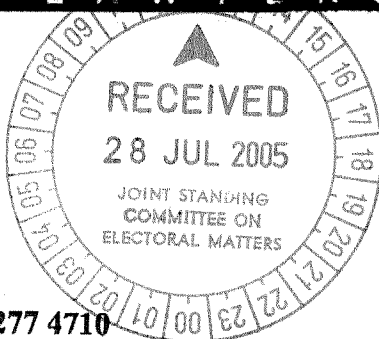


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**ELLIOTT & SOCHACKI** SUBMISSION 173  
**LAWYERS**

Our Ref: Andrew Sochacki: gm

28 July, 2005



Joint Standing Committee on Electoral Matters	
Submission No.	173
Date Received	28/7/05
Secretary	SD

**AND BY FACSIMILE: 6277 4710**  
**ATTENTION: MR STEVE DYER**  
Inquiry Secretary  
Parliament of Australia  
Joint Standing Committee on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

Dear Sir,

**RE: ENQUIRY INTO THE 2004 FEDERAL ELECTION  
JOINT STANDING COMMITTEE ON ELECTORAL MATTERS  
HEARING AT TWEED HEADS  
HELD ON 7 JULY 2005  
EVIDENCE AND SUBMISSIONS MADE BY MR ANDREW N.  
SOCHACKI, CHAIRMAN - RICHMOND ELECTORATE COUNCIL FOR  
AND ON BEHALF OF THE NATIONALS**

Thank you for your letter of 22<sup>nd</sup> instant received 27<sup>th</sup> instant annexed to which was the Transcript.

I have perused the Transcript and it appears to be in order.

As previously promised and as you have requested **enclosed** please find is my previously prepared but only partly delivered at the enquiry, submission vis a vis the issues affecting the Federal Division of Richmond and perhaps indirectly the whole of Australia.

The submission consists of six (6) pages together with some statistics pertaining to the Federal Division of Richmond and the Federal Division of Page.

Should you have any questions about my complete written submission, please do not hesitate and contact me in due course.

Sincerely Yours,

**Andrew N. Sochacki**

PERSONALISED PROFESSIONAL COMMITMENT

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## **FEDERAL Campaign 2004**

The underlying theme is that I wish to see the integrity of the voting system not undermined by people looking to exploit weaknesses of available options in the system.

However before I move to these issues I would like to take a few moments to acknowledge the fact that we have an independent organisation administering the processes of election, that is, the Australian Electoral Commission.

I think that it is paramount that the government provide the AEC with a framework where they are, as best possible, beyond question in respect to the voting and election system integrity.

The focus of my representation today will be focused on two specific areas as well as some general comments. The specific areas are as follows:

1. Liberals for Forests
2. Ability to abuse the electoral system by Provisional voting
3. General issues.

### **“Liberals for Forests”**

By way of history, in 1999 NSW state election we had the infamous ‘table cloth’ for the upper house voting ticket. This saw over 60 parties being registered and running for positions in the upper house. As a result of that one group was elected with a vote as I understand it of less than 1%. What occurred at this election attacked the proposition of informed voters making informed decisions.

This circumstance was confusing at the ballot box and as such acknowledged by the NSW State government by way of moving to tighten the registration rules that apply to political parties. I note here that the Federal party registration system still stands today at only requiring either one member of parliament or 500 people to be members of a political party with an acceptable constitution. This is less than what is now required in NSW to register a State party which requires at least 750 people.

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At the 2004 general federal election we saw Liberals for Forests running in mostly Nationals seats. These seats were all Nationals, I think, except two (2) Liberal seats.

Add to this the fact that the How-to-Vote cards that they produced were designed in a way that looked similar to either The Nationals How-to-vote or the Liberals How-to-vote. The branding that was supplied at polling booths, namely such things as the T-shirts that were worn by the booth workers, had on them Liberals across the chest area in very large type and the words 'for forests' was in very small type. This branding in my opinion was designed, like the How-to-vote to make it unclear as to whether the voters were voting for Liberals or for Liberals for Forests.

In fact following the election a reasonable number of people called either the Campaign office or the then sitting member's office to say they were confused when they voted and thought they in fact were voting for the Liberals when if you followed the preference ticket their vote ended up with Labor.

To add to this from my conversations with booth workers and my experience, the Liberals for Forests workers were saying "Vote Liberal".

It is an interesting point that as far as I am aware all the booth workers in Richmond were backpackers from other countries and were neither citizens or in anyway eligible to vote. Having people on handing out How-to-Votes to assist voters who are not eligible voters themselves just doesn't seem appropriate to me.

It is my understanding that many of these workers were on tourist visa's that did not allow them to work while in Australia, but were actually being paid for their time on the booths. The people organising these workers would have known that the time it would have taken to get immigration involved in this was too long to get anything done.

I undertook some research following the election and found that while the Electoral Act now prevents the registration of unaffiliated parties using names of other parties in these names, it still does nothing to address those that registered before that time.

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I think having seen what I saw at the last election, allowing parties who are not affiliated using parts of another parties name is distorting and inappropriately affecting voters when they vote, especially older voters but young voters as well, or at the very least making in unnecessarily confusing for these voters, and should be addressed before the next election.

Our campaign office did receive a number of letters from people who said they had been deceived. And with Liberals for Forests receiving some 1417 votes in Richmond, without such deception of the voters the result may well have been different.

It is worth noting that while I can talk about the Richmond campaign from being involved directly in it, I note that the Liberals for forests workers undertook similar tactics in Page and there they received some 2,155 votes and although this did not end up being a tight seat, the point is the integrity of the system should not be open to question.

(Note here that in regard to the party name registration the Australian Democrats registered before the Christian Democrats and as the Australian Democrats referred to themselves as the Democrats, this naming arrangement made it confusing for them as well as the Liberals.

Note the bar is only 500 federally yet it is 750 in NSW, 500 in QLD, 500 in WA and I think 500 in Victoria. It's ludicrous to have such a low bar for registration federally, and as more and more groups work out as they did in NSW that by registering a political party they can influence vote movement, I am worried that the Senate may very well see a tablecloth like the one we saw in NSW in 1999)

### **Provisional Voting**

It is my understanding that at the moment the rules surrounding provisional voting would allow for an unscrupulous person to enrol today in a seat, a marginal seat such as Richmond, by picking an address at random, get a compliant witness to sign their form, never actually live in the seat, be removed from the roll by the AEC for failing to respond to correspondence, and so long as they do not enrol in another seat, come election time they can do a declaration



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vote, that is a provisional vote, and have their vote counted in the seat of say Richmond.

Now while this is a practice that is illegal and unethical, and I am certain not one that is undertaken by any large numbers of people, it concerns me nonetheless that the ability to do this remains. Especially when Marginal seats come down to a handful of votes determining that outcome.

I am not aware of the investigation undertaken by the AEC in Richmond, nor am I aware of how extensive this investigation was, yet I remain seriously concerned that such a practice can provide potential to occur. As far as I see it, it is the responsibility of the voter to ensure they are enrolled to vote where they live and it is not appropriate that once the AEC has taken somebody off the roll due to failing to respond to the AEC's requests to verify their residence, that they can simply be put back on the roll and counted as a vote.

Let me be clear, I do believe everybody has the right to vote, and this right should not be impinged on, but it is the responsibility of the voter to ensure their details are in order. It is fair that the AEC should be expected to take steps to assist the process of keeping people on the roll, but to leave the system open to the potential abuse I outlined above attacks the very heart of the integrity of our voting system.

Provisional voting should be removed as it stands, and in its place we need to get people better informed of their need to keep their details in order.

The numbers of provisional votes were high in the Richmond area, certainly higher than they were in the year before. There were some 711 formal provisional votes in Richmond in 2004. Now if any of these were unscrupulous voters as outlined above, maybe we would have been looking at a different result.

(Three points to remember:

1. People have the responsibility to keep their details up to date
2. The AEC does regular advertising to get people to get their details up to date, but maybe more can be done here

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3. There is a gap between the time when the election is announced and when the rolls close and there is ample time and opportunity for people to check and this is something they should do.

It is not about disenfranchising voters, but about tightening up the potential loop-holes.)

(It is interesting to note that in Richmond when there is a close contest, as there was in 1998 and in 2004 the numbers of provisional votes increase.)

### **General Issues**

I am sure you have already heard evidence from many others in respect to the handling of postal vote applications and the distribution of the actual postal votes. I know we had people who just two days before polling day had not received their postal votes even though they had sent in their applications some weeks before. What ever system was used last election should never be used again. The reason I state this is because it was not a small number of people that were effected by not getting their votes, but rather I was advised by campaign staff that it was in the small hundreds. Importantly older voters should have confidence in the system where they send off their applications and they get their votes. I am not one who believes that Australia Post loses large numbers of things posted. As a matter of fact I believe that this percentage would be quite small. In 25 years in Richmond I had lost only one article in the post.

Another issue was that of the materials being handed out on polling booths that were not authorised and contained factually incorrect information. At one booth, the Alstonville Booth, materials were being handed out by an individual, and the Returning officer was unable to get into contact with the officer-in-charge of the booth for some time. This meant that for well over two hours this material continued to be handed out to voters despite it not being in the right format.

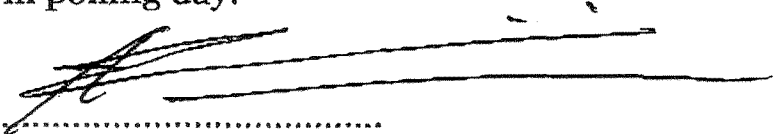
(This situation was where some people were handing "Larry is a war criminal" material that was not authorised at the Alstonville polling booth. It was not authorised but it took some hours to get it removed due to an officer-in-charge not being aware of the rules and the Returning officer not being able to be contacted.)

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Now this says nothing about the fact that the materials being handed out were factually incorrect. I am not sure how this is addressed, but it is difficult on a Saturday to get legal action begun to stop the dissemination of such materials, when they could affect the outcome of an election. Maybe there can be a greater role for the AEC, or maybe what can be done as is done in other jurisdictions, where only registered materials can be handed out on polling day and registered materials must be lodged at least a week out from polling day.



.....  
Andrew N. Sochacki  
Chairman Richmond Electorate Council  
The Nationals  
7<sup>th</sup> July 2005



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**Richmond****FIRST PREFERENCE RESULTS**

Polling Places Returned: 61 of 61 Votes Counted: 94.68% Enrolled: 86,361

Candidate	Party	Votes	%	Swing (%)
LEES, Craig	Family First	1,626	2.06	+2.06
JEFFERYS, Dean	Nuclear Disarmament Party of Australia	341	0.43	+0.43
WATT, Allan	Ex-Service, Service & Veterans Party	617	0.78	+0.78
TYLER, Fiona	liberals for forests	1,417	1.80	+1.80
FLOWER, Susanna	The Greens	9,751	12.37	+2.31
WINTON-BROWN, Timothy	Australian Democrats	913	1.16	-1.71
ELLIOT, Justine <span style="border: 1px solid black; padding: 2px;">ELECTED</span>	Australian Labor Party	28,059	35.60	+1.60
ANTHONY, Larry	Nationals	36,095	45.79	+1.04
.....	Non-Custodial Parents Party	0	0.00	-0.12
.....	Help End Marijuana Prohibition	0	0.00	-1.27
.....	Pauline Hanson's One Nation	0	0.00	-4.15
.....	Other	0	0.00	-2.78
FORMAL		78,819	96.39	+1.74
INFORMAL		2,951	3.61	-1.74
TOTAL		81,770	94.68	

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Candidate	Party	Votes	%	Swing (%)
GRIFFITHS, Angela	Citizens Electoral Council	839	1.08	+0.93
MATEER, Chris	Outdoor Recreation Party	1,225	1.58	+1.58
JACKSON, Mark	The Greens	8,399	10.82	+3.62
BEHN, Doug		1,216	1.57	+0.72
CAUSLEY, Ian <span style="border: 1px solid black; padding: 2px;">ELECTED</span>	Nationals	37,637	48.48	+6.63
FLANAGAN, Tom	Socialist Alliance	460	0.59	+0.59
BELL, Kevin	Australian Labor Party	25,702	33.11	+4.11
ANDERSON, Belinda	liberals for forests	2,155	2.78	+2.78
.....	Australian Democrats	0	0.00	-2.70
.....	Help End Marijuana Prohibition	0	0.00	-1.71
.....	Christian Democratic Party (Fred Nile Group)	0	0.00	-1.80
.....	Pauline Hanson's One Nation	0	0.00	-5.42
.....	Other	0	0.00	-9.33
FORMAL		77,633	95.77	+1.09
INFORMAL		3,427	4.23	-1.09
TOTAL		81,060	95.34	