

PREPARATIONS FOR THE 2015 NSW STATE ELECTION

Organisation: Liberal Party of Australia NSW Division
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Date Received: 14/10/2014

LIBERAL PARTY OF AUSTRALIA

NEW SOUTH WALES DIVISION

State Director

14 October 2014

Mr Gareth Ward MP
Chairman
Committee on Electoral Matters
NSW Parliament
Macquarie Street
Sydney NSW 2000

Dear Mr Ward,

Thank you for the opportunity to make a submission to the Committee on Electoral Matters inquiry into preparations for the 2015 NSW State Election.

In particular I note the inquiry will have a specific focus on:

- a) The NSW Electoral Commission's preparations for the 2015 NSW Election;
- b) The Western Australian Senate count and steps being taken to avoid similar issues with the NSW Legislative Council count; and
- c) Related matters.

The Liberal Party acknowledges that the Commissioner and staff of the NSW Electoral Commission have many years of experience in the preparation and conduct of State elections and that the Commission is a highly professional organisation.

Comments, suggestions and observations are contributed to make a constructive contribution to your Committee's work and should be seen within the framework of an effective and professional working relationship between the Liberal Party and the Electoral Commission.

The Liberal Party, as with all other political organisations, is naturally concerned that all necessary arrangements are in place for the effective conduct of the next election. In particular we respectfully draw your Committee's attention to the following matters.

Integrity of the electoral system.

Recent developments at the Commonwealth level following the 2013 Federal election remind us all of the importance of integrity within the electoral system, in particular the importance of

comprehensive and accurate electoral rolls which honestly reflect the right of bona fide electors to participate in an election in the relevant electorate.

The serious allegations with respect to false enrolments in the Federal seat of Indi in Victoria and the reference by the Acting Commissioner of the AEC of those allegations to the Australian Federal Police is a timely reminder that these are not abstract issues.

I attach for ease of reference the associated media clippings summarising the serious allegations of fraudulent electoral enrolment by certain persons, clearly designed to have an impact on the election of a Member of Parliament.

The Committee will have received previous representations from the Liberal Party about the importance of accurate electoral rolls, which reflect bona fide electors properly registered for the correct electorate.

Instances of multiple voting can on occasion be plausibly explained, but the number doing so in both Federal and State elections remains of concern. The capacity for voter fraud also remains of concern.

In addition, the automatic enrolment provisions need to be carefully supervised both to prevent potential misuse and unintended impacts on the accuracy of the roll as electors may claim addresses other than their actual principal residential location for other purposes, such as motor vehicle registration.

Accordingly the Liberal Party asks the Committee to examine the current state of the Electoral Commission's oversight and system integrity checks of the electoral roll throughout the state and in each electorate.

Electoral Commission staff training and preparations.

In the preparation for and the conduct of a State election Electoral Commission staff receive numerous requests for information and assistance from the general public and from members and supporters of political parties, as well as parliamentarians and others.

It is important that as much as possible, those staff, in particular staff recruited on a short term basis to meet the needs of the Commission have sufficient training, knowledge and capacity to be able to properly carry out their tasks.

This is particularly the case on polling day. In addition to the general need for temporary staff to be adequately trained it is also important that the selection process ensures that obvious partisans are not employed. One aspect of the recent difficulties with the WA Senate count as identified in the Keelty Report was the inadequacy of systems and processes to ensure that temporary staff including contractors did meet proper criteria.

The Liberal Party respectfully suggests to the Committee that it should examine the processes in place for temporary staff recruitment and in particular the adequacy of checks on partisan commitments which might compromise the professional conduct of their duties.

In making this observation it is noted that the permanent staff of the Commission are highly professional in the conduct of their duties and this suggestion is to enhance confidence in the overall integrity and efficiency of the Commission's work.

Administrative matters.

With respect to arrangements for polling day it would be helpful if there was a capacity, at least at the larger pre-poll centres, such as the Town Hall, for all Parties and Independents to have the capacity to store basic equipment overnight in a locked room. This would assist all Parties on an equal basis in servicing electors undertaking pre-polling. While this may not be possible in all locations, where it is it would benefit everyone equally.

The provision as soon as possible of details on the location of polling booths would also be helpful for Parties and other participants in the election to complete their preparations. The Liberal Party recognises that there has been a State redistribution and the Commission has had to undertake extensive work arising from that process and will consult Parliamentarians as it does so. The earlier this process can be undertaken the better.

The Liberal Party also requests the Committee, to ensure that the guidelines for polling day arrangements that are provided to Commission staff in polling centres are sufficiently clear, so that they can administer the rules consistently wherever the polling place may be situated and that should a query occur it can be swiftly resolved.

Conduct of the count

With respect to the arrangements for the count (and noting the difficulties identified in the WA Senate count) the Liberal Party asks the Committee to examine the approach being taken by the Commission to the adequate arrangements for accurate and timely counting on election night and subsequently.

Given the importance of an accurate count and the opportunity for Parties scrutineers to carry out their responsibilities, it is requested that the Committee test with the Commission the continuing relevance or otherwise of past practices for conducting the count, including whether a fewer number of larger centres would provide for enhanced integrity and efficiency in checking and counting ballot papers.

Given the recent Senate experience in WA the Party also asks the Committee to examine the Commission's preparations for printing, distribution, issuing, receipt, counting and storage of ballot papers and associated records, including the adequacy of ballot boxes and arrangements for the transfer of ballots with appropriate supervision to ensure confidence by all participants in the integrity of election outcomes.

Yours sincerely,



Tony Nutt
State Director

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Statement from the Australian Electoral Commission: Division of Indi

Updated: 2 October 2014

As reported in the media recently, the AEC has been examining the enrolment details of a number of electors enrolled in the Division of Indi at the 2013 federal election.

The AEC is committed to maintaining the integrity of the electoral roll and takes any allegations of potential electoral irregularities very seriously. The current allegations involve 27 electors enrolled in the Division of Indi at the time of the 7 September 2013 election.

Mr Tom Rogers, acting Electoral Commissioner, last week reiterated his ongoing focus on all forms of electoral integrity. In line with this, he tasked the AEC's Electoral Integrity Unit, established in July 2014, with examining these allegations as a matter of the highest priority.

The Electoral Integrity Unit has completed its examination and Mr Rogers subsequently determined that questions remain regarding the accuracy of the information that the electors concerned provided to the AEC when they were enrolled in the Division of Indi. As a number of Commonwealth laws may have been breached, Mr Rogers has referred the allegations to the Australian Federal Police.

Given these matters have now been referred to the Australian Federal Police, the AEC intends to make no further public comment.

Mr Rogers reminds all Australians that maintaining up-to-date and correct details on the electoral roll is an individual responsibility. Significant penalties apply for making a false declaration on an electoral enrolment application.

THE AUSTRALIAN

Batch of 'false' votes tars Cathy McGowan's Indi win

HEDLEY THOMAS AND BECKY ARTHUR THE AUSTRALIAN SEPTEMBER 27, 2014 12:00AM



Indi member Cathy McGowan sits in parliament. Picture: Gary Ramage Source: News Limited

A SPATE of allegedly false voter enrolments in a key seat in last year's federal election contributed to the surprise defeat of the Liberal Party's Sophie Mirabella.

Independent Cathy McGowan's 439-vote winning margin in the Victorian rural seat of Indi came after a number of her dedicated younger backers allegedly engaged in electoral fraud.

They switched voter enrolments to Indi in the weeks before the September 7 election, despite living and working in other seats, including those in metropolitan Melbourne, about 300km away, an investigation by The Weekend Australian has found.

More than 20 dodgy enrolments of McGowan backers that have come to light so far are at the centre of a high-priority probe by the Australian Electoral Commission's new integrity unit.

The unit was set up after former federal police chief Mick Keelty highlighted the AEC's slack vote processes in the Senate debacle in Western Australia last year.

The ousting of Ms Mirabella, the sitting member since 2001, came after a bitterly fought contest that drew national attention to the youthful campaign for an underdog, powered by grassroots activism and social media.

Material obtained by The Weekend Australian shows the new enrolment addresses of a number of Ms McGowan's backers, who switched to Indi shortly before the rolls closed on August 12 last year, did not reflect their true situation.

Their Indi enrolment addresses are contradicted by their home addresses in other seats, job and study locations, previous enrolment data, and their profiles and output on social media platforms including Twitter, Facebook and LinkedIn.

These details and other evidence — including addresses for drivers' licences, utilities bills and mobile phone records — are under scrutiny as part of the AEC's investigation.

Electoral paper trails show that a number of those in a core group of Ms McGowan's supporters enrolled in Indi four to eight weeks before the federal election.

The involvement of these supporters with ties to the official campaign suggests other false enrolments by voters who may be identified by the AEC's investigation. Some may have committed an offence against the Commonwealth Criminal Code if they made false written statements to enrol in Indi.

Ms McGowan won Indi with 44,741 votes compared with Mrs Mirabella's 44,302 on a two-candidate-preferred basis. It has not been suggested Ms McGowan knew or encouraged any electoral fraud. The investigation will try to determine if her backers colluded or acted independently.

One of the backers has openly admitted that she lived in Melbourne at the time, but had enrolled in Indi to vote for the independent candidate.

Electoral data and her social media output show she transferred her enrolment to Indi in July despite having a record of living, working and studying in Melbourne. Another backer was enrolled in Indi from an address in metropolitan seat in Melbourne on the day the rolls closed. At the time of the change the woman was living and working overseas, having left her home and job in Melbourne to move abroad in May last year for a 12-month stint.

Part of the enrolment process includes making a declaration to the federal government that the voter currently lives at an address in the electorate, and that this address is the "principal place of residence for at least one month".

The AEC documents warn that "giving false or misleading information is a serious offence".

The AEC warns that "making any false or misleading statement in any enrolment or electoral papers" is punishable under the federal Criminal Code, with a maximum penalty of 12 months' imprisonment.

Acting Electoral Commissioner Tom Rogers said yesterday in relation to the Indi enrolments: "I am taking such matters very seriously. I have asked for the AEC examination of this information to be given the highest priority."

Mr Rogers said he had tasked the AEC's Electoral Integrity Unit to "examine the enrolment details of a number of electors who were enrolled in the division of Indi at the 2013 federal election".

"These investigations are continuing at the present time," he said.

"Once the task is completed — which I expect to be soon — if there is any doubt at all regarding the enrolments I will take further steps, including if necessary, referral to the AFP."

Ms Mirabella was the only incumbent federal Liberal parliamentarian to lose her seat, with a decisive swing against her of 7 per cent on first preferences — despite an average swing in

favour of the Coalition in Victoria of 5.1 per cent.

A number of voters switched their enrolment addresses to Indi after going to an April 7, 2013, strategy meeting in the inner-Melbourne suburb of Fitzroy where a plan for Ms McGowan to run as the independent candidate was agreed to by those who attended.

The backers called themselves "Indi Expats", as many had grown up in Indi and retained family links despite having moved away for study and work in Melbourne and elsewhere.

Ms McGowan, asked by The Weekend Australian yesterday if she believed there had been any deliberate collusion to bolster her vote, said: "I don't know, I can't say about that."

She added that if it occurred "I will cross that bridge when I come to it". She said if there was any wrongdoing, it would be on a small scale.

"I can't speak for them," she said. "That (AEC) investigation has to be done and it will be done — that is right and proper.

"We encouraged young people wherever we could find them, we asked 'Are you enrolled?' and 'Can you get others to enrol?

"There were discussions about 'Where is your permanent address — is it in Melbourne where you live now, or is it here where you are going home (on holidays and to visit family)?'

"Numbers of young people made their own decisions about what they would do. I would be very surprised if there were 200 who did that."

Ms Mirabella, who has kept a low profile since last September, refused to be interviewed about the matters. She said in a written statement: "The integrity of our electoral system is paramount and I know the Australian Electoral Commission takes these matters very seriously."

Senior Liberal Party officials raised concerns with federal parliament's joint standing committee on electoral matters earlier this year about electoral fraud involving voters "deliberately re-enrolling at incorrect addresses" in an unnamed seat, believed to be Indi. "In some cases these fraudulent re-enrolments may have been part of a co-ordinated effort," the party said.

Between May 31 and August 31 last year, the number of voters enrolled in Indi rose strongly by 1838 — easily outpacing rises in the two adjoining rural seats that also share the NSW border: Murray (1108 additional voters) and Gippsland (1190).

Official AEC enrolment figures show that in the final month before the September 7 poll, Indi's total increased by 1479 people, reflecting a monthly rate of growth of 1.52 per cent compared with rates of 0.96 per cent for Murray and 1.09 per cent for Gippsland.

The only rural Victorian seat with a higher enrolment growth rate in the last month before the poll was McMillan (1.84 per cent) in the state's southeast. The differences may be due to economic factors and strong campaigning to urge people to enrol to vote.

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THE AUSTRALIAN

Tripped by Twitter: Indi enrolments under cloud

HEDLEY THOMAS AND BECKY ARTHUR THE AUSTRALIAN SEPTEMBER 27, 2014 12:00AM



An exchange on Twitter

Twitter grab from Sophie Fuchsén @Foxinlocks from July 12, 2013. Source: TheAustralian

SOCIAL media was widely used by young supporters of Cathy McGowan to build awareness and powerful momentum in her successful tilt to win the Victorian seat of Indi last year.

But the same social media platforms that helped her now spells potential trouble for some of her enthusiasts.

Several cases under investigation have similar hallmarks: a switch of enrolment to Indi despite evidence that the voters, all of whom declared strong support for Ms McGowan, live outside Indi.

One of the more obvious is the case of Sophie Fuchsén, whose Twitter feed shows that her backing for Ms McGowan and a strong disdain for the Liberal Party's Sophie Mirabella began in early July.

"Mrs Mirabella, you are making Indi



Sophie Fuchsén's Twitter post. Source: Supplied

cringe. Let's let Labor do their thing, let's go," Ms Fuchsen's July 1 Tweet said.

Enrolment data obtained by The Weekend Australian shows Ms Fuchsen was enrolled to vote in the Greens-held federal seat of Melbourne from April 2012. This was an accurate reflection of where she worked, lived and studied, according to her social media profiles.

Her Facebook page, with posts backing Ms McGowan, and her LinkedIn profile show that from March last year, Ms Fuchsen worked at The Penny Black Hotel, the Hotel Lincoln and Melbourne Racing Club, about 300km from the heart of Indi.

On her LinkedIn page the 23-year-old said she was studying at the University of Melbourne for a bachelor of science from 2011-14.

But on July 12 last year, seven weeks before the federal election, Ms Fuchsen posted a new photograph from her Twitter account. She was pictured holding an Australian Electoral Commission envelope, and her caption stated: "re-enrolling for the Indi electorate".

Ms Fuchsen was asked by a perplexed friend 'where do you live??' Ms Fuchsen responded: "Melbourne, but I care more about Indi, especially about who calls the shots."

A tweet from Cathy McGowan's Twitter feed replied: "go Sophie!"

Enrolment data shows that Ms Fuchsen's switch to the seat of Indi was formally confirmed on July 19.

To achieve enrolment she signed a declaration that her parents' home was her true principal place of residence and had been for the past month. If her principal place of residence was Melbourne, as she tweeted at the time, the enrolment was fraudulent.

None of her social media activity in the relevant period indicates that she had taken up permanent residence in Indi. Her Facebook location was set to Melbourne. Ms Fuchsen is travelling in Europe, but her mother, Liz Fuchsen, said yesterday that her daughter lived in Melbourne as a dependent student, volunteered to help the campaign, and "changed her enrolment to vote for Cathy".

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THE AUSTRALIAN

Probe into Indi vote fraud finds social media 'evidence' wiped

HEDLEY THOMAS AND BECKY ARTHUR THE AUSTRALIAN SEPTEMBER 29, 2014 12:00AM

VOTERS at the centre of a probe into enrolment fraud have deleted potentially incriminating tweets and other details from social-media profiles since weekend revelations of alleged wrongdoing in a close federal election contest.

Staunch supporters of Cathy McGowan, the independent who won the seat of Indi a year ago, have erased material showing they were living and working in Melbourne and elsewhere at the time they were voting in Indi.

The Weekend Australian revealed how a number of voters, who called themselves "Indi expats" and teamed up to oust the Liberal Party's Sophie Mirabella, helped ensure Ms McGowan's win by switching to Indi to enrol shortly before the rolls closed.

Liberal Party federal director Brian Loughnane said yesterday that it appeared "there was an organised operation to enrol people who were not entitled to be enrolled in Indi".

Heavy editing at the weekend of social-media profiles and deletions of numerous tweets will not affect the Australian Electoral Commission's probe, as screen shots were taken prior to the deletions. The AEC is expected to look at other intelligence pointing to the actual principal place of residence of voters who were living and working or studying in Melbourne and elsewhere.

Deletions include tweets by several of Ms McGowan's closest supporters, who admitted to friends on social media that they lived in Melbourne, despite enrolment records obtained by The Australian showing they had switched to Indi.

Ms McGowan, who has welcomed the investigation, said she did not know whether there was deliberate collusion by her backers to switch their enrolments.

Mr Loughnane called on Ms McGowan, members of her campaign team and the public with information about dodgy enrolments in Indi to talk to the AEC.

"The Liberal Party takes the evidence that has come to light extremely seriously and it is entirely appropriate that the Australian Electoral Commission investigates as a matter of priority," he said.

"The integrity of the electoral roll is at the core of our democracy and it is essential that there is public confidence in the roll."

He said it was too early to consider whether the final result in Indi, which went to Ms McGowan by a 439-vote margin over Mrs Mirabella, had been distorted by false enrolments. Voters who makes false declarations in enrolment forms about their principal place of residence commit an offence under the commonwealth Criminal Code.

The AEC's acting head, Tom Rogers, ordered a high-priority probe last week after reviewing a list of names of Ms McGowan's backers who had switched to Indi.

An investigation by the Australian Federal Police will be initiated if the AEC's probe confirms

that the enrolments of Ms McGowan's backers look suspicious.

The AEC acknowledged in a report to federal parliament this year that it had taken a "more stringent approach" to how the roll can be scrutinised, making it harder to identify electoral fraud.

It says before its more restrictive regime was imposed to limit public access to the roll, school-reunion organisers, genealogists, debt collectors and adoption agencies were misusing the roll to contact voters. The criteria for how the commission would grant "public inspection" was altered in amendments to the Electoral Act in 2010.

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THE AUSTRALIAN

Cathy McGowan campaigner lives in Darwin but voted in Indi

HEDLEY THOMAS THE AUSTRALIAN SEPTEMBER 30, 2014 12:00AM

A LEADER of the successful campaign to elect independent candidate Cathy McGowan, her nephew Ben McGowan, voted for her in the rural Victorian seat despite having moved to Darwin, about 4000km away.

Mr McGowan 28, had relocated to the Northern Territory two months before the federal election. Prior to the move, he had been keeping a residence in Melbourne's Fitzroy, and was working in western Victoria, both outside the electorate of Indi, which is now held by his aunt. He had not lived in Indi for several years.

The electoral circumstances of leadership figures such as Mr McGowan will fuel Liberal concerns that an "organised operation" featuring enrolment fraud may have contributed to the defeat of the Liberal incumbent since 2001, Sophie Mirabella. The margin of 439 votes separating Mrs Mirabella and Ms McGowan has heightened the concerns.

Mr McGowan told The Australian yesterday he did not believe he had done anything wrong.

As a result of an investigation by The Australian, the Electoral Commission has begun a preliminary probe into alleged enrolment fraud in which an unknown number of supporters of Ms McGowan switched from seats in Melbourne to the seat of Indi before the September 7 poll. The probe is currently examining at least 20 cases and the number is expected to rise.

Many of the supporters became Voice for Indi campaigners, brought together months before the election by the efforts of Mr McGowan and other "Indi expats" such as his Fitzroy neighbour Cambell Klose.

"We never had a strategic conversation about this sort of thing (false enrolment)," Mr McGowan said yesterday. "People make their own choices about where they are enrolled to vote and we never had a conversation about strategically changing their address. I have not up till now considered the legalities of where I register my permanent address and that includes where I am enrolled to date. It is an important consideration and I would say that I have not done anything dishonest."

Asked about the identification of a pattern of enrolment switches from seats in Melbourne to Indi by Ms McGowan's supporters, a number of whom were known Mr McGowan, he said he did not know about it. "There was no concerted effort to do it," he said.

Mr McGowan said he grew up in Indi and regarded the family farm as his home, "but I have not considered until now the legalities of where I should vote.

"I feel comfortable with my enrolment but like most people I probably didn't consider if it was within the letter of the law.

"If the Australian Electoral Commission is interested in my case, I will wait to hear."

The AEC has said its probe could lead to a referral to Australian Federal Police. Ms McGowan

has welcomed the AEC probe.

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Lawyers on Indi voting fraud list

HEDLEY THOMAS AND SID MAHER THE AUSTRALIAN OCTOBER 03, 2014 12:00AM



Independent MP Cathy McGowan leaves during question time yesterday. Source: AAP

TWO lawyers who strongly backed independent Cathy McGowan to win the federal seat of Indi are among those in a confidential dossier of 27 alleged enrolment fraud cases referred to the Australian Federal Police yesterday.

One of the lawyers with close ties to Ms McGowan switched to Indi shortly before the electoral roll closed on August 12 last year after being enrolled in the federal seat of Melbourne since 2010, The Australian can reveal.

Her social media output, deleted since the weekend, described plans for “Indi expats” to celebrate Ms McGowan’s narrow win at a bar in Melbourne in September last year, with the preferred venue in a city suburb “right below my place”.

One of the lawyers said she did not believe she had done anything wrong and was seeking legal advice.

A third voter under scrutiny is a person close to political contender Jennifer Podesta, who ran in the seat of Indi and directed preferences to Ms McGowan.

The person close to Ms Podesta, now Labor’s candidate for the seat of Benambra in the upcoming Victorian election, switched to Indi from a seat in Melbourne in June last year. The Australian was unable to contact Ms Podesta or the person close to her for comment yesterday.

The enrolment investigation in Indi, where Liberal incumbent Sophie Mirabella lost by a margin of 439 votes, is a police matter because the Australian Electoral Commission determined there were serious questions to answer. It is an offence under the Commonwealth Criminal Code to

make a false declaration in a voter enrolment form, punishable by up to a year in prison.

AEC acting head Tom Rogers said police had been asked to investigate 27 voters in the Indi electorate, following reports in The Australian that revealed suspicious switches of enrolment by strong backers of Ms McGowan. The number may rise.

Mr Rogers referred the allegations to the AFP “as a number of commonwealth laws may have been breached”, according to a statement from the AEC. The AFP will consider whether all enrolments recorded were accurate. “Significant penalties apply for making a false declaration on an electoral enrolment application,” a statement by Mr Rogers said. “The AEC is committed to maintaining the integrity of the electoral roll and takes any allegations of potential electoral - irregularities very seriously.”

Many of those under investigation who lived, worked and studied in Melbourne became Voice for Indi campaigners who helped Ms McGowan overcome Ms Mirabella’s margin in the rural seat of more than 9 per cent.

The referral to police followed a review by the AEC’s Electoral Integrity Unit into the accuracy of enrolment information provided by the voters. The AFP confirmed it had received the referral but declined to comment further.

Ms McGowan said she supported any investigation into enrolled voters in Indi allegedly supplying incorrect residential address details before the 2013 federal poll.

She said the first she had heard of the allegations was when contacted by The Australian on September 26. “If individuals have made unlawful declarations, these should be fully investigated by the AEC and relevant authorities,” she said.

“An enrolment is a declaration made by an individual to the AEC and is up to the individual to ensure it is accurate and lawful.”

Ms McGowan, who is not a subject of the investigation, has not been contacted by either the AEC or the AFP.

Senior Liberal Party officials raised concerns with the joint standing committee on electoral matters earlier this year in a formal submission describing electoral fraud in an unnamed seat.

“Some evidence has come to the Liberal Party’s attention which suggests the possibility of individuals in the lead-up to the 2013 election deliberately re-enrolling at incorrect addresses — including addresses at which they had previously resided — in an electorate where evidence from social media shows they did not reside,” the submission said.

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