



Legislative Assembly

Parliamentary Electorates And Elections Amendment (Enrolment And Voting) Bill Hansard

Extract

16/11/2000

Second Reading

Mr FRASER (Coffs Harbour) [10.00 a.m.]: I move:

That this bill be now read a second time.

When I gave notice two or three weeks ago of my intention to introduce this legislation, Government members said, "Yet again, here we go." Again I am introducing legislation that deals with election fraud. This is the same legislation that I introduced in this Parliament in 1995—legislation which will cleanse the electoral rolls in New South Wales and give everyone a democratic vote. By "democratic vote" I mean that voters will have to prove who they are. On the news last night we heard about the woman in Queensland who, in giving evidence to the Federal parliamentary inquiry currently being conducted into electoral fraud, said that her cat had been enrolled to vote. I have told this House on other occasions that it is easy and quite possible to enrol one's dog to vote.

Whilst I have been tempted to do that to prove that loopholes exist in the Act, I realise that it would be breaking the law to commit that type of offence and I will not leave myself open to it. We now have evidence that a cat is on the electoral roll and we now have evidence that there are in Queensland false entries on the electoral roll. This issue is not about multiple voting—something to which members of the Labor Party love to refer every time I speak about this matter. In 1995 I wrote to the then Electoral Commissioner in New South Wales, Mr Dixon, about the probability of people enrolling illegally and being improperly included on the roll. When Mr Dixon responded to me some months after that letter was sent to him—apparently the letter got lost—he advised me that 14 cases of multiple voting had been reported.

I stress that this issue is not about multiple voting; it is about people pretending to be someone else, and putting fictitious names on the roll. I draw the attention of honourable members to an editorial in the *Sydney Morning Herald* of 22 November 1995, which was some time after my last legislation was introduced, which stated:

The State Government is wrong to oppose the Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill 1995 introduced by the member for Coffs Harbour, Mr Andrew Fraser, in the dismissing manner in which it has.

Despite the fact that the bill has as its basis the fundamental principle of democracy, one vote one value, the State Government, unfortunately, is adamant in its opposition to it. The main objection for the legislation, according to Police Minister, Mr Paul Whelan, who was outspoken in his criticism of the bill, is that the provisions will entail an enormous administrative and cost problem.

The Minister for Police and Leader of the House said in debate at that time that it would entail enormous costs if we were to ask the Electoral Commissioner to provide everyone with a voter identification card, that the State could not afford it, and the Government, using its numbers, voted against the bill. However, at the 1999 State election, we were all issued with a voter identification card. I admit that a lot of people who presented at the polling booth on voting day did not show their card.

Let me explain to the House exactly what this legislation is about. Schedule 1 states that a primary identification document will be provided by people enrolling to vote in order that they may put their names onto the roll. That document is described as:

- (a) a certified copy, or an extract, of a birth certificate of the person that shows that name as the person's name, or
- (b) a certified copy of a citizenship certificate of the person ...
- (c) a current passport ...
- (d) an expired passport ...

The bill then refers to secondary identification—that is, another document that establishes the name of the person—and a voter identification card. The secondary identification would involve:

... a written reference by an acceptable referee, signed by the referee and setting out the name used by the person and stating that:

- (a) the referee has known the person for the period specified in the reference, and

- (b) during the whole of that period ... the person has been commonly known by that name, and
- (c) the referee has examined:
 - (i) only a specified primary identification document ...
 - (ii) a secondary identification document ... or
 - (iii) only a specified secondary identification document ...

Anyone who hires a video from a video store has to provide identification. There is no reason why we should not have to show some form of identification when protecting our most sacred democratic right in this country, that is, our right to vote. When this matter has been debated in the past, members of the Labor Party have said that nobody carries identification. In my wallet at the moment I have six or seven—perhaps more—primary identification documents. These days most people carry in their pockets at all times driver's licences, firearm licences, Bankcards or Visa cards. There is no reason why anyone should be disadvantaged in any way by the provisions in this legislation. Members of the Labor Party have opposed this legislation with such venom in the past because of the rorts that go on within the Labor Party—rorts which started in New South Wales and which have been perpetuated in Queensland. I draw to the attention of the House various newspaper reports relating to electoral fraud in Queensland. A *Sydney Morning Herald* article on 12 October stated:

Young, idealistic Queensland Labor Party activists yesterday described how party bosses forced them to falsely enrol in electorates by directly and indirectly threatening their future careers.

The article refers to members of the Labor Party who gave evidence to the inquiry in Queensland. These people are saying, "We have been forced." The article continued:

One young man, Mr Kevin Court, 30, told Queensland's Criminal Justice Commission investigation into electoral fraud in the ALP that Labor's bosses had told him four years ago that he was "going to be f.... for all time" unless he agreed to falsely enrol in an electorate where he did not live.

Later, when he expressed to the senior party organisers grave misgivings about what he had done, he was told that if he "kept quiet" he would be left alone.

Those are the bully-boy, roughhouse tactics that the Australian Labor Party used in Queensland to ensure that members of certain factions obtain preselection. The way I understand ALP preselection in Queensland is that those registered on the electoral roll are eligible to vote for the candidates seeking preselection. If candidates do not have the numbers in their own faction in a particular area, what they have done, as revealed by evidence given under oath, is make sure they do. The Labor Party will claim that that does not happen in New South Wales, but I draw the attention of the House to the fact that John Moran, an ALP organiser on the North Coast who stood as a candidate against my predecessor, Matt Singleton, in the 1988 Port Stephens by-election, enrolled to vote in Nelson Bay although he lived in Macksville. He was caught, charged and convicted.

That one instance of the conviction of a high profile person is proof that the Labor Party started these tricks in New South Wales. It has now exported the scheme to Queensland. In Queensland the factions have become so embroiled with infighting that the rorting has finally come to the fore. It is now out in the open and people have had to give evidence under oath which clearly demonstrated that this activity has been going on for some time. I refer honourable members to an article in the *Australian Financial Review* of 14 October which stated:

Of course, neither Queensland nor the Labor Party have a monopoly on political corruption and branch-stacking ...

But the Townsville rorts have exposed again the crude vengefulness and slack ethics that characterise Queensland's distinctive frontier political culture, as well as the extreme personal and ideological hatreds that exist both within and between political parties in the north. They have demonstrated the brutality of Queensland Labor's dominant right-wing Australian Workers Union faction, and the ongoing high-stakes conflict between powerful development and conservation interests in remote North Queensland.

The unfolding story is one of byzantine complexity that swirls primarily around the shifting and dangerous liaisons between three powerful Townsville personalities. They are the popular and successful Mayor of Townsville, Tony Mooney, the Townsville MP, Mike Reynolds, and a former Townsville councillor, Karen Ehrmann, who is now serving a three-year jail term after pleading guilty in August to 24 counts of forging and 23 counts of uttering Commonwealth electoral enrolment forms.

Once known in Townsville as the "spider lady", Ehrmann is the only one of three convicted Townsville electoral rorters to be jailed ...

Two lesser figures—Andrew Kehoe and Shane Foster, another former councillor—received suspended three-month sentences after pleading guilty to 10 and 27 counts respectively in proceedings in 1997 and last year.

The article continued:

The Mundingburra by-election became necessary when a Court of Disputed Returns invalidated Labor's narrow victory in the seat in the 1995 Queensland State election because some Townsville-based Australian Defence Force members, then serving in Rwanda, had been unable to vote.

The article stated that, once again, voter fraud prevailed in Queensland. I repeat, this is not about multiple votes; this is about putting one's name on the roll irregularly. I also refer honourable members to an article in the *Sydney Morning Herald* of 18 October, under the heading "Qld Labor facing its Watergate, says official". That article stated in part:

Mr Jim O'Donnell, the former North Queensland head of the Federated Clerks Union, said he had access to documents implementing Labor figures in rorting other than those who had been identified to date.

"I believe that this has the potential to be the Queensland Government's Watergate. It could prove to be very costly for them."

The article continued:

The electoral roll rorting scandal extended to all levels of the party, said Mr O'Donnell, a leading Labor figure in Townsville.

"It does go right into the party at the State, the Federal and the municipal levels," he said.

"It really is quite sickening what's going on in the party."

"It was a big joke to see who could outstack who," Mr O'Donnell said.

The Queensland Premier, Mr Beattie, denied that electoral roll rorting was widespread in the party, but Mr O'Donnell, a well-known and highly placed Labor Party figure, has put that onto the public record. Mr Beattie was quoted in the same article as having said:

"This is not an inquiry into the Labor Party, it is an inquiry into certain individuals," he said.

"If any of them have been found to have broken the law, then they should go to jail."

I would draw Mr Beattie's attention to the fact that one of those who gave evidence and admitted rorting was the Premier's secretary and these activities were taking place while he was State Secretary of the Queensland Labor Party. Mr Beattie wants to play Pontius Pilate, he wants to stick his head in the sand and pretend this is not going on—or have us believe it is not going on. We are not fooled.

Mr O'Doherty: Now he is calling for an Australia Card.

Mr FRASER: As my colleague the honourable member for Hornsby says, Mr Beattie is calling for the introduction of an Australia Card. He has also called on the Federal Government to do something about the problem. He wants to walk away from this and hopes that no-one will notice that he was involved. He wants everyone to think that the Labor Party is clean. The evidence in the Queensland inquiry has shown the factionalism and rorting of the system that has been going on in Queensland.

Mr O'Doherty: He might adopt your bill.

Mr FRASER: I feel confident that the Leader of the National Party will raise this matter in the Queensland Parliament and I challenge the Federal Government to adopt my legislation. It is simple—take your voter identification, or some primary or secondary identification and prove who you are when you enrol to vote and when you go to vote. That means that my vote will not be nullified by someone who says that 20 or 30 fictitious people are living at his or her address.

The manner in which the electoral rolls are checked and sorted in New South Wales is stupid. The officers who are sent out to check the rolls wander up to a house, knock on the door and say to whoever answers the door, "I have a list of the people who live at this address. Will you confirm that they do live here?" The officer reads out the list and the householder says, "Yes, they do." As a result those names remain on the electoral roll. That is not good enough. If we had a system, as envisaged by this bill, whereby people have to prove their identity and their names are registered on the roll, this type of rorting would not be possible.

Seats with very fine margins—such as the electorates of Dubbo, Clarence or Drummoyne—could be rorted very easily. All a candidate has to do is gather 100 of the party faithful and, by threat and intimidation, force them to enrol and vote illegally. I am not certain of the make-up of Sydney electorates, but the electorate of Coffs Harbour has 34 polling booths. It may not be possible to get around to all 34 in one day but if one persuaded 100 people to register 15 fictitious names on the electoral roll, one could easily get around to 15 booths, walk in unnoticed, say, "I am Bill Smith"—or Joe Bloggs or John Murray, or whoever—at the end of the day those 100 people would have registered a total of 1,500 false votes—1,500!

The Minister for Local Government, who is at the table, won the seat of Clarence by 143 votes. I would like to have a good look at the roll in Clarence and in every marginal Labor electorate. If this system were introduced we would soon see whether New South Wales in fact has the number of citizens who are registered on the electoral roll. In the past, Alan Jones on his program has put an estimate of there being between 200,000 and 400,000 illegal names on the electoral rolls throughout Australia. The Premier claimed that he has 5,900 new members in Country Labor. Once again, this is how the Labor Party plays with the truth. They are not new members of Country Labor; they have transferred from 117 ALP branches. They change the name on the door and on the documentation and it becomes Country Labor. They then claim new memberships. I challenge the Premier to tell us how many members he

had prior to the formation of Country Labor and how many members he has now.

The National Party is seeing that people are becoming more aware and are joining political parties, but members on the Government side of the House cannot tell me that Labor Party branches have increased that much. At the end of the day, all we are seeing is a rebadging of Labor Party members and branches by the Premier. That in itself is fraud. It is fraudulent to say, "We have all these new members." It is indicative of the way the Labor Party controls the factions and tries to give the impression of massive support in the electorate which it does not have, and it gives them the opportunity to rot the electoral process.

Mr Woods: Three and a half per cent!

Mr FRASER: I take the interjection. I knew the Minister in the chair could not help himself. That is coming from someone who got 38 per cent of the primary vote at the last election. He just scraped in. That is why I want to look at the Minister's seat. I want to see how many duds are on his roll. I will bet there are more than 143! Steve Cansdell should be the member for Clarence. The Minister got 38 per cent. He dropped 18 per cent of his primary vote, yet he retained the seat by 143 votes. Why? I question fraud up there. No answer, was the stern reply.

Mr Woods: Your bloke got 19 per cent of the primary vote.

Mr FRASER: What happened when it came to a close count? They were like bees around the honeypot. They checked every one, because they were still not sure they had it right. They were still not sure that those postal votes were theirs. They were still not sure, with all that went on up there, that the Minister was going to make it. He made it by 143 votes. He will either jump or lose it next time—whether he or someone else stands.

Mr Woods: I have won by less in the past. Three times I have won by small amounts.

Mr FRASER: Exactly, and you will lose by a lot more. The Minister has done the job up there. I think he has rorted the roll—I cannot prove it. But let's cleanse it.

Mr Woods: Why don't you walk outside and make that allegation?

Mr FRASER: I don't have to.

Mr Woods: If you are fair dinkum, if you have any decency, if you reckon you are honest, you would be out there making the accusations and not being a lying fool in here.

Mr FRASER: I don't have to. The accusations are in the media in Queensland—by Labor Party people. They are giving evidence under oath. I refer to the *Australian Financial Review* of 24 October, which reported:

Ms Lynda Kay Fraser—

no relation—

until recently a junior clerk in the Premier's Department, told the inquiry that she quit her job just weeks ago after learning she was to be interviewed by the Criminal Justice Commission.

She told the inquiry she had helped enrol party members at false addresses to boost the numbers of a Labor Unity candidate, Mr Dennis Mullins, in a 1996 Brisbane local government preselection.

Ms Fraser said she participated because she was told it was "internal party stuff that happens all the time" ...

Mr Mullins, the former candidate for the 1996 preselection for the local government ward of East Brisbane, told the inquiry he falsely enrolled about 16 people into the area prior to the vote.

Mr Mullins, aligned to the Labor Unity faction, or the Old Guard, said he had been informed that another inquiry figure, the former Australian Workers Union faction heavyweight Mr Lee Bermingham, was doing the same thing to boost his sister's chances in the preselection contest.

Mr Mullins described his action as a "counter strike" against the AWU.

Here are two factions within the union in Queensland both admitting to rorting the rolls. They rorted the rolls for preselection but by the time preselection is over, if they both did 16, there will be 32 guaranteed votes for an ALP candidate that are illegal. They are phantom votes, because the people do not exist. It is known by the Labor Party that people are still on the roll who are deceased. This goes on. Let us be clear, this is not about multiple voting, this is about rorting the roll. It is about not being able to give me and every other citizen who is not a member of the Labor Party a fair chance in every election. I have pages and pages of this from the media. The *Courier Mail* of 25 October refers to a man who is now a State member of Parliament who witnessed an enrolment card of an ALP member at an address where the member did not live. There is an admission. The report stated:

Mr Linden's first false enrolment was in March 1991 at the Annerley home of Robyn Twell, an AWU faction member elected to the Brisbane City Council ...

I note also that the *Sydney morning Herald* editorial of 30 October stated:

The Queensland Premier, Mr Peter Beattie, has called for the abolition of the factional system as a judicial inquiry has heard damaging allegations of vote-rigging by both right-wing factions ...

Mr Beattie is now calling for a federal system. The editorial went on to say:

It was the evidence of Ms Lynda Kay Fraser—

That I read a moment ago—

... that prompted Mr Beattie's outburst against the factions.

This is not about getting rid of factions within the Labor Party. It is about getting a fair system. I implore members of this House to look at this bill and to take note of numerous editorials in the *Sydney Morning Herald* and newspapers all over the country. This is fair legislation. It does not disadvantage anyone and it will not cost the Government any more than it cost in the 1999 election when voter identification cards were issued. It will give us an opportunity to go ahead confidently to the 2003 election knowing that the rorts are no longer there. We will know that we can vote with confidence and our vote will not be negated by an official of a union, a Labor Party sympathiser or member, who has put in one or more—or in the case I mentioned earlier, 16—dud votes. I want to see what is the old Australian adage—a fair go for all. Let us not have branch stacking create false votes and let us not have the ALP create false votes. Let us accept this legislation for what it is, a cleansing of the roll that will create a democratic future for all citizens of New South Wales. I commend the bill to the House.