

To the Joint Standing Committee on Electoral Matters  
Parliament House, Canberra ACT 2601, ph 02 6277 2374 [em@aph.gov.au](mailto:em@aph.gov.au)

Thank you for opportunity to make a Submission.

**BRIEF SUMMARY OF MY POINTS re CONDUCT OF THE 2013 FEDERAL ELECTION**

1 The changing of the election date to 7 September created extra costs and burdens on AEC staff. Elections on Fixed Dates would be cheaper and allow for better staff training.

2 Voters voting on election day are better informed than those voting up to 3 weeks earlier by Pre-Poll or Postal means. Please do measures to reverse the trend of huge increases in Pre-Poll and Postal votes, and to maximise the numbers of voters voting on election day.

3 The AEC lost ballot papers in WA. This has occurred many times before (appendix 6), and shows a serious lack of modern 'total quality management' practices by the AEC. We need an Electoral Ombudsman (see appendix 1 for Sydney M H Editorial supporting this).

The AEC should be abolished as an independent statutory agency and, as it was before 1983, it should simply be a department within the Public Service directly accountable to a Minister.

**BRIEF SUMMARY OF MY POINTS re MATTERS RELATED THERETO**

4 Vote frauds DO occur - I present evidence of four incidents I have seen. These real problems will continue until the CEAct is amended and the AEC suffers major reforms.

5 Require better identification of persons before they are admitted to the Electoral Roll. All Australians eligible to vote need to be able to have their names included on the Electoral Roll. However CEAct Sec 98AA(2)(c) makes it too easy, and enables easy false enrolments.

6 Restoration of SubDivision voting will improve AEC administration, reduce AEC costs, and reduce the potential for impersonation and voting in other people's names.

7 The processes to appeal to the Court of Disputed Returns are deficient.

Sec 361(1) of the CEAct is ridiculous in forbidding a Court from looking into the accuracy of the Electoral Roll, which has been produced under busy circumstances just before an election, and is likely to contain errors, either inadvertent or deliberate.

8 Centralisation of power to the Canberra Head Office and forming clusters of Divisional Offices is contrary to Section 32 of the CEAct which requires that each Divisional Returning Officer is fully accountable for what happens in his/her individual electorate.

9 Outsourcing the scanning of Electoral Rolls is contrary to the legislation, because such Rolls are out of range of inspection by Scrutineers. Sections 263 and 265 of the CEAct require that ALL proceedings should be open to scrutineers.

10 Computerisation is not the answer to various problems in running elections. Get the systems and procedures sorted out FIRST and THEN computerise them

11 Controversy is misplaced over Group Voting Tickets enabling 'micro' parties to get elected, because in ANY preferential system there will always be examples of "close shaves".

Yours Sincerely,

Alexander Cornell Stewart, 4:40 pm by email, Friday 11 April 2014

DETAILED SUBMISSION, of which the above is a brief summary:-

1 The changing at fairly short notice of the election date of 14 September (that had been announced in January) to an election date of 7 September created extra costs (e.g. in hiring halls) and organisational difficulties for AEC staff.

In this case halls that had been booked for 14 September were not available for 7 September due to for example having been booked for a wedding function etc, and the overworked AEC staff had to spend time to find another hall. Also the money paid for the hall on 14 September would be unlikely to be refunded, and the AEC then ends up having to pay for two halls. Furthermore staff (permanent or casual) who had arranged their schedules to be available on 14 September may not have been available on 7 September, requiring that extra staff be obtained at short notice. All of these disruptions thus limited the time available for training the large numbers of temporary staff, and the result must have been more errors and more costs later on.

Similar disruptions to training and organisation, with consequent increases in costs to the taxpayers, occur when a Prime Minister calls an early election.

I recommend that elections be held on Fixed Dates (as has already for example been enacted for NSW State elections). This would save money and allow for better training of AEC permanent and temporary staff.

Voters knowing many months or years in advance the exact date of the election would mean that we could have the cut-off date for inclusion of names onto the Electoral Roll far enough in advance of the election so that the AEC would have adequate time to give proper assessment to each application for a new enrolment or a transfer from one electorate to another. This would give a benefit in having accurate Electoral Rolls, rather than the current situation where the AEC does not have time to properly assess the huge flood of applications onto the Electoral Roll in the short period immediately before the election. This lack of proper assessment means that false enrolments could easily get through onto the Roll.

2 The numbers of Pre-Poll and Postal Votes continues to rise excessively and we should aim to maximise the numbers of people voting on the actual election day.

Here are Statistics on PrePoll and Postal votes in Western Australia:

Year 2001	77,303	6.8%
Year 2004	95,304	8.2%
Year 2007	122,601	10.0%
Year 2010	115,942	9.2%
Year 2013	167,890	11.5%
Year 2014	249,343	16.8%

Voters voting on election day are better informed than those voting up to 3 weeks earlier by Pre-Poll or Postal means. Therefore we will have a better democracy with more voters better-informed if steps would be taken to maximise the numbers of voters who vote on the actual election day. These steps include the AEC properly enforcing the legislation, education of the public, and legislative changes.

There are greater opportunities for fraud among postal votes, than among votes cast in person on election day, and postal votes should be limited to only those having the legitimate reasons as per the legislation, which has not been properly enforced by the AEC.

3 The loss of 1,375 Senate ballot papers in WA in my opinion was deliberate theft to procure a different outcome, because those 1,375 ballot papers had to go missing from less than 5% of the total ballot papers in order to procure a different outcome. Whether my opinion re theft is correct or not, the fact remains that loss of ballot papers and similar sloppy handling of ballot papers have happened many times before (see appendix six).

These things prove a longstanding and serious lack of modern 'total quality management' by the AEC. Most modern businesses have long ago introduced proper inventory control, quality control and training procedures in order to ensure consistent delivery of products, yet the AEC is still in the 'stone age' so-to-speak in regards to products and performance.

How is it that for example McDonald's can deliver exactly the same quality of hamburger in over 100 different countries of the world? The answer is in having proper procedures and training and 'total quality management' systems. Many modern businesses similarly deliver consistent products, because many businesses and even Government Departments have introduced management systems complying with International Standard ISO 9001.

The model introduced in 1983 of having the AEC as an independent statutory agency has proven to be a failed experiment (just look at the step change in the graph in appendix six - prior to 1983, elections were conducted by the Commonwealth Electoral Office, a public service department, answerable to a Minister).

One major reason for the longstanding poor management and procedures within the AEC in my view is that it has in practicality been almost unaccountable due to the clumsiness of the JSCEM review mechanism, and the lack of timeliness – its deliberations occur 6-12 months after the election. In the case of a public service department answerable to a Minister, accountability can occur within a day or two if questions are asked in Parliament, not 12 months later; I have worked in the public service 1977-89 and 1990-2000 and the immediacy of the accountability mechanism that occurs if a question can be asked of the Minister in Parliament within a day or two of the bureaucrat making a mistake acts as a powerful incentive for public servants to act in a professional, impartial and competent way. No such incentives exist for AEC employees and the Commissioner who can bluff and bluster his way through a JSCEM session, which occurs so long after the event that few people care about it.

The JSCEM members, even if they do possess competence, are very busy already with their own electorates and parliamentary business, and can give only limited time and attention to the submissions put to the JSCEM. Furthermore the members of the JSCEM are a 'revolving door', with a continual turnover of members – as soon as a member develops some expertise and understanding then often he/she is replaced by a novice with no background.

Few JSCEM members possess the competence in understanding modern management and quality control practices because so few MPs have ever managed a business or factory etc.

I recommend that we abolish the AEC and replace it with a public service department with the sorts of traditional accountabilities and professionalism so typical of the public service which (State and Federal) runs huge administrations such as hospitals, schools, drivers' licences etc. There are no differences in the sorts of paperwork and administrative tasks in handling drivers' licences, schools, etc as in those involved in running elections.

4 Vote frauds have occurred, and will continue unless the Commonwealth Electoral Act (CEAct) and the AEC are fixed.

I have personally seen vote frauds, and have read books and met people who have witnessed vote frauds. Of course those who benefit from vote frauds (some MPs and AEC officials)

have resorted to mockery instead of honestly evaluating both the claims of what has happened, and what COULD happen due to weaknesses in the CEAct.

I have personally seen vote frauds as follows:

4.1 Alasdair Webster lost Macquarie in 1993 by 164 votes due to deliberate vote frauds.

Details are in appendix two and at

[http://www.afhe.org.au/uploads/5/9/2/7/5927504/practical\\_example\\_of\\_injustice\\_alasdairwebster\\_macquarie-1993.pdf](http://www.afhe.org.au/uploads/5/9/2/7/5927504/practical_example_of_injustice_alasdairwebster_macquarie-1993.pdf)

I was his paid staffer in 1990 and maintain a friendship with him till this day. In 1993 I became familiar with the powerful evidence that company Auswide surveys had gathered from doorknocking 5% of the electorate; they discovered a lot of false enrolments, including people enrolled in vacant blocks of land. Also in that election the names of 175 Plymouth Brethren and 140 from another religious group who do not vote on religious grounds were found to have been crossed of the Electoral Roll – in other words, somebody had falsely voted using their names, and that is enabled by the abolition of Subdivision voting. If voters must vote in their own Subdivision, then a person voting in a false name is much more likely to be discovered. But in the case of allowing Division-wide voting then if the church group was based in (say) Katoomba, then the persons voting fraudulently in their names could go and vote a long way away at Richmond where nobody would be likely to recognise them.

The abolition of Subdivision voting needs to be called for what it is – a mechanism to enable impersonations and voting in other people's names.

4.2 In the Werriwa by-election in 2005 I observed a man who voted twice, as I described in the Statutory Declaration (appendix three).

I regard it as disingenuous for AEC officials with whom I raised this issue that they said that my Stat Dec does not prove that the man actually voted twice, because I was not present beside him when he actually put ballot papers in the ballot box. Well, why else would he (plus wife and children) be going into the first polling booth having taken a How-To-Vote leaflet other than for the purpose of voting?! And why would he (plus wife and children) be coming OUT OF another polling booth other than having voted?! It is extremely unlikely that he went into the second polling booth for a social visit!

4.3 The impersonation voting admitted by Sam Bargshoon

“Multiple voting” i.e. a person voting more than once in their own name, is not a large problem, however “impersonation voting” is a big problem.

The second half of my Stat Dec in appendix three describes a man “Mr X”. The reason I did not at that time (when I was in a hurry to lodge the Stat Dec with AEC et al) feel able to disclose his identity was that his wife had left him and gone to live with her parents as a result of threats and intimidation.

Sam Bargshoon, who had been a member of the ALP for many years, lodged his nomination to be an independent candidate in the by-election for Werriwa shortly before the midday Thursday deadline. At about 1pm he discovered that his car tyres had been slashed and his car was undriveable. When he got home he found that his wife had gone to live with her parents, having been harassed and threatened by several persons throwing eggs at their home.

Sam Bargshoon told me on the Tuesday after the election that he had, as a member of the ALP, actively participated in multiple voting as instructed by persons in the ALP's Sussex Street HQ. Because that information is so important, I included it in my Statutory Declaration, the first half of which describes the incident of multiple voting described above.

I did not want to mention his name until I had his permission, because he was trying to get his wife to come back home, and I did not want to trigger any further incidents of harassment and intimidation. As I did not have his mobile telephone number, it took me many weeks until I could find time to drive the long distance from my home to his to ask his permission, which he gave. I also asked him if he would be willing to testify at the JSCEM hearing in Canberra, and he agreed to do that.

I attempted to arrange with JSCEM secretariat staff in Canberra and with Scott Morrison's staff for Sam Bargshoon to give testimony. I made many attempts by telephone and by letter, but encountered what can be described at best as indifference and at worst as hostility.

The result was that Sam Bargshoon did not appear, and people like Sen Faulkner continue to claim that there is no evidence of vote frauds.

Readers of this submission might be tempted to brush aside what I have written as hearsay, not evidence. OK, then let us call Sam Bargshoon to testify at JSCEM (but we had better first provide Sam and his wife with Police protection or a security guard, because Amy McGrath has described in her books numerous incidents whereby other people who wanted to give testimony against vote fraudsters were subjected to threats and intimidations).

Sam Bargshoon would tell that he plus a group of others did do impersonation voting according to a list of false enrolment names provided to him by ALP Sussex Street HQ, and that he did this at many elections, and was never discovered. The extent of the vote frauds with which he was involved amounted to about 700 false votes per electorate. (At \$2.48 per lower house vote and \$2.48 per upper house vote, that amounts to about \$3,500 per electorate, and IF done across all 150 electorates, would mean an extra \$525,000 income)

#### 4.4 The theft of ballot papers that I discovered in Benelong in 2007

The WA senate ballot papers vanishing is not unusual. This sort of thing has happened many times before. I have long said that the easiest form of vote fraud is that a bundle of votes gets stolen during counting by a corrupt AEC officer.

I was the only Liberal Party scrutineer at the third largest polling booth, Epping West, in Prime Minister Howard's electorate of Benelong at the 2007 federal election.

I produced two Statutory Declarations, a four-page version giving lots of details, and a two-page version, more easily readable by persons less experienced in scrutineering. I attach the two-page version as appendix four, and can provide the four-page version on request.

This polling booth had an officer in charge (OIC) who I concluded was clearly sympathetic to the ALP, based on what he and I discussed in a friendly manner during the afternoon; (he had for years been involved in the Teachers' Federation, and after retirement was working in a lucrative contract advising the Sydney Water Board. From my long experience in the Public Service, I know that those sorts of contracts are awarded not by tender but to mates of the Gov't which was then ALP). I have not included any of those discussions in the Stat Decs, which are strictly matters of observations and facts.

I do document in the Stat Decs that this polling booth had a very unusual situation that (except for the 2i/c kept busy with the declaration table and the OIC) ALL of the other staff had never done this sort of work before, and ALL were aged between 18 and 22.

What this means (and it is not in the Stat Dec) is that none of them had any experience to act as a restraint on the OIC if he did wish to do something wrong.

At this polling booth, I proved beyond doubt that:

- 3,401 Senate ballot papers were handed out during the day
- 3,401 House of Reps ballot papers were handed out during the day

- 3,401 Senate ballot papers were present at the end of the counting at night
- 3,200 House of Reps ballot papers were present at the end of the counting at night
- The OIC telephoned through the HoReps numbers and they added up to 3,200.
- When I asked the OIC about the disparity, he said, “We won’t worry about that”.

I provided my Statutory Declarations to the AEC and to the NSW State Director of the Liberal Party, but obtained no interest whatsoever for investigation of the anomalies that I had proved. It was only the case that the PM had lost his seat by a narrow margin!!

I cannot prove of course that those 201 ballot papers that had vanished were all for the Prime Minister John Howard, but, granted the strongly pro-ALP view of the OIC of that booth, that is likely the case in my view.

This polling booth, based on the votes totalling 3,200, had a strong swing away from the PM, and if these 201 had have been included as votes for him then he actually won that booth.

I can also say that if that sort of thing happened at only a few other of the 47 polling booths in Benelong then the PM did not lose his seat, but only lost his seat due to vote frauds.

What I did document beyond reasonable doubt was that 201 ballot papers had vanished during the day in a polling booth at all times under the supervision of the OIC.

I did not think the next logical question as to ‘where did the 201 ballot papers go?’

When I told this incident to a friend of mine who had retired after a career of criminal investigations in the Customs and Excise Department, he asked me the question, “*Where do you think the missing 201 votes went? Do you think the OIC would risk hiding them in the boot of his car and then he might be detected and jailed?*”

Until after the election I did not know that this friend of mine (who understands the ways in which criminal minds work, and who understands bureaucratic systems and the ways the AEC works) had predicted in advance of the election that the PM would lose his seat because some of his ballot papers would vanish, and would be disposed of by being stored among the ballot papers for an adjacent safe Liberal seat. It is an old trick, and he suggested that that was the real reason that the AEC (in violation of its own legislation) had combined the offices of four electorates into one office at Chatswood. Those missing 201 votes from Epping West would not have gone in the boot of the OIC’s car, but would have been hidden among the various bundles of papers being sent back from the Epping West polling booth to Chatswood combined office where somebody else, another corrupt employee of the AEC, would have shunted the missing 201 votes from Benelong to be buried among the votes for (say) Berowra, a hugely safe Liberal seat, where they would be secure because nobody would ever dream of challenging the Berowra result in the Court of Disputed Returns.

##### 5 Require better identification of persons before they are admitted to the Electoral Roll.

We should encourage all Australians eligible to vote to get their names put on the Electoral Roll. However CEAct Sec 98AA(2)(c) makes it too easy, and enables easy false enrolments.

Once a corrupt person has two false enrolments on the Roll then many more false enrolments can easily be put on the Roll, especially in the very busy period just before the Rolls close shortly before an election. Or false enrolments established a while ago can be transferred from a ‘safe’ seat to a marginal seat in the short period immediately before an election.

Section 4.1 above describes the situation in Macquarie in 1993 whereby doorknocking of less than 5% of the electorate revealed more than 166 false enrolments – voters allegedly living in vacant blocks of land, and staff of an MP in another electorate pretending to live in Macquarie etc. That was a random sample, and we may presume that approximately twenty times that amount, or about 3,000 false or wrong enrolments were on the Electoral Roll.

I present as appendix five a photo of the results of doorknocking of much less than 10% of the Kingsford-Smith electorate conducted by a person I have known for several years. He doorknocked during the early months of year 2013, and found over 500 names of persons who did not live at the address, and another 1,500 names as “must unlikely to be genuine”. This means that out of an enrolment of about 100,000 voters, there certainly were 500 false or wrong enrolments and on a pro rata basis in the whole electorate there were perhaps as many as 5,000. On election day 94,223 votes (formal plus informal) were recorded.

This is a disgraceful state of the Electoral Roll in the leadup to an election, yet the AEC were not willing to fix it.

He spoke to many officials of the AEC including the Divisional Returning Officer of Kingsford-Smith. They were not prepared to do anything to fix up the Electoral Roll even after its faults had been pointed out many months in advance of the election with plenty of time before things became really busy. Unless he would pay \$2 per allegedly wrong name, the AEC officials were not prepared to lift a finger. That would have meant that this retiree who was only attempting to be of assistance would have had to pay \$1,000 before the AEC would begin investigating the ones he was certain were false, and \$4,000 before the AEC would begin investigating the whole lot over which he had raised questions. It seems that he would get his \$2 back much later on if his information proved to be correct.

In the meantime the election was held, with at least 500 and possibly as many as 5,000 wrong names on the Electoral Roll for Kingsford-Smith. The ALP won the seat by 4,719 votes on a two-party preferred basis.

Even homeless persons and Aboriginals in remote areas almost always have a Medicare or a Centrelink card so section 98AA (3) as it stands now should be deleted, and a new section should require that some form of identification be provided, including things like a Medicare or Centrelink card.

#### 6 Restoration of SubDivision voting will improve administration within the AEC, and reduce the potential for impersonation and voting in other people's names.

The change from requiring a voter to vote in his/her own local Subdivision to allowing a vote to be cast anywhere within the Division was an invention of the AEC, and did not go to Parliament in December 1983 among other amendments. The AEC was actually illegal in introducing Division-wide voting, and the CEAct is still based on Subdivisions.

Having much smaller subdivision rolls at each polling booth instead of the full electoral Roll for the whole electorate makes work in the polling booth easier, and less prone to error.

It is also easier between elections to update a subdivision roll than the full Roll.

When I voted about six years ago in the Gosford City Council election, I was required to vote in my local subdivision (or Ward or whatever it was called); I was pleasantly surprised that this local Government election still required subdivision voting. It can be done. It was done federally, and should be done again.

Subdivision voting reduces the scope for persons to vote in somebody else's name, because it is more likely that such a person may be recognised in their own locality.

#### 7 The processes to appeal an election to the Court of Disputed Returns are deficient.

The timeframe of only 40 days within which to prepare evidence is rather tight (e.g. refer to appendix two for an example and the extra explanatory information on [www.afhe.org.au](http://www.afhe.org.au)).

There is also an inherent unfairness in that Sec 361(1) of the CEAct forbids any Court, even the highest Court in the land, from looking into the accuracy of the Electoral Roll, which has in reality been produced under busy circumstances just before an election, and it is likely to be full of errors, both inadvertent and deliberate.

Sections 4.1 and 5 above describe situations where it was proven that hundreds of false enrolments existed on an electoral Roll being used for an election.

Even if it becomes manifest after an election that false enrolments have been made, then, if the High Court cannot look at an Electoral Roll, and if attempts by ordinary citizens are thwarted by them needing to pay \$2 per query up front, and if the AEC is sluggish in doing habitation reviews to check the accuracy of the Rolls, then WHO is policing the Electoral Roll?! The answer is nobody, and that means empowering and enabling false enrolments and phantom voters, who can change the result in an individual electorate.

8 Centralisation of power to the Canberra Head Office has been a bad thing in that it has diminished the historic, legislated and desirable role of the Divisional Returning Officers in each electorate being fully accountable for what happens in their individual electorates.

Amy McGrath told me that the Governor-General used to issue the writs for the elections to DROs for the first 80 years after federation. She expressed amazement that the G-G obeyed the AEC's suggestion that Writs be issued to the Electoral Commissioner. We should go back to the situation where the G-G issues writs to each Divisional Returning Officer, AND each DRO should be located in the electorate, and not be in clusters, otherwise each DRO cannot be fully responsible for all that happens in the electorate as is required by the legislation:-

### **COMMONWEALTH ELECTORAL ACT 1918 - SECT 32**

#### **Divisional Returning Officers**

(1) There shall be a [Divisional Returning Officer](#) for each [Division](#), who shall be charged with the duty of giving effect to this Act within or for the [Division](#) ...

The AEC began centralising by amalgamations from 1987. Its policy to co-locate divisional offices out of their localities to new locations was marketed as a cost-saving measure, but is contrary to the legislation.

Both parties in the JSCEM's of 1992, 1996 and 2003 opposed amalgamations.

All 150 Divisional Offices petitioned the then Minister of State, Sen Abetz. They were objecting to the AEC proceeding with amalgamations in defiance of the Minister.

On 7 November 2003 all 150 Divisional Offices went on strike for 3 hours in protest, and the Special Minister of State wrote to every DRO that no further action on amalgamations were to occur without consent of the Minister.

DROs wrote that amalgamations put the integrity of the electoral system in jeopardy, for many reasons including that the Divisional staff lose contact with the physical nature of their electorate and electors. They have a reduced capability to detect enrolment frauds via Roll reviews. They claim that they cannot manage elections as efficiently, e.g. supervision on polling day. DROs disagree that amalgamations would save money, pointing out at that time for example that the average rent of 23 Queensland offices was \$35,000, and that the rent of Q'ld Head Office with 4 Divisions was \$400,000 and West End cost \$400,000. Therefore it would be cheaper to move Qld Head Office than amalgamation Divisional Offices.



9 Outsourcing the scanning of Rolls for those who did not vote and those who did vote multiple times is actually contrary to the legislation, because such Rolls are out of range of inspection by Scrutineers. Sections 263 and 265 of the CEAct require that ALL proceedings should be open to scrutiny.

There is no authority in the legislation for the AEC to despatch lists to scanning centres.

### **COMMONWEALTH ELECTORAL ACT 1918 - SECT 265**

#### **Scrutiny, how conducted**

(1) The scrutiny shall be conducted as follows:

(c) All the proceedings at the scrutiny shall be open to the inspection of the scrutineers;

(2) During a scrutiny, the scrutineers must be allowed to inspect, in addition to the preference votes being counted in the scrutiny, any other ...

10 Computerisation is not the answer to various problems in running elections. From my wide experience in management, I have often said that a bad manual system will be a very bad computerised system, and a good manual system will be a very good computerised system.

My father, one of Australia's top businessmen, till his retirement in 1982 used to say:

*"A problem clearly defined is already half-solved"*

What is needed through the JSCEM is that problems with the CEAct and operations of the AEC need to be clearly defined, and be solved by fixing up the legislation and by major reforms of the management and procedures of the AEC. i.e. Get the systems and procedures correct FIRST and THEN computerise them.

11 Controversy is I believe misplaced over Group Voting Tickets enabling 'micro' parties to get elected, because in ANY preferential system there will always be examples of "close shaves".

Note that if you abolish GVTs and adopt optional preferential above the line voting for the Senate (as in NSW's Legislative Council elections) then this means exhausting of votes and the final senator could (as in NSW) be elected on less than one full quota.

Furthermore, to be consistent, then you should then also allow as formal the "Albert Langer" type of vote on the HoR ballot paper, whereby a voter who wants his vote to exhaust after his first few preferences can, for example, number a ballot paper of seven candidates

1,2,3,4,4,4,4.

Yours sincerely

Mr Alexander Cornell Stewart.