV voters, whom you deal with first.

Mr Orr—That is exactly right. All the Queensland GPVs were lodged with Australia Post in Sydney on 20 September, which is the first working day after the nominations weekend. That was a good outcome from that point of view. In that run was a batch of about 28,000. Because there was an extra week in the campaign, we received considerably more PVAs at that time. So the first runs in the first productions in that first week were quite a lot bigger than we had originally anticipated. Also because of that extra week in the campaign, people who had lodged PVAs on announcement of the election were calling us before nominations had closed about where their ballot papers et cetera were. So the extra week caused a bit of confusion generally.

In the first week of production the papers went out. When the first calls came in early the second week about delays in relation to the Queensland GPVs, we thought that, given that the calls were coming predominantly from remote areas of Queensland and given the amount of

mail that was hitting the ground, the delays were probably due to the vagaries of mail deliveries. From feedback through Anne Bright and politicians, we became aware of the husband and wife situation, and we were trying to track that down to a process. As part of that process in the second week—when I say the second week, I am referring to the week starting 27 September—we sought confirmation from the contractor that the papers had been lodged and asked for copies of the documentation that would verify that they had been lodged. During that second week calls started to mount from various levels—

Mr DANBY—Sorry to interrupt, but I want to make this absolutely clear: the Sydney factory, mail house or whatever you call it that was producing these things presumably asked the AEC to pay for a full mail-out of all the GPVs that you had submitted to it to be mailed out.

Mr Orr—At that stage no invoicing had been done but—

Mr DANBY—No what had been done?

Mr Orr—At that time invoicing had not happened from the company, so that was not the issue. We asked them to give us proof that they had lodged the full batch of the GPVs with Australia Post. We got a copy of that docket, and that tallied exactly with the number of GPVs that we had lodged electronically with the company. So when we had that advice, it was our view that the vagaries were perhaps that there were some postal delays which were causing the problems that people were experiencing. That was our initial view.

CHAIR—On that question, you say you got an invoice that confirmed that the full batch had been lodged?

Mr Orr—No. It did not get invoiced until much—

CHAIR—Sorry—

Mr Orr—We asked for the company to provide us with a copy of the docket showing delivery of those Queensland GPVs to Australia Post.

CHAIR—So what you were trying to do—quite rightly—was get confirmation that all of those GPVs had gone out, and you asked the company for a docket that showed that they had all gone out?

Mr Orr—That is correct.

CHAIR—Did you ask for and did you receive any confirmation of the number of spoilt ballots and what action had been taken to rectify them?

Mr Orr—My understanding is that we did not. We may have had it at lower levels but I am not aware that we did at that time.

CHAIR—Do you want to take that on notice?

Mr Orr—Yes.

Mr DANBY—My next question is particularly on that point. Where were the spoilt ballot papers meant to be fixed? Were they meant to be fixed in the mailing house or were they meant to be sent back to the AEC and then come back to the mailing house?

Mr Orr—No. The spoils could take place in one of two places, either at the envelope production side or the mail house side. In both cases they would have to be finished and processed through the mail house. They were not going back to the divisions for that.

Mr DANBY—And that is what would have been done in both Melbourne and Sydney as per your instructions and it was just on the first day that these 1,300 were put in a box and the procedure that you had asked them to go along with was not followed through?

Mr Orr—No. In actuality, there were a few instances of spoil runs being delayed. The numbers involved and the timing were such that they could be remedied without need to resort to the Governor-General.

Mr DANBY—Did your AEC officers pick that up?

Mr Orr—Yes. We were trying to get reconciliations done. When the project management changed from Sydney to the management site, the priority for the new manager was to give us reconciliations and confirmations of the regeneration of all the spoils that had taken place to date.

Mr DANBY—So in fact Melbourne did the right thing and the problem was this one-off incident in Sydney?

Mr Orr—The Melbourne site, in our view, certainly performed very well.

Senator BRANDIS—Mr Orr, you accept, don't you, that, whatever the deficiencies in the contractor's performance, the responsibility ultimately lies with the AEC to ensure that postal voters have the opportunity to lodge a postal vote in an election?

Mr Orr—That is absolutely right.

Senator BRANDIS—That in fact was a quote from the Minter Ellison report. We will—both today with you and no doubt later when we take more detailed evidence from the AEC in Canberra—try to track down the systems failures, but the bottom line here is that, even if it was the contractor's fault, it is your responsibility.

Mr Orr—That is right.

Senator BRANDIS—You have been with us for the last two days. I am just trying to summarise the principal complaints we have heard. We have heard complaints of spoiled ballot papers. Is that right?

Mr Orr—That is right.

Senator BRANDIS—By the way, because the word ‘spoiled’ in the context of a ballot paper has a technical meaning on election day, let us make it clear for the record that when we speak of ‘spoiled’ ballot papers we mean ballot papers corrupted by some form of misprint when they come off the press.

Mr Orr—Yes. In fact, what has been spoiled is the postal voting package containing a ballot paper that is to be sent to the elector.

Senator BRANDIS—Thank you for that clarification. We have heard about misaddressed postal voting packages. I think the Minter Ellison report refers to some 568 of those.

Mr Orr—That is correct. I will just add that they were in New South Wales, not in Queensland.

Senator BRANDIS—We have heard much evidence in the last two days about postal voting packages which either were late or did not arrive at all.

Mr Orr—That is correct.

Senator BRANDIS—We have heard of about a hundred instances during the extended balloting period in Queensland of New South Wales Senate ballot papers being delivered to Queensland electors.

Mr Orr—That is correct.

Senator BRANDIS—We have heard about incorrect or misleading advice allegedly being given from the call centre.

Mr Orr—I have heard that, yes.

Senator BRANDIS—Mr Orr, this is not a picture of mistakes just in one area and it is not merely a picture of random mistakes; this is a picture of extensive, systemic failure, isn’t it?

Mr Orr—I do not believe that is the case.

Senator BRANDIS—If there are all of these different types of mistakes made—not just one sort of mistake, but a multiplicity of different types of mistake made, in many instances in multiple numbers—I put it to you that that is a serious systemic failure.

Mr Orr—I do not agree that it is a systemic failure. We certainly had problems with postal voting. The numbers, as we have heard over the last couple of days—the 1,800 in the GP rerun and the 500 in the batch that was in Sydney—are certainly an awful lot more, 2½ thousand more, than we would have liked, but that 2½ thousand is out of 700-odd thousand that were produced centrally. It is certainly the case that there were initial delays for the production, due to a number of factors in the first week, which our contractor caused. I certainly acknowledge that, and that is certainly indisputable.

But from our point of view the call centre was well managed this time. It was well briefed. Certainly we had a much better package for those staff than we had before. The contractor we used has extensive experience in dealing with Australian Public Service issues across the country, notwithstanding that most of the staff would not have had the knowledge of the extensiveness of Maranoa and Kennedy. So there were issues, but I do not believe that they were systemic.

Senator BRANDIS—I do not want to get into a quibble about that now. Later in these hearings we will have an opportunity fully to explore all of those issues. I just wanted to put that in the context of the questions I am about to ask of Mr Sencariuc and Ms Bright. I do not mean to constrain you, Mr Orr. If you want to jump in, feel free to. But I want to concentrate now on the processes within Queensland and between the Queensland office and the federal office for identifying and dealing with the various types of problems of which we have heard evidence in the last two days. Did you want to say something, Mr Sencariuc?

Mr Sencariuc—There is a slight fact that I think needs to be taken into account in regard to the list of items you mentioned there. I believe that there was an extra factor in Queensland—in the circumstances of people not receiving any general postal voting packages but still remaining at their own address, or going along on voting day and finding that their name was not on the electoral roll—in that a state election was held in February of the same year. The Electoral Commission of Queensland send out a card, which they were attempting to use as a mechanism to test whether people would be responsive to using a card to come along and vote with.

Senator BRANDIS—When was that, Mr Sencariuc?

Mr Sencariuc—The election was in February 2004.

Ms Bright—Approximately May-June.

Mr Sencariuc—The return to senders from that then come across and are put into the computer system—the objections. It sends out a letter which says: ‘We got some return to sender mail from the state people. Would you like to tell us about it?’ After the required three letters, the last letter basically says: ‘We have been trying to find you. You don’t seem to be responding. Under our federal law you’ve been taken off the roll.’ There were a large number of people taken off on 4 June 2004 because that was the activation date of the process—and there had been no elections for three years—and this occurred for a number of reasons. I know because we dealt with a lot of it. For example, there were people who were not using a postal box anymore but mail went to a postal box—or vice versa.

Senator BRANDIS—So what you are telling us is that, purely because of the coincidence that there had been a state election in Queensland earlier in the year, this process was undergone, as it routinely is undergone, between the Queensland electoral commission and the AEC, culminating on 4 June when a lot of people’s names were culled. Had there not been a very recent state election, that would not have happened so soon before a federal election. Is that your point?

Mr Sencariuc—That is true. The same thing happens when we get mail back from parliamentarians’ offices. You get the mail and you send it to us and then we send a letter out to

say: 'We've received back mail from a parliamentarian who says you're not there. What's going on?'

Senator BRANDIS—That is very helpful. We had not been told that. That is interesting. I want to take you, from the point of view of your local knowledge of the way this all operates, through the processes. Let us say an elector of Kennedy has asked for a postal vote in the ordinary course of events, nothing has happened and they are concerned, like some of the witnesses we heard from in Longreach yesterday. Would they ordinarily approach the DRO or their federal member? Are they the two obvious first ports of call for a complaint?

Mr Sencariuc—In the first case, you have the request coming in. Mostly they are coming in on the 13 2326 number.

Senator BRANDIS—That is what we call the information hotline, right?

Mr Sencariuc—It is the same number that is used right now except that right now if you ring it anywhere in Ingham, Tully or Burketown it will go straight to the Mount Isa office and in Maranoa it will go to the Dalby office. But when the election is called, they are all redirected to the call centre.

Senator BRANDIS—That is interesting.

Mr Sencariuc—We do not have a separate hotline.

Senator BRANDIS—Where would the elector find this number? Is it in the phone book or in a newspaper advertisement?

Ms Bright—It is in all our advertising.

Senator BRANDIS—When a federal election is called, a complaint or inquiry that would have gone to the local people presumably with the local knowledge is instead redirected down to Sydney or to some central point where the local knowledge presumably does not exist, or at least does not exist to the same extent.

Mr Sencariuc—It goes to the call centre. We pick it up in the local office. On our email system, we have a special mailbox. The call centre people would type in the name of the person, any phone numbers and what the problem is. If they could not solve it quickly then they would email us to do a follow-up.

Senator BRANDIS—So there was a protocol or guideline in place within the AEC that an inquiry received by the call centre from any particular federal electorate in Australia would be notified back to the DRO of that federal electorate. Is that right? Or it was notified if it had not been dealt with on the spot, maybe.

Mr Sencariuc—Yes. It is notified back if there is some follow-up required.

Senator BRANDIS—And that was done by email, was it?

Mr Sencariuc—Yes.

Senator BRANDIS—So there will be an electronic record in every case of something referred back to the DRO.

Mr Sencariuc—Yes.

Ms Bright—From the call centre, yes.

Senator BRANDIS—What about the state office, Ms Bright. Was that in this particular loop?

Ms Bright—In terms of general inquiries, yes, there would be a number of electronic records that could be provided to the committee.

Senator BRANDIS—Say I am an elector of Kennedy. I have not got my postal vote. I am aware from advertising that the AEC has placed that there is a hotline that I ring. I place the call. That goes down to the central call centre. If it cannot be dealt with on the spot, they then send an email to the DRO, saying, 'This is the problem,' or words to that effect—is that right?

Mr Sencariuc—Yes.

Senator BRANDIS—Is that copied to the Queensland office?

Ms Bright—No. I should add that the way the call centre operated for the 2004 federal election with this other government agency was that in fact they had a number of sites—in Brisbane, Melbourne and Perth. They also had overflow sites in Bunbury, Moorlands and Moorabbin.

Senator BRANDIS—Would each of those sites take calls from across Australia, or would they only take calls from their own states?

Ms Bright—My understanding is that it would depend on the business that they were handling at the time. Calls could in fact be referred to another state if they were busy and could have an overload, so that the inquiry centre could handle—

Senator BRANDIS—So the reply to the question is that it is received in its own state but that there is an overflow capacity for it to be sent off to another call centre interstate if it cannot be handled by the nearest call centre—is that right?

Ms Bright—That is my understanding.

Senator BRANDIS—Is that right, Mr Orr?

Mr Orr—I do not have direct responsibility for that, but I am just thinking: we did not have a call centre in every state, so there would have been states where they never had a call centre physically located.

Senator BRANDIS—But there was one in Brisbane.

Ms Bright—Yes, there was.

Senator BRANDIS—Who staffed the call centres? Was it AEC staff or contracted staff?

Mr Orr—Contracted staff.

Ms Bright—Contracted staff from other government agencies.

Senator BRANDIS—Which government agencies?

Mr Orr—Centrelink.

Senator BRANDIS—Now is perhaps not the time to explore that, because it will take us a while, but we will come back to that later on. I want to come back to what happens on the ground locally. One option for a person with a complaint is to ring the AEC number—that is what happens to that call. Another option, I imagine, would be for them to get in touch with their local federal member. That would be a natural thing to do.

Mr Orr—Yes.

Senator BRANDIS—Do you have arrangements in place between the DRO in each federal electorate and the federal member's office so that there is a routine for referring inquiries from the federal member's office to the DRO?

Mr Sencariuc—The system is not set up specifically so that it feeds through to me. Generally speaking, we have three or four staff in the office who are capable of dealing with customer service. They know the people in Mr Katter's office, so, when a call comes through, they will listen to what it is about. If it is something that they are capable of handling at their level then they will go off and do it. If it is something at a high level or that they feel has more complications, it may come through to my clerk, my assistant clerk or me.

Senator BRANDIS—So there would be at least three possibilities in how something that was referred to the federal member's office might be dealt with satisfactorily on the spot. Something that was referred to the federal member's office might be referred by them to you, to be dealt with by you. The third possibility, which we cannot disregard, is that the federal member's office just misses the ball and does not deal with the complaint but does not refer it to you either, so that the complainant gets lost, because of no fault of yours but because of neglect in the federal member's office. That could happen too, couldn't it?

Ms Bright—There is also another option, and that is that I got involved as well.

Senator BRANDIS—But you would not get involved unless the DRO got you involved, would you?

Ms Bright—Not always necessarily, no. Mr Scott came directly to me, at some point in the process, as did Mr Dunn—I think that was his name—of Mr Katter's office as well.

Senator BRANDIS—They might ring the number, they might go to the federal member and of course they might come directly to the divisional returning office. But presumably not many would do that, because there is only one divisional returning office in the division and that is Mount Isa, isn't it?

Mr Sencariuc—It is located in Mount Isa.

Senator BRANDIS—Did you get many over-the-counter complaints?

Mr Sencariuc—Let me put it this way: Mount Isa is the largest population centre in the division, and we are also visited by a lot of country people who come in from Cloncurry, Camooweal, Degarra and the nearby areas, so they do have that option. Some did come in. Then again, most of the people in Mount Isa itself are not going to be registered general postal voters. The majority of people who called at our office were calling for the purpose of having a pre-poll vote.

Senator MASON—Are there other suboffices?

Mr Sencariuc—No, there are no other suboffices.

Senator BRANDIS—When you just said 'people calling at your office', did you mean calling personally or calling directly to you over the telephone?

Mr Sencariuc—In person.

Senator BRANDIS—The calls to your office get directed to the call centre, so they kind of go around you, don't they?

Mr Sencariuc—There are a few people who know the direct numbers—

Senator BRANDIS—That would be a minuscule number, I imagine.

Mr Sencariuc—It is minuscule, yes.

Senator BRANDIS—So there are people who ring the number, there are people who go to the federal member and there are the over-the-counter customers. Can you think of any other significant category of venue at which people who have a problem or a complaint might give notice of that problem or complaint?

Mr Sencariuc—I think there might have been one or two cases where something came through the web site.

Senator BRANDIS—Does that come to you, the DRO, or does it go to the central AEC web site?

Mr Sencariuc—I think they went to Canberra and then came up to me.

Ms Bright—Initially to Canberra—that is correct, Senator.

Mr Orr—The receipt of emails was a growth area for us in the last election.

Senator BRANDIS—So a complaint by email is treated somewhat similarly to complaints over the hotline to the call centre—that is, an email is sent back from the central point to the local DRO. Is that right?

Mr Orr—The primary issue for both is to try and answer the problem without having to go back to the DRO, but, where we would have to, that would be the case—or other areas within central office would be accessed for the answer.

Senator BRANDIS—By the way, Mr Orr, before I forget to ask you: I talked about the existence of guidelines and protocols governing these procedures; were those guidelines reduced to a document?

Mr Orr—For the call centre et cetera, as you have mentioned?

Senator BRANDIS—Yes.

Mr Orr—I believe that they would have been, yes. Off the top of my head, I cannot recall.

Senator BRANDIS—Do you know, as the local DRO, Mr Sencariuc? Was there a document that set out the procedures to be used?

Mr Sencariuc—First of all, I will add that fax is another way of contacting us. As far as the protocols are concerned, there was a disk produced—a CD-ROM which was identical to the disk that was given to the people that were running the call centres. I did look through it in a cursory fashion to see that the basic information was right, and it did have what to do in a few places, so I assume that that was sort of a protocol for the call centre people to know what to do.

Senator BRANDIS—Can you help on this point, Ms Bright?

Ms Bright—As far as I understand it, the call centres were provided with a series of scripts so that, if a person rang up with a particular inquiry, they would go to a particular part of the screen and then they would follow the prompts that were there.

Senator BRANDIS—That is a different thing, although I would like to ask you, Mr Orr, or whoever is the custodian of this material, to produce the scripts for the committee. But I was really after something different; that is, the instruction manual or the procedures manual that tells the staff how these various categories of inquiries are to be handled within the processes of the AEC—in other words, not what you tell the customers, the electors, but how you handle them within the AEC. Does such a document exist?

Ms Bright—Yes. I understand there is such a document.

Senator BRANDIS—Does it exist only in electronic form or is there a hard copy as well?

Ms Bright—It would be in electronic form and hard copy, I would assume.

Senator BRANDIS—Can that be produced for the committee as well, please?

Ms Bright—Yes.

Senator BRANDIS—Let us go back to you, Mr Sencariuc. You get these various complaints and you try and deal with them on the spot if you can. If they are complaints that have gone through to the call centre or gone by email, for instance, to the central point and been referred back to you by the central authority, you then try and deal with them locally, do you?

Mr Sencariuc—Yes.

Senator BRANDIS—Was there a reporting mechanism for the local DRO to report back to the AEC as to the outcome of those complaints? For example, let us say somebody says, 'I haven't got a postal vote,' and that complaint is made initially to the AEC at the call centre. It is referred back to see if you can find out something more about it. You look into it. Do you report back to the AEC? Is there an established procedure for that?

Mr Sencariuc—No. We do not have a system whereby you log everything and then send the report back on what action was taken.

Senator BRANDIS—Presumably you would have in the Kennedy DRO a file which contained all of these various complaints and inquiries that needed to be looked into and that you acted upon?

Mr Sencariuc—No. There are three or four different staff who are the people that we expect to answer the phone. They are located in a number of positions around the office.

Senator BRANDIS—But they do not log these inquiries?

Mr Sencariuc—No, because you would either have to have a central book that you wrote it all down in—

Senator BRANDIS—It could be done electronically.

Mr Sencariuc—Yes.

Senator BRANDIS—Anyway, it was not done, you are telling me.

Mr Sencariuc—There are ways to do it, but in all the years we have done it, the system we have had has operated fine.

Senator BRANDIS—Can you remember the earliest date in the election process in which you, the Kennedy divisional returning officer, began to receive complaints about the non-receipt of postal votes?

Mr Sencariuc—We did get some phone calls quite early on after the issue of the writs on the 31st. We did get some phone calls in very early September because people had received postal voting material from the parties. I specifically remember the National Party material because of its colour and format, but obviously there were others. These people were general postal voters. They said to me: ‘What does this mean? Does this mean I got taken off?’ So there was that event that occurred early on. Some people who knew that they were general postal voters were wondering why they were getting that sort of material.

Senator BRANDIS—But that is not a problem within the AEC. Thank you for mentioning that. When did you receive the first complaints that might be attributed to the apparent nonfulfilment by the AEC of things that it was meant to do for these electors?

Mr Sencariuc—Even before 20 September, which is when the ballot papers had been printed, the packages had been lodged and the things should start mailing out, you still did get some people saying: ‘Where are my voting papers? It is already two weeks into the election.’ You explain to those people that nothing can be done, even though they have been on the list for years—nothing can be done until 20 September. From the week of 20 September through until 24 September, you basically assume three to four mailing days from Sydney, Melbourne and even Brisbane.

Senator BRANDIS—What day of the week was 24 September? Was that the Friday of that week?

Mr Sencariuc—That was the Friday.

Senator BRANDIS—So, if everything had gone sweetly, you would have expected people to have received these packages at the end of that week or maybe at the beginning of the week commencing Monday 27th?

Mr Sencariuc—We had a news bulletin coming out every day from central office. On 22 September—

Senator BRANDIS—Can a set of those news bulletins be provided to the committee?

Mr Orr—They are operational instructions from central office to the states. There is one issued every day.

Senator BRANDIS—I am sure that a set of those would be very illuminating.

Mr Sencariuc—On 22 September it said that the APVIS material had been lodged on 20 September in Sydney and Melbourne. On the 24th it said that there were some delays in lodging it. On 28 September there was an item about some problems with postal vote certificates issued in outer envelopes addressed to another person. On the same day also it said that there was a bit of a backlog that still needed to be cleared. On 29 September we were advised that the backlog had been completely cleared.

On 29 September there was some advice about problems with inners and outers. On about 4 October we were told it would be okay. We were advised that 2,027 damaged postal vote

certificates had been remade and lodged on 3 October. We were also told that we then could reissue ballot papers to people who phoned us and said, 'I haven't got anything yet,' and that we did not need anything from them in writing. Normally, you need to validate a reissue with some sort of signature advice. We were told at that stage that, because of the situation, it was sufficient to take verbal advice by phone.

Senator BRANDIS—When, approximately, did you realise that there was a serious problem?

Mr Sencariuc—By about September 29. You use the advices to help you deal with people. From 20 to 24 you tell them, 'I've been advised that the stuff has been lodged and so don't worry; it's coming.' By the 28th, which is the Tuesday of the next week, you tell them, 'There's still a backlog, and yours might be in the backlog area. So let's give it a few more days until October 1.'

Senator BRANDIS—So by 29 September, which was a week and a half before the election, those on the ground locally realised there was a serious problem. You would assume, wouldn't you, that that must have been the very latest time by which more senior officers of the AEC would have been aware that there was a serious problem?

Mr Sencariuc—I assumed the bulletin was telling me that they did know there was a backlog and a problem.

Senator MURRAY—That was an instructive 30 minutes from Senator Brandis. Ms Bright, on notice, could you please liaise with the Queensland state electoral commission and establish for the committee—perhaps you can give us a report or a briefing note—certain aspects of pre-polling at courthouses. You can cover the issue in any way you wish, but obviously we would like to know how many courthouses are involved in Queensland, what restrictions there are with timing and pre-polling, and what onus that places on the courthouses themselves—all the obvious practical issues.

Ms Bright—This is in connection with regional and remote areas, such as Kennedy and Maranoa?

Senator MURRAY—As to how it operates in Queensland. Obviously, if you could compartmentalise it into regional and remote as distinct from other parts of Queensland, it would be helpful. Please take that question on notice, if you would not mind.

My second question on notice is to you, Mr Orr. I wonder if you could provide for the committee a sample pack of postal votes: firstly, the applications; secondly, the postal vote package, which is the envelopes plus interiors; and, thirdly, a sample of how they look when returned—because that addresses the privacy issue—and how they look when they are discarded because of wrongful stuffing.

Mr Orr—There are the spoils. They would never leave the factory, so that is really a case of—

Senator MURRAY—No, that is not what I am referring to. I am referring to the postal votes that are discarded when they are returned to the AEC because the ballot papers were outside the postal vote certificate envelope but inside the outer envelope.

Mr Orr—That could have occurred during this election only where an elector chose to use their own envelope to put the declaration certificate envelope in. Then, when it was opened and the ballot paper was there, the outer envelope would have been discarded, so we do not have any evidence of it.

Senator MURRAY—I am after examples for the committee of any types of returns which would result in the vote being invalidated.

Mr Orr—Okay.

Senator MURRAY—I do not mind what types they were, whether it was their stuffing or—

Mr Orr—We certainly can do that.

Senator MURRAY—Then we can see what sorts of problems arise when people are sending them back.

My third brief area of questioning relates to some figures. I note that the table at figure 1 of the submission by the AEC lists the total number of postal vote applications received by the AEC as 758,993. I note that The Nationals submission on page 6 at table 1—the source is the Parliamentary Library—give the number of postal votes in 2004 as 600,370. I do not know which figures represent what, but I am interested in the number of postal vote applications received by the AEC compared with the number of postal votes cast, so that we can identify the difference in those numbers; and in an explanation, if you have one, for the disparity.

Mr Orr—Do you mean the disparity between our figures and the Parliamentary Library's figures?

Senator MURRAY—I want the actual AEC figures. I presume that the Parliamentary Library has taken them from you, but I want the accurate figures.

Mr Orr—That is fine. We can do that.

Mr DANBY—We also want to know whether this has changed over time, whether this disparity is increasing and, if so, why?

Mr Orr—We can look at the statistics and see what they bring up for that.

Senator MURRAY—Thank you. I also refer to this issue which is picked out throughout your submission. For instance, on the fourth paragraph of page 12, you say:

In submission 88 for the JSCEM's inquiry into the 1988 federal election, the AEC reported that over 5% of Senate postal ballot papers and 2% of House of Representatives postal ballot papers were returned outside the postal vote certificate envelope but within the outer envelope ... these ballot papers were discarded,

With regard to the 2004 federal election, you say on page 12:

... discarded postal votes as a result of ballot papers being returned outside the postal vote certificate envelope increased to around 10%.

With regard to your recommendation, on page 13 you say:

This would effectively 'save' the 10% of postal votes that would have been discarded, while allowing for the privacy protection of double enveloping.

I want to know from the AEC the total number of votes which are returned and, for one reason or another, are being discarded.

Mr Orr—We can give you the statistics from the last two elections.

Senator MURRAY—Yes, because if it was 10 per cent of 600,000, for instance, that would be 60,000, which is nearly a full House of Representatives constituency.

Mr Orr—The figures for the Senate are much higher than those for the House, but they are still significant numbers.

Senator MURRAY—We need to know that, because—

Mr DANBY—Higher than 60,000?

Mr Orr—I cannot tell you the numbers. If a paper is returned outside the envelope, often it is just for the Senate, not for the House. Sometimes it is both.

Senator MURRAY—We need this in detail because, as you can see, if there are problems with the way in which something is designed and the return results in high numbers of invalidated votes, it is effectively disenfranchising people to a far greater extent than I had realised.

Mr Orr—That is exactly why we took the decision this time to not use an outer-return envelope.

Senator MURRAY—Can you give us the statistics so we can understand how big the problem might or might not be?

Mr Orr—Yes.

Senator MURRAY—Thank you.

Mr CIOBO—Mr Orr, you indicated that the contractors furnished you with a lodgement notice with Australia Post indicating the exact quantity of GPVs that they lodged, which correlated with the exact quantity of GPVs the AEC had registered. Could you please furnish the

committee with a copy of that document and also the number of GPVs that the AEC has recorded?

Mr Orr—Certainly.

Mr CIOBO—Thank you.

Senator MASON—I listened very closely to Senator Brandis' examination of Mr Sencariuc. What disturbs me is that Mr Sencariuc realised there was a serious problem on 29 September, and yet there does not seem to be any real sense of urgency. That is the greatest problem I have and, I suspect, the committee has.

Ms Bright—I was going to add to the DRO's statement that I became aware earlier than that and that the AEC became aware of a potential problem—however, not the full extent or the size of the problem—as early as 24 September. This is when we were getting reports. We were not advised that there were volumes involved; we were getting sporadic reports. I think there was some coverage of this on a radio station in Sydney. From that, the AEC took a proactive stance by developing additional advertising, which occurred over that weekend, as well as undertaking community announcements on radio.

Mr Orr—In the first week of the postal voting period, from the 20th, we were obviously keeping in touch with the numbers that were being distributed by our contractor. We were concerned about the relatively low levels in that first week. Our concern, then, was not that things were not happening but that they were not happening as fast as we would have liked. By Thursday, the 23rd, I took that decision that I would meet with the contractor's general manager, in Victoria, so I went to Melbourne on the 27th because I was concerned that things were not going as well as I would have liked. As a result of that meeting, some revised processes—particularly reporting—were improved. Several times each day our people in Canberra were in contact with the contractor at both sites—at least, when we had two sites running. Postal voting was a priority for us, and from early in the first week it was an important feature of everyday activity for me in particular and my staff.

Senator MASON—The chair has reminded me that we can take further evidence in Canberra, but we now have evidence from Ms Bright that you became aware of problems on 24 September. The extent of the problems only fully emerged on 7 October. You can question how useful that system is in modern federal elections, with 2½ weeks delay.

Senator BRANDIS—Ms Bright, a potential problem is an actual problem. If you think there might be a problem but you do not know how big it is and time is running against you towards a hard deadline, isn't that a real, present problem?

Ms Bright—I agree with you; I suppose I could have used a better way to express that. We became aware of delays in people receiving their material, and it was not identified until two days prior to polling day that some material that had not been produced at all. As I said and as I understand it, no particular pattern emerged, but we took remedial action to advise electors to call the call centre hotline to get additional assistance and find out what to do. A number of divisions reproduced packages of material to go out to electors.

Senator MASON—But it is still over two weeks from the time the first problems emerged until the full extent was known, and that is just not credible.

Mr Orr—They were the facts. I agree that it does not sound satisfactory.

CHAIR—Given our schedule, I speak on behalf of the committee in saying that the evidence you have given us has been very useful in outlining some facts. Senator Murray, in particular, has asked for some documentation, as has the deputy chair, Senator Brandis and Mr Ciobo. Senator Mason has just made some very pertinent points that have been confirmed. We are going to hold some more hearings in Canberra—would you be happy to come to those if you are in Canberra?

Mr Orr—Of course. I would expect to be there.

CHAIR—And would you, Ms Bright?

Ms Bright—Yes, I would travel to those.

CHAIR—Thank you; I think that would be of most use. Today's hearings have brought out a number of issues and there are a number of other items we have to reflect on. There is the fact that we have had a private hearing with the Australian Electoral Commission but we are yet to have a public hearing. Also, we will be in Canberra for most of the next weeks until the end of June. I think I speak on behalf of all committee members when I say we would like to extend this not just for 15 minutes or half an hour but longer to actually go through some of these documents. Would you please get those together and provide them to the committee and then we will have a full hearing in a more prodigious fashion. At this point I will let Octavian add two points.

Mr Sencariuc—Thank you, Chair. It is local information. On or around 29 September, 30 September and 1 October, from memory, we were getting media reports in the local newspaper and through local radio—and the Townsville *Bulletin* was also coming into it along the track—of people saying they were missing a lot of voting material at the three centres at Greenvale, Gregory Downs and Burketown. We reproduced 80 sets for Greenvale and had them delivered by special run. I had a gentleman who went up on the Friday before the election and went through Gregory Downs and also Burketown and dropped them off there by midday. He reported from Gregory Downs—and I have the figures in my diary—six people there said, 'We got our stuff,' two people said, 'We went and voted otherwise'—

CHAIR—Could I make a suggestion, Mr Sencariuc. I thought you were trying to correct something on which you had made an error. As this is useful, would you be able to furnish us a letter outlining this? Would that be okay?

Mr Sencariuc—Yes.

CHAIR—I would rather you get it absolutely right as there are a lot of facts and numbers floating around. We are going to have another hearing. If you could take that on notice and write to Mr Keele, that would assist the committee.

Mr Sencariuc—The other item was about mines, servicing miners and some of the processes we go through in our division to make sure that—

CHAIR—It would be the same thing. Put it in exactly the same letter and we will certainly make sure that it is received as a late submission. It will form part of our deliberations. Thank you very much for your evidence today. We will see you again in Canberra. We have now concluded the formal part of our hearing. I would like to call on people who would like to make a short statement to the committee on any matter. I call on statements from the floor and simply ask that you state your name and speak for a couple of minutes.

[1.12 p.m.]

WHITE, Ms Kellie Marie, Private capacity

Ms White—My name is Kellie White. I relocated on 30 September from Brisbane to Ingham. I went to the post office and asked the agent there what I was meant to do in terms of my vote and my new address. She talked about getting a postal vote then, so I applied for a postal vote. I do not know what happened with Australia Post but nothing came to me. Having heard the dates and other stuff now, I understand that I was probably way too late for that, but I was just going by what Australia Post told me to do. I received no information through the mail. After the election I received a form saying that I had been enrolled in Ingham to vote. I received a letter a few months ago saying that I owed \$25 for not voting in this election. I wrote to them. There was a place on the charge to say what happened. I basically outlined the story as to what I had done and the processes I had gone through. I have heard nothing back. I am assuming that they have put it to bed and that there will be no charge for that because of my response. So my only beef would be with Australia Post for not giving me the proper information. I did not know about the hotline or call centre to call. I could have called them and would have probably gone through less trouble and would not have been in trouble for it, but that is all that happened.

CHAIR—Thank you for coming along. It appears that you were given some wrong information by Australia Post, that you were doing everything you could to ensure you were correctly enrolled and that in all probability you were still enrolled in Brisbane. It is good that you have come along so we can hear from you. Perhaps while the head of the AEC's Queensland division is here she might have a chat with you about what the processes are for dealing with fines. So, Ms White, you can go straight to the top here at the hearing in Ingham—well done!

Senator MURRAY—Ms White, are you suggesting it would be better practice if the AEC wrote to people to tell them that they accept their reason for not voting?

Ms White—I do not know what is going on. I have voted every year since I was 18. I have a consistently good voting record. It was just that in this one year, in the process of my relocation, things became—

Senator MURRAY—I just want to know whether you would have liked to have been written to and told that they accepted your reason for not voting.

Ms White—Absolutely. I would like to know what is going on.

Senator MURRAY—Did you feel anxious that nobody wrote to you?

Ms White—Yes. That is why I am here.

CHAIR—There being no further public statements, on behalf of the committee I thank all the witnesses who have given evidence at this public hearing this afternoon.

Resolved (on motion by **Mr Danby**):

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

Committee adjourned at 1.16 p.m.