

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Australian Electoral Commission

Supplementary Budget Estimates Hearings 2005-06 – 01 November 2005

Questions: F19 and F20

Outcome: Australian Electoral Commission

Topic: Prosecution for false enrolment

Hansard Page: F&PA 77

Senator Carr asked:

1. Over the last 10 years, how many prosecutions have there been for offences relating to false enrolments?
2. How many of those were the result of the AEC detecting fraudulent-?

Answer:

1. The AEC assumes false enrolment is fraudulent enrolment. There is no distinct offence of false enrolment or 'enrolment fraud'. The offence provisions which capture enrolment fraud are ss 336 and 337 of the *Commonwealth Electoral Act 1918* (forging a signature on an electoral paper and witness defects respectively), and ss 136 and 137 of the Commonwealth Criminal Code, which proscribe making false or misleading statements in applications or to a Commonwealth entity.

Year	Prosecutions for enrolment related offences
1998-99	0
1999-2000	1
2000-01	2
2001-02	1
2002-03	1
2003-04	1
2004-05	2
Total	8

Explanatory Notes:

(i) There is no centralised electoral fraud incident data for the years prior to 1998-1999.

(ii) Prior to 2000/01, the AEC did not report on electoral fraud cases to the Attorney-General's Department as this was not considered to be within the definition of fraud for reports at that time. Information on fraud incidents was retained in state/territory offices.

(iii) The figures for the years 1998-99 and 1999-2000 have been drawn from previous AEC reports and submissions on this issue.

(iv) From 2001/02, the AEC maintained a central log of electoral fraud matters.

(v) From July 2003, all fraud reporting and referrals by the AEC for AFP investigation and prosecution were centralised. Previously, these matters were managed directly by state/territory offices of the AEC.

(vi) The number of AEC referrals accepted by the AFP for investigation predetermines the number of prosecutions.

2. Seven. One case was brought to the AEC's attention by the Queensland Police. This matter involved multiple offences under s 136 of the Commonwealth Criminal Code.