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18th October 2016

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
CANBERRA ACT 6021

A Submission in relation to 2016 Federal Election

This submission is made in response to the Media Release by Special Minister of State the Hon Scott Ryan published 14th October 2016. The 'terms of reference' referred to are those foreshadowed in the media release.

Terms of Reference

1b The potential applicability of truth in advertising provisions to communication to voters including third party carriage providers.

CNI supports the application of truth in all forms advertising in all political elections. It is wrong for voters to be deceived by false statements and false accusations. Appropriate penalties should apply to proven breaches of truth in advertising.

2 The extent of donations and contributions from foreign sources, persons, entities and foreign owned subsidiaries to political parties, associated entities and other third parties and entities undertaking campaign activities and the options available to Parliament to regulate these.

All donations that fall within this term of reference should be prohibited and must be declared as free of such foreign connection at time a donation is made. Significant penalties should apply to breaches. Parliament should legislate these requirements.

4 The extent to which fundraising and expenditure by third parties is conducted in concert with registered political parties and the applicability and utilization of tax deductibility by entities involved in campaign activities.

There should be no tax deductibility available in relation to any political donation whether direct or indirect.

Previous inquiries and reports

Attached is a submission, made by CNI on 25th March 2004. The recommendations of this report are just as relevant today as they were then. We commend these to JSCEM for consideration and adoption.

A handwritten signature in black ink that reads 'Denis J Whitely'. The signature is written in a cursive, flowing style.

Denis J Whitely
Executive Director

A SUBMISSION

**To: The Commonwealth Government Minister
and Other Relevant Parties.**

ELECTORAL AND VOTING FRAUD

The overwhelming and irrefutable conclusion to be drawn from a study of "The Fraudging of Votes" (with introduction by Bob Bottom) (1) and "Frauding of Elections", (2) and other related publications is that frauding of electoral enrolment and frauding of electoral votes has occurred in Australia on a significant scale and further that the circumstances remain for fraud to continue.

The following are just some illustrations; there are many others:

extensive false enrolments on Bribie Island, in the Queensland State seat of Glasshouse;(3)

substantial evidence of false enrolment and consequently false voting in the Western Australian State of Swan Hills"(4)

evidence of illegal enrolments, multiple voting and fictitious enrolments with consequent fictitious enrolments with consequent fictitious voting in the Commonwealth Electoral Division of Masquarie in the 1993 federal election"(5)

extraordinarily high level of late enrolments and significant percentage of "return to sender" of these and glaring inaccuracies and discrepancies in electoral enrolments in the Commonwealth Electoral Division of Dickson, Queensland in the federal by-election 1993; (6)

There are a multitude of other examples.(7)

The recommendations of the Report of the Joint Standing Committee on Electoral Matters, June 2003 do not adequately address the issue of fraud and if the recommendations are implemented it will not prevent fraud continuing. The Government's response to these recommendations, if followed, will not prevent fraud continuing.(8)

RECOMMENDATIONS

To preserve Australia's democratic traditions, CNI WA RECOMMENDS that the following steps must be taken firstly to ensure the integrity of the Electoral Roll and secondly to prevent enrolment fraud and voting fraud from occurring in the future.

These fundamental steps are:

- (i) *Cleansing the Electoral Roll* - An Australia wide habitation survey must be conducted without delay. The names of all those, whose survey questionnaire is returned unclaimed, must then be automatically removed from the Electoral Roll. A habitation survey should be carried out every two years as a means of ongoing roll cleansing and the advertising campaign as described in (iv) below should then follow as a matter of automatic procedure. Once the integrity of the Electoral Roll has been clearly re-established then it may be possible to lessen the frequency of the habitation survey.

- (ii) *Identification of Enrolees* - Identity fraud is a growing problem in Australia. Currently a person requires more proof of identity to open a video store account than to enrol to vote in a federal or state election or union ballot, New enrolments and re-enrolment or change of enrolment details must in future be supported by indisputable evidence of identity. The minimum should be original documents such as a passport or driver's licence or full birth registration certificate or similar together with corroborative evidence such as a Medicare card, credit card etc. The enrolment form must then be witnessed by an authorised person such as Justice of the Peace, Commissioner for Affidavits, Police officer, Public Servant, Politician, Medical Doctor, Postal Manager or similar 'official'.
In regard to identification, the procedure adopted by the Roads and Traffic Authority of New South Wales is commended as providing a sound basis for identification for electoral roll enrolments.(9)
Where for legitimate reason a person cannot produce this required standard of identification then an enrolment application with whatever identification evidence is available together with references from two authorised persons stating that they are satisfied as to the applicant's identity and residential address and why they are satisfied should be submitted to the Australian Electoral Commission (AEC). The AEC should not be obliged to enrol such a person unless the AEC is also satisfied as to the genuineness of identity and of residential address.
- (iii) *Identification of Voters at the Polling Place* - Each person presenting to the polling place to vote in an election must be required to state their name and residential address and produce identification to the polling place attendant before being given the ballot papers. A passport, birth certificate, driver's licence or similar document must be produced. Where the person claims that such formal documentation does not exist the person must provide some corroborative evidence of identity and residential address to the satisfaction of the polling place supervisor.
- (iv) *Increased Penalties* - The increased penalty provisions, recommended by the Joint Standing Committee, for
- false enrolments;
 - false claims by witnesses; and
 - false claims by enrolees including that they are unable to produce primary forms of identification
- are supported.
- (v) *Procedure after Cleansing the Roll* - Immediately after the habitation survey described in (i) above and the return of unclaimed questionnaires, the Australian Electoral Office (AEO) must then be required to conduct an extensive nation wide advertising and educational campaign to inform the electorate and urge all those, who have changed their residential address in the period since the most recent election at which they have voted and who may not have changed their enrolment details, to ensure that they are still on the Roll and if not to obtain an enrolment form. All new enrolments would then be subjected to the identification criteria detailed at (ii) above. Enrolment forms together with the identification criteria should be made widely available through Post Offices, Shire Council Offices, Public Libraries etc.
- (vi) *Electronic Roll* - The AEC should strive to implement an electronic electoral roll and an integrated electronic voting system but only after such system can be shown to be indisputably secure against tampering of any kind, It follows that out sourcing of any of these systems, operations, procedures and controls must be discontinued and the whole of the information technology functions brought 'in house' under the secure and sole control of the AEC.

- (vii) *Decentralisation* - It is important that the Australian electoral roll is broken into sub-rolls for each State and further sub-rolls for each electorate and each division within each electorate and that hard copies of these sub-rolls are held in AEC state offices, and in the local government offices and Post Offices for each divisional sub-roll, to be readily available for public scrutiny. These rolls should revert to a street by street listing as well as an alphabetical roll.
Additionally the co-location or amalgamation of electoral offices, which tends to isolate Divisional Returning Officers, should be reversed.
The trend toward centralisation and lack of transparency of the AEC must be reversed as the value, of the integrity and security of the roll and the voting system, far outweighs the cost of doing so.
- (viii) *Polling Place Security* - Pending the introduction of a secure electronic roll and voting system the security of the vote boxes must be enhanced such that they are subject to overview by scrutineers at all times and are secured to the satisfaction of the scrutineers overnight and at any other time when counting is suspended or scrutineers are not in attendance.
Scrutineers must be allowed to oversee all provisional votes, postal and pre-poll votes and these categories of votes must also be kept secure at all times, must be received no later than polling day and must not be opened until the close of the poll.
- (ix) *Post Polling Voting Checks* - Under an integrated electronic roll and electronic voting system multiple voting cannot occur as once a ballot paper is handed to the identified voter the computer would record the vote and no other vote could be cast in that voter's name. Until such time as the totally secure electronic integrated roll and voting system are implemented, it must be the duty of the AEC to check all election day rolls for multiple voting prior to the declaration of the poll. To save delaying the declaration, unreasonably, this duty would only be discharged where the winning margin was less than 5% with checks on the remaining electorates to be carried out subsequent to the declaration of the poll. Where multiple voting is detected and the scale of it is sufficient to influence the result then the voting in that seat must be declared null and void and a by-election held without delay.
- (x) *Closing of the Electoral Roll* - The evidence is that a significant portion of fraudulent enrolment occurs just prior to and following the announcement of the election date. Consequently the Electoral Roll should close precisely at the time an election is announced. The comprehensive advertising and public educational programme, described at (i) above places the responsibility on the citizen to ensure that they are enrolled and thus not precluded from voting.
- (xi) *Screening of Polling Place Staff* - The names of all polling place casual staff, not otherwise employed by a federal or state government must be submitted for character screening before being employed for polling day duties.
- (xii) *Counting of Votes* - The counting of votes on polling day in federal elections should commence simultaneously in each State so that the eastern states voting trend is not known until the poll has closed in Western Australia.
- (xiii) *Courts of Disputed Returns* - The processes whereby losing candidates may challenge the validity of the result in narrow defeats must be made more friendly. The current processes make it almost impossible from a practical and legal point of view. In the interests of democracy and the total integrity of an election result, resolution of these 'disputes' should be by a simple, transparent and open process, where the costs are born by the Crown. Where a complaint is shown to be 'frivolous or vexatious' then substantial penalties should apply to the complainant.

CONCLUSION

The protection and preservation of Australia's democratic traditions demands nothing less than the implementation, urgently of the above recommended detailed measures to firstly cleanse the electoral roll and secondly to ensure that both electoral fraud and voting fraud become a shameful aberration of the past.

Finally it is extraordinary, that all of the examples quoted above (and many more which exist) could have occurred under the aegis of the AEC over so many years. It is imperative and therefore it is further RECOMMENDED that some form of judicial inquiry is established to review the performance, direction, structure and control of the AEC and to make recommendations for changes to ensure that, for the future, the AEC is optimally effective and has demonstrable total integrity.

Denis J Whitely
Executive Director
CNI - WA

25 March 2004

REFERENCES

- (1) McCrath, Dr. Amy OAM, "The Fraudging of Votes", H S Chapman Society
- (2) McGrath, Dr. Amy OAM, "Frauding of Elections", Towerhouse Publications
NOTE listed here would be the extract references identifying the illustrations on page 1.
- (3) Bottom, Bob, Fraudging of Votes, Introduction.
- (4) Op. Cit. "The Fraudging of Votes" page 126
- (5) Op. Cit. "The Fraudging of Votes" pages 185-6.
- (6) Op. Cit. "The Fraudging of Votes" page 125. See also Update November 2001, H S Chapman Society for further details of this and similar serious happenings in the Victorian State seat of Ballarat South in the 1988 Victorian State election and in the Commonwealth Election Division of Fisher in the 1987 Federal election.;
- (7) Op. Cit. "Frauding of Elections", The origin of the Queensland Election Scandals 1997-2001, pages 90-98. Senator Baume in Gilmore Electorate, south coast NSW 1993 election, page 73. Queensland State seat of Mudginburra, 1995 election, page 74. Richmond electorate, NSW 1990 federal election, pages 74-75.
- (8) Government Response to the report of the Joint Standing Committee on Electoral Matters: The 2001 Federal Election. Response to Recommendation 1 and 2 - In each case the identification procedures do not go far enough.
- (9) Roads and Traffic Authority of New South Wales, "How to prove who you are to the RTA" Reproduced and appended to this submission.