

RECEIVED

H. S. Chapman Society

Submission No: 19  
10 DEC 1999  
LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE



Hon. Henry Samuel Chapman  
(1803 - 1881)

The Research Director  
Legal, Constitutional, & Administrative Committee  
Parliament House, George St.  
BRISBANE QLD 4000

Dear Ms Newton,

The questions of the effect of the new electoral roll enrolment requirements of the Commonwealth Electoral Act, and report of the Queensland Electoral Commissioner, have been referred to me for comment. Due to the time frame, and the fact that some of my views are already available in Submissions to the Cth Joint Standing Committee on Electoral Matters and my books, it will be minimal.

*Defence Barrister for the  
Eureka rebels 1855.*

Certain facts are basic to this debate

- \* One electoral roll now exists for all levels of government - federal, state and local government.
- \* The foundation Cth roll was based on subdivisions, and the legal expression of that is still entrenched in the Cth Electoral Act. Subdivisional rolls were no longer printed from 1984 to facilitate division-wide voting for a 'user-friendly' policy. Subdivisions could be restored without legislation.
- \* Full habitation reviews have been rare since at least 1981 due to policy, budget and staffing constraints. Their accuracy depended solely on the honesty of householders interviewed.
- \* The large number of people enrolling or re-enrolling in the last week before an election (750,000 in 1987 and an average 500,000 or so thereafter) may or may not have been checked subsequently.
- \* States ceased to keep separate rolls in the belief the Commonwealth roll was more accurate.
- \* Endorsement of enrolment forms by authorised witnesses (generally those who swore oaths of office) and personal attendance on enrolment were features of all federal and state enrolments until very recent times.
- \* The Chief Electoral Officers of all states did not recommend their practice of entering a voter's electoral roll number on his/her vote for the Commonwealth in 1901 in the belief identification on enrolment and subdivisions were adequate protection.
- \* The Commonwealth Parliament has merely restored a basic principle of our electoral system with the enrolment changes now under debate in Queensland

*Author of our original  
world-first secret ballot law  
(Victoria) 1856, which,  
"by combining secrecy with  
limited vote-tracing, both  
protected the elector, and  
detected fraud where  
election results were  
in dispute."*

Box 39 PO  
Brighton 2216

ph 9599 7915  
fax 9599 7916

Comment on 'additional issues' of concern to Queensland

- \* 1-3 involves questions of whether Queensland should establish its own separate electorate roll, and, if so, it should develop a computer system capable of 'data-matching' with certain state departments and agencies.

My preference is that it should re-establish a separate roll as I have serious reservations about the fact the Commonwealth roll is outsourced to the Computer Services Corporation, an American company run by Mormons from Salt Lake City with 90,000 employees, and the potential to hack the roll from the US as easily as Australia. How can parties or candidates scrutinise such an inaccessible resource? I would also suggest the value of a street-based roll on the UK model, more readily available to the public than Commonwealth rolls are.

- \* 4.-5 involves issues that would arise if Queensland did decide to proceed with a separate roll and 'data-matching'. These are listed as follows:
- a) should the ECQ only use data to detect potential anomalies with the current roll?  
*Comment: This would create a means to check the CSC roll.*
  - b) should the ECQ be able to automatically update the roll if it receives the same change of address data from a number of sources?  
*Comment: This would usurp a voter's right to control his/her enrolment and create legal difficulties. Enrolment forms are the only visible documents.*
  - c) should privacy concerns be addressed, and if so how?  
*Comment: Those who would be most concerned about privacy would be those who had enrolled for social security or false identities or non-citizens who wrongly claimed to be citizens. Surely eliminating those who do not have an honest right to vote should only be of positive good for those who do.*
  - d) should the minority view of the JSCEM that enrolment identification would create 'such significant hurdles that they will deter people from enrolling' be heeded?  
*Comment: Such a view is driven by the belief we have a compulsory voting system in Australia, and therefore it is the bounden duty of the AEC to ensure the fullest enrolment possible. We do not. We are only asked to turn up at a booth and have our names marked off. Should the AEC really be authorised to enrol anyone by fax, internet or post without a shred of proof the enrollee is the person they claim to be when no business in their right mind from banks to video shops would?*
  - e) should issues of improper enrolment or voting have any bearing?  
*Comment: I refer the Committee to my April 4 1999 Submission to the JSCEM on 'Fraud/Irregularities'. The JSCEM is not a vehicle for such inquiry.*

(Dr) (Camp) McFarlane CMM