

SUBMISSION

INQUIRY INTO ALL ASPECTS OF THE CONDUCT OF THE 2013 FEDERAL ELECTION

This submission is prepared by the following organisations to
the Joint Standing Committee on Electoral Matters

women's legal
service victoria



Centre for Rural Regional
Law and Justice



Women with disabilities victoria
empowering women



Peninsula Community
Legal Centre Inc





EMMA HOUSE
DOMESTIC VIOLENCE
SERVICES INC

6 March 2014

The Hon Mr Tony Smith MP
Chairperson
Joint Standing Committee on Electoral Matters
Parliament House
ACT 2600

By email: em@aph.gov.au

Dear Mr Smith

Introduction

This submission is made on behalf of an alliance of peak bodies, community legal centres and research bodies that work in the areas of family violence and stranger stalking in Victoria.

Protecting the privacy and safety of silent electors

The purpose of our submission is to highlight the current gaps in the electoral system that put at risk the privacy and safety of silent electors.

Our recommendation to the Committee is that reform is required to ensure that a silent elector's division is not displayed on a publicly available electoral roll.

Context

This submission has arisen in the context of concerns held by our organisations that victims of family violence and stranger stalking are vulnerable to having their residential addresses identified from the electoral roll, despite being registered as silent electors.

Currently, silent electors must satisfy the Australian Electoral Commission (AEC) that having their address on the electoral roll would put themselves or their family at risk.

These privacy protections are essential for the safety of victims of family violence and stranger stalking. Silent elector provisions play an important role in assisting women and their children to stay safe, particularly where they have fled violent home situations and relocated to a location unknown to the perpetrator.

It is important to provide some explanation of the characteristics of stalking to appreciate the danger that victims are placed in when they leave a violent relationship and are forced to relocate.

Stalking includes behaviour such as following, threatening, harassing and monitoring a victim, in a way that intimidates them and causes them fear. In the context of family violence, this conduct is part of the dominant and controlling behaviour exercised in the relationship. Women are often most at risk immediately after leaving a violent relationship, and it is at this time that they will seek to be listed as a silent elector.

Issue

We understand from our enquiries with the AEC and the information available on its website that when a person is registered as a silent elector, their name and their division continues to be listed on the Commonwealth electoral roll.

In accordance with section 90A of the *Commonwealth Electoral Act 1918*, a copy of the roll is available for public inspection without fee.

The AEC advises that the roll may only be inspected by members of the public for the purpose of checking a person's own enrolment details or to object to the enrolment of another elector. An AEC staff member makes the determination as to whether a person may search the roll.

We have concerns that making the division of a silent elector publicly available puts at risk the safety of victims and their children. In particular, this risk is heightened for victims that live in regional areas of Australia.

The following case study (which is based on some of the cases that we have seen) illustrates how the current situation puts victims at risk:

Sarah has recently moved to country Victoria after years of physical and sexual violence by her ex-partner. She was living in Melbourne but the police advised her to move for her own safety. She has two children who now attend the local school and another child who attends child care. She works as a nurse at the local hospital.

Her ex-partner is released from jail, after serving a term of imprisonment for assault and drug offences. He is looking for her.

On attending the AEC office, he indicates he wishes to check his own details on the elector roll. He is given access to the roll and learns of the country electorate that Sarah now lives in.

From this information he is able to establish that she is likely to be working at the only hospital in the region. There are also three child care centres and eight schools in the area. He knows that if he spends time around the child care centres and the schools he will eventually be able to track down his children. More importantly, if he spends time around the local hospital he will be able to follow Sarah home.

This is a very real situation of danger for victims of family violence and stranger stalking. Perpetrators will go to extreme lengths and means to find victims. We have worked with women who have made enquiries with the AEC to protect their safety. Unfortunately the AEC is unable to address their concerns.

Recommendation 1

We recommend that only a silent elector's name and the wording "address suppressed" be publicly available on the Commonwealth electoral roll.

This is consistent with state and local rolls, where the words "address suppressed" are written next to the silent elector's name.

Recommendation 2

We recommend that there is a review of procedures regarding how details of silent electors at AEC offices are managed. We recommend that policies and procedures are developed to ensure that the privacy and safety of silent electors are at all times protected.

Conclusion

We wish you luck in finalising the Inquiry.

Yours sincerely

Signatory organisations

Women's Legal Service Victoria
Centre for Rural, Regional Law and Justice, Deakin University
National Rural Law & Justice Alliance
Women With Disabilities Victoria
Peninsula Community Legal Centre
Gippsland Community Legal Service
No To Violence, Male Family Violence Prevention Association
Domestic Violence Victoria
Domestic Violence Resource Centre Victoria
Emma House, Domestic Violence Services