

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. AE15/049

Senator Smith asked the following written question from the 24 February and 27 March 2015 hearings:

1. At the Estimates hearing of 24 February 2015, Ms Close said that progress on finalising investigations generally "depends on what other matters we have before us at that particular point in time and prioritising those". She also indicated the AFP received quite a number of referrals relating to the 2013 election.

Have these referrals themselves been prioritized?

2. The allegations regarding Indi seem to include prima facie evidence that there was collusion amongst a number of people very close to the successful candidate.

Does this factor place the Indi matter at the top of the list of priorities for investigations into referrals by the AEC? If not, where is the Indi investigation listed in terms of priority?

3. Given that these events took place eighteen months ago, and there will be another election within the next eighteen months, does the AFP have the intention of completing the investigation and proceeding with prosecutions such that these matters are finalized in the courts in good time before the next federal election?
4. If the allegations as reported in the media are proven, and particularly if some level of organized fraud is established, this matter will almost certainly require the government of the day to examine the matter with a view to changing electoral enrolment and voting procedures. Is the AFP cognisant of this imperative?
5. Since the Indi investigation began, how many officers (and how many hours of their time, in total) have been assigned to it?
6. How many interviews (in total) have AFP officers conducted to date with possible suspects and other people relevant to the investigation?
7. Have any of the candidates for the seat of Indi at the 2013 election been interviewed?
8. There were 27 cases of improper enrolments referred to the AFP:
 - a. Is the investigation attempting to determine whether there were more instances than the 27? If not why not?
 - b. Have there been any further cases identified? If so, how many?
9. A person who deliberately enrolled in a Division improperly could be charged with the offence of making a false declaration. Yet if a number of people conspired to do this, other offences would have been committed. Is the AFP investigating this matter with the intent of proving that such conspiracy occurred, or is the investigation limited only to the referrals?

10. Has the investigation extended beyond the identification and examination of occurrences of false enrolment? Has it, for example, looked at the events surrounding the AEC's sudden discovery of 1,000 missing votes during the counting process?

The answer to the honourable senator's question is as follows:

1. The AFP takes all allegations of electoral crime seriously, particularly allegations of attempts to manipulate the outcome of an election. Allocation of resources to investigate these matters is balanced against other priorities at the time, which include investigations into organised crime, terrorism, serious fraud and corruption.
2. Please refer to question one.
3. The AFP works in a timely manner to progress all investigations within prioritisation parameters. Prosecution is informed by CDPP considerations and the Prosecution Policy of the Commonwealth.
4. Election processes are the remit of the Australian Electoral Commission. The AFP is on the record providing recommendations for electoral reform during the Senate Committee on Electoral Fraud dated 27 June 2011.
5. The matter was assigned to an investigations team in Melbourne. The general composition of an investigations team is 1 Team Leader and 8 investigators. The number of investigators assigned to a particular matter at any one time will vary, depending on the nature of the investigations undertaken. As at 24 February 2015, AFP investigators have spent a total of 767 hours on this investigation.
6. A number of people have been interviewed in relation to the 27 allegations. As this matter is currently under investigation it is not appropriate to comment further.
7. As this matter is under investigation it is not appropriate to comment.
8. During the course of an investigation the AFP will consider all Commonwealth offences. As this matter is under investigation it would not be appropriate to comment.
9. As this matter is under investigation it would not be appropriate to comment.
10. The AFP has not received a referral in relation to missing votes from the 2013 Federal election in Indi.