



## PAUL CUMMINS, SOLICITOR

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The Commonwealth Parliament's Joint  
Standing Committee on Electoral Matters  
Parliament House  
CANBERRA A.C.T. 2600

Dear Sirs/Madammes,

RE: CURRENT AUSTRALIAN ELECTORAL COMMISSION'S POLICY OF NOT  
ALLOWING A PERSON TO LOOK UP THE AUSTRALIAN ELECTORAL ROLL TO FIND  
THE NAME AND ADDRESS OF A PERSON ENROLLED ON THE ROLL OTHER THAN  
THE PERSON WHO IS LOOKING UP OWN NAME AND ADDRESS

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I was most upset that the Australian Electoral Commission will not allow a person who is looking up the Australian Electoral Roll to find the name and address of any other person on the Roll other than him or herself.

As a result of this policy which was introduced by the former A.L.P. Federal Government, I have had to close down my Investigation Company and its business in early 2013 which relied at lot upon finding people for my clients to take legal proceedings against those persons or to distribute the proceeds of a

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deceased estate besides allowing me to look up lost relatives and friends who had moved addresses in order to contact them for numerous reasons.

### **Missing beneficiaries of deceased estates**

Further, the current policy has had very disastrous effects on my legal practice in deceased estate matters as the **Succession Act (N.S.W.)** (which came into effect on 1 March 2012) made it law that if a person who died without any immediate issue then the other specified more distant relatives of the deceased share in the estate.

However, often the relative might be a distant aunt or uncle or cousin whom the deceased had no contact in many years and moved addresses often inter State or overseas and it was necessary for me and other solicitors or our agents such as licensed inquiry agents or legal process agents to look up the Australian Electoral Roll to find the addresses of these persons or persons who might know their present whereabouts so that they can share in the distribution of the estate.

Now that this very important means of tracing missing persons which has existed for **many decades** can no longer be used to tracing legal beneficiaries of estates which may result in legitimate beneficiaries of a deceased estate being not able to benefiting from their proper legal claims to the estate through no fault of their own but because the Government has a policy to make it very expensive with much more red tape and wasted time to achieve the same ends.

### **Missing defaulting debtors, especially with moneys owing to small businesses in Australia and others from overseas**

Further, I am not able to trace debtors particularly those who deliberately move address or change their names or have aliases now that I or my agents cannot make a search of these debtors or a search persons who may know their present whereabouts. This results in the loss of recovery of legal debts by individuals and more particularly persons or companies particularly in hundreds of thousands of small businesses in Australia and overseas business

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clients (most of whom such as the U.S.A. have much more lenient access by licensed investigators to U.S.A. public records. President Calvin Coolidge, the former President of the U.S.A. said, "The business of Government is business."

**Missing vital witnesses in negligence claims, compensation claims, criminal cases etc.**

Further, I cannot find witnesses in Court cases such as workers compensation claims, negligence claims for damages and many other legitimate areas of the law which causes me to advise people with legitimate claims to not proceed with the claim as they did not have sufficient corroborative evidence particularly from independent persons who may have witnessed particular incidents.

**Huge costs of trying to trace persons with more red tape without the previous cheaper and easy method of tracing them through the Australian Electoral Roll**

The enormous costs of tracing people other than by tracing them on electoral rolls has caused clients' huge costs and more red tape. Other methods are far too costly. Using the telephone directories to trace persons throughout Australia is costly and often persons answering certain telephone numbers pretend not to be or know of the person one is tracing. Searching persons on the Purchasers' Index at the Land Titles Office only relates to Torrens Title properties and may require land title searches in each State and Territory of Australia which costs at least \$50 each.

I understood the Liberal Coalition Governments supported small businesses yet this lack of support for small businesses is outrageous.

I would like you to advise me why the present Coalition Government has not advocated a change in the policy and reverted to the previous procedures which have been in place at least since I was an Assistant Clerk in the Court of Petty Sessions, Parramatta in 1960.



**Present Policy Attracts Unscrupulous Investigators to Corrupt Public Officials by offering Bribes to find Addresses of Missing Persons through Means other than the Australian Electoral Roll**

I recall when I first started learning law aged 18 years as an Assistant Clerk in the Court of Petty Sessions, Parramatta even with access to the Electoral Roll there were many unscrupulous investigators who bribed N.S.W. Police to get addresses of missing persons from motor vehicle licences and other means which in many occasions resulted in the investigator to lose his licence and the Police officer to be dismissed from the N.S.W. Police Force and both charged with criminal offences. This regularly occurred for many decades

**Present Policy has caused my investigation business, Cummins Investigations Pty. Ltd. to close down in January 2013 resulting in loss of jobs associated with that business.**

I am amazed that the Coalition Government by allowing this situation to continue has caused many debt collection agencies to cease business, has added huge costs of pursuing alternative expensive methods of tracing persons to find them and so much more red tape in business which is completely unnecessary when the Coalition Government prior to the last election stated that it was going to cut red tape. The present situation is red tape at its worst costing thousands of dollars for small business and others to pursue their legal and legitimate claims.

A senior officer of the Australian Electoral Commission advised me that the reason for the current policy was that the Australian Electoral Roll was only for the purposes of elections and was not to be used for other things like tracing debtors.

I do not agree with this view particularly as there is a very long history of persons looking up the electoral roll for other legitimate purposes.

I was formerly a senior Commonwealth public servant in the Secretariat of two Commonwealth Departments in Canberra for a number of years for two Liberal



Federal Ministers and I cannot see why a Coalition Government would not change the above policy back to what it was under previous Coalition Governments.

### **Need to Get the Correct Balance Right between Legitimate Legal Claims and Privacy Issues**

I have noticed that my clients and I have tried to get reasonable replies from various public institutions for clients for various legitimate reasons but have been denied information on the ground of privacy overriding the rights of my client and "public policy". This has resulted in my clients having to take action in the Supreme Court of N.S.W. with a filing fee of \$999.00 to find legitimate information relating to my client's rights by having to subpoena that information from at least seven different authorities and persons and get a Court order made. This involves drafting legal documents and having at least a competent solicitor to appear in Court and payment of expensive legal fees such as a current case I have to find out the address of a person in Pakistan who is falsely alleged to be the new wife of the murdered ex-husband of my Australian born former wife so that my client can take action for herself and the two children of the former marriage to obtain the proceeds of the estate. False information has been given to the Moslem funeral director in Australia by a brother of the deceased. The brother and his wife entered Australia on a false Australian passports and have been on Department of Human Resources payments for about 18 years even though the brother has driven a taxi cab in Sydney. How do they get \$750.000 mortgage loans from the Westpac Indian bank manager? Why are hundreds of thousands of dollars pass through the husband and wife's bank accounts? Documents to support this have been subpoenaed in the Family Court of Australia and investigated before the body of the former husband was found in a shallow grave.

**Decades ago a previous N.S.W. Supreme Court Justice, Mr. Justice Roden headed an official inquiry in respect of whether N.S.W. licensed private inquiry agents should have access to certain public records (such as the then Commonwealth Department of Social Security payments to pensioners) to**

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**the same extent as happens in the U.S.A. He refused to allow access apparently on the basis that they could not be trusted.** If you are old enough you will recall that about this time such “colourful identities” as the late Tim Bristow held a N.S.W. private inquiry agent’s licence.

**However I submit that a practicing solicitor should be allowed by law to make inquiries on the Australian Electoral Commission Roll if the solicitor has a legitimate reason to make the inquiry such as set for those items indicated above in order to cut down costs, red tape, wasted time in making searches and huge costs.**

One could put a restriction on the solicitor by having the solicitor have a signed letter on the solicitor’s letter head addressed to and given to the Australian Electoral Commission stating the reasons for the search and that the search is necessary for legitimate legal claims in respect of say a valid legal debt, or finding out the addresses of named beneficiaries of a deceased estate or searching for a named witness in a legitimate legal action such as a traffic accident negligence claim or a criminal matter to protect the legal and legitimate interests of the defendant or the plaintiff etc. The A.E.C. keeps the letter and the solicitor is obliged to keep a copy of the letter.

**If the solicitor abuses the system he can be subject to the sanctions outlined in the Legal Profession Acts in each State and Territory such as fines etc and even being struck off the roll of legal practitioners.**

I held a N.S.W. Private Inquiry Agent’s licence and a N.S.W. Commercial Sub-Agent’s licence for decades in the past even when practicing as a solicitor

I look forward to your early reply.

Yours faithfully,

Paul Cummins, Solicitor

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