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PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

COMMITTEES

Electoral Matters Committee

Report

SPEECH

Monday, 18 June 2001

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Pyne, Chris, MP

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Mr PYNE (Sturt) (12.31 pm)—On behalf of the Joint Standing Committee on Electoral Matters, I present the committee's report, incorporating a dissenting report, of the inquiry into the integrity of the electoral roll, entitled *User friendly, not abuser friendly*.

Ordered that the report be printed.

Mr PYNE—The cornerstone of our democracy is the presumption that our electoral rolls are free from distortion and manipulation. Accurate electoral rolls give us confidence that democracy works because, regardless of whether you are the richest or poorest person in Australia, at the ballot box we are all equals—we all have just one vote. But in recent times evidence has emerged that this is not always the case. The combined effect of the Shepherdson inquiry, the Ehrmann, Foster and Kehoe cases, the revelation in this report that 445 cases of electoral fraud were referred to the Australian Federal Police in a five-year period, the evidence of witnesses in public hearings, the written submissions to the inquiry, and investigative reports by media outlets like the *Courier-Mail*, ABC radio in Brisbane, ABC television in Sydney and the *Sunday* program has shaken confidence in the electoral system.

According to the Australian Electoral Commission's submission, almost three-quarters of cases of enrolment fraud came from New South Wales. The AEC has evidence of enrolment fraud in Queensland, Victoria, Western Australia, South Australia and the Northern Territory. The Shepherdson inquiry report was able to identify, within the terms of reference of that inquiry, a series of cases of enrolment fraud in Queensland spanning from 1986 to 1997 at state and local government levels.

More anecdotal evidence of bogus enrolments continues to emerge. Yesterday's cover story by the *Sunday* program's investigative reporter Ross Coulthart uncovered more distressing allegations about electoral fraud. The Nine Network's report included evidence of bogus enrolments at the addresses of car parks and cemeteries. Clearly, we need to make improvements to the electoral system.

The recommendations put forward in this report, *User friendly, not abuser friendly*, address the integrity of the electoral roll. The report recommends 18 changes to the management of the roll and the regulation of political parties. The majority of the committee, including the Australian Democrats, supports all of the recommendations. A key objective of the committee was to identify the flaws and strengths in current roll management practices and make recommendations aimed at restoring public confidence in the accuracy of the roll.

Whilst the allegations of fraudulent enrolment in Queensland have achieved the most prominence and media comment, the evidence gathered by the committee suggests that this practice is not confined to Queensland. To use the words of Tom Shepherdson QC:

I do not consider that the small numbers of persons who engaged in this practice should necessarily lead the Electoral Commission to believe that such conduct is relatively uncommon. Such conduct is in fact a form of political cheating. These unlawfully cast votes can prove decisive in polls where the margin between winning or losing is small.

The coalition and Australian Democrat members of the electoral matters committee have, in our majority report arising out of the committee's inquiry into the integrity of the electoral roll, agreed that real reform is needed. I might add that it is the first time since 1993 that the Australian Democrats have not lodged their own minority report but have in fact joined with the coalition.

Key points of *User friendly, not abuser friendly* include the following. The AEC has made various improvements in maintaining the integrity of the roll through its computerised roll management system and the continuous roll update process. The committee supports the AEC's further enhancement of this approach. However, we cannot ignore the fact that the requirements for electoral enrolment are often less onerous than those for gaining membership at the local video shop. Indeed, the AEC imposes higher standards in the ballots it conducts on behalf of some trade unions than it does in the election of federal governments.

The committee believes that the public's confidence in the electoral system would be improved if identification were required for new enrolments and the movement of existing enrolments. This reform was originally recommended by a previous electoral matters committee inquiry and adopted by the government. Unfortunately, the states have failed to agree to a uniform application of identification for enrolment. Because of the importance of bringing about this overdue reform, the committee believes the Commonwealth should proceed with identification for enrolment without the states, if that is required.

Section 85 (1) of the Commonwealth Electoral Act 1918 provides for the creation of new rolls for divisions. The committee has recommended that the AEC investigate the possible use of this section to create new rolls in divisions, such as Herbert, where the accuracy of the roll has been brought into question. This recommendation has the support of Professor Colin Hughes, the Federal Electoral Commissioner from 1984 to 1989, who told yesterday's *Sunday* program that it would be a good 'acid test of what's happened'.

The committee has stopped short of recommending identification for voters when casting their votes, but believes that gender and date of birth should be included on the certified lists of voters used at polling places in elections, to assist AEC staff to ensure that a vote is cast by the person eligible to vote and not by some other person. This is a simple change that would go a long way to eradicating fraudulent voting at elections.

Evidence provided to the committee suggests that the deterrent value of the penalties for enrolment fraud is not sufficiently high. The report recommends that the benchmark penalty for enrolment offences in the Electoral Act be increased to 12 months imprisonment or a fine of 60 penalty units. This will have the added benefit of disqualifying people convicted of these offences from running for the Commonwealth parliament.

The Australian National Audit Office is currently conducting a performance audit of the electoral roll. The committee believes that, as part of the performance audit, it would be useful for the ANAO to test the accuracy of the roll by conducting a data matching exercise. If the exercise is successful, the ANAO should use such exercises to test the accuracy of the roll on an annual basis.

The committee found that one of the main incentives for electoral fraud is gaining control of preselections by both union and non-union forces in the Labor Party. The step from defrauding the electoral roll for the purposes of internal party preselections to voting for fraudulently enrolled electors on polling day is a very small one. For that reason the committee recommends that the principle of 'one vote, one value' be enshrined in the Electoral Act to end external influence over political parties. I expect there will be great resistance from the Labor Party to this recommendation. Indeed, in yesterday's *Sunday* program cover story on electoral rolls Senate Labor Leader and committee member John Faulkner said:

I think any such interference in any Australian political party would be utterly preposterous. I mean, this wouldn't just go to having an impact on trade union affiliations to the Labor Party. This would cut across all political parties in a whole range of areas.

Mr Schultz—Surprise, surprise.

Mr PYNE—As the member for Hume says, 'Surprise, surprise.' The Australian Electoral Commission has a difficult job. An electoral roll will never always be completely correct. In the 1999-2000 financial year the AEC processed 2.46 million enrolment forms. Occasionally some people in the community innocently and unintentionally forget to change or vary their enrolments. But there is an onus on the Australian Electoral Commission and on us as legislators to restore the public's confidence in our system of democracy. The electoral roll must not only be beyond reproach but also be seen to be beyond reproach. We must be ever vigilant.

The 2000 presidential election in the United States is a clear example of the dangers of an electoral system that does not have the public's confidence. The controversies surrounding the electoral college result in the state of Florida have cast a pall over the legitimacy and mandate of George W. Bush's presidency. This is not a situation we want to see replicated here in Australia.

Mr Speaker, as befits an issue of this importance, there was wide community consultation and participation in this inquiry. The committee received 87 submissions and held public hearings in Canberra, Brisbane, Townsville and Sydney. There was also wide media interest in this inquiry. The committee has tabled its report today in the hope that the government will have time to implement reform before the next federal election. I would like to thank the AEC and members of the community who contributed to this review, particularly the AEC, which made detailed submissions and responses to submissions and also appeared before the inquiry on a number of

occasions. I would also like to thank all the members of the committee and the committee secretariat for their contributions to this inquiry and report, particularly Bev, Kevin, Quintin, Slav, Sonia and Christine, and the members of the committee, all of whom showed great forbearance in the face of what was at times a controversial position taken by some members of the committee.

I commend the report to the House and urge the government to make the changes that this report recommends as quickly as possible so that they can be in place before the next federal election, so that we can restore people's faith in the integrity of the electoral system.