

DEADLOCK

exists between political parties for or against
Identification on Enrolment on the federal electoral roll;
also used by all states and territories under Joint Roll agreements

- The Coalition amended the Commonwealth Electoral Act to restore ID on enrolment on 13 October 1999
- All ALP governments in the States and Territories rejected the amendments 2000-2001
- The federal Coalition passed enabling regulations 13 September 2001
- The federal Opposition voted to disallow the enabling regulations 14-15 May 2002

Result - DEADLOCK

ARGUMENT FOR ID ON ENROLMENT

1 1975 Report on electoral matters by Judge Kay of Western Australia

"Ease alone should not be the sole consideration in the witnessing of a claim. The other factor, of making sure that everything is correct, far outweighs the question of ease.

"At the present time, anyone can enrol a fictitious person and witness the claim card himself This procedure, in my opinion, should be tightened up. Any reasonable method to overcome or lessen manipulation should be adopted. " (WA Parl. v & P. 19 75)

He urged restoring authorised witnesses of enrolment claims (ended 1949).

"The enrolment card is a very important document by which the elector becomes entitled to vote. It is important that not only should details on the card be correct, but also that the person enrolling should know what he is doing, and what his responsibilities are under the Electoral Act.

'One would imagine that, at present, on very few occasions would the witness check the details on the card with the claimant, or advise him or her of what his or her responsibilities were.' (ibid)

2 1989 Report of N.S.W. Electoral Commissioners to Parliament

The then past and current NSW Electoral Commissioners, Messrs R. Cundy and I. Dickson concluded ID on enrolment was essential:

"The only really effective method of eliminating fraudulent enrolment is to require each applicant to appear in person at the office of the Electoral Registrar with appropriate identification.

"The Committee notes with regret that, in its Submission of October 1988 to the Joint Standing Committee on Electoral Matters, the Australian Electoral Commission saw fit to cast serious doubts on the value of requiring a person to produce documentary evidence of identity."

3 1993 WA Electoral Officer for the Australian Electoral Commission

AEO for WA, B. Young, advocated rigorous proof of ID on enrolment.

"At some stage it will become necessary to introduce some form of identity confirmation both for enrolment purposes, and again on polling day to demonstrate that we are serious about the protection of the integrity of the electoral system."

(JSCEM Hansard 12-Nov-1993)

4 1993 Professor D. Rumley, University of Western Australia

Professor Rumley investigated four levels of the WA electoral system - procedures for enrolment and re-enrolment, checking enrolment, voter turnout, and counting of pre-poll and postal votes.

"The present rules of conduct for each of these sets of procedures are not sufficiently rigorous at all levels, and thus allow the possibility, however remote, of manipulation and even of malpractice. The extent to which either or both of these possibilities is systematised before and /or during an election could even lead to a change of government. This is a highly undesirable set of circumstances and should be dealt with by federal and state parliaments as a matter of high priority." (JSCEM Hansard 1993 p. 388)

5 1996 Senator the Hon. N. Minchin, Parliamentary Secretary to PM

(HS Chapman Society at University of NSW November 9, 1996)

Senator Minchin deplored Australia's very open system of enrolment.

"Our system relies almost entirely on the honesty of applicants. Any prospective applicant needs only to be at least 18 years old, an Australian citizen, and to have been at his or her current address for one month. Applicants are not required to provide any evidence that they meet these requirements, or that they are who they say they are. Of great concern is the extent to which the system is wide open to fraudulent enrolment. Fraudulent enrolment goes hand in hand with fraudulent voting.

"One can only conclude that Australia must have one of the most open electoral systems in the world. The current system is to a great degree the residue of 13 years of federal Labor Governments. Labor deliberately pursued a policy of making it as easy as possible to enrol, to vote and to cast a formal vote. It pursued an electoral policy driven entirely by a user-friendly philosophy with no regard to the security or integrity of the roll."

6 Dissenting report of 3 non-ALP members of the Constitutional Legal, and Administrative Review Committee Queensland Parliament

"They supported higher penalties for electoral offences, identification requirements at the time of both enrolment and voting, closing electoral rolls on the date of calling an election and statewide re-enrolment to cleanse the roll. They opposed the concepts of developing a computer system that combined data from numerous State agencies." (Briefing paper NSW Parliament R. Johns 5/2001 sec. 3.4).

ARGUMENT AGAINST ID ON ENROLMENT

1 1988 The Australian Electoral Commission (AEC founded 1984)

The AEC opposed ID on enrolment from the outset, viz its Submission to the newly created Joint Standing Committee on Electoral matters.

"The need to provide documentary evidence would have a positive effect in minimising electoral fraud, but it would also be a major discouragement to many people taking part in the electoral process."

In 1993, the AEC was even more firmly opposed to ID on enrolment in conclusion to a lengthy review of the pros and cons of means of ID.

"In the light of their demonstrated disadvantages, and in the absence of any evidence they are required, the AEC does not at this time support the introduction, for the purpose of eliminating the potential for fraud, of any substantial changes to enrolment or voting." (JSCEM Sub. No.3)

2 1995 Andrew Fraser MP National Party member for Coffs Harbour

The NSW ALP Government defeated a private bill of Andrew Fraser MP for ID on enrolment and voting for NSW State elections; a defeat strongly criticised by the editor of the *Sydney Morning Herald*:

"The State government is wrong to oppose 'The Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 1995' introduced by the member of Coffs Harbour, Mr. Andrew Fraser, in the dismissive manner it has.

"The main objection to the legislation, according to the Police Minister Mr. Paul Whelan, who was outspoken in his criticism of the Bill is that 'its provisions will entail an enormous administrative and cost problem.' This seems to be rather too much like the 'Sir Humphrey' recipe for killing off reforms that have administrative merit to them."

3 1997 Dissenting minority report of ALP members on the JSCEM

ALP members opposed the package of 'minimum standards' for reform of the electoral system, including ID on enrolment as -

"premiered upon unsubstantiated and, in many cases, discredited claims of electoral fraud. The AEC has effectively countered the statistical, legal and practical bases of these assertions. The use of wildly exaggerated allegations of fraudulent conduct must further undermine respect for the integrity of our political system."

4 March 2000 Electoral Report of the Queensland ALP Government's Legal, Constitutional and Administrative Review Committee

This Committee chiefly relied on the evidence of Professor Hughes, former Australian Electoral Commissioner 1984-7 and a member of the EARC Committee Roll Review inquiry to reject 1D on enrolment.

Professor Hughes was still as firmly in support of a 'user-friendly' open system of enrolment as in 1988 until proof that it was so 'abuser-friendly' as to affect the result of an election should be advanced to the AEC; presumably more significant than the fraudulent enrolments Karen Ehrman had been practiced for years on an organised scale.

Professor Hughes argued -

"rather than resting on proven evidence of electoral malpractice, the amendments (of the federal coalition government) rested merely on disquiet in sections of the community, very small sections who kept coming back with their disquiet until they finally got a committee prepared to agree with them. To the extent those individuals have ever produced what they alleged to be evidence, it could be shown to be nonsense.

"The right question to ask is whether the mischief occurs, then whether the remedy recommended produces greater harm to democratic, representative government than the abuse did."

5 October 2000 National Secretariat of the Australian Labor Party

The National Secretary, Mr. G. Walsh, also chiefly relied on the evidence of Professor Hughes cited in the LCAR Committee March 2000 report in its submission to the special JSCEM inquiry, set up by the federal government, to oppose 1D on enrolment.

"The current system of enrolment has worked well for many years. It should not be altered in the absence of clear evidence that problems with the enrolment system itself have led to widespread fraudulent enrolment or major problems."

Enrolment, Mr. Walsh said, should be 'simple and accessible' to use. A sceptic might argue that this makes it simple and accessible to abuse.

Note - Mr. Walsh claimed the JSCEM had never received substantive evidence of fraud. It has - the report of a National Party investigation aided by the AEC of the Richmond electorate in the 1990 election.

IS FRAUD IN OPEN ENROLMENT EASY TO IDENTIFY?

1 M. Lamerton AEC Divisional Returning Officer McPherson, Qld

(witness before JSCEM Inquiry into the integrity of the electoral roll 5-Dec-2000)

"I believe there has been fraudulent enrolment but I do not know the extent ... Fraudulent voting, if it does exist on a significant scale, is more likely to be clandestine by nature and the result of deliberate attempts to either add names to the roll or to impersonate other electors, possibly including those that had recently died.

"Despite widespread disquiet from the divisions, full door knock reviews were abandoned in 1997 and 1998 in favour of a CRU strategy. Basically it is a continuous mail review backed up with some limited fieldwork relying on information from Australia Post mail redirections, Centre Link and Residential Tenancy authorities.'

"New growth areas have not been looked at. New information regarding non-residential addresses such as industrial areas, parks and schools etc. has not been updated. Rural areas where many shires and councils have not applied rural road numbering.

"The fundamental flaw is that this new strategy is based on the premise that the electoral roll can be maintained simply by flooding the country with letters; and if they don't respond, send some more. I believe the national average response rate for all mailouts is less than 45%.

"Under CRU the Multiple Surname Report for individual addresses can identify major enrolment fraud. It should be produced at least quarterly, and in the week after roll closure for the DRO to immediately instigate fieldwork for suspicious last enrolments."

2 Senator Murray, Democratic Party member JSCEM

(member JSCEM inquiry into integrity of the electoral roll 5-Dec-2000)

"Who should not be on the roll because they have criminal intent? That is really the juicy side of this inquiry. My judgement has been, from what I have read, that the trust system under which the AEC operates is flawed and can be abused. The problem is that none of us knows whether it is large enough to affect the result of an election."

3 Senator Minchin, Special Minister of State

(witness Senate Committee on Finance & Public Administration 16-Jul-1998)

"One of the great difficulties of this whole area of enrolment is that it is almost impossible to determine the extent to which fraudulent enrolment is taking place. We simply do not know and it is almost impossible to know."

4 G. Smith AEC Divisional Returning Officer Forde Queensland

(witness before JSCEM inquiry into integrity of the electoral roll 5-Dec-2000)

*"I personally would like to see, as part of the CRU, a door knocking process which is far in expanse of what it currently is ... To overcome the superfluous entries on the roll, I would be advocating that we do far more regular doorknocks in a lot broader coverage. If we are not doing those doorknocks then the potential does exist for entries to be there to be used inappropriately... I am not happy with it (CRU). There would be **many other** DRO's in that position as well"*

5 R. Patching AEC Divisional Returning Officer Rankin Queensland

(witness before JSCEM inquiry into integrity of the electoral roll 5-Dec-2000)

Senator Mason: *'Earlier today Mr. Lamerton said many other DRO's are also unhappy about current procedures about maintaining the integrity of the electoral roll, especially the CRU process. Would you agree with that?'*

Mr. Patching: *'Yes. One DRO rang and said that what I had to make clear in my submission - which was good of him - was that each enrolment card in his division that he collected through the doorknock associated with the CRU was costing \$25.00 a card.'*

Senator Ferris: *'You have no doubt read in the 'Hansard' of our first hearing, where Mr.*

Becker (Australian Electoral Commissioner) told us that 'the federal electoral system is in very good shape, and I have no reason to dispute the conclusion reached in previous AEC submissions - that no federal election result since 1984 ... has been affected by widespread and organised electoral fraud.' Would you agree with that?'

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

Senator Ferris: 'How optimistic are you, and some of your colleagues who have chosen not to give evidence here today, or put in a submission, that in the end the Electoral Commission will listen to you people on the ground and actually make these changes, apart from if they are forced to?'

Mr. Patching: 'Once you take an attitude the election cannot be affected in any way, there's no need to change. They are telling you the system works perfectly.'

DOES FRAUD IN ENROLMENT EXIST?

Widespread?

Organised?

In single electorates or entire elections?

1 The Australian Electoral Commissioner, Mr. A. Becker

(witness before JSCEM inquiry into the integrity of the electoral roll. 15-Nov-2000)

In rejecting any fraud since 1984, Mr. Becker only includes:

- underlying organised conspiracy against (entire) federal elections
- widespread organised conspiracy affecting results of those elections

He does not mention the issue of fraud in single electorates

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

'The AEC submission of 17 October to this Committee concludes there should be no need for any radical changes to the federal electoral system, such as the early close of rolls or the introduction of voter identification or subdivisional voting. The AEC is concerned that such major changes would have negative impacts on the franchise in particular.'

2 2000 Hedley Thomas & Chris Griffith Courier Mail 4-Nov-2000

"Labour foot soldier veteran's claims that he and others helped to rot the 1987 election in the federal seat of Fisher (Qld), as well as several other state and federal elections, raise an ugly spectre."

3 1987 C. Smith secretary National Party Electorate Council, Fisher

(Submission JSCEM Inquiry on 1987 election)

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

(Note - This occurred in a number of small rural booths)

4 **Bob Bottom OAM highly respected author & investigative Journalist**

a) **On the Australian Federal Police Inquiry Fisher (Qld) 1987**

*"Chris Griffith revealed that the **Courier Mail** had contacted Australian Federal Police agent Paul Jevtovic to advise that the ALP insider, relied upon by the **Courier Mail**, had named a handful of others from the Fisher campaign and agent Jevtovic had been told the insider no longer objected to those names being passed on to police. Hedley Thomas, who has spoken to agent Jevtovic, was quoted as saying.. 'The police were offered a golden opportunity to interview several people specifically named by the insider for involvement in what he insists was a covert effort to rot the election. Mr. Jevtovic told me his police inquiry was continuing and he would call back the following week to receive the names to discuss the matter further. He did not get back in contact and appears to have ended the investigation without even speaking to these people, several of them union officials, alleged to have secured illegal votes.'" (Intro. B. Bottom to Fraudging of Votes p.xvi)*

The AFP Inquiry ended the day after the JSCEM inquiry did. An AFP spokesman claimed that examination of AEC procedures, policies and electoral records had yielded no tangible evidence for any of the allegations. Investigations had not been able to identify any witnesses who could corroborate the alleged vote rotting or nominate any persons involved in the activity. (Sunday Mail 11-Apr-2001)

b) **On Australian Federal Police Inquiries in general**

Mr. Bottom urged the Prime Minister (march 20,2001) 'to update and push forward your current legislative plans for voter identification,' and to fund the AFP to investigate enrolment fraud.

'Unless directed by the Minister, at present AFP self-determined priorities result in the automatic rejection of any instances of multiple voting involving the casting of less than 12 votes. In those cases investigated involving more than 12 votes police simply call upon the address of the person nominated. If that person denies any involvement no further action is taken.' There is no action at all to either deter or detect false enrolments.

'I have been researching all electoral matters that may relate to fraud, past and present. What has become obvious is that the so-called democratic reforms implemented nationally under Labor in the early 1980's (and likewise under Labor in Queensland in the early 1990's) have paved the way for not only rotting for party plebiscites and preselections but for fraudulent enrolments for general elections.'

5 **1999 Dr. Amy McGrath OAM**

(Sub. JSCEM 4-Apr-1999 on fraud and irregularities)

"The AEC, as the body responsible for elections, has been 'lax in enforcement'. It has not become pro-active in seeking proof of fraud itself because it is able to interpret that responsibility at its absolute minimum. Its stance is to ask the public to "bring us proof of electoral fraud and we will investigate it," which is grossly unfair as the AEC alone hold all the necessary documents; and members of the public are unwilling to do so as the AEC has proved dismissive, adversarial, even abusive to those who do.

'The AEC is inconsistent. It constantly denies fraud exists, but it admitted in 1993 that it could not possibly know. For out of ten ways of committing fraud which it listed in a lengthy summary of the pros and cons of ID on enrolment and voting, it could only detect one - that was multiple enrolment in the same name. That is still largely true.

'If any honest Divisional Returning Officer at base electorate level was asked, the answer would probably be that he or she would not know.

-no resources are devoted to the actual investigation of possible fraud

-no opportunity exists to do so in the short time-frames of elections

divisional offices will have 2-3 permanent officers trained in electoral procedures and even, for a period in recent years only an average 1½

- the balance of divisional staff are casual employees under their direction

polling officials are employed for only one day after ¾ hours training. It is highly unlikely that these officials have the required knowledge to readily identify fraud or persons intent on perpetrating fraudulent conduct. Some may even be dishonest themselves.

-occasionally officers may lack zeal or competence.

no complete habitation reviews have been carried out in very many years. Queensland abandoned them in 1997. Other states plan to follow.

If the AEC cannot, by its own admission, identify most means of fraudulent enrolment how could it possibly know how much fraud occurs, or that the result of an election is not affected by it - say in the 1993 federal election when 13 seats were won by less than 500 votes?"

IS THE AUSTRALIAN ELECTORAL COMMISSION POLITICAL ON ID ON ENROLMENT?

What could be more political than the following statement by Mr. A. Becker, Australian Electoral Commissioner, **to the Special Inquiry of the Joint Standing** Committee on Electoral Matters made imperative by the rampant cynical abuse of the electoral roll his organisation administered?

'The Committee would be aware that the government is presently negotiating with the states to bring in regulations to enforce new enrolment witnessing and identification provisions in the Electoral and Referendum Act (No 1 1999). In the AEC submission to this inquiry (17.19.par.6.8) the AEC advised that as long ago as 1996 it had indicated its conditional support for any reforms. That is, the AEC has no objection to such a reform of the enrolment system, provided it imposes no cost or inconvenience on electors and provided that there is a sufficiently broad class of enrolment witnesses.'

This statement implicitly opposed the Coalition's legislation already passed by both Houses of the Commonwealth Parliament. It raises the crucial question whether the AEC is exceeding its authority in declaring it has a right to offer only 'conditional support' for the policy of the Coalition expressed when in Opposition for 13 years of ALP government after it won office in 1996.

It raises an even more serious question whether the AEC is acting properly in appearing before the JSCEM inquiry to declare conditions which not only aligned it with the ALP opposition in the Parliament, and were bound to influence those ALP governments, currently in a majority in the states, then considering whether they would agree to the regulations under Joint Roll agreements. Since that time they have rejected them.

Surely the one body, that is the guardian of our democracy, should respect the conventions of that democracy - the supremacy of parliament, and not the views of three unelected Commissioners and their staff. If it does not, it risks exposing itself to exasperated remarks, such as that of the editor of the Brisbane Courier Mail (Dec 1993) after the election... *"is the Australian Electoral Commissioner (AEC) or the Commissioner himself guilty of electoral fraud? Has there been a miscarriage of the Electoral Act in various electorates and are members of the Commission guilty of fraud through either fraud or conspiracy?"*

THE ALP OPPOSES ID ON ENROLMENT

The Australian Labor Party rejects ID on enrolment.

It advances an argument that is now largely out of date with the almost universal means of ID for so many procedures in life from opening bank accounts, or hiring a video, to buying

cigarettes in Coles Stores. Yes Coles Stores. They advertise that the 18+ buyers must produce some ID such as a passport or motor vehicle licence before they can do so.

Certain groups would lack means of ID

a)	young people
b)	low income earners
c)	indigenous communities
d)	people living in isolated areas
e)	homeless people

This argument is no longer as credible as it was in 1987

a)	young people today have travel and credit cards, mobile phones, social security ID, credit cards, and driving licences
b)	low income earners/aboriginals have welfare pension benefits ID

Some eligible electors, put off enrolling by trouble/cost, would be disenfranchised of their right to vote.

This argument gives no supporting statistics and ignores three questions:

a)	whether the responsibility of pursuing that right to franchise should rest with those who value the right to participate in the process which guarantees we are a valid democracy: or whether the responsibility should rest on a Nanny State principle in favour of the lazy and politically indifferent who do not value it at all.
b)	whether that right, said to be a privilege, would not be valued more by those seeking enrolment if they did have to take the trouble of presenting themselves before authorised witnesses with proper identification, as used to be the case
c)	whether production of ID would really cost much more given that scarcely any of those seeking enrolment would not know a teacher, doctor, cleric or elder or fail to have a passport or pension card. And special provision could be made for those who do not.

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