

Chapter Eight

Frauding the Vote in Queensland

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Behind the scenes, beyond the scrutiny of either Parliament or press, an unpublicised political stand-off between the States and the Commonwealth is currently threatening to sink a rare bipartisan move at a national level to introduce proof of identity for enrolment for Australia's 12 million-plus voters.

New laws, passed last year in the Commonwealth Parliament, had been expected to be operational Australia-wide in three months time, from 1 July, 2005, and thus bring to an end perennial scandals over allegations of electoral fraud.

After nine months, the new laws have not even been proclaimed. In simple terms, they have been blocked by the States – in particular, by Queensland.

In June last year, the Commonwealth Parliament passed an *Electoral Integrity Act* which would have required voters to produce a copy of their driver's licence, or similar proof of identity, when enrolling to vote, or when re-enrolling for a new address.

At present, all a voter has to do to get on the electoral roll is to fill in their own details, that is, name and address, and have their enrolment form countersigned by "an elector or a person entitled to enrolment". That has long been criticised as being less than that required for renting a video or opening a bank account.

Proclamation of the new regulation was made contingent upon reaching agreement with the States. That agreement has not been forthcoming, and, according to my inquiries, the Commonwealth has just given the States another 14 days to reconsider their position.

It so happens that all of the States currently have Labor Party governments and, as a matter of public record, for two decades following the enactment of user-friendly electoral laws by a federal Labor government in 1983, Labor steadfastly opposed any move at either State or federal levels to tighten up enrolment provisions.

That was until 23 June, 2003, when, with minimal acknowledgement, an historic announcement was made in federal Parliament of belated bipartisan support for proof of identity for enrolment of electors for federal elections.

It was the tabling of a report of a Joint Parliamentary Standing Committee on Electoral Matters which recommended the regulation that voters be required to produce a copy of their driver's licence, or similar proof of identity, for enrolment.

The bipartisan agreement came after the committee discovered, among other things, that somebody had been able to enroll a cat as a voter – one of more than 70 instances of questionable enrolment cited by the Australian Electoral Commission for a ten year period.

The new-found unanimity was best explained by Labor's master electoral tactician, Senator Robert Ray, who had served on the joint committee for an unprecedented 20 years.

Acknowledging that proof of identity had been “contentious” and “partisan” in the past, he told Parliament:

“Most of us now have form ... it is probably helpful to the Labor Party that the Liberal Party in Victoria and elsewhere has had a bit of form too, so we can have a more balanced look at these things”.

A previous attempt to impose proof of identity for enrolment, requiring the witnessing of enrolment applications by designated professional people, was abandoned on the eve of the November, 2001 federal election.

Apart from continuing opposition then by the Labor Party nationally, a major factor was opposition at State levels, principally from Queensland, where the Beattie Government threatened to withdraw from joint roll arrangements with the Commonwealth.

A key finding of the Shepherdson inquiry, held in Queensland into roting involving ALP pre-selection scandals, was quoted by the committee in support of widening the new scheme to cover not just enrolment but re-enrolment.

The federal committee quoted the closing submission of Russell Hanson, QC, in which he made the point that, in the vast majority of detected cases of false enrolment looked at during the Shepherdson inquiry, it was found that they had originally enrolled lawfully for one address, then changed their enrolment to a false address to enable them to vote in particular ALP plebiscites.

Ironically, the new scheme is actually in line with a proposition first raised on behalf of the Labor Party by Mark Dreyfus, QC, in a report on registration for internal voting and, in its own submission to the joint committee, ALP headquarters in Canberra attributes the driver’s licence idea to Steve Bracks’ Labor government in Victoria.

That now seems amazing, since the Bracks Government has gone back on its own proposal, to join the Beattie Government and other State governments to oppose proclamation of the new federal regulation.

Significantly, the federal committee had forewarned back in 2003 that it was conscious of threats to refuse to “progress legislation to introduce corresponding requirements into State and Territory enrolment processes, and of a consequent breakdown of joint roll arrangements”.

In saying so, the committee referred particularly to a majority report of Queensland Parliament’s Legal, Constitutional and Administrative Review Committee which, in rejecting previous proposals for voter identification, recommended in fact that the Queensland Parliament consider the re-establishment of a separate Queensland State electoral roll.

Introduction of a joint roll more than a decade ago has been one of the abiding reforms flowing from the historic commission of inquiry of the late 1980s presided over by Tony Fitzgerald.

Fitzgerald recommended establishment of an Electoral and Administrative Review Commission (EARC), largely to correct notorious gerrymandering of electoral boundaries under previous National-Liberal as well as Labor administrations. But Fitzgerald also was concerned about electoral fraud generally.

As he put it:

“A fundamental tenet of the established system of parliamentary democracy is that public opinion is given effect by regular, free, fair elections following open debate”.

In particular, Fitzgerald recommended that the State *Electoral Act* be reviewed:

“.....in an impartial manner to ensure that more effective means are developed to guarantee the accuracy of electoral rolls , to prevent fraudulent voting practices ...”.

One of the first tasks of the newly established EARC was to examine the state of the State rolls. Unlike other States, Queensland had since Federation continued to maintain its own rolls, separate from those of the Commonwealth, whereas other States had opted early for joint State-federal rolls. Despite long-standing recommendations to do so, Queensland resisted.

The EARC surmised:

“The most plausible explanation is suspicion at the political level that use of the Commonwealth roll would be in some way disadvantageous to the governing party of the day, and this view prevailed under Labor and non-Labor governments alike”.

On the recommendation of the EARC, Queensland opted to adopt a joint federal-State roll, and that was achieved by January, 1992.

In its 1990 report, the EARC acknowledged public concern over electoral rolls, citing 57 items published in *The Courier Mail* and other Brisbane metropolitan media between November, 1986 and March, 1990, all but four of which related to the Queensland rolls.

Inquiries by the EARC disclosed extraordinary discrepancies between the numbers of electors on Queensland rolls when compared with Commonwealth rolls.

It was discovered that, when the Queensland election was held on 1 November, 1986, there were 1,563,294 voters on the Queensland rolls – 55,064 fewer than the 1,618,358 gazetted by the Commonwealth for Queensland three days earlier.

Yet, when the next Queensland election was held on 2 December, 1989, there were 1,780,785 electors on the Queensland rolls – 28,380 more than the 1,752,405 gazetted by the Commonwealth for Queensland the day before.

If a fair proportion of those 28,380 extra voters had been enrolled in marginal seats, it would have been enough to swing the election.

Queensland has long been the centre of allegations of enrolment fraud, much more so than perennial claims that have arisen in other States. None the less, when the Shepherdson inquiry was held during 2000 and 2001, its terms of reference were confined to enrolment for pre-selection ballots, excluding general elections.

There were findings against some 22 Labor Party figures, leading to the resignations from Parliament of a Deputy Premier, Jim Elder, and a high profile backbencher, Mike Kaiser (who has re-emerged since as a key electoral strategist at ALP headquarters in Canberra).

In all, 20 of the alleged rorters walked free, unable to be prosecuted because of expiration of the statute of limitations under lax State electoral laws enacted post-Fitzgerald by the Wayne Goss Government.

Of the remaining two, a Labor mayor in Townsville, Tony Mooney, was subsequently cleared by Queensland’s Crime and Misconduct Commission, and the only person to be prosecuted, a former Goss adviser, David Barbagallo, emerged virtually unscathed, being fined \$1,000 with no conviction recorded.

To his credit, Peter Beattie has brought in stricter electoral laws to give Queensland authorities more power to combat fraud involving State elections, as well as requiring all registered political parties to submit to Queensland

Electoral Commission supervision of pre-selections. In fact, in a letter published in the *Courier Mail* of 6 February, 2002, I congratulated the Premier, saying: "Having been a critic of past failures, I believe credit should be given where credit is due".

Such laws might well be considered for Victoria, where the media has been having a field day in recent weeks over allegations of continuing branch-stacking and falsified membership records – with former Labor Premier John Cain proclaiming that branch stacking and corrupt practices had become endemic within the Labor Party in Victoria.

Like Queensland, if political activists are prepared so openly to rot pre-selection processes at branch level, it raises serious question marks about just how active any of them might be at the grassroots level in organizing false enrolments for State or federal elections.

Like so many other Australians, for much of my life, my knowledge of voting fraud had been minimal, at best, notwithstanding the fact that I had long been involved in the political process. That was until, in semi-retirement, in sunny Queensland, something occurred which has prompted me into looking at electoral fraud in much the same sense that long ago I was propelled into investigating organised crime and corruption.

In a national sense, the two issues are equally serious. Each poses a threat to our democratic way of life. The reality of organised crime and associated corruption has long been recognised, and creditable measures have been instituted to combat it, at both federal and State levels. That is not so with still emerging revelations about electoral fraud; to the extent that, at a federal level, the Australian Federal Police, by what they term self-determined priorities, will not investigate any instances of multiple voting involving less than 12 votes.

How I became involved and concerned about electoral fraud is an intriguing story in itself.

In November, 2000, during proceedings of the Shepherdson inquiry, a reference was made to alleged false enrolments in the State electorate covering Bribie Island, about one hour's drive north of Brisbane, where my wife, Judy, and I happen to own a weekly newspaper, *Island & Mainland News*.

Out of local interest, we published a small item mentioning that counsel assisting the inquiry, Russell Hanson, QC, had said that there was "a 'suggestion' people were 'moved in' from Sydney and Melbourne and put into caravan parks before the State election of 1989".

That prompted two people to contact me to relate an extraordinary story. They recalled that, prior to the 1989 Queensland State election, they had been contracted to deliver letters addressed to electors throughout Bribie Island, then with a population of about 12,000. It involved delivery to about 4,600 homes and unit complexes. What they found was that many of the letters were addressed to people at addresses that simply did not exist.

Well, what's new, you might say? Yes, members of Parliaments, federal and State, have long complained about mailing out letters to constituents and sometimes having large numbers returned by Australia Post. And, yes, from time to time subsequent inquiries have found that some people have been wrongly enrolled, or dead people have been left on the rolls.

But the Bribie episode was unprecedented. That delivery was not by Australia Post, but by our deliverers – that is, the people who always deliver our local newspaper, door-to-door, and who know every letterbox.

Names of supposed voters from the electoral roll were listed one after another, along kilometre after kilometre of public waterfront land along Pumicestone Passage, all with odd numbers (for non-existent homes) to match even numbers of existing homes opposite the water, as well as around an area perhaps appropriately named Clayton's Park.

Significantly, allegations of massive false enrolments had been raised in the Queensland Parliament in October, 1989, about the very time the mail-out was being carried out at Bribie Island – two months before the 1989 Queensland election.

These allegations had included claims that 2,965 names on the roll for the State seat of Stafford could not be matched, and that 608 voters had left the addresses for which they had remained registered. In the seat of Salisbury, it was claimed that another 2,801 voters could not be matched, with 17 at fake addresses, including vacant lots, and 1,131 remained enrolled although their final electricity bills had been paid.

Which brings us back to Queensland's threat to re-establish its own separate roll should the Commonwealth press ahead with plans to tighten up enrolment regulations.

Again, in the case of Bribie Island, if you compare statistics from voting results for the 1987 federal election, when the Commonwealth roll was used, and the results of the 1989 State election, when Queensland last used its own separate roll, it provides an interesting illustration.

To be specific, at the main polling booth at Bellara, along the Pumicestone Passage side of Bribie Island, 1,515 votes were recorded for the federal election, and subsequently 2,394 for the State election – a difference of an extra 879 votes or an astounding 58 percent!

Such an episode at out of the way Bribie, and, by implication, other areas of Queensland, and possibly other areas of Australia, before and since, underlines the vulnerability of the democratic processes of not only Queensland but the whole of Australia.

Thus the current stand-off between the States and Commonwealth, over the simple introduction of proof of identity for electoral enrolment, is an issue that should concern all Australians.