



**Australian
Privacy
Foundation**

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Mr Ed Killesteyn
Electoral Commissioner
PO Box 6172
Kingston ACT 2604

Cc: Mr Timothy Pilgrim
Privacy Commissioner

23 July 2010

Dear Commissioner Killesteyn

Abuse of postal voting arrangements by political parties

We sadly have to complain to your office again about the practice of the major political parties into misleading electors with their postal voting brochures.

We have complained in the past about this practice, both to your predecessors and to Australian Privacy Commissioners – and our overall concerns are summarised in the attached submission we made to the Joint Standing Committee on Electoral Matters in May 2008. The practice was also highlighted in an article in Crikey.com during the 2007 federal election and I enclose a transcript.

An example that illustrates the problem is a brochure '*Postal Voting Information for the Electorate of Paterson*'. It contains a facsimile of the AEC postal voting application form, together with other AEC explanatory information, but makes no attempt to distinguish this from other information and instructions which are not from the AEC.

A telephone call to the 'Postal Vote Hotline' on the front of the brochure was answered by a young man as 'Postal Voting Information Centre'. When asked who he worked for he said "I am a volunteer" and only when pressed admitted that he was with the Australian Labor Party. The brochure has in small print (and an obscure location) the words "*Authorised by Sam Dastyari, 377 Sussex St, Sydney, NSW 2000 ...*" but we submit that most people would either not see this or, if they did, would not know that this is an ALP official and office address.

The post-paid address for return of the completed form is "Paterson Postal Vote Centre, Reply Paid 408, HAYMARKET NSW 1239" We assume this is an ALP address and that the ALP will capture the name and contact details from the forms before forwarding them to the AEC.

The form includes the statement:

"The personal information you give on the application is used for electoral purposes and may be viewed by authorised staff and scrutineers."

Most applicants would have no idea that this meant that the information would be seen and recorded by ALP workers, and presumably used for direct mailing later in the election campaign. We note that the forms will also contain personal details of witnesses, and while the political party would probably have no interest in this information, it is being exposed to party workers without the knowledge or consent of the witnesses..

We have yet to see any Liberal party equivalent brochures but have no doubt that they are already in use. You will no doubt be aware that similar forms are in common use in most electorates. We hope that you have not formally approved any of the designs.

If political parties were subject to the Privacy Act (which they have hypocritically conspired to avoid) this would be a clear breach of the collection principles. We are copying this letter to the Privacy Commissioner so that he is aware of this continuing problem, which needs to be addressed as soon as possible after the election.

As it is, we submit that the misleading design of the brochures and process by political parties threatens the credibility and integrity of electoral process, and collaterally damages the public standing of the AEC. We urge you to take immediate action to stop the parties from using these forms in the current election, and to subsequently address the issue to ensure it does not keep arising in future elections.

We look forward to your early reply in relation to this serious issue.

Yours sincerely

Nigel Waters
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