



Leslie James (Les) Scott

The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House, George Street
Brisbane Qld. 4000

25 October 2000

Dear Sir,

Inquiry Into The Prevention of Electoral Fraud

Before the close of submissions to the above inquiry I made a submission dated 30 September 2000 to the inquiry. On the 19 October 2000 the Chair of the Legal, Constitutional and Administrative Review Committee Mr. Fenlon MLA returned my submission advising that the Committee had decided that my submission and attachments fell outside the purview of the committee's inquiry. However, Mr. Fenlon did invite me to make another submission to the inquiry by close of business on Friday 27 October 2000. I am pleased to accept that invitation and this letter will form my submission.

The committee also returned a submission by my wife Anne Scott to your inquiry on the grounds that it was also outside the purview of the committee's inquiry. Mrs. Scott has also been offered the opportunity to provide a further submission, however she has decided not to take up that invitation.

The integrity of the electoral roll has been compromised by the Karen Ehrmann case and allegations now being made at the Queensland Criminal Justice Commission (CJC) hearings on this issue. The need for Parliaments at both the State and Commonwealth level to respond to protect the integrity of the electoral roll is correct. I note the contents of section 8 of the committee's issues paper to this inquiry, which raises a number of issues. I believe the specific points in section 8 at item 5 on enrolment procedures/identity and item 15 on elector identification come down to the central issues.

My first point would be for a whole of government approach. I would reject as a backward step the suggestion at point 8 in Section 8 of the issues paper for the (re) establishment of a separate State roll. In fact a very strong case could be made for the Australian Electoral Commission (AEC) to be given responsibility for the conduct of elections at all levels of government i.e. Federal, State and Local.

Independent Review Body:

To proceed to the whole of government approach I consider an independent review body should be established to address these current issues and this body may have an on going role to monitor electoral matters. It may well be that the current structure of the Australian Electoral Commission (AEC) as an independent statutory authority could fulfill the role of this proposed body provided it could also address State and Local Government matters.

Enrolment Procedures/Identity:

Point 5 of section 8 of the issues paper states: Should people seeking to enroll for the first time and/or to change their enrolment details:

- (a) Be required to provide electoral officials with proof of their identity; and/or
- (b) Be subject to more stringent witnessing requirements on enrolment forms?

The Ehrmann case and current CJC Inquiry demonstrate the need for proof of identity for both first time and change of enrolments. This can be achieved by the adoption of an identification process similar to that required by financial institutions in terms of the Financial Transaction Reports Act. This system requires a 100 point check list from a number of forms of identification available to individuals.

In addition to electoral officials at electoral offices or on mobile electoral visits, identity checks and completion of electoral enrolments could also be carried out at other government agencies such as the Transport Office or authorized agents such as a Bank. Transport offices issue Drivers Licences and regularly attend to the change of address on those licences. By using the resources of such a government agency electoral rolls would be kept up to date on a more regular basis.

As an additional service to electors who are unable to attend agencies as suggested above a suitable 100 point check form as part of the enrolment form could be established. This form would need to be witnessed by a qualified witness such as a Justice of the Peace or those authorized to witness passports after completing the 100 point check in the presence of the witness.

The above proposal would satisfy item (a) above i.e. "proof of identity" and at the same time address the witnessing requirement in item (b). Under the above proposal a witness under the current arrangements would no longer apply as only authorized people would be witnessing or signing off on identity checks when they are completed.

Elector Identification:

Point 15 of section 8 of the issues paper deals with the question of elector identification before receiving a ballot paper. This matter needs to take into consideration the need to protect the privacy of voting although the positive identification of electors may now be necessary.

If we take the view that elector identification is necessary it may come down to two forms. Firstly by random checks or secondly by identification of all electors before they receive a ballot paper.

Random checks could be established which may not require substantial changes to the Electoral Act. At the very least it would be a step forward in preventing and detecting fraudulent voting as outlined in point 12 of section 8 of the issues paper. I would recommend random checking be established immediately supported by suitable publicity to electors.

However, the second option of identification of all electors before they receive a ballot paper will require a greater effort and would take some time to establish. It would be a huge task to implement before the next election. I do believe this will be the longer term outcome and will be a necessary development as we move to electronic voter identification where electors will be required to swipe a card for identification to receive a ballot paper.

The question of a "voting card" reopens debate in Australia on the "Australia Card" as a form of identification. A voting card would seem to provide a form of "Australia Card" which I personally support and would recommend as a long term goal. While the State Government could go it alone on a "voting card" a whole of government approach would be a better course to follow and hence my further support for an Independent Review Body to implement such changes.

Current Enrolments:

The question of the current roll is raised at point 11 in section 8 of the issues paper and is a matter that needs attention. A complete re-enrolment would provide a clean roll, however it seems like an enormous exercise at considerable cost. Another option would be to progressively check and identify each elector on the current roll, which I would suggest as an alternative to a complete re-enrolment.

Political Parties:

Political Parties play a dominant role in the selection of candidates and election of those candidates to Parliaments throughout Australia. Political party pre-selections therefore are often more hotly contested than the actual election particularly in so-called safe seats for any party.

Whilst respecting the committee's view not to revisit the registration of political parties nevertheless the role of political parties cannot be ignored in this inquiry. After all it was in an endeavour to gain pre-selection from the Australian Labor Party that Karen Ehrmann committed the offences for which she has been convicted.

It is on the public record that Karen Ehrmann had a complaint lodged against her pre-selection and that the ALP Disputes Tribunal dismissed the complaint. It reflects badly on the ALP and its Disputes Tribunal that Ms. Ehrmann was charged and pleaded guilty in a Court of Law to similar charges that were made against her in the Labor Party's internal dispute resolution procedures and yet the ALP dismissed the charges.

Some members of the ALP Disputes Tribunal have law degrees and are practicing Solicitors. Surely these learned people should have given greater consideration to the complaint against Ms. Ehrmann rather than dismiss it on factional lines which has become the way decisions are made by the Queensland ALP Disputes Tribunal.

The purpose of my original submission and that of my wife was to make information available to the committee to illustrate our experience with the Labor Party's Disputes Tribunal and the lengths to which some people in the Labor Party will go in the pre-selection process. This experience with the ALP Queensland Disputes Tribunal and the ALP National Executive highlights the unjust operations of those bodies.

During this conflict we also found that political parties are exempt from the Sex Discrimination Act. As a result of a public statement by the then ALP National Secretary Mr. Gary Gray that Anne should not be given pre-selection on her marital status a complaint was lodged with the Human Rights & Equal Opportunity Commission against the National Secretary and the Australian Labor Party citing discrimination on the grounds of sex and marital status in the pre-selection process. The HREOC subsequently determined that political parties are exempt from the *Sex Discrimination Act* as they are neither employers nor service providers. Political parties should be subject to the same laws as any other Australian, and it seems strange that the very political party, which framed the *Sex Discrimination Act*, should have framed the Act in such a way as to exempt themselves.

Political parties now receive substantial public funding and as a consequence they should have rules and procedures that make them accountable. This should include their preselection and dispute resolution procedures, issues that are at the centre of the Karen Ehrmann case in Townsville.

The issues surrounding the Karen Ehrmann case, the matters I raise and no doubt other similar matters from other politically active people give rise to the need for a substantial review of the operations and regulations of political parties for pre-selections and disputes resolution procedures.

Regulations or rules for political party pre-selections and dispute resolution procedures based on the principles of our electoral system need to be established by the Parliament. These rules or regulations could be applied on either an internal or external basis. That is they could be operated by the parties themselves following set guidelines or externally by an independent body such as the electoral commission. Given the current circumstances I would recommend the latter option.

I have a great regard for our democratic ideals and public accountability and for this reason I have made this submission to the committee and hope that it will assist you in your inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Les Scott', written in a cursive style.

Les Scott