

SUBMISSION TO

THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

OF THE

PARLIAMENT OF NEW SOUTH WALES

ON ASPECTS OF THE

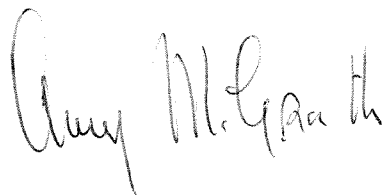
ELECTORAL AND REFERENDUM INTEGRITY BILL

PASSED BY THE COMMONWEALTH PARLIAMENT

on June 23, 2006

by Dr. Amy McGrath OAM, President H.S.Chapman Society

(02 9599 7915 amy.mcgrath@optusnet.com.au)

A handwritten signature in black ink that reads "Amy McGrath". The signature is written in a cursive style with a large initial 'A'.

**SUBMISSION TO NEW SOUTH WALES PARLIAMENT
JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
on identification on enrolment on the Commonwealth electoral roll**

**by Dr. Amy McGrath OAM on June 23, 2006
(President of the H.S.Chapman Society)**

Your Committee is considering certain leading arguments advanced by the ALP in the Commonwealth Parliament in opposing an amendment to the Commonwealth Electoral and Referendum Act to restore identification (ID) for enrolments and re-enrolments on the Commonwealth electoral roll - abolished by the ALP Chifley Government in 1949 - and to close the roll on issue of the writs for an election..

What are these arguments?

- Electors should be able to enrol for 7 days after issue of the writ for an election.
- No conditions should be imposed on enrolment because ID on enrolment will disadvantage certain minorities in the community.
- No conditions are necessary because there is no fraud.

1. Enrolment for 7 days after issue of the writ for an election

In the *Sydney Morning Herald* of today's date Professor George Williams, whose electoral studies in the Gilbert and Tobin Centre of the University of N.S.W. are subsidised by the Australian Electoral Commission, said that the Senate had taken 'a significant step backwards' by its legislation this week to close the electoral roll on the issue of an election writ, thus depriving over 400,000 people of the chance to enrol or to re-enrol during the 7 days after issue of the writ (*Comment*).

In fact it was the ALP Hawke government which took a step backward in 1983 by extending the right to enrol or re-enrol to 7 days after issue of the writs despite the fact it nullifies other clauses of the Commonwealth Electoral Act (CEA).

These clauses in the CEA made it compulsory for every eligible citizen to enrol on the Commonwealth electoral roll, every 17 year old provisionally enrolled to confirm that enrolment when they turned 18, and every citizen already enrolled to re-enrol within one month of his/her changing their address.

The vast majority of that average 400,000 plus people have no excuse to fail to enrol now that they can obtain enrolment forms in any post office or download them from the internet. Moreover they have not had to provide any documentation whatsoever to prove they are who they say they are or even turn up at a Divisional Office in person as used to be the case. They should have been prosecuted, and refused a vote, as penalty for breaching the Electoral Act. Instead the ALP, backed by the Democrats and Greens, have forced the Coalition to compromise by allowing electors, already enrolled, to amend their details for another three days.

As for being disadvantaged by Commonwealth governments since 1983, the 400,000 plus have disadvantaged themselves out of laziness, indifference, ineptitude, dogma or contempt for democratic process. If prosecuted, as the Act requires, they might come to value their right to vote, for which many have died.

2. No conditions should be imposed on enrolment because ID will disadvantage certain minorities in the community.

At present the only conditions of enrolment are that the person enrolling must be an Australian citizen and the application witnessed by another who is merely 'eligible to be an elector' – not even an elector – who has known the applicant 3 months. It is effectively a 100% honour system. The new legislation will demand proof, that the elector is who they claim to be, other than that of just one signatory who has not even bothered to enrol or is not eligible.

The ALP consistently argues, both at Commonwealth and State levels, that enrolment of certain minorities would suffer decline if ID was imposed because they would find it difficult to supply documentation. It gives no statistics to justify its contention.

It identifies young people, low income earners, indigenous communities, the homeless and people living in isolated areas. This argument is no longer as credible as it was when it was first peddled in 1987.

- young people today have travel cards, social security ID, driving licenses, mobile phones, pin numbers, student discount cards and credit cards. They are provisionally enrolled automatically when 17 and reminded to enrol by persistent education from the Australian Electoral Commission (AEC) in schools and by notification.
- Aborigines are encouraged by the AEC's special programs to enrol and vote. They are familiar with forms of documentation through pensions and welfare payments. Nb aborigines always had the vote in all States bar WA since self-government. Whether they exercised it is another matter.
- Special arrangements for homeless people can be made as in Northern Ireland.
- The disabled have always been able to enrol by post. Many have relatives, carers or nursing staff if they have the will or mental alertness to ensure their right to vote is ensured. Queensland had a home visitor system.

The ALP ignores four questions.

- Whether the responsibility of pursuing that right to franchise should rest with those who value the right to participate in the process which guarantees we have an honest, and therefore valid, democracy; or should rest on a Nanny State principle in favour of the lazy and politically indifferent who do not value it at all.
- Whether that right, said to be a privilege, would not be valued more by those seeking enrolment if they had take the trouble of presenting proper identification.

- Whether producing an ID would really cost more given that scarcely any of those seeking enrolment would not have a passport, motor car licence, pension or other forms of ID through cards.
- Whether the ALP's 'simple and accessible system' (Senator Schacht Sub JSCEM 13.10.2000) of a 100% honour system is successful or necessary.

Is the 100% honour system successful?

A day before the issue of the writ for the 2001 Queensland State election the then Australian Electoral Officer of the Queensland Office, Mr. Bob Longland, was obliged to announce the despatch of 250,000 notices to citizens in the younger age group who had failed to enrol. The 'simple and accessible' system of open enrolment had only succeeded in enrolling 35% of those who were eligible.

Is open enrolment to boost enrolment necessary?

This 100% honour system is based on the belief that the electoral roll is under-subscribed – that is the number of citizens, who are eligible to enrol and do enrol, is always undersubscribed. It never reaches 100%. Therefore this gap must be closed by any means. In fact the electoral roll was oversubscribed from 1947-51. It remained at a high 90% from 1951-61. From 1961 onwards it became even more oversubscribed than in 1947-51. It was high in the 1970's and high again in 1986-9.

A research report of the AEC in 1989 reported a very low level of interest among those under 25, particularly among 18, 19 and 20 year olds. Long term statistics indicate the highest level of youth enrolment was 40% despite every effort to encourage enrolment. Most commonly it was lower.

The truth is that an independent study shows that the Commonwealth electoral roll has been oversubscribed for most of the 57 years since 1947. If so, the question must be posed – is no ID on enrolment leading to fraudulent roll-stacking?

3. The foundation ALP argument to justify opposing any ID on enrolment.

The 3 Labour-oriented parties argue that ID on enrolment is not necessary as there is no proof in Australian elections of any fraud in enrolment by roll-stacking different fraudulent or 'ghost' names that could change any electoral result. In proof, the AEC has reiterated to the Commonwealth Parliament that it has found less than 100 multiple votes in a decade – without however admitting that these multiple votes are only in the same name.

The AEC has only once qualified this statement by admitting in its 1993 report on ID on enrolment to the Joint Standing Committee that multiple voting in the same way was the only kind out of 10 different ways of multiple voting that it could possibly detect. It could never detect the 9 other ways of multiple voting in different names listed in its report. Or as the AEC put it, provisions intended as checks on fraud to protect the integrity of elections 'may fail in their purpose.'

These are, as I quoted from the H.S.Chapman's *Corrupt Elections* 1997 (p.141):

- (a) voting once, or several times, by a person not entitled to vote under his or her own name;
- (b) voting once, or several times, by a person not entitled to vote under the name of another person and/or under a fictional name or names;
- (c) voting once, or several times, by a person entitled to vote under the name of another person, and/or under a fictional name or names;
- (d) voting several times by a person entitled to vote in his or her name;
- (e) voting in an electoral division by a person, who is not entitled to enrolment in that division, but who is entitled to enrolment in another electoral division.

Cases falling under paragraphs (b) and (c) above can be further classified according to whether the name under which the person voted was:

- (i) a fictional one, or that of a person who was never entitled to the enrolment in question in;
- (ii) that of a person once properly enrolled, but which should no longer be on the roll (eg the name of a deceased person, or of someone who has ceased residing at the address shown on the roll);
- (iii) the name of a person still properly enrolled.

Cases falling under paragraph (e) above can be further divided into:

- (i) those for which the voter has previously been enrolled, and has remained enrolled for the electoral division for which he or she is no longer qualified to enrol at election time, but for which he or she claims a vote;
- (ii) those in which the voter has never been qualified to enrol and to vote for the electoral division for which he or she claims a vote.

The confident assertions of the AEC are astonishing, namely that its ability to detect (all) multiple voting is proof that little significant fraudulent voting occurs; or that multiple voting that does occur is 'a phenomenon of marginal importance rarely undertaken with fraudulent intent. I could quote many examples that negate the insistence of both the ALP and the AEC say – that is no evidence of fraudulent voting - but confine myself to two.

1. NSW Richmond electorate 1990 won by ALP by 684 votes from National Party

The report of the National Party investigation, assisted by the AEC, was submitted to the Joint Standing Committee on Electoral Matters and debated by it. It found that:

432 voters enrolled in Richmond in other electorates as well
1,028 names on the roll untraceable.
138 dual voters
222 more votes cast than valid papers issued
42 dead people voting.

2. False enrolment in Bribie Island, north of Brisbane.

Bob Bottom, one of Australia's most famous and respected investigative journalists issued a press release on February 11, 2001 during the Queensland Shepherdson inquiry into numerous fraudulent enrolments on the Commonwealth electoral roll for ALP preselections and council and state elections. Amid new allegations of false electoral enrolments on a massive scale, a call has been made for a federal-state royal

commission into organised electoral fraud. Mr. Bottom said evidence had surfaced of false enrolments of hundreds of people at Bribie Island, north of Brisbane, his base for a small group of independent newspapers.

He said the evidence relating to Bribie Island served to add credence to long-standing allegations that thousands of people may have been falsely enrolled in marginal electorates. He said the names of bogus voters were on an electoral roll used for a mass letter box delivery to homes in the lead up to the Queensland state election for the seat of Glasshouse. "There is no disputing that it happened," he said, "The delivery was made independent of Australia Post and the then ALP candidate, Jon Sullivan, has confirmed that it was carried out on his behalf using a roll obtained from the electoral commission.

Mr. Bottom said that Mr. Sullivan himself had told him that he was embarrassed when boxes and boxes of envelopes addressed to voters were returned to him. Mr. Bottom said that the mail-out had revealed false enrolment on an organised scale, not ad-hoc false enrolments that had become a familiar feature of perennial election complaints.

At Bribie Island, names from the electoral roll were listed one after another along kilometre after kilometre of vacant waterfront land along Pumicestone Passage and around an area perhaps appropriately name Clayton's Park, as well as other one-sided streets on the island which then had a population of about 12,000.

Significantly, allegations of massive false enrolments had been raised in the Queensland Parliament on 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.....

Bribie Island is an island some 40 kilometres long with residential areas concentrated at the south eastern end where the island is connected to the mainland by a bridge. In 1989 voting booths were located at each of three suburbs – Woorim on the ocean side and Bongaree and Bellara along Pumicestone Passage.

Voting records in the 1987 federal election for the seat of Fisher are compared with those for the 1989 state election for the seat of Glasshouse Island in the three booths.

<u>Poll Booth</u>	<u>1987</u>	<u>1989</u>	<u>Change</u>
Worrim	626	683	+ 67
Bongaree	2275	2202	- 73
Bellara	1515	2394	+879

CONCLUSION

For over 100 years, Australia required ID on enrolment 1856-49. For nearly 130 years, Australia required close of rolls on issue of the writs 1856-83. The ALP made both those changes. It leaves itself open to the charge that it profits illegally by them.