

Fraudulent Enrolment in Queensland

by Dr Amy McGrath OAM

"In an affidavit tendered to the District Court by her solicitor, Ms Ehrmann provided information to the Australian Federal Police that the practice of electoral fraud was 'being used and it was known about, understood and encouraged within some factions of the Labor Party at the highest level.'"

"Because governments can be determined by a handful of votes (just 16 in Queensland or 88 in New South Wales for example) accurate rolls are essential. But the truth is that Australia has a very open system of enrolment. Our system relies almost entirely on the honesty of applicants." (Senator N. Minchin when Parliamentary Secretary to the PM at Forum 1, H.S. Chapman Society November 9, 1996)

Dr. Colin Hughes, on retirement as Australian Electoral Commissioner admitted that a high level of public concern about electoral fraud existed, and therefore 'drastic amendments to electoral laws are necessary to restore integrity'. (Bulletin November 29, 1989 - Dr. Hughes is now Emeritus Professor Hughes at Queensland University).

Fraudulent Enrolment - Commonwealth Roll Q. 2000

Australian Electoral Commission (AEC) enrolment practice.

The most crucial issue in the scandal currently swamping the Queensland the Australian Labor Party (ALP) government's Premier Peter Beattie (namely three ALP members convicted of forging and uttering false enrolments and one of them given a three year jail sentence), is whether the policy of the Australian Electoral Commission (AEC) in maintaining the electoral roll can ensure that it is honest. It is crucial because that roll is the one and only roll for all levels of election. Party members must be on it to vote in preselections.

Does AEC Policy adequately safeguard our Roll?

At present anyone can get of a plane, pick up an enrolment form at a post office, have it witnessed by anyone merely 'eligible to be an elector', or witness it themselves under another name, post it or fax to an electorate office for the address on that form, and be on the roll in two days. No document of any kind would have been required to prove they are who they claim to be.

When Mr Robert Patching, Divisional Returning Officer (DRO) for the Federal seat of Rankin, gave evidence as a private citizen to the Commonwealth Joint Standing Committee on Electoral Matters inquiry into the conduct of the 1996 election, he alerted it to the fact that *"my staff continually expressed their concern that a number of people claiming enrolment were probably not eligible"*. He began to check with the Immigration Department knowing it was *"possible for a non-Australian citizen to enrol by merely ticking a box that indicated they are an Australian citizen and leaving the box for their citizenship blank."* (Townsville Bulletin 5-Oct-1996)

In the 20 months after the 1996 election he *'discovered 217 people on the electoral roll who ineligible to vote for citizenship reasons, four of who also voted in the 1990 and 1993 elections.'* He concluded **'I would dare to say there are many thousands Australia-wide.'** He was not alone in concern about migrant enrolment. The reservation of the DRO for Corio, Mr Raveane, is also on the same record.

Mr. Patching told the JSCEM that the AEC informed him its policy ***"if an elector, born in another country, ticked the box indicating they were Australian citizens, the card was to be processed***

as acceptable on the basis of the signed declaration..." This policy I immediately thought to be ridiculous as my experience with the Vietnamese community was that the answers to most questions were 'yes' as it was considered (by the Vietnamese to be) impolite to say 'no'. This appeared to apply more often when they were having difficulty understanding English. **The AEC policy has not changed.**

Mr. Patching was ordered to stop checking immigrants. An acting officer removed his evidence from file, which he later secreted elsewhere in the office. He was victimised in petty ways and said to need psychiatry. DRO election manuals do not yet include reforms recommended in the JSCEM 1996 report four years later.

Checks in Queensland (of these only the first is more than percentage mail-out and spot checking)

Habitation reviews – (until 1997) casual staff going from door to door.

Continuous roll updating – (since 1997) data matching with Telstra Centrelink etc.

Fraudulent Enrolment Convictions 1997-2000

On October 29, 1998, a leader in that democratically vigilant and astute North Queensland newspaper, the *Townsville Bulletin* observed *"It is remarkable that no one has been charged until now in Queensland for such enrolment for political purposes - though some for multiple social security payments - given that rumours of this practice in parliamentary elections have been rife for many years, and evidence has been glaring in many union elections."*

Yet Australian Federal Police investigation of some *"high-profile ALP members and their branches in their preselection plebiscites for candidates for the June 13, 1998 state election,"* had begun nearly two years before.

Why did the Federal Police investigation begin?

It grew from the anger of some members of the ALP factional group, the Socialist Left, over the conduct of a meeting of their Heatley/Vincent Branch in the state seat of Townsville in the home of Beverly Lauder, vice-president of the ALP Townsville branch on June 4, 1996. They were so angry they took a deadly revenge by recording their account of that meeting, which was tabled by Frank Tanti Liberal MP for Mundingburra in Parliament on March 5, 1998, with supporting affidavits. They condemned **'the immense degree of fraud and corruption that encompassed the outcome of the Thuringowa plebiscite.'**

The document alleged Karen Ehrmann, a member of the AWU faction formerly unfriendly with the Socialist Left, had suddenly wanted a pre-arranged 'accord' with them by which the Socialist Left would **'advance voter support'** for her own preselection for the State seat of Thuringowa in exchange for **'loyal Ehrmann votes to advance support for Mike Reynolds'** preselection for the seat of Townsville. His rival for that seat was Ehrmann's erstwhile AWU faction fellow and Townsville Council colleague, Mayor Tony Mooney.

The document also alleged that the secretary, Simon Finn, stated *'the precise number of votes they could deliver'*, and that *'their newfound captain and navigator,'* Mike Reynolds **'expounded in some depth on the profitability of having the loyalty of the Ehrmann votes in his seat.'** It claimed Mike Reynolds desperately needed their votes to win against Mooney, who had the electoral college votes.

Further the dissidents asked why Ehrmann was bothering to guarantee 'the relocation' of the real or phantom addresses that she had 'stockpiled' to different addresses in Reynolds's territory, given she had already enough for herself without his help. She had paid dues on 49 memberships. Further she *'would have had to traverse a significant amount of terrain on Friday November 11, 1996, the day the ballot papers arrived in the mail.'* They speculated as to what could possibly be in it for her? 'Why was Ehrmann pilfering ballot papers for the seat of Townsville? **Why was Ehrmann such an ardent ally**

of Mike Reynolds? What was she to attain from it all? Why put so much in jeopardy? What was she promised?

Ehrmann's 'rotting' was found because one of the AEC staff of the DRO for Herbert knew the house, where she enrolled 6 'adults', was 1 bedroom and could not hold them all. The DRO then found similarities in a number of enrolments. A question remains - **did the AEO for Queensland then check the electoral roll by a doorknock review, given that Ian Callinan, counsel in the Mundingburra case, claimed a number of electors on the roll, used in that election, could not be found?**

Australian Labor Party Disputes Tribunal 1996

Defeated candidate in the Thuringowa preselection, Terry Gillman, a CEPU organiser, believed Karen Ehrmann had cheated him out of his right to win preselection for Thuringowa by vote rigging, ballot theft, branch stacking and altering branch records. He complained to Mike Kaiser, the state secretary. The ALP Executive set up an investigative Disputes Tribunal late 1996 *'to grill all candidates from the area on the issue.'* After a two week hearing it cleared both Karen Ehrmann and Shane Foster of any 'rotting'.

The then state president, Don Brown, declared Townsville was now 'clean'; but Gillman protested *.'the culture remained. There were grave concerns that general elections, not just party ballots, were rigged.'* And Jim O'Donnell, Federated Clerks Union organiser for North Queensland, prophetically declared *'if anyone thinks this is going to be swept under the carpet and this is going to disappear, they're fooling themselves.'* (Courier Mail 12-Dec-996)

August 26, 1997, Premier Borbidge tabled 150 pages of minutes, records, letters and affidavits as proof that ***'the tribunal's decision was decided before the hearing.... A very senior Labor Party identity had advice the factions had done a deal and Karen Ehrmann would be exonerated.'*** (S.M.H August 27, 1997)

ANDREW KEHOE July 1997

Andrew Kehoe, an AWU faction party official and former policeman, received a 3 month suspended jail term and two year good behaviour bond in July 1997 on 10 counts of forging enrolment forms. The magistrate said the court was told how Foster 'moved' voters into electoral divisions by setting up post office boxes and false addresses, then forging the ballot forms. It required a great deal of planning. ***'It was a case of a deliberate scheme which struck at the heart of the democratic process. your conduct undermines public confidence in our electoral system.'***

The prosecution had pleaded that Kehoe had told the candidate he supported had promised him a seat on the council if he won both the preselection and the seat in parliament (which he did). (Townsville Bulletin July 11, 1997) Peter Beattie denied that *'Kehoe had been acting on behalf of the party....there is a real possibility that the Liberal Party is waging a dirty tricks campaign.'*

But the boot was rather on the other foot. Informers, and Frank Tanti MP, were being harassed by ALP supporters, causing the former to reject signing statutory declarations and Tanti to move to Brisbane. As for the ALP itself, senior officials threatened to expel or discipline anyone who discussed internal party details or commented to the media. Premier Borbidge kept up the offensive. *'There is a strong obligation on Mr. Beattie to assure people no senior members of the Labor Party were involved.'* By June 1998, Graham Richardson asserted that *'rumours were rife in Townsville that as many as 15 more people may eventually be charged.'* (Bulletin 2-Jun-1998)

May 5, 1998 the Townsville Bulletin reported *'we have had occasion to take the Australian Federal Police to task over their tardiness. Still more unfortunate is the veil of secrecy which appears to have been thrown over the details of their charges and their timing.'* (Townsville Bulletin 2-Jun-1997)

Shane Foster and Karen Ehrmann - Joint Charges May 1998

Shane Foster was formerly charged with his fellow Townsville city councillor, Karen Ehrmann, before Townsville Magistrate John Brennan on May 27, 1998; Foster with forging and uttering 30 enrolment claim forms in the name of 10 people delivered to the Australian Electoral Commission between September 27, 1993 and July 25, 1996, and Karen Ehrmann with 52 similar offences in the names of 21 people during the same period. They were both also charged under the Queensland Criminal Code with forging a 'tear of slip' and accompanying Australian Labor Party ballot paper in the name of Doris Searle on a date unknown in May 1994.

The Commonwealth prosecutor, Peter Edson, then asked for adjournment to finalise evidence details. The Commonwealth Director of Public Prosecutions expected to call up to 70 witnesses. (Courier Mail 24-Oct-1998)

The offences were committed to assist Karen Ehrmann win ALP preselection for the seat of Thuringowa in the Queensland State election of June 13, 1998, and Mike Reynolds the seat of Townsville which preselections they both won. At the outset, when charged Foster intended to plead guilty, Karen Ehrmann not guilty.

After Ehrman was charged, she was invited to stay at the Brisbane home of her friend, the ALP returning officer Joan Budd, and was given a job in the Cappala electorate office of the AWU faction leader, Jim Elder (now Deputy Premier), where Joan Budd was Elder's chief aide.

Shane Foster

In May 1998, Shane Foster was sentenced to a three months' gaol term, suspended for five years, and a \$500 good behaviour bond in the Townsville Magistrates Court. The Magistrate said his term was suspended because he pleaded guilty before a committal and had agreed to give evidence against his co-accused, Karen Ehrmann, in her trial which was still to be set down for hearing.

Shane Foster had moved party members into electoral divisions with false enrolment forms, witnessed by himself, and set up several post office boxes to collect their voting slips for the ballots. In some cases he renewed their memberships without their knowledge.

His defence barrister pleaded he had not benefited financially from the plan and had an excellent work history including nine years as a city councillor. His *'reputation was now mud and his marriage under tremendous strain.'* His career as a councillor was over as he had been obliged to resign.

Two Year Interlude to Karen Ehrmann's Trial

On May 16, 1998 Peter Beattie announced there would be *'no repeat of the sort of electoral fraud wracking Townsville.'* (Townsville Bulletin May 16, 1998) The party had devised new rules. What he left unsaid was that the ALP's new rules could only deal with internal matters. The ALP had no control over the electoral roll, which was kept by the Commonwealth, nor the management of either federal or state elections where all sorts of dodges were still possible unless identification of enrolment and voting and subdivisional voting were re-introduced.

Karen Ehrmann

On August 11, 2000, Karen Ehrmann pleaded guilty to 47 of the original 62 charges in the Townsville District Court, and was sentenced by Judge Patsy Wolfe to a 3 year jail sentence with a non-parole period of 9 months as *'she had made a concerted and persistent effort to interfere with the electoral system and her crimes affected the confidence of Australian citizens.'* But the Judge reduced the non-parole period down from 12 to nine months, after hearing Ehrmann had been ostracised by her peers, harassed by telephone calls and other means and was waiting for a major operation at a Townsville hospital.

Her counsel, Robert Greenwood QC pleaded she was following a long-standing practice in the Australian Workers Union. She was under pressure to take part. *'It is not denied that she took part in*

a well-known scheme which has been carried out by the AWU long before she was involved. She was a 'bit player' in a grand scheme. She was bullied and badgered by the AWU into wrongdoing.'

The 'grand scheme' was an art form known to many who have seen it in action in the hurly burly of the less scrupulous realms of politics.

'The broad plan was to stack the electorate with voters in a number of ways:

- some people permitted their names to be used at false addresses
- others were persuaded to sign, leaving the address blank,
- that was then filled up to an address in the electorate
- some applicants were totally unaware they were re-enrolled elsewhere
- some thought they were joining a Bingo club

The signatures were then forged on an ALP branch meeting attendance form to show they were active members and were therefore eligible to vote in the party's preselection plebiscites.' (Courier Mail October 28, 1998)

A procession of witnesses gave examples of such enrolments:

- her brother Robert Fawkes while living in Perth.
- her sister, Janelle Fawkes while overseas
- Kevin Court while living in Brisbane
- Sarah Atkinson, a non-voter acquaintance at the Bingo Club
- Other friends were living in Melbourne, Adelaide and Darwin.

Some of these people were listed at the same address, for example

- five people in a flat in Cay Street, Saunders Beach, in the Thuringowa electorate,
- six people in a one-bedroom house in Eura Court, Mount Louisa - her brother, sister, children and two acquaintances.
- three in a flat in Mill Drive, Heatley
- Rodney McLaughlan received mail for three people who did not live there.

One supporter agreed to 'move' to a flat at Saunders Beach in Thuringowa despite the fact she had never lived there, so she could vote for Ehrmann who witnessed the tenancy agreement for the flat and paid the bond and rent. Others were also falsely listed there. She also rented a post office box and a house in her own name. She was no longer an ALP member but her membership had been paid by Ehrman's credit card.

Why were these votes swung to Reynolds, when she had always opposed the Socialist Left? Because she and Foster fell out with Mooney in Council affairs? And had she become a 'scapegoat' as one of her loyal friends suggested?

Fallout from the Ehrmann Case, 2000

AWU Queensland secretary, Bill Ludwig, said Kahren Ehrmann's *'attack was an outrageous slur. Unfounded and untested allegations made by a person who has pleaded guilty to electoral fraud and cheating have no credibility.'* ALP state secretary, Mike Kaiser, said her accusations were *'the bitter remarks of someone found guilty of electoral fraud.'* Terry Gillman, CEPU state organiser stated *'local officials say the ALP knew what Ehrmann was up to and turned a blind eye. They claim the rotting is not restricted to internal ballots.'*

The Hon. R. Borbidge accused Mike Reynolds MP, Premier Beattie's parliamentary secretary, of being the major beneficiary of Ehrmann's fraud and declared he should step aside.

In the federal Senate, Senator Brandis declared the Townsville Councillor, Ms Jennifer Hill, had been involved in similar activities to those which saw Karen Ehrmann in prison during her preselection for the seat of Herbert. (SMH 17-Aug-2000)

Erhmann fraud scandal referred to three separate inquiries

Criminal Justice Commission August 22, 2000

The CJC agreed to assess allegations of electoral fraud on August 22, 2000. Both the Hon. R Borbidge, Leader of the Opposition, and the Hon. R. Cooper, expressed their distrust of the outcome. The former said he had *'no confidence in the pathetic and woefully inadequate CJC. The CJC had pursued his government relentlessly on probity issues between 1996 and 1998.'* The latter said *'if it's coalition, they throw the book at them. If it's Labour they sweep it under the carpet.'*

Federal Joint Standing Committee on Electoral Matters August 23, 2000

The federal Special Minister of State, Senator the Hon. C. Ellison, referred allegations of electoral fraud in the Queensland electoral roll to the Joint Standing Committee on Electoral Matters on August 23, 2000. This cross-party Committee can hold public hearings, subpoena witnesses and make recommendations about the adequacy of the Cth Electoral Act in preventing fraud. His media release said: Premier Beattie rejected the inquiry as *'a political stunt'*.

The Legal Constitutional and Administrative Review Committee, Queensland Parliament

The Queensland Cabinet announced the LCAR Committee would recommend on compulsory identification on enrolment in November. (Financial Review 29-Aug-2000). This is puzzling because the Committee had opposed it as strongly as the Labor and Democratic Parties in the federal Parliament in its Report 19 of March 2000.

'The new enrolment requirements [in the Commonwealth roll] are purportedly directed towards the reduction of electoral fraud. However, allegations of any substantial or widespread electoral fraud in Australia have been repeatedly discredited.'

Now the level of fraud is seen to justify three official inquiries, it mistakenly favours Continuous Roll Review - a poor substitute for door to door habitation reviews.

Other Causes for Concern

By-election for the federal electorate of Dickson, April 17, 1993

Wayne Swan was ALP campaign director for ALP candidate Michael Lavarch, formerly MP for Fisher (Courier Mail April 1 1993) 'Trade unions organised a massive doorknock and letterbox campaign on behalf of the Labor candidate in Dickson, his Liberal Party opponent, Dr. Bruce Flegg, said yesterday. Dr. Flegg said documents he had obtained revealed a massive union-funded push for Labor candidate, Michael Lavarch. Dr. Flegg said the Trades and Labor Council's federal election report also revealed that Labor candidates in marginal seats had their campaign offices manned by paid union officials. He said other union-funded activities included advertising, daily press releases, fund-raising and direct mail letters. By using the trade union movement in this way, Labor candidates are able to give the impression of wide community support. I think trade union members would be upset to hear that their officials on salary packages over \$50,000 per year were in effect highly paid letter box droppers.'

Commission to inquire into four Queensland Unions

Marshall Cooke QC was appointed Commissioner to inquire into four unions by the Ahearn government in 1989. One of those was the AWU until the Gosse Labor Government closed it down when it won office. He recalls that "we had a number of Vietnamese people who worked at

Queensland Dairy Foods, a little factory on the south side of Brisbane, who said 'that is not our signature' (on the declaration with the ballot paper). Seventeen witnesses gave evidence, paralleled by the evidence of handwriting experts.... When you look at the statistics, 17% of the Queensland members of the AWU voted. But when you had migrant voters, 40% voted - particularly in places like the hospitals where they were unskilled, and not too bright, 50% of them voted and in the metropolitan areas like the Airport, where there were 200 to 300 employees, the voting was up to 50% or 60%. These were the areas in which we had votes that were fraudulent, and that was an election conducted by the Australian Electoral Commission.'

Mundingburra & Greenslopes seats State Election 1995

In Mundingburra, 1,269 people enrolled in the last week before the close of rolls. Twenty-five 'itinerants' were listed at one address in Mango Avenue, others at post boxes. This is under reinvestigation. In Greenslopes, 17 people were listed in one house.

Brisbane East Council Election 1996

In the preselection campaign for Ms Birmingham in the East Brisbane Ward, Tony Reeves of the Socialist Left said over 54 names on a voting list of 140 were affected. Addresses were altered, but phone numbers were the same. Nine people were listed in one house, seven in another. *'We seem to have a floating population of people who can be put into any electorate in Queensland. It is outrageous.'*

Fisher federal electorate 1987 (Ahearn lost by 200 votes)

5,000 names were added just before the close of rolls. Groups of people visited some of the 67 booths using different names. At Cooyah booth about 10 cars raced up, 50 men jumped out to add 100 ALP votes to the 15 ALP & 87 National Party votes. Such jumps showed up in other booths, which exhibited inexplicable trends.