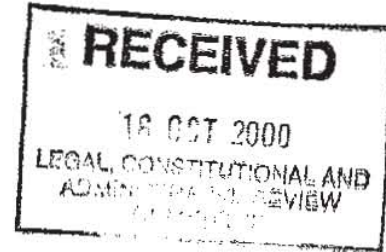




Submission No 28

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13 October 2000

Gary Fenlon MLA  
Chair  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
BRISBANE 4000

Dear Gary

Please find attached the Australian Labor Party's response to your Committee's request of matters relating to the inquiry into preventing electoral fraud.

Yours sincerely

Cameron Milner  
STATE SECRETARY

encl

# AUSTRALIAN LABOR PARTY QLD BRANCH

Gary Fenlon MLA  
Chair  
LCARC  
Parliament House  
George Street  
Brisbane QLD 4000



## SUBMISSION

Dear Mr Fenlon,  
The QLD Branch of the ALP welcomes the opportunity to make a submission to the LCARC inquiry. Our submission follows.

### Legal, Constitutional and Administrative Review Committee

#### **Inquiry into the prevention of electoral fraud.**

##### **8. Key issues in relation to which the committee invites response.**

###### **The incidence of electoral fraud**

Answer: The QLD branch of the ALP believes that the current checks and balances in Queensland's electoral system are not enough. More could and should be done to prevent and detect the instances of enrolment and voting fraud. The actual incidence of enrolment and voting fraud is not endemic, but as far as the QLD branch of the ALP is concerned, one case of electoral fraud is too many, and enough reason to improve the electoral legislation and procedures in Queensland. The prospect of enrolment and voting fraud being perpetrated by some people does warrant changes to our laws, but changes made do not necessarily have to restrict the ease and opportunity of all citizens to enrol and vote. More rigorous checking and maintaining of the rolls is an area that could be improved; cross checking with other databases is also an option. More co-operation between the ECQ and AEC who are the primary operators of the role would also be a solution. The option of an "enhanced fraud audit", is also attractive and one that will be discussed in more detail later in the submission.

## **The prevention and detection of electoral fraud Enrolment**

Answer: One area that could be improved, in order to enhance the capabilities of the authorities in their efforts to detect and prevent electoral fraud enrolment is continuous roll updating (CRU). The option of allowing some state databases to be opened up to allow cross checking of the role is appealing, we are however concerned that such a move would violate privacy laws, so any arrangements in this manner would have to be subject to those guidelines. One option which was passed at the 2000 ALP State Conference<sup>1</sup> allows for, "A Labor Government will examine the feasibility of allowing applications for all classes of Driver's Licenses (and Learner's Permits) to be considered as an enrolment on the electoral roll subject to the existing privacy laws". Such a move could also allow for CRU to use a state database, such as that for drivers licenses, to do a more thorough check of enrolments, for both those already enrolled and new enrolments. The option of a fraud audit raised in the 'Issues Paper' is also an idea that the QLD Branch of the ALP would endorse. If a fraud audit were to focus on electoral enrolment, you could check the various aspects of enrolment, i.e enrolment applications, correct identity and correct address. Many methods could be used, including database mining and door knocking. By focussing on a small group at first and checking them thoroughly you can then see if any trends develop, which may require that a certain aspect of the fraud audit be expanded to cover more people or methods of detection. One option the QLD Branch of the ALP would like to raise is, increasing the capacity of the ECQ to investigate fraudulent activity. Whether this is through its own unit or perhaps a combined police/ECQ squad could be formed to utilise each other's expertise. We believe such an option would increase the capacity of the ECQ to inquire into fraudulent activity.

## **Voting**

Answer: The QLD Branch of the ALP believes the concept of a fraud audit, would enhance the capacity of the authorities to prevent and detect voting fraud. We believe the flexibility of a fraud audit to be able to focus on different forms of voting to be beneficial. One area the QLD Branch of the ALP would like to highlight would be the arrangements for Special Postal Voters (SPV), or, as they are also known Registered Postal Voters. We believe that the process of all SPV, automatically receiving a ballot paper once an election is called to be highly unsatisfactory. Attached we have gathered some research on the trends of SPV over recent elections. The significant difference between the primary percentage and the SPV percentage is concerning. Generally the trend amongst the different forms of voting is consistent, but as the attachment shows SPV percentages are the exception to this rule. We ask that the LCARC look further into this aspect of voting. The QLD Branch of the ALP does not believe multiple voting, impersonation voting and cemetery voting are being used widely in Queensland, but if voting fraud of this variety is being perpetrated, we believe a fraud audit would be the best option to identify those committing such offences. We would endorse fraud audits because of its ability to focus on the many forms of voting. The QLD Branch of the ALP would also like to highlight the role of

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<sup>1</sup> Platform of The Queensland Branch Australian Labor Party 39<sup>th</sup> State Conference 2000, p93.

the Court of Disputed Returns, as set out in the Queensland Electoral Act 1992<sup>2</sup>. We would continue to endorse the Court of Disputed Returns as the supreme body in terms of hearing disputes regarding elections. If ever there was a situation in which an election result was in doubt because of fraudulent voting, the Court of Disputed Returns would be the best placed to investigate all forms of voting in a thorough and appropriate manner. In regards to providing proof of identity for enrolment and voting procedures, the ALP remains opposed to such measures. We don't believe such a step would act as a deterrent towards electoral and voting fraud. We would support the views made by the Queensland Electoral Commissioner in a letter to the inquiry conducted by LCARC on, "Implications of the new Commonwealth enrolment requirements":

"Whilst new enrolment procedures are aimed at reducing the potential for electoral fraud, they do place hurdles in front of persons seeking to enrol for the first time. On the other hand, enrolment is compulsory and therefore it can be argued that the enrolment procedures should be as simple as possible for persons seeking to enrol for the first time"<sup>3</sup>

We would agree with the findings of the report, "the new Commonwealth enrolment requirements have the potential to disenfranchise a significant number of voters".<sup>4</sup> The QLD Branch of the ALP is deeply concerned at the prospect of being required to show proof of identity to both enrol and vote. The monetary barriers that are created by such a proposal we would regard as highly unsatisfactory. Such a move would potentially disenfranchise many groups in our community, including the young, low-income earners, people in remote and rural areas, the disabled and the homeless. This would be an unsatisfactory outcome.

## **Appendix**

- A. Gregory 98 State Election Result**
  - Charters Towers 98 State Election Result
- B. Cook 98 State Election result**
  - Warrego 98 State Election Result
- C. Warrego 92 State Election Result**
- D. Charters Towers 92 State Election Result**
- E. Gregory 92 State Election Result**

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<sup>2</sup> Electoral Act 1992, QLD, Printed July 1997, p102.

<sup>3</sup> LCARC of the Legislative Assembly of QLD, Implications of the new Commonwealth enrolment requirements, Report No.19, March 2000, p.2

<sup>4</sup> *ibid*, p.2

## Appendix A

Gregory 98	O'Don Alp	Bahr	Hack	Crozier	Johnson N	Taylor	Total Formal	Inf Votes	Total
Poll Booth Tot	3520	1992	251	527	4908	80	11 278	121	11 399
% Poll Booth	31.21%	17.66%	2.33%	4.67%	43.52%	0.71%		1.06%	
Postal, SPV, U	131	192	14	32	1006	7	1382	6	1388
% of PostalSpv	9.48%	13.89%	1.01%	2.32%	72.79%	0.51%		0.43%	9.35%
SPV Total									1093
Pre Poll	128 23.97%	73 13.67%	9 1.7%	23 4.3%	297 56.6%	4 0.75%	534	3 0.56%	537
Absente Votes	419 28.68%	294 20.1%	29 2%	56 3.83%	644 44.1%	19 1.3%	1461	10 0.68%	1471
Elect vis vote	30 56.6%	3 5.66%		2 3.77%	18 33.96%		53	2	55
Decl Inst Vote									
Total 1st Pref	4228	2554	303	640	6873	110	14708	142	14 850
% 1st Pref	28.75%	17.36%	2.06%	4.35%	46.73%	0.75%		0.96%	100%
Result Aft Pref	5006				8553		13 559	Exh 1149	14 708
% After Pref	36.92%				63.08%				

Charters Towers 98	O'Pray ONP	Mitchell NAT	Salisbury TSP	Dyball ARP	Scott ALP	Total Formal	Inf Votes	Total
Polling Booth Total	2964	3576	68	75	4610	11293	103	11 396
% Poll Booth Total	26.25%	31.67%	0.60%	0.66%	40.82%		0.90%	
Postal, SPV, Unenr	391	1019	9	13	193	1625	3	1628
% of Postal, SPV	24.06%	62.71%	0.55%	0.80%	11.80%		0.18%	10.41%
SPV Total								1113
Pre Poll	207 25.78%	286 35.62%	11 1.37%	6 .075%	293 36.5%	803		803
Absentee Votes	474 28.7%	514 31.1%	28 1.69%	18 1.09%	618 37.41%	1652	20 1.2%	1672
Elect Vis Votes	5 29.4%	9 52.94%			3 17.65%	17		17
Decl Inst Votes	25 21.2%	50 42.4%		2 1.7%	41 34.75%	118	2	120
Total 1st Pref	4066	5454	116	114	5758	15 508	128	15 636
% 1st Pref	26.22%	35.17%	0.75%	0.74%	37.13%		0.82%	100.00%
Result After Dist Pref		7706			6641	15 508		
% After Pref Dist		53.71%			46.29%			



Appendix B

Cook 98	Bredhauer	Cranwell NPA	Mitchell ONP	Williams	Burnett	Total Formal	Inf Votes	Total
Polling Booth Total	7417	2439	2511	422	284	13 073	196	13 269
% Poll Booth Total	56.74%	18.66%	19.21%	3.23%	2.17%		1.48%	
Postal, SPV, Unenr	137	243	228	14	20	642	2	644
% of Postal, SPV	21.34%	37.85%	35.51%	2.18%	3.12%			
SPV Total								398
Pre Poll	159 39.65%	93 23.2%	121 30.17%	10 2.5%	18 4.5%	401	2	403
Absentee Votes	624 54.4%	204 17.77%	261 22.74%	33 2.9%	26 2.3%	1148	16	1164
Elect Vis Votes								
Decl Inst Votes	33 63.5%	10 19.23%	3 5.77%	3 5.77%	3 5.77%	52	2	54
Total 1st Pref	8370	2989	3124	482	351	15 316	218	15 534
% 1st Pref	54.65%	19.52%	20.40%	3.15%	2.29%		1.40%	100%
Result After Dist Pref	9507		5002			15 316		
% After Pref Dist	65.52%		34.48%					

Warrego 98	Salisbury	Kidd	Pommer Alp	Espie	Hobbs Npa	Total Formal	Inf Votes	Total
Poll Booth Tot	129	688	2796	2227	3809	9649	130	6779
% Poll Booth	1.34%	7.13%	28.98%	23.08%	39.48%			
Postal, SPV, U	27	265	172	495	1137	2096	10	2106
% of PostalSpv	1.30%	12.64%	8.21%	23.62%	54.25%		0.47%	15.73%
SPV Total								1952
Pre Poll	3 1.42%	16 7.55%	41 19.34%	67 31.60%	85 40.1%	212	4	216
Absente Votes	25 2.1%	101 8.47%	250 20.97%	322 27%	494 41.44%	1192	26	1218
Elect vis vote			4		5			9
Decl Inst Vote	2	5	24	7	20	58		58
Total 1st Pref	186	1075	3287	3118	5550	13 216	170	13 386
% 1st Pref	1.41%	8.13%	24.87%	23.59%	42%			
Result Aft Pref			4146		7810	11 956	Exh 1260	13 216
% After Pref			34.68%		65.32%			

## Appendix C

Warrego 92	Hanna	Beilby ALP	Hobbs NAT	Total Formal	Inf Votes	Total
Polling Booth Total	470	4131	6580	11 181	150	11 331
% Poli Booth Total	4.20%	37%	58.90%			
Dec Postal, SPV	27	132	890	1049	8	1057
% of Postal, SPV	2.60%	12.60%	84.85%			
SPV Total	????					
Declaration Votes						
Interstate O/S						
Pre Poll	24	95	234	353	6	359
Absentee	116	498	929	1543	14	1557
Electoral Visit Vote	3	15	11	29	2	31
Dec Inst Votes		18	4	22		22
Total 1st Pref	640	4889	8648	14 177	180	14 357
% 1st Pref	4.50%	34.50%	61.00%			
Result After Dist Pref						

## Appendix D

Charters Towers 92	Cronin	Mitchell NAT	Duncan	Smyth ALP	Kirk Lib	Total Formal	Inf Votes	Total
Polling Booth Total	634	5093	155	5781	319	11982	267	12249
% Poll Booth Total	5.30%	42.50%	1.30%	48.25%	2.66%		2.20%	
Dec Postal, SPV	40	992	15	274	50	1371	9	1380
% of Postal, SPV	2.90%	72.35%	1.10%	20%	3.65%		0.65%	
SPV Total	?????							
Declaration Votes		5		4	1	10	1	11
Interstate O/S	1	5		5	1	12		12
Pre Poll	67	348	15	336	41	807	6	813
Absentee	158	742	43	1049	112	2104	43	2147
Electoral Visit Vote	1	22	1	23	1	48		48
Dec Inst Votes		2		3	1	6		6
Total 1st Pref	901	7209	229	7475	526	16 340	326	16 666
% 1st Pref	5.51%	44.10%	1.40%	45.75%	3.20%		2.00%	
Result After Dist Pref		7966		7853				
% After Pref Dist		50.36%		49.64%				



Appendix E

Gregory 92	Johnson NAT	Dobson ALP	Total Formal	Inf Votes	Total
Polling Booth Total	6338	4593	10 931	198	11 129
% Poll Booth Total	58.00%	42.00%			
Dec Postal, SPV	674	183	857	3	860
% of Postal, SPV	78.60%	21.35%			
SPV Total	????				
Pre Poll	265	145	410	5	415
Absentee	1122	601	1723	37	1760
Electoral Visit Vote	30	43	73	4	77
Total 1st Pref	8429	5565	13 994	247	14 241
% 1st Pref	60.23%	39.77%			