

**ADMINISTRATION OF THE 2003 NSW ELECTION AND RELATED
MATTERS**

Name: Mr Joe Alvaro

Date Received: 27 January 2005

MR JOE ALVARO



JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Parliament House

Macquarie Street
Sydney NSW 2000

Attention: Ms Stephanie Hesford

Dear Sir/Madam,

The following are my concerns about voting in the 2003 NSW Election as an Australian citizen living in China:

1. I submitted a "Postal Vote Application" form on time to the NSW State Electoral Office in Sydney but received my ballot papers in China after the date of the election. I was thus not able to cast my vote using this voting method. What procedures are in place to ensure that posted ballot papers reach their destination on time and that there is sufficient time for the completed ballot papers to reach the Australian Electoral Commission by the due date?
2. I am concerned about whether normal air-mail should be used by the NSW Electoral Office to send ballot papers overseas, considering the time-frame that the office has to work with. Should express, air mail be used?
3. I was concerned about the voting procedures at the Australian Consulate General Office in Shanghai, China. :
 - a) conflicting information regarding the type of identification needed by Australian citizens when voting overseas, causing difficulties for citizens like myself who wanted to vote;
 - b) no attempt by staff to create a physical space in the Australian Consulate General Office (where voting took place) which allowed for me to vote in private (a "secret ballot").
 - c) I was handed a hand-written ballot paper for the Lower House, to cast my vote;
 - d) I experienced very poor customer service by some staff at the Australian Consulate General Office.

Please find enclosed copies of documents which give more information about the above concerns and how each concern has been addressed by the relevant authorities.

As an Australian citizen I find the above issues and irregularities appalling. The system seems unnecessarily creaky.

Yours sincerely,

A black rectangular box redacting the signature of Joe Alvaro.

Joe Alvaro

27 January 2005

From : "Election enquiries" <enquiries@seo.nsw.gov.au>
Reply-To : enquiries@seo.nsw.gov.au
To : [REDACTED]
Subject : Re: Query - general_query
Date : Tue, 18 Mar 2003 21:10:50 +1100

The State Electoral Office of NSW has received your email enquiry.

A reply will be forwarded to you within 2 working days.

>>> joealvaro 03/18/03 21:11 >>>

From : Joe Alvaro [REDACTED]

Dear Sir / Madam ,

My name is Mr Joe Alvaro . I am an Australian citizen working in China (Shanghai), eligible to vote in the upcoming NSW state election this Saturday (22 March 2003).

I went to the Australian Consulate - General office here in Shanghai today , to cast my vote . On the phone , when I made an appointment to come into the office , I was informed by a Ms Susan Chan that I would need to bring some form of ID with me . She added that a passport or driver's licence would be fine.

My passport is currently with my employer for visa purposes (in order to obtain an Expert Card) so I brought along my NSW driver's licence for ID purposes.

At the office I was given an "Application By A Person Outside NSW For A Postal Vote Certificate And Postal Ballot - Paper" to fill in . Upon seeing the section which requires the applicant to fill in "passport no. ", "place of issue of passport" and "date of issue of passport" , I asked the Consul if I required my passport to vote . He informed me that a driver's licence would suffice and to wait until called.

Later I was informed by the Vice Consul , Di Aspinall, that I would need my passport to vote . I did not have my passport with me , so I was consequently denied my right to vote today.

Please inform me about the rules regarding identification of Australian citizens wanting to vote abroad , as I :

a) have received conflicting advice from staff at the Australian Consulate - General Office here in Shanghai as explained above;

b) am not able to sight anywhere on the "Application By A Person Outside NSW For A Postal Vote Certificate And Postal Ballot - Paper" that a passport needs to be sighted at the Australian Consulate - General Office when voting
nor have I seen this requirement in written form on other NSW State Electoral Office documents.

c) am experiencing difficulty obtaining my passport(which I do not possess at present as explained above) , before voting closes at close of business this Thursday.

In addition , I have submitted a "Postal Vote Application" form to the NSW State Electoral Office in Sydney (dated 14.2.2003) before I left Australia, but have received no notices whatsoever from the NSW State Electoral Office since then.

I consider the above situation to be a serious problem and a matter of urgency , as voting will close here at 5pm this Thursday.



My right to vote as an Australian citizen is in jeopardy , and I do not envisage the ramifications of this problem going unsolved by this Thursday, to be pleasant for all parties concerned.

Yours sincerely ,

Joe Alvaro

18th March 2003

Shanghai Commercial Accounting School
918 Lu Jia Bang Road
Shanghai 200011 PRC
(China)



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Mr Alvaro

My apologies for the incorrect information supplied by the consulate in Shanghai.

It is a requirement under New South Wales legislation that passport details are to be provided on the overseas postal vote application form.

If you submitted a Postal Vote Application form on 14.2.03 to the State Electoral Office and have not received anything from this office, please advise your enrolled address details and I will investigate your situation immediately.

Please contact me urgently.

Michael Nevin
Phone - (02) 9200 5931

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From : "Michael Nevin" <mick.nevin@seo.nsw.gov.au>

To :

Subject : Re: URGENT - Voting problems in China

Date : Wed, 19 Mar 2003 13:28:03 +1100

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Mr Alvaro

It is ok to vote without your passport being sighted as long as you know the details and have some other form of identification.

I have informed Shanghai consulate of the above.

Michael Nevin

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From : "Monica Floyd" <monica.floyd@seo.nsw.gov.au>
To : [REDACTED]
Subject : Postal Voting
Date : Tue, 08 Apr 2003 15:11:07 +1000

Dear Mr Alvaro

I am responding to your e-mail to Alan Jones concerning postal voting at the 22 March 2003 State general election.

Nominations for the election did not close until noon on Thursday 6 March 2003 and ballot-papers were not available until Monday 10 March 2003. It would not have been possible for ballot-papers to be sent prior to that date.

The postal voting ballot-papers are sent to overseas destinations by air mail, however, I have no knowledge as to the reason they had not been received on 19 March 2003.

The legislation allows for postal votes to be admitted if the envelope containing them bearing the voter's declaration is dated on or before polling day and the envelope is received no later than 6pm on the fourth day after polling day i.e. in this election 26 March 2003.

The records of the Returning Officer for the Strathfield electoral district disclose that up until last Friday, 4 April 2003, your postal voter's declaration had not been returned.

Yours faithfully

J Wasson
Electoral Commissioner

MR JOE ALVARO



MR JOHN WASSON
NSW Electoral Commissioner

GPO Box 832
Sydney NSW 2001

Dear Mr Wasson,

I am responding to your e-mail to me, dated 8th April 2003 regarding postal voting for this year's State General Election (22 March).

While I understand that ballot papers were unable to be posted until Monday 10th March 2003, it remains unacceptable that I did not receive my ballot papers in China until Tuesday 25th March (after the election). After all, I did go through the proper procedure of submitting a "Postal Vote Application" form in Sydney (dated Friday 14th February 2003) before I departed for China. Surely it is the responsibility of the NSW State Electoral Office to ensure that the ballot papers are sent to the voter and sufficient time is left for the completed ballot papers to return to Australia before the voting deadline.

I do not consider that the above responsibility was exercised in my situation. If the ballot papers left Sydney on Monday 10th March 2003, only 12 full working days were left for the ballot papers to reach my address in China, for me to complete the ballot papers and for them to be returned to Australia. Clearly this amount of time is not sufficient. The ballot papers did not reach me until Tuesday 25th March 2003 (after the election).

In your e-mail you write that "I have no knowledge as to the reason they had not been received on 19th March 2003". Even if they had been received by this date, is it reasonable and responsible for the NSW State Electoral Office to assume they would reach the Returning Officer at Strathfield within 5 full working days (this being the amount of days left until the fourth day after polling day) by way of air mail from China? My experience of sending post from China to Australia is that more than 5 working days are needed and that the assumption above is in fact not very reasonable nor responsible. I do notice that with regards to posting back the ballot papers the "Instructions For Postal Voters" leaflet just gives a vague instruction to "post the sealed envelope.....as early as possible before polling day".

The attitude I sense is that as long as the ballot papers were posted out to the overseas address before the election date, all is fine and that if any problems occur it is not the responsibility of the NSW State Electoral Office. Effort to ensure that there is sufficient time for ballot papers to arrive at the overseas destination, be completed and then sent back to Australia does not seem to exist.

Furthermore, I ask why was air mail used to post the ballot papers? Considering the importance of the documents (which relate to a citizen's right to vote), the fact that they are only made available on a date close to the election and the necessity of returning the ballot papers by the voting deadline, express post would seem like a more suitable and sensible system to use. We do live in a world where some international businesses are able to transport their products from one country to another within 24 hours.

I find the above situation appalling. The system seems unnecessarily creaky.

I am very interested in hearing about how the NSW State Electoral Commission intends to address the above concerns. The issues deserve immediate attention for the sake of Australian citizens in the future who may find themselves in similar situations and in order for the NSW State Electoral Office to remain faithful to its mission and charter.

Yours sincerely,



Joe Alvaro
28th July 2003

*Copy sent to Ms Virginia Judge, MP (Member for Strathfield) with e-mail by Mr John Wasson to Mr Joe Alvaro dated 8th April 2003.

MR JOE ALVARO



MR SAM DEROVICH

Consul General
Australian Consulate General

Level 22 CITIC Square
1168 Nanjing West Road
Shanghai China 200041

Dear Mr Derovich,

I would like to draw your attention to the unsatisfactory service and the 2003 NSW State Election voting procedures experienced at the Australian Consulate General office in Shanghai (Level 22, CITIC Square, 1168 Nanjing West Road, Shanghai, China).

During the week before the NSW State Election this year I phoned Ms Susan Chan to make an appointment to come into the office to vote, as I was living and working in Shanghai at the time. I was informed by Ms Chan that I would need some form of identification but not necessarily a passport. When I arrived at the office I was informed that a passport was a compulsory form of identification. I was unable to vote on this day, and had to return later in the week. I consider Ms Chan to have acted very carelessly and she does not seem to have a comprehensive knowledge of voting procedures for Australians in China.

Long waiting periods were experienced at the office and no system was in place to attend to voters in the order they had arrived to vote.

During the voting process I was handed my ballot papers by Ms Di Aspinall (Vice Consul) and Ms Susan Chan to cast my vote. They were sitting opposite to me, in a face to face situation. They made no attempt to create a physical position which would enable a "secret ballot" to occur (for example, move to another section of the room or tell me to move to an area where they could not see me writing on my ballot papers). Instead I had to inform the above staffmembers of the above situation which compromised the "secret ballot" nature of Australia's voting system. Only when I explained my concerns did the two staffmembers turn their backs, facing the back wall, but this was done without a genuine apology nor an acknowledgement of the problem in the way they were managing the "polling booth".

I was also concerned that I was handed a hand written ballot paper for the Lower House. As an Australian citizen I expect to vote on an official computer printed ballot paper that has gone through a formal checking process. Hand written ballot papers are open to the possibility of errors and malpractice.

I found that Ms Di Aspinall displayed poor service overall, acting in a rude manner at times and not listening to me with the intent to understand my concerns. When I informed her that I would be writing a letter about my experience she rudely responded by saying "you must have a lot of time on your hands". Other inappropriate comments were also voiced by Ms Aspinall.

I think that I am entitled to a higher standard of service. I also think that the voting procedures at the above office need revising with the aim to ensuring that voters can exercise their right to vote efficiently and effectively.

The above issues deserve investigation with a view to remedying each situation.

Yours sincerely,

A black rectangular box redacting the signature of Joe Alvaro.

Joe Alvaro

6th August 2003

CC: Mr Bill Jackson, Director, Consular Operations, Department of Foreign Affairs and Trade



CONSUL GENERAL

AUSTRALIAN CONSULATE GENERAL
SHANGHAI

29 August 2003

Mr J. Alvaro

Dear Mr Alvaro

I refer to your letter of 6 August 2003 regarding the unsatisfactory service which you believe you received when you voted in the March 2003 New South Wales State Election at the Australian Consulate General in Shanghai.

We acknowledge that there were some delays with voting but this was in part due to the unexpectedly large number of voters and the small number of staff at the Consulate who met the New South Wales State Electoral Office criteria for acting as polling and witnessing officers. Shanghai Consulate General had one of the highest turn-outs of voters at Australian missions overseas.

The New South Wales State Electoral Office did not provide computer-printed Lower House ballot papers to overseas missions for this election, and therefore all overseas voters were required to vote with handwritten ballot papers. This further extended the time taken with each voter.

I regret you were unhappy with the service provided by Ms Aspinall and I have addressed this issue accordingly. Ms Chan resigned from the Consulate on 31 July 2003.

Due to our experiences with this election, we will be revising voting procedures for future elections.

Yours sincerely

Sam Gerovich
Consul General

c.c. Mr Bill Jackson
Director, Consular Operations Section
Department of Foreign Affairs and Trade



**FOREIGN
AFFAIRS AND
TRADE**

Consular Branch

22 September 2003

Mr Joe Alvaro



Dear Mr Alvaro

Thank you for your letter of 6 August 2003 addressed to Mr Bill Jackson regarding the unsatisfactory service which you believe you received when you voted in the March 2003 New South Wales State Election at the Australian Consulate General in Shanghai.

We regret that you were unhappy with the service you received and I understand that you have received a letter addressing your concerns from Mr Sam Gerovich, our Consul General in Shanghai.

The Department of Foreign Affairs and Trade is currently liaising with the Australian Electoral Commission in regard to reviewing voting procedures at our overseas posts for future elections.

Yours sincerely

Ross Tysøe
Director
Consular Policy & Crisis Management Section

Ms V Judge MP
Member for Strathfield
176 Burwood Rd
BURWOOD NSW 2134

*State Electoral Office
Level 20 Maritime Centre
207 Kent Street
Sydney 2000
Telephone: 9200 5999
Facsimile: 9241 6011
Homepage: <http://www.seo.nsw.gov.au>*

79/6

1 September 2003

Dear Ms Judge

I refer to your personal representations on behalf of Mr Joe Alvaro of [REDACTED]
[REDACTED] concerning postal voting.

The situation in Mr Alvaro's case is that at the time of the general election last March he was in China. Prior to his departure he completed an application for a postal vote indicating that the ballot-papers were to be sent to an address in China.

Following the close of nominations on Thursday, 6 March 2003, printed ballot-papers were supplied to Returning Officers on Monday, 10 March 2003. Immediately on receipt of these ballot-papers they were despatched the same day to Mr Alvaro in China by air mail.

Apparently the ballot-papers were not received by Mr Alvaro until 25 March 2003 which was too late to vote in the election.

The timetable for the receipt of postal votes is prescribed in the Parliamentary Electorates and Elections Act 1912 as being the Wednesday after polling day. At the March 2003 election this allowed a maximum period of 12 working days from the posting of material to its return. Where the exercise involves postage to overseas locations compliance with this timetable is sometimes difficult.

Mr Alvaro seems to be of the view that my administration is not concerned at this issue however this is not the case and every endeavour is made to deal with postal vote applications, particularly where overseas postage is involved, in a manner which affords the maximum opportunity for electors to comply with the statutory timeframe.

I have noted his suggestion that an alternative form of postage be utilised and will examine this initiative to ascertain whether it is an effective and economically viable exercise.

Yours faithfully


J Wasson
Electoral Commissioner