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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Integrity of the electoral roll

THURSDAY, 14 DECEMBER 2000

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JOINT COMMITTEE ON ELECTORAL MATTERS

Thursday, 14 December 2000

Members: Mr Pyne (*Chair*), Senators Bartlett, Faulkner, Ferris, Mason and Murray and Mr Laurie Ferguson, Mr McClelland, Mr St Clair and Mr Somlyay

Senators and members in attendance: Senators Bartlett, Faulkner, Ferris, Mason and Murray and Mr Laurie Ferguson, Mr McClelland, Mr Pyne, Mr St Clair and Mr Somlyay

Terms of reference for the inquiry:

To inquire into and report on:

- the adequacy of the Commonwealth Electoral Act for the prevention and detection of fraudulent enrolment;
- incidents of fraudulent enrolment; and
- the need for legislative reform.

WITNESSES

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Committee met at 8.50 a.m.

CHAIR—Ladies and gentlemen, without any further ado, having been delayed by the air transport problems of getting from Townsville to Brisbane in one morning, I declare open this hearing of the Joint Standing Committee on Electoral Matters inquiry into the integrity of the electoral roll. The integrity of the Commonwealth electoral roll is vital to the conduct of free and fair elections. It is therefore essential that the integrity of the roll is not compromised and that all Australians have confidence in the accuracy of the roll. The committee's current inquiry is designed to do that. Today we are hearing from Ms Karen Ehrmann, Mr Les Scott and Mrs Anne Scott, Mr Lee Bermingham, Emeritus Professor Colin Hughes, the Australian Electoral Commissioner from 1984 to 1989, and Dr David Watson MLA, leader of the Liberal Party in the Queensland parliament. Five of the witnesses—Mr Ehrmann, Mr and Mrs Scott, Mr Bermingham and Dr Watson—will be able to provide the committee with different perspectives on the circumstances in which fraudulent enrolment was committed and came to be detected. Professor Hughes is a former Australian electoral commissioner and is a highly regarded expert on Australia's electoral system. Today we hope to explore with him his views on the reasons for and extent of enrolment fraud as well as discussing allegations of enrolment fraud that occurred during his tenure as Australian Electoral Commissioner.

The inquiry is not designed to probe the internal matters of Australian political parties. They are matters beyond the terms of reference except insofar as they impact on the integrity of the electoral roll. The hearings of this committee are public and open to all and a *Hansard* transcript of the proceedings is being made. The transcript will be available in hard copy from the committee's secretariat or via the Parliament House Internet home page.

Before the committee commences taking evidence, let me place on record that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given before it. Parliamentary privilege means special rights and immunities attached to parliament, its members and others necessary for discharge of the functions of the parliament without obstruction and fear of persecution. Any act by any person which may operate to the disadvantage of a witness on account of evidence given by him or her before the committee is treated as a breach of privilege. While the committee prefers to hear all evidence in public, the committee may accede to a request to take evidence in camera and record that evidence. Should the committee take evidence in this manner, I remind the committee and those present that it is within the power of the committee at a later date to publish or present all or part of that evidence to the Senate. The Senate also has the power to order production and/or publication of such evidence. I should add that any decision regarding the publication of in-camera evidence or confidential submissions would not be taken by the committee without prior reference to the person whose evidence the committee may consider publishing.

The Joint Standing Committee on Electoral Matters intends to honour the suppression orders for the non-publication of names, addresses and evidence that were applied by the Criminal Justice Commission investigation into allegations of electoral fraud, known as the Shepherdson inquiry. It should be noted that the committee, if it passes this resolution, which I assume it will, authorises the recording, broadcasting and rebroadcasting of its proceedings today in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings, except insofar as the proceedings are a name, address or evidence that has been ordered not for publication by the Shepherdson inquiry.

The secretariat will distribute a list of non-publication orders made by the Shepherdson inquiry which may be helpful to representatives of the media in reminding them of a name, address or evidence suppressed by the Shepherdson inquiry. The media is reminded that in some cases names are suppressed only in relation to certain evidence before the Shepherdson inquiry and are otherwise available for publication. I ask a member of the committee to move that the JSCEM authorises the recording, broadcasting and rebroadcasting of its proceedings today in accordance with the rules contained in the order of the Senate of 23 August 1990 concerning the broadcasting of committee proceedings, except insofar as the proceedings are a name, address or evidence that has been ordered not for publication by the Shepherdson inquiry. The motion has been moved by Mr Somlyay and seconded by Senator Ferris.

[8.54 a.m.]

EHRMANN, Ms Karen Lynn (Private capacity)

CHAIR—I welcome Ms Ehrmann to today's public hearing. I would like to emphasise at the outset that this inquiry is about the integrity of the electoral roll. This is not an inquiry into the internal party matters of any political party, except insofar as they impact on the electoral roll. In answering questions, you should keep that fact uppermost in your mind and not be distracted by issues that are not in the domain of the committee's inquiry. The evidence that is given at the public hearing today is considered to be part of the proceedings of the parliament. Accordingly, I advise that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament.

Ms Ehrmann, I understand that you have provided a statement on a disk, which is being printed now, hopefully, by the secretariat. Can I suggest that, in order to save time, we proceed with questions and, when your statement arrives, at an appropriate juncture you might like to give that—in fact, I have just been informed that we have it now.

Senator FAULKNER—Mr Chairman, can I make the suggestion that the question relating to the motion moved by Mr Somlyay and seconded by Senator Ferris be actually put? It was moved and seconded but I think it needs to be put by you.

CHAIR—Of course. Those in favour of the motion moved by Mr Somlyay? Those against? It is carried. The secretariat will now distribute the media alert that was printed and the list of names and addresses and certain evidence. With respect to any new members of the media who come in, if they do not make themselves known to the secretariat, it would be helpful if other members of the media tell their comrades as they arrive that they should get the media alert from the secretariat. Ms Ehrmann, I invite you to make your opening statement.

Ms Ehrmann—I understand that you have a number of questions, and I am not really sure what line they will follow. I have prepared a statement that I did intend to submit to the inquiry, depending on the sorts of questions that were asked, because I think this could clarify a few things.

CHAIR—Would you like to read the statement?

Ms Ehrmann—I will read part of the statement, if that is all right with you.

CHAIR—Yes, you can read whatever parts you like. It is your statement.

Ms Ehrmann—As this is an inquiry into the integrity of the electoral roll being heard by the Joint Standing Committee on Electoral Matters, and as I understand that the purpose of this inquiry is to investigate whether there need to be changes to the system to uphold the integrity of the electoral roll, I wish to do whatever I can to assist in what I hope is a genuine attempt to recommend real and practical improvements to our present system. I would, however, like the fact to be noted that I do not agree to be part of, or to be used in any way as part of, a political publicity stunt by any political party, or that any information that I give to this inquiry be used in a political attack or a political campaign by any political party.

I will, however, answer questions honestly and as fully as I am able to and I hope that this inquiry is successful in recommending useful changes to the Electoral Act that are able to be implemented. I can state that I would like to be of assistance in any way that I can in these necessary proceedings. I have also agreed to give evidence to this inquiry because I believe it is in the public interest that the truth be known. I will not direct that truth as a weapon against anyone in particular for the purpose of destruction. A few comments were made recently in the media. Of course, comments are often made in the media. I would also like to take the opportunity to mention a couple of names at this stage. If you choose to omit them later, that is certainly your privilege, but I think that at this stage it is also my privilege to name people.

Senator FAULKNER—It is very hard to hear you, Ms Ehrmann. Could I suggest that the microphone be a little closer and that you speak up a little? I think the acoustics in here are not great but it is very hard to hear.

Ms Ehrmann—From my point of view there are a couple of facts that need to be known. I will repeat what I said just before the microphone became a problem. I will not direct that truth as a weapon against anyone in particular for the purpose of destruction and I certainly have not done that in the past. Recently Mr Beattie was quoted as saying, ‘She wouldn’t have thrown the dirt at us. If the party had supported her, maybe she wouldn’t have introduced so much bile.’ I have not asked anyone for anything nor did I want it. I did not ask for, and I was not offered, assistance by the Labor Party, and I did not receive any. I was offered \$30,000 before my case in August to give evidence. I did not take the offer and I was angry that anyone would think for a minute that I would. I am not giving evidence through ‘bile or venom’ or the need for vengeance against those who, it is said, have used me as a scapegoat. That anger has long passed.

In fact, in any evidence I have given I have tried to be clear and fair. It is very necessary in my mind to give evidence for the most important reason. The truth has to be known so that other people will not be put in my position. Electoral fraud has been carried out in the state of Queensland. It was widespread within the Labor Party, and it has been carried out by members of different parties over many years, and we are all aware of that. It has been done to the extent that many members of those parties were led to believe that the practice was the norm. Not only was the practice of enrolling family members and friends in an area to protect the political security of politicians considered an act of support for a political party, but as an elected member you were thought to be stupid if you did not enrol family members to protect yourself against any perceived threat of a preselection challenge.

This practice was so common within political parties and carried out so frequently by the party faithful that it became a political culture. Books on political research have referred to this culture, and we are all aware of it. Recently our Prime Minister, Mr Howard, made a statement in parliament and he was reported as saying, ‘Since when is it illegal to enrol your children at your address?’ Mr Howard is obviously under the same illusions that I, and others like me, were under. It is wrong however, very wrong, otherwise I would not be a convicted criminal serving a sentence for forgery and uttering. I would more than likely still be an active elected member representing the community, as are those who have been found out for committing similar offences as the ones that I have been charged with and convicted of.

In the past I, like our Prime Minister, Mr Howard, thought that enrolling people at addresses where they did not live—if they were your family members—was not really illegal. After all, they were members of your family or friends and acquaintances who really did want to support you. I was told even by a particular person that in any case there was a limitation of 12 months on any false information concerning the electoral roll.

I at no stage used the people enrolled to ‘rig an election’; the enrolments were not used during what I considered real elections. On the occasion that I was asked to take part in an attempt to use enrolments in a real election I refused. The enrolments were used as political protection in internal ALP plebiscites. I, like others, could not grasp the concept that wrong information on an enrolment form submitted to the Electoral Commission would be treated in the same way as a cheque that someone may have submitted with the intent to steal money. After all, I would never steal anything.

I was not a criminal with a criminal intent. I had not committed any offence in my life but rather I had led a life of commitment to my community, choosing to work with people to make a difference for the community good. I was very careful with my tax returns, being always careful to claim less than I was entitled to, because in that way, as an elected member, I was above reproach. That is what I thought. I was wrong. People like our Prime Minister should know better because, after all, it was a federal parliamentary committee that recommended that I be investigated.

I pleaded guilty to charges dealing with 24 enrolment forms in 1993, 1994 and 1996. Six of those were my family who at the time wanted to support me. The rest were friends and acquaintances who at one stage or another had offered me their support. This support, at the time it was given, was given freely and not in return for anything whatsoever. According to the judicial system that I was tried under, entering any information that is false constitutes a crime of forgery, whether that information is only a box number or an address. Causing that information to be entered on the electoral roll, or causing anyone else to enter that information on the electoral roll, is ‘uttering’. It is wrong, and the sentence associated with it is a custodial one of up to 10 years imprisonment. The sentence for fraud of a monetary kind is usually less.

I was involved in the Labor Party from the time I was 18. I was too young to vote for Gough Whitlam but I was there as a supporter. I was an elected member from 1982 to 1997. How did I get involved in electoral fraud? I was not a keen participant. I had a lot of genuine support within the ALP and the community. I could have won without it. But at the time I felt trapped and pressured. I truly did not know that I was committing a serious crime that would put me in prison.

I believe now that we were part of a cultural conditioning. Everyone was doing it. It was encouraged and condoned by people at the highest level in the Queensland parliament and the Labor Party. This was not a small core side group. The Deputy Premier, Jim Elder, who I respected, urged me to have 20 to 25 floating voters and to enrol members of my family. I now know this is electoral fraud. The party’s general returning officer, Joan Budd, told me that support for their faction was like opening a bank account. You have to deposit before you can withdraw. She encouraged me to listen to Jim Elder, who encouraged me to listen to Lee Bermingham. Jim Elder would have lunch with me on occasion and then Bermingham would phone me. Lee Bermingham was the Labor Party’s state organiser and was close to Mike

Kaiser, the Labor Party's state secretary. This was not a small core outer group. These were the leaders of our party.

The chaos that was 1996 was a storm of destructive forces centred in Townsville. There was much hate and bitterness generated from people like Tony Mooney, Lee Bermingham, Geoff Smith and Mike Kaiser. Tony Mooney and Mike Reynolds were involved in a bitter preselection battle for the seat of Townsville. Enormous pressure was put on me to support Tony Mooney. This was in spite of the fact that he and Geoff Smith were supporting the candidate Terry Gillman standing against me in Thuringowa. I was told by my party leaders that if I did not support Tony Mooney I would be destroyed politically and publicly.

Peter Beattie is someone I respected as a politician. I thought he would make a good people's Premier. He called a meeting with Tony Mooney, Mike Reynolds and me before the 1996 preselection to discuss his dissatisfaction with the public media war and the inner party fighting associated with the lead-up to that preselection. Mooney left early, and Peter Beattie asked me to do everything that I could to make sure that Mike Reynolds and Lindy Nelson-Carr won.

After the preselection and Mike Reynolds and I were preselected, we were called to a meeting with Beattie, Kaiser, Elder and others. We were told that Mooney and his supporters were seeking public revenge. There would be weeks of absolute hell and then over Christmas people would forget; in the new year, we were to forget it ourselves, get out there and work our butts off as candidates. The attack would be centred on me, I was told. I was not to make any media comment to defend myself no matter what I was accused of. If I did, I would be disendorsed—there was no argument.

I believe Beattie was fair. He supported me as a candidate until I was charged. I contacted him and offered my resignation. I later changed the date of my court appearance to avoid bad publicity for the Labor Party during the election campaign. I discussed this matter with Beattie. He and Jim Elder spoke to me on the phone after this. He was not hostile in any way; he wished me well, but he warned me in words to the effect of 'It's everyone for themselves.' I understood the message he was giving. As a conditioned Labor supporter, I was willing to put the party before me. The Labor Party gave me a ticket to Brisbane.

During my case there were a couple of comments that were noted. The District Court, Criminal Jurisdiction, Chief Judge Wolfe, page 55, 10, made these comments:

Ultimately, the preselection process was held and you defeated the other candidate by 49 votes to 29. It appears, in effect, that you would have won without those six forms or the forms that have been used or prepared by you.

I state this to show how ludicrous the whole situation was. In sentencing, she further commented:

The crimes you committed affect the confidence of the citizens of Australia in their democratic processes. It cannot be put too highly. You, at the end of the day, had interfered with the integrity of the electoral roll. The integrity of the electoral roll is sacrosanct.

I do not mean any disrespect to Ms Wolfe, but I think that is said by someone who had no idea of how the electoral roll is managed by the electoral office. Before each state or federal election, people are employed to doorknock each state or federal electorate to check the roll, enrol new

electors and cross off those who no longer live at that particular address. To my mind, the electoral roll has not ever been given, or seen with, any form of sacrosanctity, and no-one has ever believed it was at any time totally accurate.

Anyone who has knocked on doors in any electorate for any reason will have found that many people no longer live at the addresses at which they are enrolled. This has nothing to do with electoral fraud. People not involved in politics generally do not think about changing their address until their attention is drawn to the fact that an election may be called. This is the system as I have come to know it. Before a state or federal election it is the usual practice that an enrolment check be carried out by the electoral office. This check is carried out in the form of a general house-to-house doorknock carried out by casual employees of the Electoral Commission. The purpose of this enrolment check is to ensure that residents are enrolled at the address at which they now live—in other words, people moving to new residences for genuine reasons.

During this process, the names of the people who were found to no longer live at a particular address would be removed from the roll. If they had been found residing at a new address, they would be asked to fill out a new enrolment form and would be enrolled at the address at which they now lived. If a person entered a polling booth and found that their name was registered at an address other than where they lived, they would be directed to an electoral officer in attendance at the polling booth who would advise them to fill out a form for a section vote. They would then be given an enrolment form to fill out and the form would be registered with the electoral office.

I have never been involved in a situation where votes were cast for someone other than myself at a general election. In my court documents on page 2410, Mr Hansen, the prosecutor, stated, 'There is no suggestion that this was utilised to vote at an actual election'. The situation in relation to the 24 forms that I was charged with is that only six forms were valid in 1996—in other words, six of those people were on the roll. After 1996, none of those people were on the roll eligible to vote in state or federal elections. They were wiped out by the normal system of checks carried out by the electoral office, as I expected they would be.

In my opinion—if I dare to give it at this inquiry—any new system that is put in place to stop electoral fraud will have to begin at the point of enrolment. To open a bank account or receive a drivers licence you are required to show proof of identity. Would it be unreasonable to expect people to show proof of identity to be able to enrol on the electoral roll? Electors could then be photographed and issued with an electoral identity card. To change address an elector would be required to fill out a form and present it in person. This photographic identification would eliminate any opportunity of misrepresentation.

Door-to-door checks should be carried out yearly, with a requirement that the person who carries out the door-to-door checks is required to sight each person enrolled at that particular residence. This, of course, would often require the person carrying out the check to return in order to catch people at home. I am aware that in a lot of situations the person doing the check asks one person information about all others on the list of enrolled voters. For instance, 'How many people live here?' or 'Does Jo Smith live here?' This situation leaves the system open for abuse. Any changes will involve economic investment, but if that is what this inquiry is really

about and if the government is really serious about protecting the integrity of the rolls, I think your system has to be more professional. Thank you.

CHAIR—Thank you very much, Ms Ehrmann. I cannot speak for the rest of the committee, but I certainly cannot think of anything more hellish than to be incarcerated. So I congratulate you and commend you on your courage in maintaining your dignity throughout what has obviously been an incredibly difficult time. I thank you very much for your preparedness to come down and perhaps relive some of the painful experiences that you have had in the last few years before what some people would regard as a daunting parliamentary inquiry. We hope not to be too daunting if we can possibly help it. You said in your statement that you had never been given any money by the Labor Party for your defence and that you had only ever been offered the \$30,000 to which you referred. Is that the same \$30,000 that was referred to in the *Four Corners* program?

Ms Ehrmann—Yes, that is correct. To start at the beginning—and I can take this opportunity because I certainly do not have access to media other than at this inquiry, and I am not allowed to speak to the media—there have been a lot of comments made in the media that I am not able to reply to. One of the comments was that the reason I gave any information to anyone was because I had asked the Labor Party to pay my legal bills and they would not. That is absolutely untrue. I did not at any stage ask the Labor Party for anything. After I was charged, I was invited to a social occasion at the then president's house—Donnie Brown—who suggested that they could raise some money for my case. I did not carry it further with him. It was offered in front of other people. People within the party also offered to give me a job after that time. I was not employed. Peter Beattie did not ask me to stand down from my councillor's position after I was charged. I stood down as a councillor in 1997. I was charged in 1998. I was asked to stand down as a councillor so I could put a full-time effort into being a state candidate.

CHAIR—The *Four Corners* program contained a re-enactment of a phone call between you and a figure called 'Paul'. The figure called 'Paul' said:

What we need from you is a signed statement saying that Reynolds received bogus votes and was aware the votes were bogus—that sort of thing. It has to be done in a way that, after the fact, when it's over, it can't be said that the evidence was induced in an attempt to pervert the course of justice.

... ..

You would be required to prepare a signed statement. This will have further implications. It will involve him being disendorsed.

That is obviously about the conversation about the \$30,000. Do you know who 'Paul' was?

Ms Ehrmann—I do not know who 'Paul' was. One of my family got the phone call and relayed that message to me after his voice was played on *Four Corners*. A name was suggested. I do not know whether it was this particular person or whether I should give it in an open comment.

CHAIR—Did you suspect it was the person whose name had been suggested to you? Perhaps you could let the inquiry know who that is. Is it your suspicion that 'Paul' is the name that was suggested to you by your family member?

Ms Ehrmann—I have no idea who the person was. It was not suggested to me by a family member. The family member was called by another person within the party and told that this was who it was. Whether it was or not, I really do not know. It was also suggested that this particular person was a potential candidate for Thuringowa. I was told in August that the candidate, Bob Boscacci, would not be the candidate for Thuringowa but another person who was involved would be.

CHAIR—You did not recognise the voice from the tape that was played on *Four Corners*?

Ms Ehrmann—I have not spoken to the person whose name was given to me. The name was known to me from Labor Party circles but, not having spoken to him, I would not know whether that was his voice.

Mr McCLELLAND—I may be at cross-purposes, but was that a re-enactment?

Ms Ehrmann—No. Let me explain the situation. That was a real voice. Do you want me to start at the beginning with these particular events?

CHAIR—If you would like to do so, yes.

Ms Ehrmann—Yes, because it is a little bit more than that as well. I was recently contacted by a friend in America. I had not heard from her for two years, so it was quite a surprise to be contacted by her. She had heard about the case. She then contacted me in a rather distressed state. She had been contacted by someone she knew and that contact was followed up by someone she did not know, who called himself Paul, who had offered to launder a large amount of money through her in America to give to me. How this was going to be done, I have got no idea. She has become a very religious person and when she gets stressed she starts quoting the Bible to me. Sometimes it is very confusing to work out what she is saying because I have to work out the biblical terms. She was very distressed. She contacted me by fax a number of times, expressing that concern, relaying to me information that she had been given by these people. I had all those copies of faxes as proof at the time that the conversations had taken place, what her feelings were and the things that were being said to her. At the same time, almost on the same day, I was contacted by friends in Townsville who had been contacted by a different person altogether. They had been offered money to ask me to dinner so that this other person could pretend they had come along by chance and have access to me in order to make me an offer of some money.

CHAIR—What were you supposed to do in exchange for the money?

Ms Ehrmann—At that stage I did not know.

CHAIR—Was it along similar lines to—

Ms Ehrmann—I knew I was being asked to give some kind of information but I did not know at that stage. As the whole thing evolved, the friend in Townsville gave me the name of a man that I was to ring. I contacted my lawyer, who contacted the Federal Police, as I had wanted them to be there at the time of the conversation. They were not interested and they asked

me to get a friend to listen in on the other phone, which I thought was quite inefficient and did not give any proof whatsoever.

CHAIR—Did you recognise the name of the person that you were to call?

Ms Ehrmann—Yes, I did.

CHAIR—What was the name?

Ms Ehrmann—The name was Ron Barnard.

CHAIR—What was his role?

Ms Ehrmann—He was a member of the Labor Party, but he was very closely aligned to Tony Mooney, who obviously had some involvement in information being given to the police that led to my trial. So it was quite suspicious that he was the person named. He certainly was not a friend of mine. He told these people that he was a friend who wanted to help me. He certainly was not a friend of mine. Because I told the police I would do so, I contacted him. I did have a friend listen in on the other extension. We recorded everything that was said immediately, so it was fresh in our minds, and that information was given to the police. They do have that information. Without going into every little detail, word for word, he did not mention any names. He said they wanted to help me but he was just the go-between. He said there were other important people involved, people with a lot of money, who wanted to talk to me and that, if I was willing to go further, he would get them to phone me.

You have to understand that I think the reason it was done in this way was that I had been in Brisbane, in Mount Tamborine, for a while, and people did not have my phone number. I came back in the September before the court case because it was thought that it might come up sooner than it did. The phone was not listed in my name and people did not know how to contact me, but they certainly went to a lot of trouble to track me down through friends, and even to offer them money to ask me to dinner, in order to do this by stealth. It was not done openly as a gesture of friendship or help.

CHAIR—The essential point was that they were going to offer you money to change your evidence so that, therefore, you would be off the hook and somebody else would be on the hook.

Ms Ehrmann—I do not think it was so that I would be off the hook.

CHAIR—But somebody else would be on the hook?

Ms Ehrmann—Yes.

CHAIR—Was that somebody else Mike Reynolds?

Ms Ehrmann—Yes, it was. In part of the conversation I had, I said to them, ‘Do you want me to give information on other people within the party? Are there other people? What is this

about? Do you want me to give information?’ They said, very forcefully—in fact, he almost spat it at me—‘No, only Mike Reynolds.’

CHAIR—They said, ‘No, only Mike Reynolds.’

Ms Ehrmann—Very forcefully—almost spat at me.

CHAIR—Did they want you to make up the information, if necessary?

Ms Ehrmann—In the first phone call they did not say that they wanted me to tell the truth. In the contact I got from Jillian from overseas, they wanted me to make a statement about Mike Reynolds. They did not say that they wanted me to tell the truth about Mike Reynolds. In the first contact, they did not use the words ‘the truth’ at all. They said they wanted me to make a statement and, if I were prepared to do that, then a substantial amount of money would be given to me. In the conversations in America, \$30,000 was not mentioned, because I jokingly said, ‘Oh, what, \$300,000?’ She said, ‘Yes, and this is not a joke.’ She actually told me off for considering it in a flippant way: ‘This is not a joke, they are serious.’

CHAIR—Moving on to another subject, you said that you were told by somebody in the ALP about the 12-month limitation for offences under the electoral roll. Who told you that?

Ms Ehrmann—I think it was mentioned by one or two people at the time.

CHAIR—Can you remember who?

Ms Ehrmann—I cannot remember specifically who told me. I thought it was Bermingham.

CHAIR—Lee Bermingham?

Ms Ehrmann—Yes.

CHAIR—What year was that? Do you remember about the time?

Ms Ehrmann—No, sorry. It all became very confusing with years and everything.

CHAIR—You said that the practice of electoral fraud was encouraged and condoned by people at the highest levels of the Labor Party in parliament. When you said that, were you talking about Jim Elder and Mike Kaiser or were you talking about people higher than them?

Ms Ehrmann—I was referring to the people within our party at the highest level of the party and in parliament. I obviously thought those people were very high and I was referring to those people.

CHAIR—Those people being Elder and Kaiser or the leaders of the Labor Party?

Ms Ehrmann—Elder and Kaiser are the leaders of the Labor Party, if you know it as I know it. Kaiser and Elder are very influential and certainly the leaders of our party.

CHAIR—Mr Beattie was state secretary in the 1980s. I think you said you were on the council from 1982 to 1997, is that right?

Ms Ehrmann—Yes, I was.

CHAIR—You said that, from the first moment that you came into the Labor Party, you understood that the culture was to join up your family members on the roll, even if they did not live at home, and to be involved in electoral fraud. Obviously, when you first came into the party that was the case. Would you think Mr Beattie, as state secretary, would have been aware of that?

Mr McCLELLAND—I have to object. I am not sure that the witness has given evidence for you to say, ‘Obviously, that was the case.’ You should let the witness give her own evidence.

Senator FERRIS—She can decide what she wants to say.

CHAIR—She can decide how she wants to answer the question.

Mr McCLELLAND—I think she is about to do that.

Ms Ehrmann—I will.

CHAIR—If you had not interrupted, she would have been able to do so. Would you like to answer the question?

Ms Ehrmann—I want to be clear on this. We did not think of it as electoral fraud. I was involved in the party from the time I was 18. I was certainly aware that elected members had members of their families enrolled at their houses, way back to that time. I was certainly aware that some of those people did not live there. It certainly was a culture, and it was not thought to be wrong. That is true, and anyone who says they do not know that is not telling the truth.

CHAIR—So do you think it beggars belief that Mr Beattie would say that he knew nothing about this culture of electoral enrolment throughout his entire period of 16 elections and as state secretary?

Ms Ehrmann—I do not think it is my place to say what Mr Beattie knew or what he did not know. I can only tell you what I know.

CHAIR—Sure.

Senator FERRIS—Did the secretary ever say that you should not be enrolled in these things, while he was the secretary?

Ms Ehrmann—I cannot remember that ever being said, no—by anyone.

Senator FERRIS—But you cannot remember it being yes or no?

Ms Ehrmann—I cannot remember any yes or no on that, no.

CHAIR—You said you had a meeting with Peter Beattie, Mike Kaiser and others to discuss the Tony Mooney preselection and that Mr Beattie told you to do everything you could in the preselection to elect certain people. When you left that meeting, did you believe that ‘everything you could’ included false enrolments?

Ms Ehrmann—Just to correct that, the meeting was originally Tony Mooney, Mike Reynolds and myself. Mr Kaiser was not there.

CHAIR—Didn’t you say, in your opening statement, that Mr Beattie was there?

Ms Ehrmann—Mr Beattie was there, yes, definitely—he called the meeting. And, as I said, he called the meeting because he was dissatisfied with what was happening. There was a public brawl that was spilling out into the media. He had been embarrassed, when he was in town, on a talkback radio show when one of the people who was backing Mooney had rung him and said some things that put him on the spot; they tried to drag him into the infighting that was happening within that preselection battle. I think in that case there probably were some accusations of illegal matters.

CHAIR—So when Mr Beattie said to you that he wanted you to do everything you could and also said to you that you were going to be blamed and damage would be done to you in the press, but you were not to respond otherwise you would be disendorsed—which is what you said in your opening statement—did you believe at the time that that meant—

Mr McCLELLAND—That is not a fair account of the evidence. The witness’s evidence was that in a series of conversations these things happened, not at that one meeting. I think you have scrambled all that up into one meeting when that was not the witness’s evidence.

Ms Ehrmann—Yes, and if that happens I will correct that, because I want to be careful to make sure that I am being—

CHAIR—Absolutely accurate.

Ms Ehrmann—clear and truthful and as accurate as possible.

CHAIR—Did you believe that that series of events that occurred—that meeting and the phone calls that occurred afterwards where you were told that you could be dragged through the mill, so to speak—was because the enrolment irregularities might come out and be used against you?

Ms Ehrmann—If I can just go back, you have mixed two meetings up together, and different years and occasions. The other one that I referred to, where Beattie asked me to do all I could to make sure that Reynolds and Lindy Nelson-Carr won, was before the preselection. There was the most bitter public situation in Townsville and it had been going on for at least a year. There were comments in the media from people who were not even from different factions, they were different personal supporters. It was quite messy and there were accusations of illegal things at that time. If anyone looks back to 1996, the papers were full of them.

CHAIR—Mr Beattie told you at that time not to defend yourself publicly or you would be disendorsed?

Ms Ehrmann—That was not 1996; 1996 was before the preselection. I was actually preselected in December 1996. So was Mike Reynolds. That was the time that I was told—ordered—I was now his, his property—

CHAIR—Whose property?

Ms Ehrmann—Peter Beattie's.

CHAIR—Who told you that you were his property?

Ms Ehrmann—Peter Beattie did, and he said that I should do exactly what I was told or I would be disendorsed. When I tried to speak, I was told to be quiet and listen and that this was the way it was and this was the way it had to be. We were to follow his orders. I was not to make a comment. I was not to defend myself no matter what I was accused of.

CHAIR—When things turned sour and Mr Beattie said to you, 'It is everyone for themselves' and you said in your opening statement that you understood what that message meant, what did that message mean?

Ms Ehrmann—That message, to me, meant that Peter was going to make public statements that I might not like and was going to do anything he could to make sure that none of the charges against me were reflected on him or his government.

CHAIR—So did you take that to mean that he was going to throw you to the wolves if necessary—

Ms Ehrmann—Yes, very much so.

CHAIR—to save his own skin?

Ms Ehrmann—I think—as I said at the time—that I was still in the frame of mind that I was perhaps brainwashed into, over many years of being a loyal party supporter, that the party comes first. I was willing to put the party above myself and I think that culture is well known and was what was in most people's minds. They were heading towards an election and the most important thing was that the party won. Individuals did not matter.

CHAIR—Did you understand that putting the party first meant at that stage putting Peter Beattie before yourself?

Ms Ehrmann—I do not think that I took it to mean Peter Beattie before myself. I took it to mean putting their chances of winning and the party before myself, and I was actually quite happy to go along with that at the time.

CHAIR—I will just ask a couple more questions and then some of my colleagues from the coalition might like to ask some questions. You talked about the culture of the Labor Party and what to our eyes seems to be a culture of electoral fraud but to your eyes seemed to be the normal practice in the Labor Party. You said in an affidavit in your case that:

I was a bit player in a well-known scheme being carried out by the AWU long before I was involved. I was not a person with any power or position. I was most of the time bullied and pressured by people in positions of power.

Who were you bullied and pressured by?

Ms Ehrmann—Do you want me to start naming names?

CHAIR—Yes.

Ms Ehrmann—The general group.

CHAIR—That is why I asked you who you were bullied and pressured by.

Ms Ehrmann—Yes. Can I start by explaining and taking this further, because this is not a joke—this is true and this is what happened within your party. They first started pressure when a very strong AWU influence came to town. This was at the same time that Goss was coming into power. The person who was the organiser at the time was David Barbagallo, who was a very bullying figure, and if you want to ask who was first, he certainly did bully me.

I had already been a councillor in Townsville for many years. I was elected to the Townsville City Council. I had a very good reputation in the community. I had achieved votes of over 60 per cent in my electorate and it was not an area that was a safe Labor ward; I got those from a cross-section. I had been elected to various positions within my party. I think that I had a very good record of Labor and community support, and yet I was targeted and told that I was an embarrassment to the Labor Party by Mr Barbagallo. Yes, I think I was very much bullied by the eight members of the AWU. They were trying to get rid of a number of people—you either were in their boat or you were the enemy. You went along with them or they got rid of you. The council was going through a boundary change. It was made quite clear to me that my boundaries would be gerrymandered so that my seat was unwinnable.

CHAIR—Who did you believe would carry out that gerrymander to make your seat unwinnable? Surely it was an independent organisation.

Ms Ehrmann—No, it was not.

CHAIR—How was it conducted then?

Ms Ehrmann—There was a gentleman—I think he had been in Canberra at one stage; I do not know where he was based at that stage—and a friend of Tony Mooney's knew him and brought him to town as a consultant because they thought he was someone who would do exactly what Tony told him to do. That is pretty much what he did. He was an independent consultant hired by the council, but independent he was certainly not. Tony and members of the AWU did the boundaries very privately and they were presented to the independent consultant

to present as his findings. It was not independent. I was asked to stand as a conference delegate for the AWU. In return, the pressure would be taken off, the gerrymander would not go ahead and I would be basically left on my own and allowed to do my job as a councillor without being pushed out of a party that I had served for so many years.

CHAIR—Could you name some of those people who you are accusing of bullying?

Ms Ehrmann—Yes. David Barbagallo was the key figure at the time. There was Tony Mooney, of course, and Richard Cleal, who was with him, and members of the AWU. The person who I first spoke to and who suggested at that stage that I join the faction was Mike Kaiser, and Ken Davies actually supported this move. Ken Davies was the nicer side. He was nice about it, suggesting that it was in my best interest to do it, that I should think about it and that everything would be okay if I did it.

CHAIR—So Mr Davies was the good cop and Mr Kaiser was the bad cop?

Ms Ehrmann—Yes, basically.

Senator FERRIS—Do you regard someone who tells you that they own you as a bully?

Ms Ehrmann—I certainly do.

Senator FERRIS—So Mr Beattie is one of your bullies?

Ms Ehrmann—He was not one of those bullies. He did not threaten.

Senator FERRIS—So you had an A team of bullies and a B team of bullies?

Ms Ehrmann—I think you will find in most organisations that is the case—some of them are nicer in their manner than others. Some of them are outright thugs; others are nice about it but the meaning is still the same.

Senator FERRIS—Did anyone else tell you that they owned you?

Ms Ehrmann—Not in those words.

CHAIR—Do you think that Mooney, Barbagallo and the others you have named were acting of their own volition or do you think that they were reporting to someone else?

Ms Ehrmann—They were acting as members of the AWU faction.

CHAIR—And they were reporting to whom?

Ms Ehrmann—At that stage, I did not know, because I had not been involved in factional politics.

CHAIR—Do you now know that it was Bill Ludwig?

Ms Ehrmann—Bill was obviously the face of the AWU. Whether they reported directly to him on everything they did I think is very doubtful. He certainly condoned what they did, but I do not think they went to him with every little thing that they did. David Barbagallo was the state organiser. He was a powerful person. The state secretary at the time was Wayne Swan. I do not know, and I would not like to give the wrong information.

Mr St CLAIR—When you had the meeting with Beattie, Mooney and Reynolds, obviously it was regarding the Townsville plebiscite. Why were you there if you were the preselected candidate or in the process of going through Thuringowa?

Ms Ehrmann—It was because of the media flak and things that were happening at the time. Beattie called me there. I was standing as the member for Thuringowa. My name was mentioned in relation to matters in the Townsville plebiscite. This was to do with the media and all sorts of things that were happening at the time. In 1996, I was accused of lots of things. I was supposed to be stacking branches when I was actually in hospital in Brisbane, at one stage. Lots of things that were said were not correct. It was really a smear campaign at the time and, as I was—I suppose—thought to be the most likely candidate to win Thuringowa, Beattie wanted to ensure that the whole thing did not turn into a political embarrassment for him. What sparked it was the fact that, in a radio interview, one of the Mooney supporters had actually embarrassed him on a talkback show.

CHAIR—As a housekeeping matter, we were to have Ms Ehrmann from 8.30 to 10 o'clock, but unfortunately we started late. I know that there are two or three very quick questions from the government. I suggest we take those, then see if the Democrats have any questions and then let the opposition ask questions for about 30 or 35 minutes, given that we are running late. Then we will hear from the Scotts after that. Is the committee happy with that process? To be fair, I will take one question each from the coalition members who want to ask one and then we will go to the Democrats.

Mr SOMLYAY—On a point of clarification: did you mention the name of the consultant who came in to do the Townsville City Council?

Ms Ehrmann—No. I cannot remember his name; I can remember his face. I know he had been a Labor member and his wife was a Labor member.

Senator FERRIS—Perhaps you can take that on notice. If, on reflection, you remember his name, you might like to supply it to the committee.

Ms Ehrmann—I could certainly remember the people he was connected with. It was Greg Hallam who had recommended him. He was then in a senior position in the Townsville City Council.

Mr St CLAIR—Just to get on to part of your affidavit, you were talking about pleading guilty and you said: 'I was a bit player in a well-known scheme being carried out by the AWU long before I was involved.' How long is 'long'? How long do you think this has been going on?

Ms Ehrmann—I can only tell you when I first became aware of what was happening. That was when the AWU factional influence became known in Townsville. Townsville up until then had a few state members who were aligned to factions. Geoff Smith was definitely aligned to the AWU. There were quite some infamous stories about him as far as branch stacking and—

Mr St CLAIR—What was his role?

Ms Ehrmann—Geoff Smith was the state member for Townsville. He was known to be an AWU person. The northern state organiser was at that stage based in Townsville. That was just before Goss won. He was put there to organise seats for Labor to win. It was at that stage when the influence and how things were done changed dramatically. There were bullying techniques. For instance, when Ken Davies stood as a candidate, all the other candidates were bullied out of standing. As you know, Ken Davies was not even a member of the party when he was endorsed. That was quite an infamous situation. He was known to David Barbagallo because he had a business next to David Barbagallo's office. His accountancy firm was situated right next door to the state organiser's office. That is how he became known to the party.

He was endorsed and then he became a Labor member. The only way they could do that was by stopping other people from standing. Basically, they were just bullied out of it. I know that at that stage I was one person who was perhaps interested in putting my name forward. I could not even think of it. Barbagallo was that type of person. For instance, in a small pre-selection for council he was the state organiser. He was the AWU candidate's campaign organiser. Then he declared himself returning officer in the same plebiscite. He was the organiser and the returning officer—and, of course, the candidate won. That was the first time it became known to me that they were willing to do the things that they did. In that little pre-selection they used the same tactics they have used ever since: people were enrolled at places where they did not live; people were enrolled at places that did not exist; ballots disappeared; and seven people sent postal ballots that never turned up. They were exactly the same tactics that were used later on. That was just prior to Goss being elected, and I think that was in 1989.

Senator FERRIS—Before I ask my question can I just congratulate you on the courage you have shown this morning. I am sure all of us realise just how difficult it has been, and I personally would like to congratulate you on that courage. Based on your knowledge of the system of rorts that operated in Queensland in the ALP, do you think it would be possible for anyone to get to be a politician—either federal or state—from the ALP and not be a player in some form of ALP rorts scheme?

Senator FAULKNER—How on earth does this fit within the terms of reference of this inquiry?

Senator FERRIS—Please let Ms Ehrmann answer, Senator Faulkner.

CHAIR—The question is about whether state or federal politicians would have had to have engaged in electoral roll fraud—

Senator FAULKNER—No, it is not; it is a question about ALP rorts, actually.

CHAIR—I think ALP rorts is another term for electoral fraud.

Ms Ehrmann—Can I just clear that up by saying that I think, yes, it is possible; in certain areas, no, I do not think it is possible. If you were a targeted area, no, it would not be possible. There certainly are members in state and federal parliament who got there without rorting the system.

Senator FERRIS—Would you like to name some of those people whom you believe actually did it on their own?

Ms Ehrmann—There are a lot of state and federal members, and some of them I have never met.

CHAIR—Can you remember what the targeted areas were, where people would have been—

Ms Ehrmann—You have to remember that, in spite of the publicity and my sudden rise to great heights within the party and the faction, I was not a big player in the party or the factions.

Senator FERRIS—Who were the big players? Who was Mr Big?

Ms Ehrmann—Can I just explain, to start with, I was a little councillor from Townsville. The main players were not in Townsville. I was not part of the caucus executive; I was not part of any great group. I was a Labor member who had worked very hard for their party most of their adult life. I was a person who had worked very hard for my community most of my adult life. In my case they said that the work I had done for the community and my references were exceptional. But as for being a big player within the Labor Party and knowing who the Mr Bigs are, they probably would not even talk to me most of the time. If people saw you from time to time they would have a discussion with you, but I do not think I was important enough to be in caucus meetings or be taken into the confidence of those sorts of people within our party. Sure, from time to time if they wanted me to do something they would talk to me, but I certainly did not have that sort of advantage.

Senator FERRIS—There must have been a lot of bit players.

Ms Ehrmann—There were a lot of bit players, and I think anyone who has been following the Shepherdson inquiry can see that. The only thing that has come out of that is that I no longer feel like Alice in Wonderland—that I am the only one who knows and no-one else is believing me.

Senator MASON—Let me summarise with a more general question to finish off. This committee and the Shepherdson inquiry have heard evidence of a litany of abuse of the administrative cornerstone of our democracy—that is, the electoral roll. We have heard about enrolling real and sometimes fictitious people at false addresses. We have heard about safe houses. We have heard about AWU slush funds. We have heard about floating voters. We have heard about people rushing to letterboxes before dogs get there, and so forth. But it really all comes to this, and you say on page 37 of your evidence to the Shepherdson inquiry on 3 October, that it was general knowledge and the general culture in the Labor Party to lodge fraudulent enrolments with the Electoral Commission. You said:

Those sorts of things were generally discussed. In fact, a lot of those things that had happened were discussed around conferences or around dinners in Brisbane. It was quite general knowledge that a lot of people were involved in doing it. There were jokes about different things. It wasn't something that I dreamed up or just thought up on the day, 'I'll go and do this.' It was quite common practice and common knowledge.

Do you think that it is possible that any Labor candidate or major player in the Australian Labor Party in Queensland from, let us say, the late 1980s when you first became involved, could rise through the ranks without knowing about the existence of rorting on the Commonwealth electoral roll?

Ms Ehrmann—I can only answer that in this way: I was not a big player, yet I knew about it. I was not on any major executive position within our party, yet I knew about it. When they say they do not know about it, I think the line is drawn sometimes in people's minds between the fact that people had floating voters and enrolled people at addresses they did not live at who were willing to support them, and there were people who fraudulently forged the signatures of people they did not know or maybe had never met. I think sometimes we would think of that as wrong and fraudulent, whereas the practice of enrolling our friends and family at addresses they did not live at was not thought of as being fraudulent or wrong. Most people would know that members of people's families and friends were enrolled or used as floating voters. They probably saw that as not being wrong. That is the only way that I can describe it: when people say they were not aware, they were very much aware that people's families and friends were enrolled to assist them.

Senator MASON—I am not asking, Ms Ehrmann, whether every major player or politician in the ALP in Queensland participated in electoral rorting; I am asking whether they would have knowledge of it.

Ms Ehrmann—I can only give you my point of view on that. My point of view is only one person's opinion. That does not prove anything whatsoever.

Senator MASON—What is your opinion?

Ms Ehrmann—The way I answered it is that I was just a councillor from Townsville, and I knew about it.

Senator BARTLETT—I want to get back to the electoral roll. Would you just clarify that in terms of the particular activity that came up in your case? As I understand, it involved 24 voters over a three-year period.

Ms Ehrmann—It was 1993, 1994 and 1996.

Senator BARTLETT—So 24 people over three different episodes?

Ms Ehrmann—It was not 23 people or 24 people. Some of those were the same people. Six of the charges were for my brother and sister.

Senator BARTLETT—In terms of your preselection, I think, for Thuringowa you were saying it basically just involved six people and you, as it turned out, could have won the preselection in any case without those people.

Ms Ehrmann—The charges were not just for Thuringowa or the forms were not just for Thuringowa.

Senator BARTLETT—Just focusing on the Thuringowa preselection case, there were just six people. Is that what you said before?

Ms Ehrmann—Yes, but it was not just for Thuringowa.

Senator BARTLETT—I understand you. The statement that I think you quoted from the judge, and you stated yourself, was that you would not have actually needed those people, as it panned out. They were more an insurance rather than accepted practice.

Ms Ehrmann—Yes, there was a bit of that. By 1996 I think I had had absolutely enough of the practices, the bullying and the attitudes. It was quite horrific by that stage. By then I had had so many threats made against me and there were so many people out there that I took the attitude: if I won, I won; if I did not, I did not. But I was sick of being bullied and I did not feel that, if I were going to be a state member, I could be one under those conditions. I would have only been a mushroom at best, and the situation would have carried on. I really had had enough.

Senator BARTLETT—You made a distinction between people who might be family or good friends who were knowingly being enrolled to assist the person who wanted to be elected and people who would not be aware of it. Would you be able to make a guess at how big each category would be, that is, whether the vast majority of people do not know about it, or is it mostly just a few friends and family members being enrolled for each individual person?

Ms Ehrmann—Are you talking about things other people did?

Senator BARTLETT—Yes, in terms of the practice overall that you have stated is reasonably widespread.

Ms Ehrmann—The only information I can give you at this moment on that would be hearsay. It is only things that have been talked about around party circles. There was a lot of talk about a lot of things like that in and around the Brisbane area. There were stories about people being enrolled out of phone books in Logan and other areas. What was the biggest category? I have got no idea, because I have got no idea of what numbers we are talking about. All I know is that those things were generally discussed. Young Labor people talked about it all the time; other members spoke about it quite often. It was the topic of a lot of gossip and often that gossip did have foundation. It was not something that people made up when you looked into it. With some of the things that have come out of the Shepherdson inquiry it has all been proved.

Senator BARTLETT—When people were talking about this sort of activity, was your perception that it was predominantly aimed at preselection contests or was a component of it to affect actual election outcomes?

Ms Ehrmann—No, I can quite clearly say that most of those actions that were talked about had nothing to do with real elections. In fact, I cannot think of any occasion, except for some talk about Mundingburra, when it had to do with real elections. It was for preselection purposes.

Senator BARTLETT—One other distinction I am trying to understand involves a phrase often used for all political parties—branch stacking. That is a different type of activity, is it not, from false enrolment? You do not need to use false enrolments to stack a branch.

Ms Ehrmann—I think branch stacking has been used in both contexts. Branch stacking can be, of course, when you get a lot of members to join a branch. You enrol your friends and family and whatever. You get a lot of people to attend branch meetings.

Senator BARTLETT—Sometimes the terms are being used interchangeably these days. I just wanted to clarify that branch stacking does not necessarily equate to mucking around with the electoral roll.

Ms Ehrmann—Again, I can only tell you from my experience and the way that it has been used within party circles. I think it is being used in both ways. Certainly around Brisbane it was used in both ways.

Senator BARTLETT—Correct me if I am paraphrasing you wrongly, but you spoke about a culture amongst political parties in general of, if not corrupt behaviour, perhaps improper behaviour or win at all costs behaviour. Do you see that that might be a good reason for stronger regulation of the operation and behaviour of political parties in general, either by the AEC or some other independent body?

Ms Ehrmann—For preselections?

Senator BARTLETT—It could be oversight of preselections or other activities within political parties that might influence or generate improper behaviour.

Ms Ehrmann—I certainly see that that would be an advantage, but how do you make sure that the independent arbitrator is independent? When a party is in government long enough, from what I have seen through the ALP and previous governments, they seem to appoint the people that support them. How do you ensure that those people are independent? The Labor Party has certainly had many loyal supporters within lots of different departments.

Senator BARTLETT—So you would be suggesting—

Ms Ehrmann—And those people were often heads of those departments. How do you ensure that they are really independent?

Senator BARTLETT—Leaving aside local councils for a second—

Ms Ehrmann—I am not talking local councils.

Senator BARTLETT—No, but are you suggesting then that you would be not necessarily full of confidence about the independence of the state electoral commission or the Australian Electoral Commission?

Ms Ehrmann—Again, it is only my opinion for what it is worth, but I certainly think it would be a move in the right direction. At least you would have a chance of some independence. I find that if people are really serious enough about rigging something, they probably go to great lengths to try to do it, but I think if the opportunities were taken away away from those parties it would certainly stop some of the things I have suggested to do with the electoral roll and enrolments on the electoral roll.

Senator BARTLETT—Are you aware of some of the checking procedures the Electoral Commission has now, for example the check mechanisms they have to stop people being able to be enrolled at places that do not exist?

Ms Ehrmann—No, I am not. When were they introduced?

Senator BARTLETT—I am probably better asking them. Some of those residency checkings and those sorts of things have been in the last couple of years.

Ms Ehrmann—I suppose what I am saying is that, in my experiences in the past, the checks were never accurate. It has certainly left the system open for abuse. Anything that has happened in the last two years, I am certainly not aware of. I have been out of the system for that time. I have certainly been out of the system since August.

Senator MURRAY—Ms Ehrmann, it seems to me there are two main strands we can pursue in this inquiry. One is to address the issue of the AEC, better enrolment and management of the system and earlier detection of fraud with better systems and the other is to address those areas which initiate either improper or unlawful behaviour. One thing struck me when I first read it and I have wanted to ask you about it. Now I have the opportunity. You said, ‘I was a bit player in a well-known scheme being carried out by the AWU long before I was involved.’ I have always expected that should have read, ‘I was a bit player in a well-known scheme being carried out by the Labor Party long before I was involved,’ but you said the AWU. An issue at hand is whether other organisations or other persons whose interests do not coincide necessarily with the Labor Party in fact exert undue influence. Can you explain to me exactly why you put AWU in there and not the Labor Party?

Ms Ehrmann—Yes, I can. The well-known scheme that I was referring to was the tactics of the AWU. There were other practices like that that were part of the culture of the party, such as enrolling friends and sometimes relatives at your address.

Senator MURRAY—Sorry, if I may interrupt you; you switched immediately from saying ‘AWU’ and then you said, ‘Was the culture of the party.’

Ms Ehrmann—Yes.

Senator MURRAY—Do you regard the two as one and the same?

Ms Ehrmann—Actually, that is exactly the point I was making earlier. We became so cultured; it was so well known and so accepted that it was not thought to be wrong and there was a difference in our mind. That is exactly what I am trying to explain now.

Senator MURRAY—Sorry, I did not hear you. Did you say there was no difference in your mind?

Ms Ehrmann—No. In our mind, the tactics of the AWU were far worse, far harsher, far more bullying, far more controlled than an ordinary member who, for instance, might just enrol their son and daughter at their address, even though they did not live there. That was the difference I was making. A member may—because of the culture—feel it is okay to enrol maybe their sister, their brother, their son and daughter and feel that they are not really doing anything wrong. But that might be totally aside from an organisation that insists you do it. The AWU were organised; they were powerful. They had tactics that they used plebiscite after plebiscite. They put pressure on people to sign blank forms. They put pressure on people to get other people to sign blank forms. It was a system that was not hotch-potch. It was not just done because, ‘Oh, perhaps this guy down the road is going to plebiscite me next year and I might just put these people on as a little bit of a safeguard so that, in case I need them, they are there.’ This was quite different. This was organised bullying. These were tactics that were taught to people. These were tactics that people were skilled in. They sat down with people and told them how they could be involved in electoral fraud. That was not part of the ALP culture. That was something totally different.

Senator MURRAY—I want to be a little colourful. In all this, there has been an attempt by politicians and the media to paint certain people as villains. Are the villains in this exercise really the AWU and not the Labor Party?

Ms Ehrmann—I felt myself that the villains were the AWU at that time. I still feel there are a lot of good people within the Labor Party as there would be a lot of good people within any party who have not been involved in those practices. The AWU were quite different in the way they worked. I do feel in my mind that certainly the AWU were the villains because they were the people who organised a grand scheme—and it was a scheme. It was a scheme to take control of the Labor Party and then of government. And it was not just to take control of the Labor Party. It was to take control of the Labor Party and then of government, and to take powerful positions within this country and control them. They had a lot of young people who were lined up willing to take those positions.

The comments that were in the *Sunday Mail* recently came very close to the way it was. At one stage they were called the Hodder Youth, as a play on the Hitler Youth. In my mind that is what they were, the Hitler Youth: that is how they acted and that is what they were like. The AWU were a group who were willing to do anything to take power, and to use anyone, to threaten anyone, to destroy anyone.

Senator MURRAY—Ms Ehrmann, I want to give you a quote—

Ms Ehrmann—Can I just say that that statement in the media also did not go into the nasty side of it. They were very nasty. They destroyed people, totally and wholly: they destroyed their jobs, they destroyed their families and they destroyed their reputations. So, on one side, you were encouraged to do things for your own good, but, on the other side, you were annihilated if you did not.

Senator MURRAY—I want to give you a quote. Carmen Lawrence in Sydney on 17 August 2000 gave a speech at the Sydney Institute. In that she said:

Unions, honourable contributors to Labor's history and policy, exercise disproportionate influence through the 60-40 rule and through their affiliated membership, many of whom have no direct connection to the party. One vote, one value, the prime condition for a democracy, is not observed in the party's rules.

Do you think that, if there was one vote, one value in Queensland, much of this culture could be done away with? In other words—

Senator FAULKNER—With respect, Mr Chairman, how could that question possibly be allowed by you, given the committee's terms of reference? These are interesting matters; Andrew knows that I am personally very interested in them. But this is a mile outside our inquiry into the integrity of the electoral roll. And Andrew, with respect, I think you would agree.

Senator MURRAY—I understand the reason you have raised that. On the point of order, the witness has said that the motivation for the way in which the electoral roll has been affected was primarily AWU initiated—

Ms Ehrmann—AWU faction, not union.

Senator MURRAY—Okay. My question is: if there was not this disproportionate influence of the unions, would all this pressure, bullying, rorting—and all the other words that have been used—dissipate? In other words, has the undue influence of the AWU in Queensland resulted eventually in electoral fraud? The great difficulty we have is that the motives and actions that lead to electoral fraud have primarily—as I have understood it—been party politically motivated, through preselection processes, through the desire to get certain people in certain positions throughout the party structures. And I might say that the one vote, one value principle might well be applied to some other political parties as well, so I am not just referring to the Labor Party. That is why I raised the issue, Mr Chairman. I am happy for you to rule it out of order, but that was my motive.

CHAIR—I think it does go to motivation for potential electoral fraud down the track. It establishes the chain of why these things might have happened. I think it would be fair to allow it to be answered, as far as Ms Ehrmann can answer it.

Senator FAULKNER—It is now a significantly different question to the one that Ms Ehrmann was originally asked by Senator Murray—and, I might say, a much longer one.

CHAIR—He has illuminated the whole committee with his explanation. Ms Ehrmann?

Ms Ehrmann—Oh, thank you! I should ask for the question to be put again so it can be clarified.

Senator FAULKNER—Please don't!

Ms Ehrmann—You must realise I do not have much fun these days. Can I clarify what you are asking me, please?

Senator MURRAY—You have indicated that the reasons that persons such as you were led to electoral fraud—apart from a general perception at the time that you were not doing anything wrong, which I have clearly understood—were the motivations of those who organised or motivated people like you to do these things, and you have indicated that that had a strong strain back to the union, the AWU. Earlier, you offered some solutions to this matter. My question is: is an additional solution to this matter the introduction of one vote, one value in the party membership, which would diminish the ability of outside influences to exercise these pressures?

Ms Ehrmann—Again, I can only give you my opinion. Obviously the influence of the AWU was strong and, unfortunately, the extent of electoral fraud within the Queensland Labor Party seems to have increased to an organised extent when the AWU came back into the party. I can say that now from a distance. That is exactly when the influence re-emerged and the extent to which it re-emerged. So I suppose the only answer I am prepared to give is along those lines.

Senator FAULKNER—Ms Ehrmann, as you have heard you have been congratulated by government members of the committee for attending today. This committee by majority had determined that if you did not respond to the invitation it would have subpoenaed you anyway. You have heard some questioning and its nature for the last hour or so. Do you now have some insight into why you might be appearing before this committee today?

Ms Ehrmann—Do you really want me to answer that? I have to answer that in this way seeing that you have put it in that way. That was a very sarcastic comment and a put down for people who have paid some compliments to me that were neither here nor there anyway. To start off my comments when I said that I agreed to appear at this inquiry—and maybe I should read them again to you—

Senator FAULKNER—No, I heard them and they are on the public record and the *Hansard* record.

Ms Ehrmann—But you obviously have not taken them on board. I am not here for any reasons other than that I think the truth should come out so that no-one else like me is put in the position that I have been put in and no-one like me, who has committed their whole life to the community, will go to jail. And you, Senator Faulkner, can sit there in your suit, with your money and your position, and try to defend your party. But the truth has been told at the Shepherdson inquiry, and in anything that I have said here I have tried to be fair and truthful. I said at the start that I would not agree to be used by any political party for any reason or by any means to attack the Labor Party, for the Labor Party to attack the Liberal party, or for any other party to attack another party. I have been involved in those circles in the past and I am no longer involved. I am now a prisoner of this country; that is my status. I am here at this inquiry for the reason that I stated.

Senator FAULKNER—You have indicated on two occasions in evidence before the inquiry that, effectively—I do not want to put words into your mouth but you can tell me if this is wrong—the motivation for the false enrolments that you organised was for internal Labor Party preselection purposes. I think you stressed that in evidence before the CJC and I think you have

stressed that in answer to at least two questions today. I think that is fair but it would be useful for you to confirm that that is the case.

Ms Ehrmann—I do not think that was what I said. In fact, I can go over it with you now. If that is how you took what I said, you were mistaken. Originally I was pressured into enrolling people for the purposes of Labor Party preselections, yes. A lot of those were conference preselections, yes. A lot of the people—not a lot of people because there were fewer than 24—concerned in the charges were in areas that were not in an area that would have advantaged me. I was asked to enrol people in Townsville, Thuringowa and in other areas on different occasions.

Senator FAULKNER—Let us explore it in a little bit more detail. In relation to the offences for which you were convicted, as I understand it, all of the cases were changes of electoral enrolment to real people. They were not false identities or dead people or anything like that.

Senator FERRIS—Or cats.

Senator FAULKNER—That is right. These were changes of enrolment of real people. That is correct, isn't it?

Ms Ehrmann—Yes. They were the ones to do with my charges.

Senator FAULKNER—That is what I am focusing on. I think it is also true to say that all of those enrolments, with one exception as I understand it, actually involved changes of address within the federal division of Herbert.

Ms Ehrmann—Yes. I am trying to think of one that was not in Herbert.

Senator FAULKNER—I think there was one. The point is that, in terms of a federal election, in a sense these are changing or shifting enrolments within the boundaries of a federal seat and they are real people. That is what I wanted to clarify for the record, but I think you have confirmed that.

Ms Ehrmann—Yes. There is one state seat in Townsville and that is Herbert.

Senator FAULKNER—I think the one exception, as I recall it, was someone—

Ms Ehrmann—I am sorry I just realised what you were saying. You are talking about my sister.

Senator FAULKNER—A person who had, if you like, been fraudulently moved out of Herbert but this, in fact, occurred after the 1993 election and it was corrected prior to the 1996 election.

Ms Ehrmann—I am not aware of what you are saying there.

Senator FAULKNER—I think this is pretty clear from the public record.

Ms Ehrmann—It is just that I am not aware of anyone that I was involved with being fraudulently moved out of the seat of Herbert.

Senator FAULKNER—You are saying they were all within the boundaries of the federal electorate of Herbert?

Ms Ehrmann—Just to be totally factual, it was not a case of moving anyone, but my sister was enrolled at my address. She was overseas at the time and then returned to Perth so that was an enrolment that would have been in a different federal area. Apart from that I could not even think of—

Senator FAULKNER—Can I quote a paragraph of the AEC's submission to you? I would like you to comment on it if you could. It says:

The Kehoe/Foster/Ehrmann prosecutions did not involve any charges involving identity fraud on the electoral roll. Rather, the charges related to the forging and uttering of electoral enrolment cards in order to transfer known persons into different state districts, mostly within the federal division of Herbert, for the purposes of ALP preselection ballots.

That is paragraph 2.27 from the AEC's submission to this inquiry. I wondered if you felt that that was a fair statement of background.

Ms Ehrmann—Yes.

Senator FAULKNER—That is useful to have that confirmed. Part of that statement is, and let me stress the final phrase with you again. It says:

... for the purposes of ALP preselection ballots.

I can remind you of the remainder of it, but it does stress that point. It is making three points, if you like. This is occurring within the federal division of Herbert, transferring known persons and not fraudulent or fake identities but real people within different state districts within the federal division of Herbert for the purposes of ALP preselection ballots.

Ms Ehrmann—In my case, dealing with the ones that I was charged with, yes. There were other cases—

Senator FAULKNER—I appreciate that, but I just wanted to focus on that. I think it is useful to have that on the record. Could I ask you about your political relationship with Mr Lee Birmingham, who is going to be a witness later on today before this inquiry? Is it fair to say that he was a mentor for you in relation to any of your political activities?

Ms Ehrmann—No, it is not.

Senator FAULKNER—Let me ask you—

Ms Ehrmann—I touched on it a bit in my statement. He was the state organiser. When I rang someone I wished to talk to within the party, if I was speaking to Jim Elder then Lee Birmingham would ring me. If I asked to speak to Mike Kaiser, he would pass the phone to Lee

Birmingham. He was someone that the party put in that position and he was the AWU state organiser. I call him the AWU state organiser because, as you probably know, there were three state organiser positions and the factions divided them up between them. He was the AWU's pick, even though he was officially the Labor Party state organiser, but he worked very strongly with the AWU and for the AWU.

Senator FAULKNER—Thank you. Is it fair to suggest that Mr Lee Birmingham was a mentor in relation to your involvement in fraudulent electoral enrolments? Is that a fair statement? If it is not, perhaps you could explain to the committee what Mr Birmingham's role might have been in this regard? I think this is important for the purposes of this hearing.

Ms Ehrmann—I think I baulk at the word 'mentor', if you don't mind me saying so.

Senator FAULKNER—That is all right. I am asking you for a response and I am very happy to hear some detail from you about how you would describe Mr Birmingham's role.

Ms Ehrmann—And I have tried to do that.

Senator FERRIS—I think she described him as a bully.

Mr McCLELLAND—If I can just come in here. On page 21 of your evidence before the CJC inquiry you say:

There was one situation where Lee—

and I assume that is Lee Birmingham—

actually spoke to me about different things and asked me to talk to Warwick Powell.

What things did Lee speak to you about and what did he ask you to speak to Warwick Powell about? In particular, did they provide you with information which you subsequently adopted?

Ms Ehrmann—That is not exactly the way things occurred. The reason I mentioned and gave evidence on that particular occasion is that they were schooling me on tactics that they used and that they wanted me to use. That does not mean that I adopted all of them, and that does not mean that I adopted them with glee, or wanted to. Prior to that, Birmingham had asked me to sign ALP enrolment forms when the people could not be found. He offered to have other people sign them for me. That is still forgery. There were a lot of things that were suggested, one at a time. The reason I gave evidence on that particular occasion was that that was a time when it was actually referred to as schooling. It was when someone was asked to sit down with you and discuss tactics. It was not something that we were asked to do as a singular action, it was information that was given to you that other people were doing and they were actually discussed as tactics. They talked about other occasions on which those tactics were used successfully.

Senator FAULKNER—Ms Ehrmann, you felt that my first question was a little sarcastic.

Ms Ehrmann—I think so.

Senator FAULKNER—I heard what you said. You felt that. I do not think it was. I am asking these questions because this inquiry is about the integrity of the electoral roll. Mr Birmingham is soon going to be before us talking about these issues while you and I—

Ms Ehrmann—He probably knows a lot more about it than I do.

Mr LAURIE FERGUSON—I didn't quite catch that.

Ms Ehrmann—I said that is a wise idea as he would know a lot more about it than I do.

Senator FAULKNER—You have stressed that you have been a Labor Party member and loyalist for a long time. I have had a similar period of membership and involvement as yourself, and I think my colleagues here at the table have too. Our interest here is trying to focus on, if we can, what this inquiry is about. It is not about, believe it or not, all the interesting highways and byways of the way the Labor Party works, though you might be forgiven for thinking that.

Ms Ehrmann—I did not think that was what this inquiry was about.

Senator FAULKNER—I am trying to really focus in on this issue of the electoral roll and enrolment fraud. You are here as someone who has, if you like, engaged in that activity. I am trying to understand the background to that. That is why I am asking you about Mr Birmingham because he is going to be able to help us on these issues soon too.

Ms Ehrmann—I think you know that he is not my mentor. You have read the statements you have in front of you. I think anyone could be excused for thinking that you were being sarcastic, because it was obviously so.

Senator FAULKNER—I am asking about mentoring in relation to electoral fraud, Ms Ehrmann. As I understood it, unlike other—

Ms Ehrmann—I now understand what you are trying to say. It was not clear before. Can I just answer in this way. You asked me, first of all, whether I was aware of what this inquiry was about. I am aware of what this inquiry has stated it is about. I am certainly aware of the things that are stated on the brochure that I was given. As I stated in my statement, I hope that from this inquiry there can be some real change that is helpful. I hope that things can come out of it, and that is why I agreed to come here. You also said that they had intended to subpoena me anyway.

CHAIR—We are glad you decided to come here.

Ms Ehrmann—I think it is much better that I do, and I think that was rather sarcastic for you to say so.

Senator FAULKNER—But look—

Ms Ehrmann—I still have the mike. You were just objecting to my thinking you are sarcastic.

Senator FAULKNER—I do not mind what you deduce from it.

Ms Ehrmann—Being a politician, you are probably used to that anyway.

Senator FAULKNER—That is fine. You are amongst many politicians here.

Ms Ehrmann—I take a different role these days. Just going through this whole thing, if you had asked that question in a different way you probably would have got a different answer, but it was tinged with sarcasm. You were letting me know that they were being false in their compliments and you were letting me know—

Senator FAULKNER—I would like to rephrase it for you so you are clear: did Mr Bermingham teach you the ways and means of electoral fraud or was he involved in teaching you that? Maybe that is a better way to express it.

Ms Ehrmann—Seeing as this will be my only opportunity to have a mike in a long time, I want to clarify a point first. Yes, I am aware of the make-up of this committee. Yes, I am aware of the publicity that stated that this committee could be used for political purposes. Yes, I am aware of statements of what this committee is about. But I am also aware—and the reason I agreed to come here—that it does not matter what motives people have, once an inquiry has been started and it is public, those things grow and take over by themselves. Once that information is out, it is public knowledge. I know that as politicians everyone has their own motivations, and we would be rather silly if we did not think so. The Liberals are going to try to win, and the Labor Party is going to try to win, and that is always the game, but behind that game there is also some truth. There are some people who really do feel that some good can come out of some of the things that they do. Beneath all that political game, perhaps there are people here who really feel that some real change can come out of it and some things can be stopped.

CHAIR—Hear, hear!

Ms Ehrmann—That is why I have agreed to come here, and I do understand that much. As I said, in spite of everything—publicity, other things and other motives—I am hoping that that is the thing that is coming through. Did Mr Bermingham teach me political tricks? Mr Bermingham did not just teach me political tricks; it was done in a bullying way over a period of time. It was not a case of my sitting down one day with someone who said, ‘This is how you do it,’ and I said, ‘Oh great. I like that idea. I might do that tomorrow.’ You have to understand where you are coming from. I was not a person who thought of myself as capable of doing anything criminal. I was not a person who was motivated by criminal actions. It took a lot of culturalisation. It took a lot of pressure and a lot of other things I cannot understand to get to that point where I was involved. When Bermingham asked me to forge signatures for memberships, I would not do it. When Bermingham asked me to sign enrolment forms that would be used in a real election, I would not do it. And I did that through pain because, through the whole thing, there was pressure put on me. If you said no to things, other things happened to you—you did not get support for things. It is hard to explain at the moment, but the pressure there was real—everyone else was doing it; you were wrong if you did not. I would like at some stage in the future to sit down and to really analyse this and to be able to put this in words. In the position I am in at the moment, I am afraid that is the best I can do.

Senator FAULKNER—But the answer—

Ms Ehrmann—Birmingham was not on his own. I am going to keep interrupting you, sorry.

Senator FAULKNER—That is fine. I thought you had concluded your answer.

Ms Ehrmann—No. Birmingham was on his own—

Senator FAULKNER—I am not interested in political tricks but in enrolment fraud. I hear what you say about political tricks.

CHAIR—Let Karen finish her statement and then ask another question.

Senator FAULKNER—I am just focusing on what the question was. It is really important that we understand what she is talking about.

Ms Ehrmann—Enrolment fraud.

CHAIR—The government allowed Ms Ehrmann to answer however she wished to, and then we asked questions.

Senator FAULKNER—I am not going to put words into Ms Ehrmann's mouth. I am just pointing out to her that the question goes to enrolment fraud, not political tricks more broadly. I am trying to concentrate on what this inquiry is allegedly about, although I know I do not have to any more because you have allowed this to range broadly.

Senator FERRIS—Ms Ehrmann knows how to deal with a bully when she meets one.

CHAIR—Ms Ehrmann, would you like to answer Senator Faulkner?

Mr LAURIE FERGUSON—A good cop performance here today.

Ms Ehrmann—Senator Faulkner, I think you know I meant enrolment fraud. If you wish me to say 'enrolment fraud', I am happy to do so. Mr Birmingham was not on his own, if that is the answer you want me to give you. Mr Birmingham was not the only person in the party encouraging people to do that. As I said in my statement, Jim Elder—whom I have a lot of respect for in spite of everything; he handled himself with dignity at the Shepherdson inquiry, which a lot of other people did not—urged me to have 20 to 25 voting voters. That is electoral fraud.

Senator FAULKNER—Let me make this clear. Focusing on enrolment fraud, could you outline briefly to the committee Mr Birmingham's involvement with you?

Ms Ehrmann—Mr Birmingham encouraged me to sign on as many people as possible and in whatever manner possible. He discussed ways of enrolling people illegally. He asked Warwick Powell to sit down with me and discuss tactics. He mentioned other things over many occasions.

Mr McCLELLAND—Was that tactics in terms of falsely—

Ms Ehrmann—Yes, of fraudulent enrolments and more things that I was not involved in. There were other occasions that they discussed things that they had done. There were other occasions that they had discussed some of those tactics. There were other occasions they encouraged me or asked me to do things. On that particular occasion, it was probably the only time that it was referred to as ‘schooling’. It was the only time it was meant to be gone over in every detail. They offered to supply me with people who would support me in that at the time of the internal election.

Senator FAULKNER—Mr McClelland will follow this up in a moment. You used the term ‘they.’ It might be useful for the record, given that I am trying to get this focus on enrolment fraud, if you were to define ‘they’ briefly so it is clear.

Ms Ehrmann—In what way do you want me to define ‘they’?

Senator FAULKNER—Given your use of it in the last answer—‘they’ did this, and ‘they’ did that.

Ms Ehrmann—Members of the AWU?

Senator FAULKNER—Was Mr Bermingham a key member of the AWU, the key instigator, the key individual involved with you in this activity?

Ms Ehrmann—The AWU used him in that way. The AWU had an executive, as you would know, and the executive members would decide all sorts of things, and Bermingham was part of that.

Mr McCLELLAND—You were not a party to any executive positions of the AWU?

Ms Ehrmann—No. Bermingham, Ludwig, Elder, and people like that.

Mr McCLELLAND—That is your assumption, in other words. You were not party to any decisions of the AWU executive.

Ms Ehrmann—No.

Mr McCLELLAND—Okay. You have indicated that and you gave truthful evidence before the Shepherdson inquiry—is the case?

Ms Ehrmann—Yes.

Mr McCLELLAND—You indicated there that when asked a question about your prospects of being selected by boosting the numbers for your support, and when you had first heard of it, you replied that it was in the early 1990s. Is that a correct answer that you gave the inquiry? And when some people explained to you how you could enhance your prospects of being selected by boosting the numbers for your support you then say that there was an occasion that

that happened and there was talk about it on more than one occasion and there was general talk within the party. And the question was ‘when did you first hear about it’—that is, the general talk about boosting numbers—and you replied ‘in the early 1990s’. Was that a truthful answer you gave the inquiry?

Ms Ehrmann—I gave the inquiry truthful answers on every occasion. If you read that question again—

Mr McCLELLAND—That was on page 19.

Ms Ehrmann—you will also read the statement I gave to the CJC inquiry when I spoke about tactics used by the AWU in the late 1980s—

Mr McCLELLAND—You first learned of those tactics, though, in the 1990s according to the evidence.

Ms Ehrmann—Learned of them? I was aware of them before that though.

Mr McCLELLAND—You have also indicated that you were advised to put 20 to 25 people on as floaters, and you gave evidence that the person who gave you that advice was Lee Birmingham.

Ms Ehrmann—There were other people who gave that advice as well.

CHAIR—Jim Elder, I think.

Ms Ehrmann—Yes. I also gave that evidence to the CJC earlier.

Mr McCLELLAND—You have mentioned earlier—

Ms Ehrmann—If you read further then you will note that for some reason that was a number that was often used.

Mr McCLELLAND—Why didn’t you tell the CJC that you had heard this general talk about enhancing numbers earlier than the 1990s?

Ms Ehrmann—I did.

Mr McCLELLAND—That was not in the account of your evidence there.

Ms Ehrmann—That is in my evidence. They said that they did not want to go back that far.

Mr McCLELLAND—I see. Is that the reason you gave evidence?

Ms Ehrmann—No. You are trying to twist it. I was not involved in anything until the 1990s. I was aware of their tactics and I have already said that only five seconds ago.

Mr McCLELLAND—In terms of these tactics, they were tactics about enrolling family members and friends at your home?

Ms Ehrmann—No. I have already given this information to this very committee today. You were not listening.

Mr McCLELLAND—This is what you believe you did? You enrolled family members and friends who were supportive of you in addresses that you had control of?

Ms Ehrmann—That is certainly was the case, yes.

Mr McCLELLAND—And the Prime Minister, you believe, recently indicated approval of that sort of tactic?

Ms Ehrmann—I quoted from a comment that I read in the media. I said that he was quoted as making that comment that I referred to.

Mr McCLELLAND—Are they the sorts of the tactics you believe go on in all political parties?

Ms Ehrmann—Yes.

Mr McCLELLAND—Have you read Mr Bermingham's evidence before the CJC?

Ms Ehrmann—No, I have not read any evidence other than my own. I asked for, but was refused, access to other evidence.

Mr McCLELLAND—Are you aware that he disputed much of your evidence and, indeed, at one point believed that you had, and I will use the words—

CHAIR—I am not sure that the transcripts of the CJC inquiry that were given to us for our own purposes are allowed to be used to ask questions.

Mr McCLELLAND—I am not sure that they are not. Ms Ehrmann, are you aware that he—

CHAIR—Just a minute.

Mr McCLELLAND—With respect to you, Mr Chairman, I will not quote from it. Ms Ehrmann, are you aware that he alleged that you conspired with Joan Budd to give evidence implicating his involvement?

Ms Ehrmann—I am only aware of that because I read it in the media. As I said, I have been refused access to those documents. I do not know that everything I read in the media was totally accurate.

Mr McCLELLAND—He disputed your evidence in a number of respects. Are you aware of that?

Ms Ehrmann—I am not surprised.

Mr McCLELLAND—Why are you not surprised?

Ms Ehrmann—I am not surprised because I expected that a lot of people would go into that inquiry and lie. I told the CJC that at the time, that they would do that to save themselves.

Mr McCLELLAND—Is Mr Bermingham the sort of person who would lie?

Ms Ehrmann—Yes.

Mr McCLELLAND—Why do you say that?

Ms Ehrmann—From his character and from dealings I have had with him. He has not been convicted of anything. He has not been sent to gaol. There are a lot of people who are trying to save themselves, whereas in my position I have nothing to lose and nothing to gain.

Mr McCLELLAND—Do you think Mr Bermingham is a man of good character?

Ms Ehrmann—No, I do not.

Mr McCLELLAND—Is he the sort of—

Senator FERRIS—Where are these questions leading?

Mr McCLELLAND—Is he the sort of man who would tell lies for his own benefit?

Ms Ehrmann—He probably would.

CHAIR—I do not think that the witness is able to answer questions about the veracity of other people's evidence before the CJC, or the character of other people before the CJC. I particularly say this because we were given the transcripts of the CJC hearing on the very strict understanding that they would be used only to—

Mr McCLELLAND—I am not pursuing any more transcript issues. Ms Ehrmann, you indicated in your evidence that Mr Bermingham had a lot of boys around him. Why did you use the expression 'boys' as opposed to 'people'?

Ms Ehrmann—Because they were boys.

Mr McCLELLAND—Was there anything in Mr Bermingham's relationship with those boys that was of note?

Senator FERRIS—Point of order, Mr Chairman. This is totally irrelevant to the terms of reference of this inquiry.

Mr LAURIE FERGUSON—As were your questions about Beattie.

Senator FERRIS—No, they were not.

CHAIR—I uphold the point of order. It is quite wrong to try to smear with innuendo—

Senator FERRIS—This man is going to appear before us today.

CHAIR—Mr Bermingham or any other person who might be the subject of this inquiry.

Mr McCLELLAND—It is a very relevant point as to why—

CHAIR—We are not a court of law, we are not actually going to the credibility of witnesses. That is a matter that the Shepherdson inquiry itself ruled was not relevant to their—

Mr McCLELLAND—With respect, if we are not going into the credibility of witnesses, why have we called evidence here today when the Shepherdson inquiry has interviewed these witnesses with professional cross-examiners, before trained jurists? That emphasises and underlines why this is precisely what it is, a political farce. If we are not going to the credibility of witnesses then we are on a farce, on a rort, at taxpayers' expense.

CHAIR—Robert, you have got that into the transcript now, which is obviously what you wanted to say. The point is that the Shepherdson inquiry itself ruled out evidence that went to the personal behaviour of Mr Bermingham or anybody else. That is what I am saying.

Mr McCLELLAND—The question is whether taxpayers are paying for them to be conned by people whose evidence they cannot test.

Senator FERRIS—This is not question time in the House of Representatives. Where is your decorum?

CHAIR—Mr McClelland, I am surprised at your outburst, it is quite out of character.

Senator FERRIS—It is absolutely appalling.

Mr McCLELLAND—Obviously, you might have been instructed to do that.

Senator FERRIS—Just another bully.

CHAIR—Mr Shepherdson and I will not allow people to be personally smeared for things that have nothing to do with their credibility about their evidence before the Shepherdson inquiry or our evidence. If you have questions about Mr Bermingham's credibility in terms of truth telling, that is another matter—

Mr McCLELLAND—They were precisely—

CHAIR—But in terms of the personal smear that you attempted to bring into evidence, I find that reprehensible.

Senator FERRIS—Absolutely.

CHAIR—If you have any other questions of a much more reasonable nature I will allow them.

Senator FAULKNER—I want to ask some questions about a different matter.

Ms Ehrmann—First of all, can I just—

Senator FAULKNER—No, please let me ask the question.

Ms Ehrmann—No, I am asking the Chairman, please.

CHAIR—Do you want to ask me a question about something?

Ms Ehrmann—I was not going to answer any comments about someone's personal character anyway. I do not think that I should be getting into that area, but there was a comment made that Mr Birmingham had referred to the fact that he believed that there was a plot between me and Joan Budd. I would like to have leave to answer that, if you don't mind.

CHAIR—You can clear up that matter if you wish to before we move on to Senator Faulkner.

Ms Ehrmann—I just want to state on that fact that there was no such plot. That was totally untrue. I don't think there has ever been any evidence that there was such a plot.

Mr McCLELLAND—I should say that I am not implying that there was. I was really drawing attention to his evidence and seeking your comments on the veracity of it.

Ms Ehrmann—And I think that was a valid point and I am just answering that. There was not any plot; it was a total fabrication.

Senator FAULKNER—Ms Ehrmann, you spoke about the meeting that was attended by Mr Mooney, Mr Reynolds and you and, effectively, it had been convened by Mr Beattie because of his concerns, if you like, about the airing of dirty linen in public up in Townsville—to try and encapsulate it briefly—and a lot of Labor Party internal matters being discussed in the media. Again, I do not want to put words into your mouth, but I think that basically encapsulates the cause or the reason for that discussion taking place.

Ms Ehrmann—Yes, it was quite nasty and, just to expand on that so you understand what it was, it was not just a lot of dirty linen. There were a lot of instances where those members around Mooney were actually playing the role of the Liberal Party—attacking their own Labor colleagues publicly or leaking information from the Labor Party to the media on things that Beattie and other members were doing. It was not just airing dirty linen. It was much more vicious than that and, as I said, the Liberals only had to sit back and laugh because they were playing the roles of the opposition and the attacker.

Senator FAULKNER—Yes, there were difficult internal problems. I understand that. It was more significant than just airing dirty linen, but these were difficult and significant internal problems for the Labor Party, so some action was taken. In this case, as I understand it, Mr Beattie stepped in, as leaders are expected to do and as is demanded of them, certainly in the media and within political parties. This is not a Labor Party comment; I think it applies to all political parties. If you have a problem like that you are expected as leader to get in and solve it by exercising your authority. I am sure you and everyone around the table—you and I and everyone else probably in this room would understand that that is the way these things work.

I must admit I found that unremarkable. Would it be fair to say that in a situation like that, if you made an effort to exercise some authority—in the case of the Labor Party we would probably use the words ‘exercise some internal discipline’—and expect behaviour in public to be in the best interests of the political party concerned, demanding, if you like, a higher standard of behaviour from people, who seem to have shown a pretty low standard of behaviour, that would be, as I say, an unremarkable thing to occur?

Ms Ehrmann—I do not think it was unremarkable, but I do have to agree with you, it was probably smart tactics from someone who wanted to win government.

Senator FAULKNER—Unremarkable in the sense that most political parties and most political leaders, state, federal and local—it would not really matter—and most of those who operate in a political environment would instinctively be wanting to ensure that their political interests were presented to the community in as united and professional a way as possible. That is why I would describe it as unremarkable but, fair enough, you may not agree.

Ms Ehrmann—I do not think I was trying to imply that there was anything wrong in what he did.

Senator FAULKNER—I know. I am just making the point that this is basically the way our political system works. More importantly, if it does not work that way, as you would appreciate—as someone who has been in the Labor Party for a long time—and as most people in this room would appreciate, it is really expected of people in leadership positions.

CHAIR—I do not think the witness can comment on the Liberal Party experience or the National Party experience. Maybe the Labor Party experience she can comment on.

Ms Ehrmann—Only from my experience.

Senator FAULKNER—Perhaps not. But I am asking Ms Ehrmann from the point of view of her own experience. I think she has acknowledged that.

Ms Ehrmann—Yes.

Mr LAURIE FERGUSON—I think you used a phrase earlier on that ‘all were aware it was done over many years in all parties’ as a description of the process. Is this to some degree hearsay? What do you actually know about the internal affairs of the Liberal and National parties on this front—on false enrolment?

Senator FERRIS—Point of order. This woman has been a member of the Labor Party since she was 18. How could she comment on the internal processes of my party?

Mr LAURIE FERGUSON—Mr Chairman, she made a comment. I believe there might be very little evidence in her comment.

Senator FERRIS—You are a disgrace, you lot.

CHAIR—You can only really comment about what you know. If you do not know anything about the Liberal and National Parties—or the Democrats for that matter—you should say so.

Mr LAURIE FERGUSON—Were you just saying that or do you have any knowledge?

Ms Ehrmann—I think you know it was only hearsay. That is exactly how it was written. I do have some knowledge of things that were done in the Labor Party.

Mr LAURIE FERGUSON—So that phrase earlier about ‘all were aware in all political parties over many years’ was incorrect. That is not really your knowledge.

Ms Ehrmann—I did not say that exactly. Do you want me to read you what I did say?

Mr LAURIE FERGUSON—Yes, I do.

CHAIR—If you feel it will help the committee; if you do not feel so then you can say so.

Ms Ehrmann—I think at this stage I am willing to be helpful to everyone.

Mr LAURIE FERGUSON—I will put this differently if we can save time finding it. Was that really anecdotal?

Ms Ehrmann—I would prefer to find it first.

Mr LAURIE FERGUSON—You really did not have that much knowledge of internal events in the Liberal Party when you said, ‘all parties’?

Ms Ehrmann—What are you saying I said? I will find it.

Mr LAURIE FERGUSON—I took a note that you said that basically the whole of Queensland was aware—average people, in other words.

Ms Ehrmann—I said, ‘Electoral fraud has been carried out in the state of Queensland, was widespread within the Labor Party, has been carried out by members of different parties over many years.’

Mr LAURIE FERGUSON—Right.

Senator FERRIS—By different parties, not all parties. There is a very substantial difference.

Mr LAURIE FERGUSON—You have harassed other people. Just give me a break. In other words, Ms Ehrmann, that comment was a bit exaggerated—that everyone knows about all this in different parties. Your knowledge is the Labor Party, isn't it?

Ms Ehrmann—That is your statement. That was not my statement. I just read my statement.

CHAIR—I think Ms Ehrmann is saying that she has intimate knowledge of the Labor Party. She does not know anything about other parties.

Ms Ehrmann—I am sorry, I cannot say that I said something that I did not.

Mr LAURIE FERGUSON—I think you have just re-read what I said you have said essentially. It is on the record you said that, all right?

Ms Ehrmann—No, excuse me, Mr Chairman. Can I just clarify this?

CHAIR—Yes, Ms Ehrmann. You do not need to be badgered by members of the committee.

Mr LAURIE FERGUSON—Only by Senator Ferris.

CHAIR—Nobody has been badgering Ms Ehrmann except for a couple of members. She can answer how she wishes to answer.

Mr LAURIE FERGUSON—If you want to read it for a third time—

CHAIR—If you wish to re-read it, then you are entitled to do so.

Ms Ehrmann—I do, because I did not say that I had inside knowledge that everyone in all parties was aware of everything that was going on. What I said was: electoral fraud has been carried out in the state of Queensland, it was widespread within the Labor Party, and it has been carried out by members of different parties over many years. I think that is quite different to what you are trying to say that I said.

Mr LAURIE FERGUSON—Do you have any evidence or knowledge of those last two phrases?

Ms Ehrmann—This has been carried out by members of different parties over many years.

Mr LAURIE FERGUSON—Do you have any evidence or direct knowledge of that?

Ms Ehrmann—I did not say I had any evidence or direct knowledge of it. It is general knowledge—I said that earlier.

Mr LAURIE FERGUSON—You stated it as fact, didn't you?

CHAIR—She said the answer is no, she doesn't know.

Mr LAURIE FERGUSON—All right. You joined the Labor Party in 1982. Is that correct? I cannot remember. Was it 1982?

Ms Ehrmann—No.

Mr LAURIE FERGUSON—What year was it?

CHAIR—No, she was elected to the council in 1982.

Ms Ehrmann—I was elected as an ALP councillor in 1982.

Mr LAURIE FERGUSON—In the period before you undertook these enrolments, do you know of other false enrolments in Townsville?

Ms Ehrmann—Yes.

Mr LAURIE FERGUSON—How extensive were they?

Ms Ehrmann—I do not know. I can only tell you what I am aware of. I do not know how extensive they were.

Mr LAURIE FERGUSON—Senator Ferris used your earlier comments about many of these things being so well known in the Labor Party in Queensland to essentially imply that the Premier, Mr Beattie, could not have existed in Queensland politics without having intimate knowledge of this. How widespread would knowledge of this have been? In the early 1980s how well known was this in Townsville? Did the whole Labor Party in Townsville know in the 1980s that there were some false enrolments, and how extensive were they, or was there a material change with the AWU later?

Ms Ehrmann—As I said earlier, there is a difference in that I think people's interpretation of what electoral fraud is is a bit confused. Enrolling your children at your address if they do not live there is electoral fraud. It was certainly well known that the state member for Townsville in the early 1980s had all of his children enrolled at his house and they did not live there.

CHAIR—Who was that?

Ms Ehrmann—Wilson.

CHAIR—Mr Wilson?

Ms Ehrmann—Yes. He was the member before Geoff Smith.

Mr LAURIE FERGUSON—Mr Wilson had some of his family saying that they lived at home with him, something like the allegation about Senator Hill last week? Did you have much more extensive knowledge than his case?

Ms Ehrmann—Were there other people?

Mr LAURIE FERGUSON—Yes—many others that you personally knew about?

Ms Ehrmann—There were general discussions about it and gossip.

Mr LAURIE FERGUSON—And you knew about this family?

Ms Ehrmann—I absolutely knew about that one—most people did. It was actually joked about quite a lot.

Mr LAURIE FERGUSON—Can you directly name others? Did you know about other names? Can you give us any others in that period, or is it just hearsay and anecdote?

Ms Ehrmann—I am aware of some others, but I cannot give you the names at this moment, no.

CHAIR—Perhaps you can take that on notice.

Ms Ehrmann—Maybe I can take that on notice and think about that.

Mr LAURIE FERGUSON—Is it fair to say that there was a material change with Mr Birmingham and the AWU at a far later stage—a material change in that people were basically going around with a deliberate strategy of getting people falsely on the electoral roll?

Ms Ehrmann—Yes, I have said that already at this inquiry.

CHAIR—I would like to interrupt, Mr Ferguson, because the opposition have had more than 45 minutes. I gave them an extra five minutes, so they have had 50 minutes of questioning, which was more than the government. What time is your plane, Ms Ehrmann?

Ms Ehrmann—I am not quite sure.

CHAIR—I have been advised it is 2 o'clock. I suggest we have a 15-minute break, because poor Ms Ehrmann has been going since before 9 o'clock, and that we have a cup of tea and then we repair to the room and continue our hearing. I suggest that we hear from the Scotts for an hour, as they are well behind time, and then I suggest that, if there is more time, we can direct more questions to Ms Ehrmann before she has to leave. I have other questions I would like to ask her. That is how I propose to proceed.

Senator FAULKNER—Do we have a lunch break?

CHAIR—We have a half an hour lunch break.

Senator FAULKNER—You want to utilise that?

CHAIR—We could use that, or other things might arise. Senator Ferris, you wanted to clarify a matter, but can you do that quickly.

Senator FERRIS—I just want to clarify this with you, Ms Ehrmann. You have described to us this morning what is clearly a criminal conspiracy or organised crime of some sort. I asked you a question which you answered and I should have followed up and I did not. I think it is important for Mr Ferguson's benefit that I do. You said that Mr Beattie had said to you when you were a candidate, 'Do whatever it takes to win.' Can you tell us what you thought that meant? Can you tell me whether to your knowledge those sorts of strategies operated within the Labor Party in states other than Queensland?

Mr McCLELLAND—Just before the witness answers that—and I ask this out of good intentions—the witness has pleaded guilty to certain criminal charges. She has never pleaded guilty to any form of criminal conspiracy. I do not think she should be deemed by this answer to acknowledge the validity of that assertion. I think that should be placed on the record.

Senator FERRIS—Chair, I was not asking her to do that. I was asking her if she would like to take the opportunity to complete a question which I believe I asked her previously and which she did not take the opportunity to answer. If she chooses not to do that, that is entirely her decision.

CHAIR—Are you clear on the question from Senator Ferris?

Ms Ehrmann—No. I do not think I said that he said to me, 'Do what ever it takes to win.'

CHAIR—You did say that in your opening statement and in questions earlier on. In your opening statement you said—

Senator FAULKNER—Don't badger her, Chair.

CHAIR—I am not. In your opening statement you used the words, 'Do everything you can to win, to get Mike Reynolds up.' I wrote it down.

Ms Ehrmann—I actually have it written. That is why I brought it in writing.

CHAIR—Unfortunately, you indicated that you did not wish to—

Senator FAULKNER—Chairman, I am sorry, I missed Ms Ehrmann's last comment.

CHAIR—Ms Ehrmann chose to read parts of her statement—

Ms Ehrmann—No, I actually read it all.

CHAIR—But in fact she said—and the transcript will prove this—that that is what Mr Beattie said, 'Do everything you can.'

Senator FAULKNER—In the opening statement?

CHAIR—She said that in her opening statement.

Ms Ehrmann—No, I did not.

CHAIR—I wrote it down, and the transcript will show that.

Mr LAURIE FERGUSON—That is your version. A few moments ago, you allowed Ms Ehrmann to attempt to correct what I took down as notes. Now your supposed notes are bible and she is not allowed basically to argue what you are putting down as her account.

CHAIR—When the transcript is published, it will show it.

Senator FERRIS—I only asked her if she would like to clarify a statement which I made some notes of also, but I am very happy to say that I might have paraphrased them. If Ms Ehrmann does not want to answer, I am sure she does not need the benefit of the shadow Attorney-General and two other shadow ministers giving advice on the side.

Mr McCLELLAND—I do not think Ms Ehrmann should be accused of being involved in a criminal conspiracy when she has never pleaded guilty to that. With the greatest respect to you, I do not think that it is your part to make that imputation against Ms Ehrmann.

CHAIR—I know you are trying to badger Senator Ferris but you will not have much luck.

Senator FERRIS—You fellows are just getting a little bit too excited at some of the truth. I ask you to all take a deep breath and let this witness answer.

Mr McCLELLAND—How would you like anyone to accuse you of being involved in a criminal conspiracy?

Senator FERRIS—There is no basis on which they could, shadow Attorney-General.

CHAIR—Ms Ehrmann, no-one has accused you of being part of a criminal conspiracy. I ask Senator Ferris to ask her question again to see whether Ms Ehrmann would like to respond and to clear up a question she answered earlier.

Senator FERRIS—I will ask it for the third time. Perhaps it will be possible for the witness to be able to answer it, if she wishes. What do you think Peter Beattie meant when he said to you, ‘Do whatever it takes to win’—which is what I have written down—or, ‘Do whatever you need to make sure you win’, or some words to that effect. Do you think those sorts of strategies operate in the Labor Party in states other than Queensland?

Ms Ehrmann—I will do what I can.

Senator FAULKNER—On a point of order, it is the same point I made in relation to Senator Murray’s question. In that form, I really do believe that question has to be out of order. It is so far removed from the terms of reference—which I accept maybe I am fighting a lone hand on—

Senator FERRIS—It is to do with the electoral roll, Chair. Please let Ms Ehrmann decide that.

CHAIR—But, Senator Faulkner, it does go to the motivation for electoral fraud being that, if you had to do whatever it took to get Reynolds up, or whatever it was—

Senator FERRIS—It goes to motivation.

CHAIR—you might be encouraged to have false enrolments. As the Democrats have pointed out, unless you can attack the motivations for electoral fraud from the beginning, how are we going to know how to make recommendations at the end of our inquiry to tighten up the system so that that motivation is no longer a present one?

Senator FAULKNER—Mr Chairman, on the point of order—

Senator FERRIS—Chair, this witness is being verbally here through this debate—

Mr LAURIE FERGUSON—You are very familiar with verballing.

Senator FERRIS—You are a specialist at it. Chair, can I just let the witness choose to answer if she wishes, instead of this bullying that is going on from this table?

CHAIR—We should let Ms Ehrmann answer the question.

Senator FAULKNER—This has got nothing to do with Ms Ehrmann. It does not matter who the witness at the table is, my point of order is a much broader one that goes to the terms of reference. I could have made, if I had wanted to, a point about the unfairness of asking Ms Ehrmann to make a commentary on other states and territories if I had wanted to make a specific point in relation to the witness at the table, but my point has been consistently relating to the terms of reference of this inquiry. That is why I took the point or order, in a relatively gentle way, in relation to Senator Ferris's question. I do note that when I took a similar point of order with Senator Murray he rephrased the question. I am not suggesting for one moment the question cannot be rephrased and therefore asked in a way that it properly ought to be, but I do ask you to take account of the fact that we do have terms of reference. I think you have an obligation on behalf of the committee to ensure that the questioning is, in the broadest terms, somehow related to those terms of reference. That was the point I was taking.

CHAIR—Senator Faulkner, I appreciate the gentleness of the point of order that you took and I agree that the question is only relevant if it goes to the motivation for electoral fraud. I took Senator Ferris's question to be asking about whether Ms Ehrmann felt that the meeting that occurred in Townsville when Mr Beattie and others said, 'Do whatever it takes,' or, 'Do what you can,' or what I wrote down, 'Do everything you could to get Reynolds up', was a motivation to her to persist with the irregular enrolments which she was aware of at the time. That is what I took your question to be, Senator Ferris.

Senator FERRIS—That is precisely the basis of my question, and I have asked it three times. I am sure Ms Ehrmann understands it, otherwise she would have asked for clarification.

CHAIR—I think that is relevant. That is what Senator Murray was asking. We have asked the AEC questions like that, we have asked the DROs questions like that, and if we are talking about motivation for electoral fraud, I think that goes to the very essence of our inquiry.

Senator FAULKNER—Can I indicate again on the point of order that you are canvassing before you allow the question, I do not have a precise recall, I accept what you and Senator Ferris and others around the table are saying about them. This could mean, after any such words, ‘Work hard. Do everything you can and motivate people in the party’s best interests,’ and so on and so forth. It seems to me, again, an utterly unremarkable thing. If you allow the question, you allow the question, but my point goes to the terms of reference.

CHAIR—No doubt, Senator Faulkner, the committee will weigh up the level of importance that we attach to certain evidence when we come to do our report.

Senator FAULKNER—But you will allow the question?

CHAIR—I will allow the question. Ms Ehrmann, would you like the question to be repeated?

Ms Ehrmann—No, please.

CHAIR—Are you clear on the question?

Ms Ehrmann—Yes, but I choose to answer it in this way. I did make the statement very early on, just clarifying that statement, that I do not want to be a pawn in the fights between political parties, and this particular issue is certainly that. I have not said that Peter Beattie asked me to commit anything that was of an illegal nature. It certainly was an unusual situation. There certainly was a lot of pressure and it certainly was unusual in that I was asked to support another candidate when I was a candidate myself. But Mr Beattie did not ask me to do anything that was illegal. He did not ask me to go out there and commit electoral fraud. I cannot comment on anything from other states because I have not lived in any state except Queensland, so it would only be of very general knowledge and things that I have heard discussed in the media.

CHAIR—Thank you. I suggest we have a break and then we can decide whether we want to continue to hear from Ms Ehrmann or whether we wish to hear from the Scotts.

Proceedings suspended from 11.30 a.m. to 11.54 a.m.

CHAIR—I now reconvene the hearing. Before we hear from our next witnesses, I advise that I have ascertained from Ms Ehrmann that she read the entire statement into evidence, except for some quotes from a sociologist which are not germane to the major part of the inquiry. I therefore propose that we accept her opening statement into evidence, which will make it available to people forthwith.

Senator FAULKNER—I am not opposed to that. I just wonder if it is necessary, given that Ms Ehrmann has read the statement into the *Hansard*. Its status as a submission postdates the *Hansard* record. It just seems a bit odd to me, that is all.

CHAIR—The *Hansard* will not be available for probably 36 hours, maybe 48 hours.

Senator FAULKNER—So this is being done just to assist the logistics, is it?

CHAIR—Yes, to assist members of the committee so they can get hold of the statement and peruse it, either before we have further questions for Ms Ehrmann or later on.

Senator FAULKNER—There is no other way of doing it without making it a submission, is there?

CHAIR—The normal way is to make it a submission and it is covered by privilege. We can circulate it as an opening statement, if you prefer, and it will still be covered by privilege.

Senator FAULKNER—That is what I wonder, and I am just wondering it aloud. It just seems a bit odd to me to postdate something as a submission that is in the *Hansard* record as an opening statement. I am not going to die in the ditch over it; it just seems a bit odd.

CHAIR—Either way is reasonable, so if you are not going to die in the ditch over it—

Senator FAULKNER—I am not opposed to it being circulated. It is just what status you give it, that is all.

CHAIR—I will put Mr Somlyay's motion.

Mr McCLELLAND—Will the statement have privilege status?

CHAIR—Yes.

Resolved (on motion by **Mr Somlyay**, seconded by **Senator Mason**):

That Ms Ehrmann's opening statement be accepted as a submission to the inquiry.

[11.56 a.m.]

SCOTT, Mr Leslie James (Private capacity)

SCOTT, Mrs Margaret Anne (Private capacity)

CHAIR—Welcome. I remind you that this inquiry is about the integrity of the electoral roll. This is not an inquiry into the internal party matters of any political party except insofar as they impact on the electoral roll. In answering questions, you should keep that fact uppermost in your mind and not be distracted on issues that are not the domain of the committee's inquiry. The evidence that is given at the public hearing today is considered to be part of the proceedings of parliament. Accordingly, I advise that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament.

The committee has received submissions from you, which it has numbered 6 and 7 and which have been authorised for publication. You might indicate whether there are any corrections or amendments that you would like to make to the submissions. You might also, if you wish, make a brief opening statement before I ask for questions from members of the committee. All of this, of course, Les, you are entirely familiar with. Do either of you have any comments you wish to make on the capacity in which you appear?

Mrs Scott—I am known as Anne Scott. I have been a member of the ALP for 16 years. I am a former state council delegate and a former state conference delegate of the Queensland branch of the ALP. I am also a former candidate for preselection in the federal seat of Oxley.

Mr Scott—I have had an interest in public life for a long time, as a former member of the Commonwealth parliament and also, more recently, as a member of the Labor Party who has run into some extreme difficulties there. I do not have any alterations to my original submission. Both Anne and I will be making an opening statement.

CHAIR—Would you like to proceed?

Mrs Scott—On 2 October 2000, I presented your committee with a submission detailing my experiences with the Australian Labor Party in Queensland during the preselection for the federal seat of Oxley in 1998. My purpose in making this submission was threefold: first, to highlight the inept, undemocratic and manipulative manner in which preselections are conducted within the Queensland branch of the Australian Labor Party; second, to demonstrate the lack of impartiality in the disputes resolution process within the Australian Labor Party; and, third, to highlight the fact that political parties are exempt from the Sex Discrimination Act which, in my opinion, is a matter that must be addressed by the parliament if women are to ever enjoy equality in power sharing and policy making in this country.

Over the past decade, the major political parties in this country have received millions of dollars in taxpayers' funds to conduct their election campaigns. Surely, in return they must be publicly accountable for those funds and ensure that their operations are honest and transparent and their preselections are conducted in a democratic manner. The focus of your inquiry relates to electoral matters and the integrity of the electoral roll. The electoral roll is an integral part of

the Electoral Act. Political parties are an accepted part of the electoral system and have responsibilities under the act. The Australian public must therefore have confidence in the overall electoral process, and hence the behaviour and accountability of political parties are central to that confidence. The integrity of the electoral roll has been put at risk because of the events which have led to the current inquiries surrounding the activities of certain people during the conduct of preselections and elections in Queensland. The fact that the Labor Party knew that irregularities were occurring and failed to act to rectify the discrepancies and respond to disputes that were lodged, confirms the contempt with which the Australian Labor Party in Queensland views the entire democratic electoral system.

Within the Australian Labor Party in Queensland, the all-powerful state conference determines the internal structures of the party, including the make-up of the administrative committee, the positions of general returning officer and state secretary, and delegates to the electoral college, the disputes tribunal, the federal executive, and other internal party units. State conference, by its very nature, is divided into factions, the dominant faction being the Centre faction, more commonly known as the AWU faction, which in turn is dominated by Mr Bill Ludwig, the state secretary of the Australian Workers Union. Elections are conducted at state conference for these positions, and it is worth noting that AWU faction delegates do not fill in their own ballot papers—they simply collect them from the returning officer and hand them directly to the faction heavies to be filled in, thus ensuring that the AWU has control of all the internal structures within the party in Queensland. Deals and trade-offs are done with the minor factions when required, and a mentality of control and manipulation pervades the entire party. The rank and file branch membership is completely disempowered and treated with disregard, and sometimes with contempt.

In mid-1997 intense jockeying was taking place amongst the men at the top of the AWU faction to determine who would benefit from the seats that were expected to return to Labor in the south-east corner of Queensland. It was commonly known and widely reported that Wayne Goss and Craig Emerson were feuding over the safe seat of Rankin. It was also commonly known and widely reported that Bill Ludwig favoured Craig Emerson for Rankin and was trying to persuade Wayne Goss to run in Oxley. This was despite the fact that Oxley has traditionally been based on the provincial city of Ipswich, and Wayne Goss lived in the affluent Brisbane suburb of Sunnybank Hills, and that two or three local branch members, myself included, had already announced that they would seek preselection for Oxley. It also ignored the fact that Wayne Goss was reported on a number of occasions as saying that he was not interested in Oxley.

Shortly afterwards, the federal redistribution was announced, and Oxley had taken a giant leap to the east, taking in the Brisbane suburbs of Inala and Acacia Ridge. The western boundary ridiculously ran right down the middle of the Ipswich CBD, effectively cutting the city in half. Within a couple of days, Wayne Goss called a press conference and announced he would be the candidate for Oxley as he had spent his childhood in the area and his roots were in Inala.

I do not know what influence, if any, Wayne Goss, Bill Ludwig or the ALP had on the redistribution. What I do know is that half of Ipswich found the decision very suspect indeed. A number of ALP branches moved motions objecting to the redistribution, but the state secretary; Mike Kaiser, directed branches within Oxley to channel all objections through the party office

to be placed in the party submission to the Electoral Commission. Two or three local party units lodged written submissions with the party office. They were completely ignored and no objection was lodged by the ALP in respect of Oxley. I lodged a submission with the Electoral Commission myself and was attacked through the local media by Mike Kaiser for doing so and for not 'toeing the party line'.

Nominations were called for all federal seats in Queensland. When Wayne Goss took ill, nominations closed for all seats except Oxley and Blair. The excuse given was to enable Goss to decide if he still wanted to run. When Goss withdrew his candidacy, another Ludwig appointee was found and the preselection finally went ahead in February 1998. I could not believe the lengths to which some people went to influence the branch member ballot. This included the national secretary, Gary Gray, attacking me through a national daily newspaper and calling on me to 'do the decent thing' and withdraw my nomination, saying that the people of Oxley would find it grotesque if I were a candidate whilst my husband received a parliamentary pension. The conduct of the branch member ballot was incompetent and manipulated. The electoral college, of which the AWU faction is the dominant faction, then convened, with AWU faction delegates once again handing over their blank ballot papers to the faction heavies to be filled in. A deal was done with the Labor Unity faction to ensure that the candidate preferred by Bill Ludwig won the preselection. There were two women candidates for preselection. Interestingly, of the 42 votes in the electoral college, not a single one went to either woman.

The dispute which I lodged with the ALP disputes tribunal is included in my submission to this committee. Once again, the AWU faction also dominates the disputes tribunal. There is no way that any dispute before that tribunal can be heard in an impartial manner. The chairman of the disputes tribunal, Brian Kilmartin, admitted to me that of course any decision made by the tribunal would be on factional lines. The Shepherdson inquiry has subsequently uncovered the ineffectiveness of the disputes tribunal, which dismissed complaints against Karen Ehrmann despite her later pleading guilty to the same charges.

I would briefly like to mention the complaint I lodged with the Human Rights and Equal Opportunity Commission against the national secretary, Gary Gray, which is also included in my submission. The final determination by the commission was that political parties are exempt from prosecution under the Sex Discrimination Act as they are neither employers nor service providers. It was recently reported in the media that the commission found that the preselection was 'a fair and accountable process'. This is false and completely misleading, and I would like to take this opportunity to correct this misinformation. The determination was that the Human Rights and Equal Opportunity Commission did not have the jurisdiction to proceed, as political parties are exempt from the act.

Women are grossly misrepresented in the federal parliament. The entrenched mentality of control and manipulation and the culture of looking after mates within the Queensland branch of the Australian Labor Party mean that women find it extremely difficult, if not impossible, to gain preselection in safe seats, especially federally. I would ask the parliament to seriously examine the Sex Discrimination Act and make the necessary amendments to ensure political parties cannot discriminate against women in their preselection processes.

CHAIR—If I could interrupt you, the inquiry is really only about the integrity of the electoral roll. What we are asking you to do is show where you have seen instances of the

integrity of the electoral roll being called into question. While it is entirely up to you to read what is in your statement, most of those matters are not matters that are going to the terms of reference, so I ask you to try and bring matters back to the integrity of the electoral roll.

Mrs Scott—Certainly, and I am almost finished, Mr Chairman. I do think that if preselections are not going to be held in a democratic manner, then the whole Electoral Act is in question because democracy in our country is brought into question. If one person is going to control the preselections of an entire party in a state, then there is a question as far as the democratic system goes, as far as the Electoral Act goes and as far as the electoral roll is concerned. I might add that there were a couple of matters regarding questionable enrolments in that preselection which I did put in my submission as well.

CHAIR—We will certainly get to that in the questions.

Mrs Scott—Mine is not an isolated case. Whilst I have been a victim of the current administration, I know that there have been many others—men and women—who have felt disenfranchised, have lost confidence in the party and have simply walked away in disgust.

I thank this committee for inviting me to give evidence today and I wish Peter Beattie every success in cleaning up the Labor Party in Queensland. However, I would remind the committee that one of the first things Peter Beattie did upon gaining government in Queensland was to appoint Bill Ludwig to the board of WorkCover, the same Bill Ludwig who withdrew hundreds of thousands of dollars of AWU members' funds to cash in his own and other top ranking union officials' long service leave entitlements. Until the Labor Party in Queensland rids itself of the control, patronage and influence of Bill Ludwig, the Australian Workers Union and those who are participating in the controlled power sharing, the deals and the trade-offs between the factions, then the party's internal structures will remain corrupted and rank and file branch members will continue to be disempowered and ignored. Thank you.

CHAIR—Les, did you have an opening statement as well?

Mr Scott—Yes.

CHAIR—We do not want to eat up all of your time with opening statements. Is it similar to Anne's opening statement?

Mr Scott—I have supplied a copy to the secretary.

CHAIR—You could, if you like, ask us to accept that in evidence.

Mr Scott—Would you rather accept it like that, if it going to save some time?

CHAIR—Yes, it suits me. Are people happy with that?

Senator FERRIS—We would like to have a copy of it.

CHAIR—We will give it to the secretariat and they can photocopy it.

Mr Scott—Just to say a couple of points about it, I have tried to emphasise the culture, more than anything else, that has developed in the Australian Labor Party. A consequence of the way Anne was treated is that it rolls on to the effects it had on me—the obvious consequences of that. I would also highlight a few things in there in terms of the role of particularly Bill Ludwig and others in the AWU.

Resolved (on motion by **Senator Ferris**, seconded by **Senator Mason**):

That the committee accept the opening statement of Mr Scott as a supplementary submission to his original submission.

Mr Scott—There are two exhibits that I want to provide now which you do not have at this point.

CHAIR—You might provide those to the secretariat and we can also have those.

Mr Scott—I made reference to them in my opening statement. I have made submissions to the Criminal Justice Commission and also to the Legal, Constitutional and Administrative Review Committee of the Queensland parliament, chaired by Gary Fenlon. I have made a recent one to the Criminal Justice Commission about two matters. Those submissions deal with when Councillor Paul Tully was called to give evidence about some people who have been on the electoral roll at his home; Democrat preferences at the 1996 election, which Senator Bartlett might be interested in; and a matter about branch membership in the area. I will table those as exhibits, if I could.

CHAIR—With respect to the one to do with Councillor Tully, if it is about electoral enrolment, I do not think there will be any problem with accepting that as an exhibit.

Resolved (on motion by **Mr St Clair**, seconded by **Senator Ferris**):

That the document be accepted as an exhibit.

With respect to the one to do with preferences, that is not a matter within our terms of reference.

Mr Scott—It is in the same correspondence I have sent to the CJC.

CHAIR—But our terms of reference are really very specific about the electoral roll. On questions to do with cash for preferences so-called scandals, I would seek the guidance of the committee, but my inclination would be not to accept that as an exhibit if it is not to do with our inquiry. Why don't we take it and examine it, and if we decide to accept it as an exhibit, we will do so in our next private meeting and we will let you know what our decision is. But you can certainly refer to it.

Mr Scott—You could accept part of it.

CHAIR—We will take a copy of it. We will examine it and then decide at our next private meeting how we wish to proceed with it. I think that is the best way to proceed.

Mr Scott—That is fine.

CHAIR—Is there anything else you would like to add before I open up to questions?

Mr Scott—No, we will go to questions.

CHAIR—Okay. We have agreed that the opposition will go first with their questions. It is about 10 past 12. Would people be offended if we cut questions to 20 minutes for the opposition and the government and the Democrats in between? If people have further questions they want to ask to clarify points, then we can add that on at the end. It is just to give a guidance to the opposition.

Senator FAULKNER—Mr Scott, why shouldn't this committee just come to the conclusion that your appearance here today is, frankly, sour grapes because of your defeat in the 1996 election and your wife's defeat in a subsequent preselection ballot?

Mr Scott—Thank you, Senator Faulkner. I am pleased you asked that question, because it really has absolutely nothing to do with the 1996 election but it certainly does have some consequential effects in the way that Anne was treated in her preselection and the way that has been dealt with by the Australian Labor Party ever since. In terms of the dispute process within the party, it just rolled on and on. It showed a complete disregard for any forms of natural justice whatsoever. I would think in a democratic society that anyone within the Labor Party would want to have those sorts of things corrected. I feel that, if we are going to really clean up these problems that are faced within the Labor Party in Queensland—and it does roll over into the federal area as well—people have to come forward and produce these things and just show what has been happening in this party for some time. I am not the only one who has been a victim of this sort of behaviour. It has gone on and on for some time, to the extent now that this has happened.

Quite frankly, Senator Faulkner—and I consider myself a Labor Party person and have been all my life—what is happening in the party at the moment is an absolute disgrace. It is something that you people should be particularly concerned about, given that you are representing the party in the Commonwealth parliament. I just think that more branch members, or people who have been victims of this, should come forward and explain just what is going on, because there have been a lot of people who—as Anne said her statement—have just simply given up and walked away because of this behaviour. I just do not think that is good enough. If we do not come out now and clean it up here publicly, it will never be cleaned up. I think it is pretty bad news that the Labor Party did not fix this stuff-up internally. They could have and they just kept turning a blind eye to it for years and years to the stage now where we have this huge explosion.

Mr McCLELLAND—So you would support Kim Beazley's recent announcements—indeed, this week I think he has repeated those—where he said that he intends to ensure that the dispute tribunals within the party are reformed so that the tribunal members make decisions based on the merits of what is presented within the tribunal as opposed to predetermined factional caucus decisions?

Mr Scott—Over 20 years ago, when there was federal intervention in the Queensland branch of the party at the time, when Bill Hayden was the leader of the party and he saw that the only way he was ever going to win some seats in Queensland, and eventually go on to win government, was to clean up the party in Queensland. I was involved at that time, as Peter Beattie and a whole range of other people were, supporting Bill Hayden in that process and it cleaned the party up. One of the central issues that came through there was the need for an independent disputes tribunal. For some years we did have that process, but over the years it had fallen by the wayside where all the various party units have now become very much focused on factional lines, as Anne indicated in her submission again. I was at that particular hearing where the chairman of the committee made it quite clear that their decisions would be on factional lines. If Kim Beazley is making that move, good luck to him. I wish him and Peter Beattie all the luck in the world in cleaning up that sort of thing, but there is going to have to be a whole cultural shift from the way the AWU particularly is dominating the scene now and the trade-offs they are doing with the other factions as well. That has to be broken down. Everyone has to come together and sort this out, because it really has a huge impact on the confidence of people in our whole electoral system. People go to the polling booths and say, ‘Why should we bother voting at all if this sort of thing is going on?’ If Kim is doing that, good luck to him.

Senator FAULKNER—How many people in the federal electorate of Oxley have you identified as being falsely enrolled?

Mr Scott—I did not know that there were too many around at all that I was aware of. It had never come to my attention until recently.

Senator FAULKNER—So is the answer none?

Mr Scott—No, it is not none actually, because a local councillor there, Councillor Paul Tully who challenged me—and I made reference to it before—for preselection to contest the 1993 election, was actually called before the CJC to explain why the brother and sister-in-law of Jim Elder were enrolled at his house. That comes as a bit of a surprise to me as well. Both Jim and I were in the same faction. There was some assumption that I would have got his brother’s support. I now have my reservations. I never ever knew he was at that address. This was Phillip Elder and his wife Lynda. I used to correspond with them as branch members. They were not in a branch in the Oxley electorate; they were in a branch in the Bowman electorate. They were always on the address of 42 Wuriga Street, Wacol. I never ever recorded them being there. It was the first time something like that has come to my attention.

Senator FAULKNER—Any other instances apart from that which came about as a result of other people’s efforts in another jurisdiction?

Mrs Scott—Could I just answer that?

Senator FAULKNER—No. This is for Mr Scott.

Mr Scott—In terms of Anne’s preselection, I was actually her scrutineer. The votes of a couple of people were actually challenged at the count for preselection. They were challenged by the scrutineer of another candidate first.

Senator FAULKNER—For incorrect electorate enrolments?

Mr Scott—The problem was that their signatures were incorrect, and we challenged them for that. I think you should allow Anne to respond a bit further to it because this matter was raised in Anne's dispute with the party and how the party dealt with it.

Senator FAULKNER—But I am asking you how many falsely enrolled individuals you have identified. I think the answer is none. This is what this inquiry is about, Mr Scott.

Mrs Scott—No, Senator. Two at least from the last preselection.

Mr Scott—The people I refer to are from Paul Tully's evidence at the CJC. The other ones are in Anne's submission that she put to you.

Senator FAULKNER—Paul Tully's evidence has identified two. I asked how many you have identified.

Mr Scott—I have not identified those. I have not gone out and got those myself. They are the ones that have come to public notice.

Senator FAULKNER—Do you know of any pattern of false enrollees in your broad political experience? You were a member of the federal parliament for about eight years.

Mr Scott—I cannot see the point you are getting to, Senator.

Senator FAULKNER—This inquiry, Mr Scott, is about the integrity of the electoral roll. I have been asking you about enrolments. Let me put it another way. In your personal experience as a federal member of parliament, have you any evidence that you can bring before this committee to indicate that the integrity of the electoral roll has been affected in any way by any person?

Mr Scott—I think it has in terms of the ones I just mentioned before.

Senator FAULKNER—When were they identified?

Mr Scott—There was one identified by the CJC.

Senator FAULKNER—What year was that, please?

Mr Scott—That would have been back in 1991. These other ones I referred to in terms of—

Senator FAULKNER—Could you indicate to us the detail of these particular instances of fraudulent electoral enrolment?

Mr Scott—They were very suspicious ones in the terms that their signatures were not correct and that was challenged at a Labor Party—

Senator FAULKNER—Mr Scott, do you or do you not know of any examples of—

Mr Scott—Mr Chairman, can I answer that question, please?

Senator FAULKNER—Excuse me. I am asking Mr Scott a question. Do you or do you not know of any examples of fraudulent electoral enrolment in terms of your experience as the federal member for Oxley at all? That is what this inquiry is about.

Mr Scott—Senator, I know what the inquiry is about—it is about the integrity of the electoral roll. Really, it goes a bit further: it is about the whole electoral system. I know what it is about. I have answered your question in terms of the experience I have noticed here. I still cannot understand what you are trying to get me to say. Do you want to write it out for me then?

CHAIR—Mr Scott, you are both appearing together. Anne could actually add to that answer if she wanted to . That would not be a problem.

Senator FAULKNER—No. I am afraid Mrs Scott was not a federal member of parliament. That is why I am directing my—

CHAIR—If you are asking in that capacity, then she cannot.

Senator FAULKNER—I think it is quite clear that I am asking Mr Scott, in his capacity as a former member of the federal parliament, if anybody at any stage had drawn any examples to his attention.

Mr Scott—I was not aware of anyone being fraudulently enrolled on the electoral roll during my experience in parliament.

Mr McCLELLAND—What period of time was that?

Mr Scott—From 1988 to 1996.

Senator FAULKNER—I have read your opening statement and heard Mrs Scott's opening statement, and I have listened carefully to the criticisms you have made about the AWU and the AWU faction. Is it true to say that your concern here—and I do not know how this links into the electoral roll, but perhaps you can explain it to me—is that you can have a local plebiscite of Labor Party members, who one assumes are on the electoral roll because you certainly do not know of any evidence that they are not, and that the will of the local members can be overridden, if you like, because of the preselection arrangements or other arrangements that occur internally within the Labor Party at a central level? Is that the thrust of it?

Mr Scott—Are you looking for a run-down on the preselection rules of the party in Queensland?

Senator FAULKNER—No, I think I understand them. But is your concern, Mr Scott, that the will of local Labor Party members—who I am assuming are correctly electorally enrolled, and I can only come to that conclusion because you know of no evidence that they are not—is

being overridden and other decisions are being imposed on them at a central level by others, in this case the AWU? Is that what both you and Mrs Scott have excoriated in your evidence?

Mr Scott—You are aware of the election process in the ALP in Queensland, where you have a local vote and then a college vote.

Senator FAULKNER—Yes, but is that your concern?

Mr Scott—That was set up 20-odd years ago when the national executive intervened in the running of the Queensland branch, and that was the decision that came down with them.

Senator FAULKNER—Yes, but you yourself have been a beneficiary of that.

Mr Scott—It has operated. You obviously read the same paper as I did yesterday, and I am pleased you raised the question because it needs to be clarified. That system was set up for a very good reason, and the reason was that, by having a central electoral college position, you actually offset any branch stacking activities that went on, because that way you were having a role of the administration in the party as well. You also had a role for the trade union movement, because when you had just your local plebiscite, the trade union movement wanted their say, and you are well aware of the 60-40 rule between the trade union movement and the party, and that is very much how that came out. When I was elected to parliament, I received quite broad support from the electoral college across the factions.

Senator FAULKNER—You lost the local plebiscite, didn't you?

Mr Scott—I did not win the numbers at the local plebiscite.

Senator FAULKNER—That is right, and the AWU faction in fact put you into parliament.

Mr Scott—No, they certainly supported. It was called the Centre faction at the time—

Senator FAULKNER—And now you have turned on them because you are in—

Mr Scott—No, just a moment, you want to get it right. It was not only the Centre faction that supported me; it was all the factions, particularly a number of trade unions. The candidate against me at the time—

Senator FAULKNER—It really does sound like sour grapes.

Mr Scott—No, the candidate against me at the time was having some difficulties. The trade unions at the time were not very impressed with things, and it was for that reason. There were a number of other reasons as well that I got the preselection over the other candidate.

Senator FAULKNER—Have you heard of Mrs Joan Budd?

Mr Scott—Yes, I know Joan Budd well.

Senator FAULKNER—Are you aware that in general terms she told the CJC that so-called political families often fraudulently enrolled members to assist candidates that they were related to?

Mr Scott—I am not sure what evidence Mrs Budd gave to the inquiry, but I have certainly seen a lot of press coverage, and I am not sure of that particular point.

Senator FAULKNER—Okay, fair enough, you are not aware of that, but she did. Can you assure the committee that none of your family members were used in that way?

Mr Scott—Used in what way?

Senator FAULKNER—I have used Mrs Budd's words to try to explain to you the evidence that she gave at the CJC. I am asking you now whether, in relation to yourself, you could assure the committee that none of your family members were used in that way.

Mr Scott—I come from a Labor family. My father was an active member of the Labor Party. Two of the Labor colleagues next to you here today obviously come from Labor families as well. I am sure they joined the Labor Party at a pretty young age as well. My children have certainly followed me into the Labor Party and, hence, they went on the electoral roll when they were 18.

Senator FAULKNER—But you can assure me and this committee that there were no false enrolments at your own address?

Mr Scott—I can assure you of that. They were not false enrolments. That was their home. The youngest bloke has lived there all his life.

Senator FAULKNER—Could you explain to me how the case that you present before us today—I asked you whether it was sour grapes because it appeared to be sour grapes to me—might be any different from the case of, say, Mr Mutch, the defeated Liberal Party preselection candidate in Cook? How does your case differ from that of any other defeated preselection candidate? Mrs Scott is defeated in a preselection ballot. You are defeated in a general election. You have had an opportunity to serve in the federal parliament. In my view, your service was rather undistinguished. But I would like to know how you differ from any other defeated preselection candidate.

Mr Scott—How it differs, Senator Faulkner—and I appreciate your comments about my role in parliament—

Senator FAULKNER—It is just a personal view. Why should you waste the time of this committee, which is focussing on electoral enrolment—or trying to. I am a little obsessed about this; I am trying to keep the committee's focus to the integrity of the roll. You are an aggrieved party. Mrs Scott has lost a preselection ballot, for whatever reason. I understand that. I know she lost. But this is not unique, this is not abnormal; it happens in all political parties. In relation to your own family, you have been given succour by the system that you now turn on. I do not defend the system. I merely note that you have been given succour by it. You lose a local plebiscite. The AWU puts you into parliament. You are under threat throughout your political career,

which I know about. The AWU gives you succour. You lose the election in 1996. Mrs Scott nominates for a subsequent preselection. She does not win. Why shouldn't we here say, 'Let's get on with the real business'? Yes, a preselection has been lost by a candidate. Really, this is sour grapes and we ought to get on with the real focus of this.

Mr Scott—Senator Faulkner, the focus that I put to you before, and certainly in my submission, is the dispute resolution process.

Senator FAULKNER—That has got nothing to do with this inquiry.

Mr Scott—It has, if you look at the facts—and I think it has already been reported to this inquiry by someone who worked in the Electoral Commission—about the preselection process. We all know, you people sitting around this table here know, that there are safe seats and not so safe seats, and it is all those marginal seats that probably determine who is going to be in government. The comment, which was from a gentleman whose name I just cannot think of at the moment but you may recall it—was that if you win preselection in a safe seat you are more or less assured of winning in the end. It is probably like being No. 1 on the ticket for the Senate.

Senator FAULKNER—I have never been there. I would not know.

Mr Scott—It is important when you go to that selection process that you also have a mechanism where people, if they feel aggrieved, can go through a genuine dispute resolution process that is fair and independent. If Anne had gone through that process and she had been treated fairly and honestly all the way through, if there were not areas that were challenged—there was no way that the dispute that Anne put forward was ever held properly right through to the national level, particularly a case against Gary Gray, and the national executive virtually just ignored it. I have been around the Labor Party for a long time and I am certainly a strong supporter of the ideals of the Labor movement. Look, are you guys really interested in this or are you going to have a chat to yourselves? Mr Chairman, do you want me to answer these blokes, or do they want to go and have a yarn somewhere else at a caucus meeting?

Senator FAULKNER—We are just trying to get the order of the questioning right, Mr Scott. We are able to chew gum and walk at the same time.

Mr Scott—Okay.

CHAIR—We will have one brief question from Mr Ferguson.

Mr LAURIE FERGUSON—Mr Scott, you have heard Senator Ferris try to drag Mr Beattie into this this morning by an argument that this kind of problem was so rampant that it was known to everyone inside the Labor Party and that it was so common that Beattie must have known that there were massive electoral irregularities et cetera. You were the member for this period and you were a member of the AWU faction throughout this period. You have associated yourself—

Mr Scott—With the Centre faction.

Mr LAURIE FERGUSON—With the AWU faction. You can call it what you want.

Mr Scott—Okay. As long as we understand each other.

Mr LAURIE FERGUSON—I understand you were a member of the AWU faction. Yes, I do understand that.

Mr Scott—I do not; I was in the Centre faction. Let us get it right.

Mr LAURIE FERGUSON—Call it the Centre faction—

Senator FERRIS—Chair, this witness is being harassed.

CHAIR—Just ask the question.

Mr LAURIE FERGUSON—I am trying to.

Mr Scott—I know what they are—

Mr LAURIE FERGUSON—You were a member of the Centre faction throughout this period and we have heard a lot of allegations as to their practices. You are telling us that you, as the member, were totally immune from this problem. You are telling us that you were not part of it, you did not know about it, it did not exist in your electorate and there were no electoral irregularities around you and your own presence in the AWU faction in that electorate. Is that what you are saying?

Mr Scott—As part of the electoral rorting that is being alleged at the moment? Actually, I think a lot of members would be in the same boat. I have to admit that I have been surprised with the extent of these things that have happened. I was not aware that people were out there rorting the electoral system.

Mr LAURIE FERGUSON—So the only one that you are able to talk about this morning is supposedly a member in the socialist left faction—Mr Tully.

Mr Scott—I have no idea what faction he is in at the moment.

Mr LAURIE FERGUSON—He identifies with the Left of the party perhaps?

Mr Scott—Yes, he would certainly identify with the Left.

Mr LAURIE FERGUSON—The only one you supposedly have come across in this whole history in Oxley is a member of your faction in the AWU, supposedly putting false addresses on a left wing opponent of your own?

Mr Scott—Yes, it seems strange.

Mr LAURIE FERGUSON—Yes, it does. Thank you.

Mr Scott—If I could answer, I know Paul Tully well enough to know that he would not be putting those blokes on the electoral roll at his home address unless he thought he would get their vote. I think you have to realise—

Mr LAURIE FERGUSON—So you knew nothing about it?

Mr Scott—You have to realise, and I said this in my submission, that there were threats to members who did not vote a certain way in the leadership challenge between Hawke and Keating. The threats still went ahead anyway, but I think the Left were trying to muster the numbers against me, but they did not get them anyway, as much as they tried.

Mr LAURIE FERGUSON—So there is no AWU corruption in your electorate?

Mr Scott—Not to my knowledge.

Mr LAURIE FERGUSON—What is your knowledge?

Mr McCLELLAND—Mrs Scott, you also have been a member of the Centre faction for a period of time?

Mrs Scott—I was a member of the Labor Party and when I stood for state council I naturally lined up with the Centre faction because I do not agree idealistically with some of the policies of the Left. So naturally, idealistically, I moved towards the Centre or the Right of the party.

Mr McCLELLAND—When you contested preselection, you were a member of the Centre faction?

Mrs Scott—I have never officially been a member of the Centre faction. The Centre faction does not meet. It is Bill Ludwig making decisions. If you are in the Centre faction and if you are at a state conference or are a state council delegate, you vote in conference with a certain group of people. The faction that I voted with was the Centre faction, which tends towards the Right of the party, because I do not agree with the policies of the Left.

Mr McCLELLAND—That was the case when you sought preselection?

Mrs Scott—Yes.

Mr McCLELLAND—You had not been involved in falsifying any electoral documentation?

Mrs Scott—Never.

CHAIR—Now for questions from the Democrats.

Senator BARTLETT—Whoever wants to answer these questions, I do not mind. The overall point you are making on the issue of preselections is that, if it is a safe seat, whoever wins preselection you are selecting a member of parliament more so than the electorate, and you would see Oxley as one of those seats. That being the case, in your opening statement, Mrs

Scott, you talked about the need for the operations of political parties to be honest and transparent, especially in relation to preselection. Would you see a role for some independent body, whether it is the Electoral Commission or someone else, to oversee the operations of preselection in all political parties? Obviously internal preselection battles are not confined to the ALP.

Mrs Scott—I think that would be ideal, because it would eliminate the type of manipulation that has gone on within the Labor Party in Queensland where the general returning officer is a member of a certain faction and follows certain orders in order to get the end result that a certain person wants. Hopefully, the AEC would be able to act in an independent manner and could conduct preselections perhaps more fairly. I think if someone is determined to rot the system it may well be done anyway, but I still think that the AEC conducting preselections would make the process far more democratic and would do away with the electoral rotting that we have seen on a major scale in Townsville.

Senator BARTLETT—I note your statement there about Townsville. I think you heard most of the evidence this morning, if not all of it, from Ms Ehrmann. At one stage she was saying—hopefully I am paraphrasing her correctly—that electoral rotting really got a kick along when the AWU's influence became a lot stronger, I think around the early 1990s, and at one stage she said that the real villain was the AWU. In terms of your concerns about the operations, whether it is electoral rotting or preselections, would you concur with that general statement of hers?

Mrs Scott—I certainly would not in Oxley. We have lived in Ipswich for 25 years. We have been very involved in a lot of community organisations. We knew people in Ipswich. We knew our branch members and we really did not know of any sort of massive electoral fraud like that. Our branch members lived at their residences and attended certain branches and we knew who they were. Certainly it was only when the electorate leaped into Inala and Acacia Ridge that I came across the couple of instances that I have mentioned in my submission. So I do not really see that there was any massive electoral fraud at all in Oxley. We were surprised. We had never heard of that sort of thing going on before.

Senator BARTLETT—So the suggestion that has been made a couple of times this morning that basically everybody knows about it and everyone talks about it at dinner parties might be a Townsville thing rather than a universal thing?

Mrs Scott—Maybe within the higher echelons of the Labor Party of which we were not members.

Mr Scott—I certainly do not think the average rank and file member out there in the party had any idea of this, and there are a lot of people out there who were quite shocked by it, as I was explaining before. There is no doubt the AWU Centre faction over the last two years had become more dominant. They do not have the numbers, but they have been able to do deals with the other factions to manipulate things to their best advantage. Whether that is just smart wheeling or dealing, we do not know, but they certainly have become the dominant force in the Labor Party very much since Bill Ludwig's leadership of the AWU.

Senator BARTLETT—Touching back on the Australian Electoral Commission, the redistribution that occurred in Oxley was a curious redistribution. I think I myself would agree

with that. You were not specifically alleging anything improper in how that redistribution was conducted?

Mrs Scott—Only in the way the jockeying was going on and the way that Bill Ludwig was urging Wayne Goss to stand in Oxley when Goss said, ‘I’m not interested in Oxley. I don’t live there. I want Rankin.’ The electorate then suddenly leaped across into Inala and Acacia Ridge and came from the west into the very centre of the CBD—it was quite ridiculous. I cannot say whether there was any sort of influence, but it was certainly very suspect and rather odd at the time and the ALP would not countenance any objection to those boundaries.

Senator BARTLETT—It would seem to me, as someone who probably does not follow House of Representatives boundaries as closely as most people in other parties do, that the person who was most disadvantaged by that redistribution was the sitting member for Oxley at the time—which might have been why other parties were happy enough for it to go ahead.

Mrs Scott—That is possible, too.

Senator BARTLETT—I guess I just wanted to nail down whether you had any information of anything improper happening, rather than it just seemed like a curious one that people may have responded to.

Mrs Scott—No.

Senator BARTLETT—Mr Scott, in the additional submission you have given us I think there are some suggestions for possible changes on how to prevent electoral fraud in the future. Is that right?

Mr Scott—I made that submission to the state committee. They did not like my first submission, so they invited me to make another one, which I did. I made suggestions. One is very much in line with the Australian Electoral Commission. When you were speaking about that, I just wanted to add that that would also provide the obvious opportunity for people who were unhappy about some decision to go to an independent inquiry or an independent disputes resolution process. Is that the point you wanted to check?

Senator BARTLETT—Yes. I just wanted to check that that was what you said. In the interests of time, I will have a read of that rather than—

Mr Scott—There are some other matters in the submission. I think Peter Beattie has actually pushed the line—I do not think he got it out of there; it is probably a very common thought—that perhaps the Australian Electoral Commission should be conducting these preselections. The trade union movement has access to the Australian Electoral Commission—they conduct a lot of their ballots. That was the case when I was active in the trade union movement. Obviously, the resources and the facilities are there to do it. It is a bit like the difference between the state and the Commonwealth rolls we used to have. I think I made the comment in the submission that perhaps the Commonwealth should be more involved—with the facilities they have—rather than have different local returning officers. There is probably a lot to be done in that area. I think we should put out minds to how we can draw up things a bit better.

Senator MURRAY—So far the evidence to the committee has been very weak on whether there has been any fraudulent enrolment which has affected the outcome of federal or state elections. There have been fears that practices adopted in party matters could run over and be used on the same basis. We have had very weak evidence so far to us on that side. Much of the evidence has referred to the way in which the electoral roll has been used fraudulently for the purposes of party balloting and party preselection processes. Once you go down that track, you are inevitably drawn into a view as to what kind of party regulation and better political party management there should be, and there were discussions about that earlier. I do want to bring you back to some of the lines already run in the questioning from the Labor Party and from my colleague Senator Bartlett, because it is absolutely seminal to a view on these things. I have tried to read as much of the CJC's transcripts as I can. An impression you get is that hundreds of fraudulent enrolments were carried out throughout Queensland. I do not know that to be a fact; that is just an impression. Today the evidence has been that that was known all the way through from the very bottom of the Labor Party—Karen Ehrmann describes herself as a bit player—right to the top, which of course would imply that you, as bigger than bit players but not upper-order batsmen, would have known about it. I really want you, Mrs Scott, to tell me why you would not agree with this statement. If you do not agree with that statement, you are opposing the evidence of Ms Ehrmann, and we would have to weigh up her credibility versus yours.

In my notes here it says that Ms Ehrmann further alleged that branches were stacked all over Queensland. Her solicitor, Mr Mark Dyer, whom I do not know, in a sworn affidavit and in an interview with the AFP in April this year referred to a general scheme that was followed within the Australian Labor Party in Queensland which was practised across the state in a widespread manner. Just for the record, will you repeat that you knew of no fraudulent enrolment and that it was not a general practice in Queensland? Is that what I understand you to have said?

Mrs Scott—That is correct. I do not agree with Ms Ehrmann's statements. She has been very generalised in her statements, and I do not know whether she had any knowledge at all of the Oxley electorate, but I can say quite categorically that I personally—and I am sure Les as well—knew of no-one who was fraudulently enrolled in the Oxley electorate. It was not until evidence came out in the CJC recently, that Paul Tully had given evidence that he had enrolled Jim Elder's brother and sister-in-law at his home address in Collingwood Park or Goodna, that we ever knew of it. Certainly the massive electoral rorting and massive incorrect enrolments that Karen Ehrmann is speaking about in Townsville never occurred in the Oxley electorate, to my knowledge, and I am sure Les could answer for himself, but we never knew that. We knew our branch members and if someone new joined the party, you would know that so and so from the Left who would have got them in. We actually made a habit that if you were standing for preselection or if you were standing for a conference delegate's position and there was a plebiscite, you would contact your branch members and lobby them for support. So we knew fairly well our branch members. It was not until we took on parts of Inala, and I was then visiting branch members in Inala, that there were people on the membership list who lived in a post office box. They were PO Box 380. There were four people, two different surnames. I was able to catch up with one set of surnames and I lobbied them. I could not find the other two people. The address that they had was a run-down housing commission home that appeared to be unoccupied. I visited that on a number of occasions at different times of the day when I was down around Inala visiting branch members and lobbying them for support, and that house just was not lived in.

I know there is no crime in sharing a post office box with somebody else and it is certainly no crime if those people had voted and their signatures were in order. You would probably just shrug your shoulders and say, 'Something funny went on there'; but the fact is that with those two people that I could not find and who were enrolled at that address and who had their address in the branch membership list as a PO box, the signatures did not match the party's records. When I raised that in the disputes tribunal and asked Mike Kaiser to examine those votes and determine whether there should be charges of fraud laid, because obviously there was forgery somewhere, he just brushed it aside virtually with contempt and said, 'That's not my role, it's not the role of the party to investigate those sorts of matters.' That was the only occasion that I had come across something that was suspect in that manner.

Senator MURRAY—Have you attended any of the CJC hearings or read any of the transcripts?

Mrs Scott—No. My knowledge of the CJC is only what I have read and heard in the media.

Senator MURRAY—So instances where a witness burst into tears and said she was sorry that she had fraudulently enrolled people at her address, or another instance where there were eight enrolments of which five were fraudulent at an address, would you be surprised by that? Were you simply unaware of that?

Mrs Scott—I was very much surprised. I have never heard of that happening in Oxley. I really do not know of anyone who would have been enrolled in that manner, masses of people enrolled like that; no not that I know of, not to my knowledge.

Senator MURRAY—If you were to be believed as a witness, my interpretation of what you are telling me is that there is not a widespread culture within everybody who matters in the Labor Party but that numbers of persons—because I also have to believe the evidence I have seen at the CJC—might be involved in such activities in a conspiratorial and organised way. There is one of three propositions: it did not occur at all, but we all know that not to be so because there is a person in jail for it; that it was a general culture, a habit; or, that it was a conspiracy of a few and that most people were not involved.

Mrs Scott—I would take your last comment as being legitimate. I believe that if that occurred, it may have occurred in certain pockets, in certain seats, in certain areas where it mattered a great deal. I do not believe, and I do not have any knowledge, that it actually happened in our area. That is the only way I can answer because I do not know what happened in Townsville. I do not know what happened in Bowman. I do not know what happened in Griffith or any other electorate, I only know what happened in our own electorate. Our knowledge of our own branch membership was fairly comprehensive. Really, we did not have knowledge of those sorts of activities.

Senator MURRAY—Just to be absolutely blunt, as members of the AWU Centre faction, as you were, you are not answering me in this manner to protect a background in which those who are in that faction have been accused of electoral rotting?

Mrs Scott—No, and may I say that the people in Oxley, the ordinary branch membership in Oxley, are not generally factionalised. There are pockets of the Left faction, there are pockets of

the Right faction, but on the whole, people in our area join the party because they want to be members of the Labor Party, they do not join because they want to be members of the Left or the Right. Some people may find that hard to believe, but that is true.

CHAIR—What a frightening thought, that people want to join the Labor Party because they want to be members of the party!

Mrs Scott—They do. Really, the platforms and the policies of the Labor Party are very good and very idealistic, and a lot of people join the party because they believe in them, particularly the social justice issues that the party espouses. That is why people do join the Labor Party. As far as factionalism in Oxley goes, it was not rampant. If people voted in a plebiscite, they would probably vote for you more because of your personal following, because they know you, because they think you are not too bad, because you are involved in this, that and the other, rather than because of what particular faction you belonged to, except for a certain number of people who maintain they control a certain number of votes. There was a bit of that going on.

Senator MURRAY—That is all I have, Mr Chairman.

CHAIR—I have a couple of questions, but in deference to my colleagues, I will let them go first. Senator Ferris.

Senator FERRIS—Thanks, Chair. May I observe that your comment about social justice does not appear to have been put into practice either in relation to you or the previous witness. Do you believe that your membership of the party was deliberately left to expire to make you ineligible to appeal your preselection difficulties?

Mrs Scott—No. I chose to expel myself from the Labor Party because I chose to stand as an independent at the 1998 election against the endorsed Labor candidate, and that meant automatic expulsion.

Senator FAULKNER—How many votes did you get?

Senator FERRIS—I think you have had your chance to ask questions, Senator Faulkner.

Senator FAULKNER—I am just asking how many votes she got.

Senator FERRIS—Now that Mrs Budd has resigned as returning officer, do you question her role in your eligibility to appeal the Oxley preselection decision?

Mrs Scott—I question Mrs Budd's role in conducting preselections. She conducted that particular preselection in quite an incompetent manner. I was a scrutineer at a preselection in 1993 when Les was challenged for preselection. She actually allowed ballot papers that were obviously tampered with to be counted. I objected very strongly to that. They actually had white-out on them. I believe they should have been knocked out and I challenged them. She said, 'The voter's intention is clear.' In my opinion the voter's intention was under the white-out. So Mrs Budd's integrity and competence as a returning officer I have questioned for a long time.

Senator FERRIS—Could I just clarify that? You says the voter's intention was under the white-out. Mrs Scott, are you saying that, after the ballots were cast by the delegate concerned, somebody whited those names out and put another name in, and that that was then accepted as that ballot?

Mr LAURIE FERGUSON—Are you going to the issue of electoral enrolment?

Senator FERRIS—Yes, we are. Just as you took your time to wind up to it, Mr Ferguson, so will I.

CHAIR—The questions that were asked by Senator Faulkner about Mr Scott's political career were so far off the mark that I have been more than generous about the scope of questions to these witnesses. I think you can hardly talk. Senator Ferris's questions are quite in order, and you should let her ask them and stop interrupting her.

Senator FERGUSON—I think you should actually chair here today.

CHAIR—I have been a very good chairman.

Senator FERRIS—Once again I would have to observe with some regret that Labor members of this committee are attempting to intimidate female witnesses here. I find it deeply offensive. Could I please ask Mrs Scott if she would care to clarify the statement she made—without the benefit of any assistance from my colleagues at the end of the table?

Mrs Scott—This was a preselection prior to the 1993 election. Les was challenged. I might add that he was threatened earlier that if he did not abide by Bill Ludwig's wishes in a certain matter his seat would be given to the Left—that Oxley would be conceded to the Left faction. He was challenged for preselection prior to the 1993 election by Paul Tully. There were only the two candidates: Les, and Paul Tully. A legitimate vote was either just 1, or a 1 and 2. It was a postal ballot: the ballot papers were posted to branch members and had to be back by a certain date. Then the postal ballot was counted. I scrutineered the count for Les. Brenda Gibbs, who is a senator now, scrutineered for Paul Tully. Joan Budd was the general returning officer.

There were a number of ballot papers that were obviously tampered with. They had white-out on them. When I challenged them and said, 'They cannot be counted; they have been tampered with,' the general returning officer said, 'Look, the voter's intention is clear. They clearly made a mistake and whited it out.' In my opinion the voter's intention was under the white-out. There was another particular vote that I remember. The 1 against Les's name was obviously changed to a 2. It had a little curly top, a very straight back and a little curl on the bottom. There was a 1 in Tully's square. I challenged that as well. I said, 'That has been tampered with. You cannot allow that.' Mrs Budd, at the time, said, 'The voter's intention is clear. They obviously voted for Les and then changed their mind and voted for Paul Tully.' Those votes, in my opinion, should have been dismissed and disallowed—but they were counted. We later found—

CHAIR—It is really very important to the inquiry that we answer questions with respect to electoral enrolment fraud and that you bring it back to those issues. We are not really in the business of trawling through every internal preselection. That is why I said in my opening statement for you to please keep that uppermost in your mind. That is really what we are after.

Mrs Scott—It was in that same preselection that the votes of Lynda and Phillip Elder were, I think, related.

Mr LAURIE FERGUSON—Supposedly against you.

Senator FERRIS—It has been suggested by a previous witness and indeed by a number of divisional returning officers for electorates in Queensland that voter identification and voter enrolment identification would go a long way to solving some of the problems that you have outlined this morning, which other witnesses have also done. Curiously, this is being opposed by the central submission from the Australian Electoral Commission on the basis that it would disadvantage some groups within the community. I am aware that Ipswich and the electorate of Oxley do have a number of people who could be described as disadvantaged. In your view, would enrolment ID and voting ID disadvantage the people at Oxley that you know? Or would that be something that you would agree would be needed to restore integrity to the roll?

Mrs Scott—I think it is needed to restore integrity to the roll. I believe that, maybe similar to opening a bank account, you should produce a certain amount of identification. I think it may cause some heartache to elderly people. If they have got to find bank accounts and things like that, maybe it may cause a little bit of distress. But, at the end of the day, I think maybe it would be worth while, and I think it would be a very smart move to have voter identification.

Senator FERRIS—It has been suggested that indigenous people would be disadvantaged. Given the number of indigenous people who live in the electorate you previously represented, perhaps Mr Scott or Mrs Scott, do you think that obstacle could be overcome?

Mr Scott—I think it could. In an urban area like Ipswich, you obviously would not have the same difficulty for Aboriginal people as you do in the more remote areas—and the chairman and I both participated on the committee when I was in parliament. I think it would be a difficulty even now for people to be registering on the electoral roll. These days, where people virtually all have bank accounts to have their wages and salaries or social security payments paid directly to the bank accounts, the identification is there. I made a suggestion like this in my submission to the Queensland committee as well. I have a banking background, so I know all about the 100 points thing that comes through there. I think that is probably something we could tap into. We can probably use a lot of our resources like the transport department, for instance, that does drivers licences. You could use those resources to actually keep your roll more up to date, because people obviously change their addresses on their drivers licence pretty frequently and they have to get their drivers licence renewed. If you brought some of your agencies in together, we would probably be able to keep the roll up to date in a better way than we do now. I think we really have to look seriously at that question of the identification. You have to also make sure that you protect people's privacy about how they vote, and that is a central thing to it. We do not want to have to go through the problems the Americans have just had trying to find a president. But you could certainly have a system where people present that card and you could probably move to a more electronic sort of roll as well, which would stop people from voting at more than one polling booth. That seems to be something that has come up in the recent inquiry at the CJC. Once somebody registers to vote that day or if they had a postal vote beforehand, that is recorded. You could certainly move down a path like that. I think that is where we have got to move eventually.

Senator FERRIS—Chair, I may have some questions to the Scotts that I will put on notice in the interests of time.

CHAIR—Thank you, Senator Ferris.

Mr St CLAIR—I have just one query and then I will leave it to my colleagues. In your submission that you have tendered here, obviously we are dealing with the issue of a suggestion that there has been rorting of the roll to keep power for preselection, so that is what it is used for. You are referring to Paul Keating and Bob Hawke—

Mr Scott—The leadership challenge?

Mr St CLAIR—Yes. You have got:

In my case, a staff member from another Queensland federal member visited my office at parliament ...

Who was that?

Mr Scott—I am not being critical of him. He was just the person carrying the message. Con Sciacca was the member whose office it was. This chap worked for Con. His name was Greg Rudd.

Mr St CLAIR—So he just delivered the message from—

Mr Scott—Yes. I know Greg very well. Greg was not intimidating me. He was just the message carrier. At the time, Con's son was very ill and Con was not in Canberra at the time because of that. Greg was Con's senior adviser and he was down there quite often.

Mr St CLAIR—That was done in Canberra?

Mr Scott—Yes. It was not unusual for him to come around to a member's office either. He just passed that message on to me in no uncertain terms.

Mr St CLAIR—Thank you.

Mr SOMLYAY—Mr Scott, when you woke up one morning and found the new boundaries had come into force in 1998 with the boundary down the middle of Ipswich, how many branch members did you lose into the electorate of Blair?

Mrs Scott—Forty, probably.

Mr SOMLYAY—Out of how many?

Mrs Scott—Out of 200 or 300.

Mr Scott—It would have been 200 to 300. There were a number of branch members lost that went into Blair, and there were some that came from Rankin, down around the Inala area, into Oxley.

Mr SOMLYAY—But you can guarantee this committee that people did not change their addresses to stay in Oxley rather than vote in a preselection in Blair?

Mr Scott—I certainly did not pick up anything like that. I would hate to use the word ‘guarantee’, but certainly nothing like that came to our attention. We kept a pretty close eye on our branch membership, as I am sure all you people around here do.

Mr SOMLYAY—You mentioned Bill Hayden calling for federal intervention, and there were a number of other reports into the activities of the Labor Party in Queensland. There is an article here by Greg Roberts, reporting from Brisbane, on 27 November, where Ian McLean, the former president of the Labor Party, refers to a report, which he calls the Hamish Linacre report, detailing evidence of electoral rorting that was given to the state ALP disputes tribunal but was ignored. The same article goes on to say that Mr McLean said the Right faction power brokers had said nothing should be done because the issue could jeopardise the Goss Labor government’s survival and that what was going on in Queensland was known about at the national level but there was no real interest in doing anything about it. Have you ever seen that report? Were you aware of that report?

Mr Scott—What year was that?

Mr SOMLYAY—That was 1993.

Mr Scott—So it would have been around the time of the federal election in 1993, I assume.

Senator FAULKNER—Before you switched sides.

Mr Scott—Mr Chairman, have I got to tolerate this fellow all the time?

CHAIR—Harassing the witnesses is a bit low rent, Senator. Just answer the questions as put to you, Mr Scott, and ignore the distractions from the Labor Party.

Mr SOMLYAY—This report is obviously being kept secret by the Labor Party.

Mr Scott—I knew Hamish Linacre. He was one of the people from the Left in the Labor Party, and a bit of a character in his own right. The Left have obviously written a number of reports over a period of time that have highlighted things. They were not always getting their own way so they brought them up, of course. Some of the issues that have been highlighted during the recent inquiries have shown that some of the things they were saying obviously had substance to them. If that case was referred by Hamish Linacre to the disputes tribunal, it probably just reinforces my concerns about the independence of the disputes tribunal, when a serious man like that was brushed aside, and probably adds to what Anne was saying before as well. I think Anne was on the state council at the time Hamish was there, so she may add something to that.

Mr SOMLYAY—Are you aware of any further reports into that issue? I think there was a report by Mick Young into the Queensland Labor Party.

Mr Scott—After the state election in 1995 and after the Mundingburra by-election, which cost Goss government, Mick Young was commissioned to conduct quite an extensive inquiry into the Labor Party in Queensland and he came up with a whole range of recommendations. Some of them were obviously taken on, because later on there was a special rules conference that addressed some of those. Reference has been made to that during the course of the CJC inquiry, to how a change of rules should have fixed these problems, but they obviously have not.

Senator MASON—Mr and Mrs Scott, did you hear the evidence today of Ms Ehrmann?

Mr Scott—Not all of it, but part of it. We heard quite an extent of it, yes.

Senator MASON—Did you enjoy some of the same intimidatory tactics against you perpetrated by the AWU?

Mrs Scott—I certainly found when I was standing for preselection that there were certain things that went on. I do not know if it was actually the AWU. I know Senator Evans told me that if I didn't back off I would get a bucket of muck tipped on me, for example.

CHAIR—Senator who?

Mrs Scott—Evans, Mr Gareth Evans—he was Senator Evans. Also, there were certain things that were done and said during that preselection which were not terribly nice. For example, Gary Gray spoke to me at the national conference in Hobart, face to face, and said, 'If you don't back off in Oxley, if you don't withdraw your nomination, I will ensure that you don't get preselection.' There was that sort of intimidation. I did not really find that I had a lot of intimidation otherwise, but certainly when I then began to make noises about Goss being preselected, or being the 'anointed' candidate, I started to get quite a bit of flack from the party, and from Mike Kaiser through the press. Mike Kaiser always communicated with me through the media; he would never do it face to face.

Senator MASON—Why do you think you were intimidated like that?

Mrs Scott—Because Bill Ludwig wanted to appoint the candidate for Oxley. It was a safe seat. It was regarded as being a safe seat. Even though Pauline Hanson had won it in 1996, it was quite common knowledge that it would return to Labor in 1998.

Senator MASON—But what about the argument that your husband was on a parliamentary pension?

Senator FERRIS—How many others are?

Mrs Scott—I think that has got absolutely nothing to do with women pursuing careers of their own. Whatever their partners do, how much money their partners earn, has got absolutely nothing to do with the ability of women.

Senator MASON—Are you aware of any other people, husband and wife teams, or family member teams, that are both involved in state or federal or local government politics?

Mrs Scott—Yes, of course. There were Bob and Brenda Gibbs. Bob Gibbs was the president of the party here in Queensland when he got Brenda appointed to the Senate ticket. There were Linda and Michael Lavarch. Michael Lavarch is on a parliamentary pension. Linda was elected to the state parliament. Michael actually encouraged me to run. Les asked him, ‘How was your electorate with the pension issue?’ He said, ‘It scarcely rated a mention.’ So, obviously the people in Dickson were a little bit more progressive than some of the people in the AWU.

Senator MASON—Would it be fair to call it the development of a Labor Party aristocracy?

Mrs Scott—Definitely.

Senator MASON—You mentioned that there has been a cultural change in the Australian Labor Party in recent years, particularly with the AWU. What has that cultural change been?

Mrs Scott—I think a feeling of manipulation, a feeling of mistrust, and a feeling of animosity if you do not toe the line. There is the whole culture of delegates having to hand over the ballot papers to Jim Elder, John Hogg, or John Budd, and for them to sit down with a pile of ballot papers and fill them out. This was a culture that caused so much distrust and so much animosity and hatred, not only mistrust within the faction but mistrust with other factions as well.

Senator MASON—Given that culture, you never suspected that rigging the vote, electoral rorting, was part of the scheme as well?

Mrs Scott—I would not have been surprised at anything happening, but all I can speak about is our own experience in our own electorate, and we did not find that massive electoral rorting going on in Oxley, to our knowledge.

Mr St CLAIR—Can I ask for clarification? Was that Senator John Hogg?

Mrs Scott—Yes, he is one of the top ranking heavies in the AWU faction.

Mr St CLAIR—As to who gets appointed?

Mrs Scott—Yes.

Senator MASON—Mr McClelland earlier on, and others, have referred to the disputes tribunal. When I was flicking through your submission I saw a letter to you from Brian Kilmartin, dated 11 August 1998. I found this very interesting and I thought you might want to comment on it. The finding was, ‘I advise that the following determination was made regarding William Ludwig, The disputes tribunal notes the newspaper articles alleging commentary

concerning the Oxley preselection on the part of the AWU faction. The tribunal notes that a faction is not a party unit or affiliated union for the purposes of rule 25(25).’ What do you think of that?

Mrs Scott—I think it is splitting hairs.

Senator MASON—Thank you.

Senator FAULKNER—Mr Chairman, I do not want to ask Mrs Scott or Mr Scott another question, but I just want to make a general point before we move on.

CHAIR—I was going to release the witnesses.

Senator FAULKNER—Fine, I do not want to ask them another question.

CHAIR—Mr and Mrs Scott, thank you very much for attending today and giving evidence. You are now free to go. Thank you very much for coming.

Mr Scott—Thank you, Mr Chairman, for your time.

Senator FAULKNER—Mr Chairman, could I just make this point. I have drawn your attention on a number of occasions today to the nature of questioning and the terms of reference. I noted the nature of questioning in relation to Mr and Mrs Scott and the approach that you have taken in this regard. I just wanted to indicate publicly that the precedent has been noted and now that the committee is operating in this way, I would expect a similar approach to be taken with other witnesses who may come before the committee. I think that point needs to be made at the conclusion of the questioning by the coalition senators of Mr and Mrs Scott, given the nature of the rulings that have been made. I do not want to labour the point, but I merely think it is important, before we conclude this part of the public hearing, that that be noted because it may have relevance for future public hearings.

CHAIR—Certainly. I accept what you have said. As you would know, in my opening remarks and to each witness, I draw their attention to the fact they should not be distracted by internal party matters. Throughout the evidence, as you would also have noticed, I have tried to draw witnesses back to the terms of reference, but I note what you have had to say.

Senator FAULKNER—But I am making the point that almost exclusively these matters, except for the questions that I directed and one or two other questions that were directed to these witnesses in relation to electoral enrolment issues, have widely canvassed the internal affairs of the Australian Labor Party. So be it. That is your ruling. While I do not accept it, I of course note the tyranny of numbers on these issues and accept that as part and parcel of the political process. I did not want the questioning of Mrs Scott and Mr Scott to conclude without that point being made publicly.

CHAIR—Thank you, Senator Faulkner. With respect to the way the committee intends to proceed now, members of the committee and ladies and gentlemen might like to be aware that Mr Lee Birmingham has failed to attend today’s hearing. A subpoena was served today on the solicitors acting for him and he has failed to respond to it. Therefore, under standing order 176,

the committee's position is determined that we shall report this to the Senate. Therefore I would move that, in accordance with Senate standing order 176, the committee reports to the parliament the failure of the witness, Mr Lee Bermingham, to appear before the Joint Standing Committee on Electoral Matters at a public hearing on Thursday, 14 December 2000 in Brisbane as part of the committee's inquiry into the integrity of the electoral roll. Is there any discussion on that motion?

Mr SOMLYAY—I will second the motion.

Senator FAULKNER—There should be some discussion, Mr Chairman.

CHAIR—Would you like to have that discussion in a private meeting?

Senator FAULKNER—No. I am happy to deal with it briefly, publicly. I think the committee is entitled to an explanation in relation to the fact that, as I understand it—and I think you should make some public comment on this—Mr Bermingham was invited to appear before the committee.

CHAIR—That is right.

Senator FAULKNER—He has not been subpoenaed to appear.

CHAIR—Until today.

Senator FAULKNER—Could we have it clear. Was a subpoena issued today?

CHAIR—That is right.

Senator FAULKNER—Who issued that?

CHAIR—The committee secretary.

Senator FAULKNER—As a result of what—a decision that the committee had previously taken in a private hearing?

CHAIR—In accordance with our resolution passed at the private meeting last Tuesday in Canberra.

Senator FAULKNER—How has that been served?

CHAIR—By the committee secretariat in person to the legal offices of Mr Bermingham's solicitors, who have been acting for him in this matter.

Senator FAULKNER—And when was that served?

CHAIR—This morning.

Senator FAULKNER—Can we be a little bit more precise?

CHAIR—As soon as we became aware that Mr Bermingham had disappeared and did not intend to attend, we issued the subpoena.

Senator FAULKNER—For the public record, could it be clarified how the communication was made by Mr Bermingham or his legal representatives to the committee? I think that would be useful for the purposes of clarification.

CHAIR—Mr Bermingham's solicitors contacted us by telephone to inform us that he was uncontactable and unable to attend today.

Senator FAULKNER—Was there any indication given about Mr Bermingham's possible attendance at any other committee hearing or was it left in those terms?

CHAIR—It was purely with respect to today.

Senator FAULKNER—So the subpoena was issued a matter of minutes before the witness was due to appear? Was it minutes or an hour or two or something?

CHAIR—More than an hour. In fact, as soon as we became aware that Mr Bermingham did not intend to appear, we, in accordance with the resolutions of the committee last week, issued the subpoena. He has obviously failed to appear in response to the subpoena. Therefore, standing order 176 leaves us with very little discretion in respect of the matter, because it says:

If a witness fails or refuses to attend or give evidence, the matter shall be reported to the Senate.

It does not say 'may'. So I am moving that we report it to the Senate, and I hope that the Senate will deal with the matter of contempt of the committee and therefore of the parliament. They will do that, I guess, when they sit again in February next year.

Senator FAULKNER—In the circumstances, Mr Chairman, I think it would be useful if the terms of the committee's resolution made in the private hearing were read into the record here.

CHAIR—That occurred in a private meeting.

Senator FAULKNER—I am not, by the way, doubting that your encapsulation is a fair one. My understanding is that that is the case, but I think the terms of the resolution should be read into the record and then I would like to make a brief comment.

CHAIR—I am not sure that we are able to do that.

Senator FAULKNER—Is that because the minutes have not been confirmed?

CHAIR—That is one issue, but I also do not believe that we can take resolutions in private meetings and then make them public by reading them into the transcript of public hearings.

Senator FAULKNER—But there is a problem that these minutes have not been confirmed, I suppose.

CHAIR—We have not had a private meeting since that meeting on Tuesday.

Senator FAULKNER—I appreciate that.

CHAIR—So I do not think I can do that. As you have already admitted, I have correctly encapsulated the position of the committee. I do not think there is any suggestion that I have not.

Senator FAULKNER—That is my understanding. I am not arguing.

CHAIR—I think we should proceed to vote on this motion.

Senator FAULKNER—Could I ask the secretary whether they have prepared draft minutes of the private hearing?

Secretary—No.

CHAIR—As we are not meeting again till February in a private meeting, I guess the secretariat did not feel the necessity to draft the minutes so early.

Senator FAULKNER—My only concern is in relation to the actual decision that this particular committee has made in a private hearing. I would like to see precisely the terms of the resolution and be satisfied that the course of action is appropriate. My recollection is that, as I have said, largely you have encapsulated it correctly, because I think there was a resolution in relation to people being invited to attend, and then either part of that resolution or another one went to the question of what would occur if an invitation were not responded to. That is my understanding, but if I could be corrected on that—

CHAIR—Senator Faulkner, we are now canvassing the private deliberations of the committee and we should go into a private meeting. I suggest we adjourn this public hearing and move to a private meeting.

Senator FAULKNER—Before you do that, I would just like to indicate in this public session that it might be better if we are going to do that, if we want to check that through, to not make the announcement publicly but check these issues in a private meeting and then make a more considered statement publicly. In the absence of that, can I just indicate, Mr Chairman, as you would be aware and other committee members would be aware, it was the approach of opposition senators that we felt that it was appropriate to invite various witnesses to appear before the committee. There is, of course, an issue there in relation to who should or should not be invited. You, of course, yourself used your casting vote to ensure that Miss Jackie Kelly was not invited.

CHAIR—Now I think we certainly are discussing the internal deliberations of the committee, and I suggest we move into the private hearing.

Proceedings suspended from 1.29 p.m. to 2.07 p.m.

HUGHES, Professor Colin Anfield (Private capacity)

CHAIR—Welcome to today's public hearing. Once again, as I have reminded our earlier witnesses, I would like to state to you that the inquiry is about the integrity of the electoral roll. It is not an inquiry into the internal party matters of any political party, except insofar as they impact on the electoral roll. In answering questions you should keep that fact uppermost in your mind and not be distracted by issues that are not the domain of the committee's inquiry. The evidence that is given at the public hearing today is considered to be part of the proceedings of parliament and, accordingly, I advise that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament.

The committee has received submission No. 19 from you, which has been authorised for publication. The committee has also received a supplementary submission from you dated 11 December 2000.

Resolved (on motion by **Senator Bartlett**):

That the supplementary submission No. 49 from Professor Colin Hughes be accepted as evidence and authorised for publication as part of the inquiry into the integrity of the electoral roll.

CHAIR—You might like to make any corrections or amendments at this time and also, if you have a brief opening statement, now would be the time to do so.

Prof. Hughes—Thank you. In fact, the opportunity having arisen to put in a supplementary submission really removes any need for me to say anything further. I am at the disposal of the committee to answer questions as far as I can.

CHAIR—Thank you. I ask the Democrats to go first since the Liberal Party has gone first and the Labor Party has gone first.

Senator BARTLETT—I will pursue a couple of areas. Firstly, in terms of a specific statement that was referred to this morning about the enrolment of family members, can you clarify that it is clearly the case that it is illegal for family members to be enrolled at their parents' address if they do not live there?

Prof. Hughes—There is a problem of the true place of living which was amended some years ago. It then really becomes very much a matter of fact as to what the connections are between the particular child and the particular parents. There has certainly been great disputation in the past about the problem of university students who leave home and go, for example, to live in a university college: are they going to go back to that place after they have finished university? There are those sort of questions, and the answer, I suppose, is that you will have to look at it as a matter of fact: is there a reasonable expectation that a child will return to the parental address, in which case there is an arguable point? If not, they should not be on the roll for that address.

Senator BARTLETT—Is there any specific component in the electoral act to do with the real place of residence that gives any particular extra privilege to family members as opposed to other people that you have relationships with?

Prof. Hughes—Speaking from memory, not that I am aware of. My only recollection is that it was sought to clarify the matter some years ago, I believe as a result of the previous committee kicking the matter around and thinking that it was unsatisfactory, but I would not rely on my memory to say what the circumstances of that were. It is a hardy perennial and, as I say, university students have been the principal testing on this side of it.

Senator BARTLETT—Some of the other issues you have gone to in both your submission and supplementary submissions touch a lot on the issue of preselection of candidates in general by political parties. Obviously, in terms of the evidence we have heard to date, the preselection contest has been the motivating factor behind the electoral roll rorting. How crucial do you think it is more broadly for preselections of all political parties to be more transparent, to be more independently monitored or properly monitored?

Prof. Hughes—I think it is highly desirable for two reasons, one of which is the more narrow—and particularly the responsibility of this inquiry—and that is that it is the source of contamination of the integrity of the roll. It appears to be, on the evidence that has been coming forth in the last few weeks, the principal source of attacks on the integrity of the roll, the principal stimulant to attacks on the integrity of the roll. The second—a point that I have made in the submissions—is that the preselection is a very important, a vital, part of the electoral process. A large number of members of parliament are chosen by their preselection process and what happens afterwards is a coronation. It is no more than that. Therefore, that vital part of the process ought to be as respectable as it can be made—not open to the sort of undoubtedly truthful and undoubtedly damaging reports that have been appearing as to how people actually got to parliament. That is why I think it is desirable that it be made more transparent and that the persons who are aggrieved at outcomes have better recourse to some remedy not only on behalf of themselves and their own blighted careers but also on behalf of the public as a whole.

I pointed out under another hat the way in which the law of parties had been changing in Australia in the last few years; that what had been a completely hands-off policy had become maybe hands-on in some situations and I think we are stuck at that halfway point. I think it is desirable to go on and to tidy up, to regulate, to reform, as much as is necessary.

Senator BARTLETT—You mentioned other influences on the process of preselection which may be seen to be improper under the electoral act, or other acts for that matter. You mentioned in your supplementary submission a situation relating to the preselection for the seat of Wentworth in 1990—Mr Jones. There are the allegations that have come up again this morning, which are not any secret—I think they were in the papers of the time—about threats made to ALP members of parliament about how they should vote a certain way in a ballot for the prime ministership. I think I have read allegations about intimidatory behaviour with a preselection contest in the seat of Menzies with the Liberal Party just recently. Where do those sorts of intimidation or bullying, to use a word we have heard this morning, start falling into breaching of the Electoral act or breaching of other acts?

Prof. Hughes—The point that I would make is that any amplification of the criminal electoral law ought to be compatible with what is already the situation. That is to say, what is an offence against the present electoral act, state or federal, ought to be transported into the preselection process to the extent that it becomes necessary—for example, bribery, which is covered by the electoral act. If there is a bribe offered, paid or sought in the preselection process, that should be a criminal offence of much the same sort of scale.

Secondly, there is the problem of intimidation. As we are in Queensland, one could think of the 1957 problem of what happens when a state executive starts expelling all cabinet members but one. There was the attempt to dump Sir Joh Bjelke-Petersen quite early in his career when there were certainly extensive and never contradicted reports that Sir Robert Sparkes had spoken firmly to members—in which I think the word ‘preselection’ was probably used—that it was a mistake to try to remove the Premier. I do not think that is the sort of situation. The electoral act does provide for intimidating persons, and I think there is probably a distinction between saying, ‘I will speak to members of your branches and tell them what a terrible man you are,’ and saying, ‘I will send around the mob to break your windows.’

Senator BARTLETT—I have just a couple of other matters. One which has gained quite a bit of notoriety in one of our earlier hearings concerns the enrolment of a cat on the electoral roll—not in Queensland, I would hasten to add. You state in your supplementary submission that you think the cat might have actually started out as a mole. You have stated that as a suspicion, but do you think that people are perhaps using examples like that to test out procedures or so that they can point to it to show that the system does not work?

Prof. Hughes—I tend to try to look for rational behaviour in the first instance as an explanation of why people do things. If one follows that line, the enrolment of the cat is a perfectly sensible way of tackling a real suspicion—let us put it in the system and see how the system handles a case like that. If that is not the case, we are faced with: why in heaven’s name would somebody go to all that trouble to put the cat on the roll? The third possibility is that instead of it being a mole it was a bottle of port that was laid down to be opened at an appropriate occasion such as the present inquiry.

Senator BARTLETT—You seem to be making the point throughout your submissions—and, indeed, we have heard from evidence this morning—that electoral roll fraud, such as it has occurred, has been directed at preselection and there is no evidence that it has impacted in any notable way on actual election outcomes.

Prof. Hughes—What I tried to say in the submissions is that, if you look at actual election outcomes, you are forced to start putting quantities to what must have been the abuses and these quantities are on a scale that I find most unlikely to have occurred without having produced more public evidence than has been adduced. I always say, however, that, if you do not agree with this—if you believe that problems on that scale exist—I think it is incumbent on your position to say that the remedies are going to have to be very big, expensive and quick. I think that is really the horns of the dilemma that I would put to the committee: if you conclude that the problems are as stated—in what I find rather vague and overinflated terms—you have to will a set of remedies that are much more extensive, much more expensive and that present a very substantial time problem for pending elections than are being talked about at the present time.

Senator BARTLETT—You would be aware of the changes the commission has made in terms of checking of the roll in the period since you were head of the Electoral Commission. Do you think those ongoing developments are effective in, as much as is reasonable, ensuring the integrity of the roll?

Prof. Hughes—Some of the things, the spot on the earth, going from a person based system to an address based system, was really started as long ago as the 1980s when I was there. It is a very difficult operation because it means re-sorting everything and acquiring a considerable amount of geographical knowledge that previously had never been collected in any systematic sort of way. So this is why it has taken such a considerable time. I think the roll is much better defended, much better operated, in those circumstances. I think there are still other things that can be done. One of the difficulties is that we now perhaps impinge on the boundaries of the committee's inquiry. For example, I think—and I have said this on past occasions—precinct voting is a useful support to the integrity of the roll. It concentrates the electors in a relatively small bundle and provides the opportunity to make those people who say, 'I am not going to be part of this bundle' document their case much more fully. So, to the extent that it is proper for the committee to consider that, I would say, yet again, that I believe precinct voting is the way to go if you have grave doubts about the integrity of the present electoral system and, indeed, it is the way that most countries that have addressed the problem have gone.

Senator BARTLETT—I have a final question and then I will hand over to Senator Murray, who knows the detail of the issue I am about to raise slightly better. You do touch on a new submission as well. One of the solutions, as you would know, that has been put forward—and I think was raised again this morning, as a possible solution—is stronger identification requirements when people enrol and possibly when people present to vote. I think it was in your evidence—and I know it has been raised before by Senator Murray—that the number of people who have taken out bank accounts, for example, or used identification requirements to fraudulently obtain, whether it is over-18 cards or a drivers licence, is quite sizeable. That being the case, if we were going to do this in a way that guaranteed—as close as we could—the integrity of the electoral roll, we would really have to do something much tighter than what is required for bank accounts and drivers licences. And presumably it would be something extremely expensive as well.

Prof. Hughes—Yes, I think the drivers licence really has not been properly thought out in terms of the considerable evidence, of which I provide a range of samples, as a satisfactory means of identification. If one were to say a drivers licence is sufficient, it might well quiet public concern for a time. But I think all that would happen is that the ease with which it could be abused—and such evidence as we have had of interest in abusing the integrity—would mean that the next time round the problem would appear all the worse. And even more drastic methods—treble the dose; the system is far more rotten than we ever thought—would be the consequence of that. One of the overriding concerns at the present time for reform is that what is done both looks reasonable to the average person, is appropriate to the scale of the problem, attacks it where the problem seems to be coming from and will not require a major revision in a couple of years time on the basis of what we already know about abuses in the area of identification and petty crime.

Senator MURRAY—I want to go through some numbers with you, if I may. The evidence is weak so far that electoral fraud has been perpetrated with a view to affecting either state or fed-

eral elections. There have been some fears expressed, some allegations made, some connections made, but mostly that is a fear expressed, whereas the evidence is very strong that electoral fraud has occurred in Queensland with a view to affecting a particular party's preselection and ballot processes. So we know the method and means and motive for that to have happened. The question with the electoral roll, of course, is whether those same practices could be easily transferred and have been easily transferred to affect federal elections, and you have outlined the scale that would be required to address that.

Let us assume in Queensland that a political party had 10,000 members and that the average number of fraudulent enrolments at an address was five, because that is a kind of figure that seems realistic out of the CJC. Let us assume that in our normal experience of humanity one per cent is crooked, which might sound harsh but let us assume that. If one per cent of 10,000 times five were involved in fraudulent enrolments it would be only 500 and could not therefore affect an election in any material way unless it were concentrated in one marginal seat which was determined by fewer than 500 voters. If you expanded that and said 10 per cent of the population are crooked, you start to get to the numbers whereby it works. That is why I emphasised in earlier questioning the importance of the distinction between whether what has been happening in Queensland is a culture, a habit, a common activity, or whether it is a pocket, a conspiracy, an occasional occurrence. Behind that long framework you can see where I am going with this. It is the question whether in view of what we have heard about what has gone on in Queensland it is possible, realistic or reasonable to make the leap that large numbers of fraudulent enrolments have been engineered or could possibly have been engineered to affect the results of federal and state elections.

Prof. Hughes—There are two particular problems in maintaining the large numbers that are required. Firstly, there is the reliability of the information as to where your targets should be. Whilst it is easy to say that the marginal seats are known to everybody, in fact, if you look at the marginal seats since 1949, it works out at something like three that are highly marginal and another three that are slightly less marginal. Hardly any of them appear more than once in that total table. Marginal seats come and go. The numbers that are marginal in a reasonable sort of way at several successive elections are few and far between because of redistribution, demographics—all sorts of problems. You really have to know where to invest your money in terms of getting any benefit out of all these fraudulent enrollees.

Secondly, of course, there is accumulation. If you have sunk 500 fraudulent enrolments in division X, depending on which way the tide is going you may have not only to service those at the next election so that you have got all those fraudulent electors turning out and voting the way you want, but also you have to add to them because of the way that the electoral tide is moving. That is not in my submission. It is in the review article that features in notes and has been referred to from time to time. When you look at a particular electorate—for example, Macquarie, which figured in so many of the arguments about roll integrity—and at the amount of effort that would have to be put into Macquarie over several elections, it just seems highly unlikely to me that you could maintain secrecy across such a large number of persons given the extent to which secrets tend to be disclosed for a variety of personal and party reasons. Most of what we know comes out of internal disputes, and the blood-letting that has been going on for the last couple of months is a prize example of that. If the rolls are being stuffed on that colossal scale, why hasn't more of it broken cover by this point of time?

Senator MURRAY—The evidence from the CJC—and I have read as much of the transcripts as I can—seems to indicate to me that some hundreds of persons might have been fraudulently enrolled for what are party political processes. However, it also seems to me that all those persons were real, living Australian citizens, who were either knowingly or unknowingly registered at the wrong but a real address, an actual habitat, and there is nothing to indicate in any of the evidence that those persons would in a state or federal election vote differently from how they have espoused themselves. They might hate each other within a political party, but they were still going to vote for that political party in a state or federal election. That comes back again to the real concern, if you are looking at the integrity of the roll, as to whether an election result is improperly altered. It would seem on my line of reasoning that on those grounds as well it is unlikely.

Prof. Hughes—The difficulty of getting evidence is the considerable manpower that an electoral authority would have to deploy to run a quick post-mortem if an outcome was so close that it appeared that within the time frame of a petition to set the election result aside you could accumulate enough evidence as to whether Smith, Brown and Jones were really at these addresses and whether they were entitled to be at these addresses. It would be extremely difficult to do it in that sort of tight time frame. It may well be that if you had an invigilator of some sort—and I suggest that, rather than the electoral ombudsman who is being proposed from some quarters, you had something much more of the Inspector-General type who had a statutory duty to go around kicking the tyres and pressing the system with resources to do this—you could have samples taken and the evidence of that would then be available to pass judgment on the health of the system as a whole and you might conceivably find circumstances that would warrant criminal prosecutions or things of that sort. That might well be worth trying, but I do not know any other means of getting evidence to really test that considerable problem which you have just formulated.

Senator MURRAY—Do I misunderstand then your paper, which seemed to indicate to me that for about a cost of \$1 million all up the seat of Herbert could be thoroughly worked over to establish the credibility or not of these fears and allegations, and just how great a problem they were? I should add to that that you can divide fraudulent enrolment into two parts, those with criminal intent and those without. If somebody believes themselves to be a citizen and they are not, because they are married to somebody who is a citizen, that is wrong, but it is not criminal intent.

Prof. Hughes—Yes, and Senator Woods came out as a small child and believed that he had been naturalised. That, certainly, is another controlled experiment. In a sense—and I do not think I mentioned that in the original reference to the possibility of Herbert—there was something of that sort done by the State Electoral Commission at the time of the Mundingburra by-election when they dug into allegations of names. So there is a bit of experience in Herbert already of trying to find dubious enrolments. I would not like to put too great an emphasis on it, but my recollection is that, of a substantial number of allegations, very few of them proved to amount to inexplicable enrolments. All of the question marks were pretty well sorted out. As for tackling the problem in a realistic and scientific way, I do not know that we have seen very much of that in the past that would do it and so it is, therefore, necessary to try something that is different.

One of the divisional returning officers mentioned that the introduction of audits was affecting the scrutiny when doubts were raised, not about large numbers but about small numbers in an area where there should not be any leeway at all. The practice of post-election audits was introduced to find out what was going wrong and to suggest things that could prevent it happening again. That has now become a regular event and seems to have generally lifted the game, and I believe it is accepted within the commission that this was a good idea. I suppose that something analogous needs to be developed for the enrolment situation, because this is where the distrust now seems to be directed.

Senator MURRAY—I gather from your submissions that you believe that political party reform is as important an outcome to this inquiry in terms of recommendations as would be electoral roll improvements.

Prof. Hughes—That would be a fair statement. It is possible to apply very similar rules to the occasions when political parties engage in the electoral process for their own reasons as, over a century or so, have benefited the parliamentary electoral process.

Mr McCLELLAND—On the broader issue regarding verification before enrolment, I suppose there are several issues to balance. This is in the context where the only right that Australians have under the Constitution is the right to vote. The first issue is not disenfranchising those persons who may not readily have proof of identification. We have heard that potentially in that class are senior citizens or perhaps indigenous Australians living in remote communities. They are the two that come to mind. The second issue is, if you require proof of identification, ensuring that that itself is not a placebo, as you have indicated in your paper, and that identification itself cannot be fabricated. The third issue is whether Australians would be prepared to accept an official card arrangement. You are getting very close to your Australia Card analogy. What is the answer to balancing up those three considerations?

Prof. Hughes—We need to disaggregate the problem of identification for the roll into its component parts, because there are at least several types of problems raised. There is the problem of age. There is not thought to be much abuse of that. It is certainly as sensitive, as evidenced by the number of young people who went on the roll with a view to getting proof that they were of age so they could drink. That is one case.

Mr McCLELLAND—A valid reason as well.

Prof. Hughes—The second one is that of citizenship. That seems, from letters to the editor and the odd statement made to the press, to be perceived as a problem, and of course Mr Patching has put that in a particular way to the committee already. That ought to be relatively easily resolved, because either you were born in Australia or you have proof of naturalisation, although—as I said on a much earlier occasion—one of Tammany's greatest feats just after the American Civil War was the forging of naturalisation certificates. If you are going after naturalisation, you have to plug in directly to the immigration department records and not trust a bit of paper that is brought in.

Mr McCLELLAND—A child, if they are under age, automatically becomes a citizen upon their parent becoming a citizen but, as I understand it, there may not be an official recognition of that fact on that certificate.

Prof. Hughes—Exactly, so it is fraught with peril. But one could at least say that it has been reduced to manageable points. Then, of course, there is always the problem of confusion of names. If you look at the Department of Immigration and Multicultural Affairs record and it says someone with an exotic name was naturalised, is the person who now says that they have this name in fact the same person? It is by no means the end of the problem.

There is also the problem of residence. As we have seen from the recent scandals, this is perhaps as sensitive a problem as any. I do not think saying all you need to do is produce a rates notice, a note from your landlord or whatever is good enough. That is why we move at that point into the labour-intensive and costly business of what is essentially a house call—going into the premises. It is at this point that I start to have anxieties because of a matter that has been before the committee in its present inquiry. It is the old habitation review and the extent to which a habitation review type of exercise is still possible.

Doubts were being expressed about the effectiveness of the habitation review by the mid-1980s for a variety of reasons, some to do with the problem of recruitment of people to do it. The Canadians, who depended entirely on the pre-poll habitation review, have had to give it away because they cannot get the people to do it. But there is also the decline of community and community knowledge. If somebody is not home, you cannot ask the neighbours anymore. It is not all that effective to apply that to the situation, yet something has to be done to make certain that a person is at the address and substantially at the address. We are looking at a substantial change in operation from anything that we have known for probably 20 or 30 years now, and that bothers me. All of the elements of identification for the purposes of enrolment need to be identified with considerable precision, and I do not know that it is going to be easy. Again, perhaps looking at a test case such as Herbert, let us put Herbert through the wringer and see just what we are talking about.

Mr McCLELLAND—In terms of reform of internal party preselections, your supplementary submission in particular refers to the potential irregularities internal party preselections can have on the electoral system. As I read your submission, there is that potential from the point of view of all political parties—no particular political party. Indeed, going back to your first submission, I see you propose some solutions. Before I ask a follow-up, do you think there is an advantage in having a party's membership roll such that it coincides with an electoral roll entry?

Prof. Hughes—Indeed, and something along these lines occurred. When the 1983 amendments went through, parties fell into two categories. There were the parliamentary parties which had the benefit of a member of parliament—they were in a sense on the fast track—and there were the non-parliamentary parties that then had to come up with the requisite number of members. The non-parliamentary parties quickly started to show signs of problems. Probably some members of the committee would remember the Deadly Serious Party, which was formed by students at the Australian National University and which persecuted my predecessor over several elections. It seemed to me, having gone to school in that country, that, if the word got out in the United States that you could form a political party in Australia by sending in 500 names, we would be in for a lot of trouble. Secondly, there was a particular family who provided a large number of candidacies and very few votes in New South Wales and set about registering a political party to embrace themselves. A high proportion of their members were resident in another member of the Commonwealth.

It seemed that both of these were signs of trouble on the horizon and ought to be nipped in the bud, so the act was amended to require the non-parliamentary parties to have members who were on the roll. That solved that problem, but of course it meant that the parliamentary parties were still not subject to that provision. Indeed, they came to attention only when the Hanson party proved to have only three members. That did not seem a satisfactory use of the registration principle that was embodied in the parliamentary parties. I suspect the committee will one day have to start thinking about that.

Mr McCLELLAND—Yes. I think it is fair to say that we are up here in Queensland because the Queensland branch of the Australian Labor Party has a requirement in its rules about a coincidence with a membership address and an electoral roll address. Is it good enough for people to say that we do not have to worry about internal party rotting because we do not have that requirement of coincidence, or is there still a danger—through internal stacking and internal rotting not amounting to an illegality—of this having the potential to pervert or degrade the electoral system?

Prof. Hughes—Yes. I think the Queensland Labor Party's rule is a sensible way to go. The electoral process is, after all, an aspect of citizenship and of some commitment to the country. Over the last couple of decades, we have recognised that that can survive a temporary separation from the body politic, that people go out of Australia for a time and that we ought to do all that we can to enable them to preserve their rights to continue to vote and so on. That is a healthy development. On the other hand, I think that is as far as we should go. We come back to the problem of the preselection that determines who is going to be the member, and that is the end of the matter.

Mr McCLELLAND—As I think you point out in your supplementary paper, that can effectively be the election in a safe seat.

Prof. Hughes—It can effectively be an election and, if a significant number or a majority of all of these people are not living in Australia, I think something has gone wrong.

Mr McCLELLAND—Yes.

Prof. Hughes—Being a resident of Ryan and having the question of what one knows is going on about one, I must say I was rather startled to see the number of people who were going to determine who my next member was who are not resident in Australia.

Mr McCLELLAND—Yes.

Prof. Hughes—I do not think it is a good thing.

Senator FAULKNER—Yes. I was rather startled to learn that unfortunately the Queensland Liberal leader, Dr Watson, will not be joining us this afternoon to explain some of these issues to us. On that point, Mr Chairman, I wonder whether I can come back to Professor Hughes in a moment. Were you planning to announce what the committee's approach is this afternoon in relation to witnesses? We started with Professor Hughes's evidence—and I am not critical of that—without indicating what the situation would be.

CHAIR—I can, Senator Faulkner. I think we agreed that we would hear from Professor Hughes without curtailing his evidence and that, if we had any time, we would hear again from Ms Ehrmann. We have to finish at 3.30, because a number of members of the committee have to leave at 3.30. On the half-hour rule of thumb that we introduced two hearings ago, the way it has progressed is that the Democrats will ask questions until about 2.40, Labor will ask questions until about 3.10 and then the coalition will see out the time until 3.30. Therefore, Ms Ehrmann will not be called again today. We will not have time, assuming we have questions for Professor Hughes that take until half past three. We can of course hear again from Ms Ehrmann in Townsville if we wish to do so or, if we come to Brisbane again, which we have said we would, we can hear from her then.

Senator FAULKNER—What about some sort of indication in relation to the committee's approach on Mr Bermingham? Has that been done separately?

CHAIR—We went into a private meeting, and I have not announced anything since then about Mr Bermingham in this inquiry.

Senator FAULKNER—No, I know you have not. I am just asking whether we are planning to do so.

CHAIR—There is no necessity to do so, but I am happy to say it if you want the result of what we decided in our private meeting. Is that what you are suggesting?

Senator FAULKNER—You can make a judgment on it. It just seems to me that there are a couple of issues here. I was going to make the point before we went from the public inquiry into the private meeting that the original idea of subpoenaing witnesses who had been invited before the committee was not one that the opposition members of the committee had supported. In this instance, the approach of the committee—which has been to report on these matters to both the House of Representatives and the Senate in accordance with the standing orders of both chambers—is an appropriate course of action. I do not believe that the committee has any alternative under the standing orders of both houses of parliament but to do that. The other development, of course, is that we do not have an opportunity now to question Dr Watson, who apparently was 'unavailable' anyway. Mr Beanland might have attended in his absence. It is obviously very disappointing, but it does appear as if Dr Watson has done the chicken run on us. He is not being subpoenaed.

Senator FERRIS—That is a separate issue.

CHAIR—You know that we cannot subpoena state members of parliament.

Senator FAULKNER—Of course.

CHAIR—Otherwise we would have subpoenaed Mr Kaiser as well.

Senator FAULKNER—The point is that Dr Watson is not attending. He was actually invited, as was Mr Bermingham. Except for the fact that I am focusing on it now, this would have gone totally unremarked upon and unreported, either publicly or privately, which I think is unsatisfactory in a situation where we may well have members of the public here, and perhaps

even interested members of the media who have attended to listen to the evidence of Dr Watson. I do think that those matters ought to be reported so we understand the nature of the hearings. I do not want to break too long into Professor Hughes's testimony before the committee, because it is important, but both Mr Bermingham and Dr Watson are unavailable to be heard by the committee today.

CHAIR—I think you have reported that, Senator Faulkner, so I do not think there is a necessity for me to respond, other than to say that Dr Watson indicated at the last minute that he would not be able to come because he could not change his schedule. Therefore, he said he would send Denver Beanland to take questions on his behalf. So he was not avoiding—

Senator FAULKNER—He has done a runner like Mr Bermingham has done a runner.

CHAIR—Let us continue with Professor Hughes's questions and answers, because I think you have reported the outcome of the deliberations of the committee—that Mr Bermingham has been reported to the Senate and the House of Representatives. Of course, we cannot report anybody else who has not appeared today, because no other subpoenas were issued, and of course we cannot issue subpoenas against state MPs. Are there any further questions from the Labor Party?

Mr McCLELLAND—In terms of your recommendations to try to regularise the internal preselection systems within parties, you have recommended a precondition to registration that they have at least a core requirement of management of their membership rolls. You would have to be quite cautious so as to not be too prescriptive in such legislation. That could tread on a constitutional issue as to whether you were interfering with freedom of political communication if there were too prescriptive a requirement in any such preconditions.

Prof. Hughes—Certainly it would need to be borne in mind. I would not think it would be too major a problem. Bear in mind that a number of parties have been registered under the existing legislation and a variety of documents have come in. There certainly were some that had curious features about them; for example, 'I apply to join the party and get my block of land,' which was not clearly envisaged by the legislation. It was not totally inappropriate to the situation of the politics of this area in so far as it said, 'I apply to join the party,' and that was the end of the matter. I think there ought to be a clear indication that people who join the party have some say in electing the officers and things of that sort. For example, I think a political party that had a life president or a life CEO of some sort ought to be exposed in that regard. I can think of other Commonwealth countries where this does occur.

Senator FAULKNER—Professor Hughes, I have a couple of questions relating to some of the proposed legislative changes that have been floated over the past couple of years in relation to the focus on questions of enrolment and that are aligned with these integrity of the roll issues. The first is the government's 1999 changes to witnessing provisions. As I read the material that you have provided to us, you do not support those changes, but I wonder if I have understood that correctly. I understand you are really saying that the changes are disproportionate to the problem.

Prof. Hughes—I think they may be disproportionate to the problem. What I should have said or sought to say was that I do not know enough about the list of names because I have never

seen the draft regulations. If the list were restrictive, I would be unhappy about it because it could produce unsatisfactory results. It may be recalled that, some years ago, Western Australia put in some regulations. The late Dr Coombs sought my views on this and I suspect I was more accommodating to the Western Australians than he would have been in the circumstances. It is certainly possible to devise a list of names that would not be all that restricted; but, without knowing what that list of names is, the present system seems to work reasonably well. However, if you are going to have a list of names, then it has to be made an effective part of the testing of the validity: merely the fact that somebody signs it 'John Jones JP' is not the end of the matter and that it is possible for the electoral authority that is doing the registration to know that in fact this was John Jones the JP.

One suggestion that I made is that perhaps we should also have returns of witnessing from these categories of witnesses, so that it is possible to run a second dimension on the exercise and find out who is witnessing what. I recall a particular episode where a prosecution took place of someone enrolling for a by-election, which was very marginal because of the previous result. A party organiser put his name down for the local video store, unwisely, and this was spotted. My views were taken. I said, 'Check the address of the witness.' They went around immediately. It was a council depot. Obviously the balloon had gone up and there was a demonstrable case. So you need to work the witness side of it as well.

Senator FAULKNER—Yes, but I think you have indicated that you do support increased penalties for electoral fraud, which is in concert with the position that the AEC has argued before this committee.

Prof. Hughes—If we looked at the present situation and tried to categorise the rorters by another word it would be careerists. They are people who are pursuing careers, whether in parliament or the party organisation. The way to hit careerists is to blight their careers, to make the offence a disqualifying offence.

Senator FAULKNER—That is a crucial distinction, isn't it? At the end of the day, you do accept this fundamental distinction, that the fraudulent activity we have seen in relation to the electoral rolls is directed at internal party processes, as opposed to more broadly trying to rort electoral events?

Prof. Hughes—In the main, yes. Here we have a now well-documented source of a problem. It is a quite specific target who can be hit by a quite specific remedy—that is, a penalty that attacks them at a point that would be effective. I think the old method of, for example, a fine of several hundred dollars does not work. We prosecuted a member of a state parliament for forging the signature of an alien on an enrolment. He was penalised \$300 and did us over in the state parliament at the next opportunity he had to speak on the subject. This seemed an unsatisfactory state of affairs and has remained with me. That is why, for example, the review of the state constitution proposed this attack on enrolment offences and was accepted by the relevant state parliamentary committee unanimously with all parties agreeing this was something that ought to be done. I commend it for the federal sphere to this committee.

Senator FAULKNER— If, for example, the government had its way in relation to one of its proposals for legislative change—that is, closure of the rolls at the time of the usual writs for an election—do you have a concern about that proposal from the point of view of the franchise?

Prof. Hughes—I have a view that it is highly undesirable in terms of the franchise. That is, first, because of the gross number of individuals who largely would be affected by this and, in particular, the large number of new voters seeking to vote for the first time who would be adversely affected by this. It is a particular target population for the commission and was one for the Australian Electoral Office before the commission was even created. What do you do to try to convince young people that the vote is a powerful thing that they are given; that it is a responsibility and a right that they have and that they ought to take it up at the first opportunity and make good use of it. Kicking them in the teeth when they turn up the first time is not the culmination of a good program.

Senator FAULKNER—It is mainly young people, as you say, but it is also true that perhaps the less well-educated people, such as those who might be illiterate or have a non-English-speaking background also are affected by these sorts of changes, aren't they?

Prof. Hughes—And typical Australians with a typical Australian casualness for those things that can be put off till the morrow and the like.

Senator FAULKNER—In an election the Prime Minister of the day goes off to Yarralumla. The writs are issued. He calls the election and, bingo, out there in the community people think, 'Hell. I have a responsibility here.' It is a real trigger, isn't it?

Prof. Hughes—Yes. there has been a significant bit of evidence reported in the papers in the last couple of days, though it may not have been brought to your attention. The increased activity about enrolment matters in Queensland has produced a blip on the enrolment statistics coming in. About 10,000 more enrolment transactions have appeared in the last X weeks as a result of all the publicity.

Senator FAULKNER—Does that surprise you at all?

Prof. Hughes—No. It is the way it works. Talk that there is going to be an election starts people thinking about whether they changed their enrolment when they moved. The one thing that I think tends to be overlooked is just how much moving goes on in the country. In the previous submission and the latest submission I provide two divisions and show what a remarkably high proportion of people say they are not at the same address at each census from the previous census. In the case of Herbert, it is about half every time. There is a vast amount of moving going on and to suddenly stop the music and say, 'If you do not have a chair, that is it,' is unsatisfactory.

Finally, I have come to something only really in the last couple of days, mainly as a result of listening to all the talk that has been going on about the United States and what is constitutional and what is not. I now have grave reservations as to whether repealing the time for people to get in their enrolment changes would be constitutional. I think it would be an infringement of the franchise in respect of the principles of representative government that the High Court now recognises. It certainly would be worth having a shot at it in the High Court if a government were to try such legislation.

Mr LAURIE FERGUSON—Mr Hughes, on the question of mobility I do not think you have been a strong advocate of this. I think you said earlier, more as a throwaway line, that it

would make people happy. The 1991-96 figures showed that 43.3 per cent of the Australian population had moved. As of two years ago the figure was that the average person in Australia moves 14 times in their lifetime.

We are not talking about 1940, when everyone lived on the block for 20 years. We are talking about those mobility figures. We are talking about high proportions of the population from non-English-speaking backgrounds who are not even voters. They are part of your local society. In terms of this question of a balance between making sure the system is legitimate and pressures which basically work against franchise and involvement, don't you think that in reality—although some people might like the idea, which might look as though it is going to accomplish something—given the way that people are not working nine to five and no longer have Saturdays off, precinct voting is not going to be much protection at all?

Prof. Hughes—Certainly, it makes it substantially more difficult to—

Mr LAURIE FERGUSON—But at the same time, it will create problems with people in voting.

Prof. Hughes—Yes. It means that anyone who does not vote at their precinct may have to produce a section vote, which would then have the advantages of scanning and could be withheld if there were problems with it. Scanning was introduced in 1987, very much to guard against the considerations that were raised by Sir John Carrick, who was then a member of the committee. He raised very cogent arguments as to the desirability of being able to catch misuse of section votes before they actually got out of their envelopes into the system. It was obvious that there was no way that you could do that if you continued with the old system of having a giant bingo game—with everybody sitting around with a roll, calling it out and marking it off by hand—whereas there was technology, potentially, that would make it possible to scan all the certified lists in a very short period of time, if it was thought necessary to withhold all section votes. The technology was developed and continues now to be operated.

So that is a case where it was possible to cope with the problem. You could do this with precinct voting. It would mean that a much larger number of votes would be in that bullpen waiting to be checked out, if they had to be checked out. Many countries do precinct voting and colour your finger purple as well to back that up. One of the great virtues of precinct voting is that it is one of the very few things that could be done very quickly at not much cost. Everybody is now located in their collector's district. From the last election we have figures of what proportions at each polling booth voted in and voted out. You could draw the catchment areas quite easily on the computer in a matter of a few weeks. So, if you wanted to do something big by the next election, that is about the only thing you can do.

Mr McCLELLAND—On the issue of cutting off the rolls, I recall from my industrial law days that there was at least judicial comment—if not, a decision—that cutting the rolls off too early in the context of an industrial election may be found by the courts to have been a harsh and oppressive rule. That may be consistent with what you are saying.

Prof. Hughes—It is analogous with that. It is peculiar language appropriate to the industrial scene, whereas representative government is the constitutional one, but it is two sides of the same coin.

Mr McCLELLAND—I wish to return to this issue of internal ballot rigging from stacking within political parties having the potential to pervert or degrade the electoral process. It is fair to say that, if there is a challenge to an internal party preselection regarding the authenticity and eligibility of a voter, including the residential eligibility of a voter, the first thing that the challenger would look at was whether that person was on the electoral roll or not, to corroborate where they said they were. So I think it is fair to say that stacking would be the smoke and behind that smoke there is likely to be fire, in terms of people corroborating their stacked address. Do you think that would be a fair comment?

Prof. Hughes—Yes, I think that is probably right in the political realm, although—and I am not sure, and I will explain why I am not sure—there is the possibility of false identities. During my time, I obtained from Social Security, as it then was, the multiple identities of 10 or a dozen people who had been in major social security abuses with a large number of false identities. Only one of them had bothered to back up their case with the roll. The others—all these false identities that they were using for social security—were not on the roll.

Mr McCLELLAND—You would assume that people who had been stacked in for electoral purposes though would be more electoral roll literate.

Prof. Hughes—Exactly so. There is a problem of not being absolutely certain, but I agree with you on the balance of probabilities that people who are engaged in the political game know about the roll and would regard it as part of the armoury.

Mr McCLELLAND—It starts to push the area where compromises are likely to be made—is that fair comment—where there is an inducement, if you like, to corroborate for an internal political reason, to corroborate that act by a false electoral address?

Prof. Hughes—True. And particularly where it is built into the system as in Queensland, I think that this is inherent. The instant you say you have to have some additional evidence, people start thinking of what category of evidence is most easily falsified.

Senator MASON—Professor Hughes, by your own admission—and, indeed, by the evidence of the Australian Electoral Commission—there is less confidence in the integrity of the electoral roll today than there has been for quite some time. The AEC gave evidence that fraud often could not be detected—they conceded that—whereas there were cases like Ms Ehrmann's and Mr Kehoe's, and so forth, that were often picked up because they were ludicrously amateurish in the performance. What difference would it make if the AEC conducted internal party ballots when the integrity of the current system is such that it is under such a cloud and the AEC itself does not seem to be able to assure the public of the integrity of the electoral roll?

Prof. Hughes—I suppose one answer is that the benefits which are believed to have flowed from the removal of trade union ballots into the sphere of an independent operator are, I think, accepted. Certainly, if you speak to AEC people they would say that trade union elections are a problem and they do not guarantee that they are 100 per cent. What you then have, at least, is a system that reduces a substantial part of the abuses and provides a paper trail and the opportunity to get off into a judicial arena to take the matter further. Many union elections get into difficulties and are then picked apart at great public expense by judges and barristers and the like,

but at least it is part of a system that works over the problem, whereas at the moment the parties are as free as a bird.

Senator MASON—That is well put, but wouldn't you agree—and you have conceded this—that there is a cloud over the integrity of the electoral roll at the moment?

Prof. Hughes—I would not deny that and, indeed, I said 10 years ago that if things went on the way they were going this was going to happen. If the allegations are made repeatedly and with an apparent plausibility about them, these sorts of refutations that people like me have tried to engage in never catch up with the extravagances of these initial accusations. As I said 10 years ago, you will have to do something whether it was originally necessary or not.

Senator MASON—I will return to a point that has been back and forth throughout the entire day—Senator Murray, I know, has a great interest in this—about regulating internal party matters including preselections. Let me put it as simply as I can. Internal party preselections, where they are tied to the electoral roll, affect not so much the outcome of elections but the composition of the members of parliament.

Prof. Hughes—Sure.

Senator MASON—That is the point, isn't it?

Prof. Hughes—That is certainly true. It is a major part, but also it may contaminate the roll and that ought to be dealt with as well. It is certainly unsatisfactory if the wrong person gets elected.

Senator MASON—Professor Hughes, you mentioned Forde is perhaps a site for a cleansing of the roll.

Prof. Hughes—Herbert.

Senator MASON—Sorry, Herbert, based in Townsville.

Prof. Hughes—Dr Watson is the one for Forde.

Senator MASON—Yes, you are quite right; you mentioned Herbert. Mr Peter Lindsay of the Liberal Party won that in the 1998 election by how many votes?

Prof. Hughes—By a very small number. It is in here somewhere.

Senator MASON—By about 170.

Prof. Hughes—Yes. It is the first time it has been that close for a very long time.

Senator MASON—Getting back to a general election result, you have cast aspersions on the integrity of the Herbert roll. Are you confident that Mr Lindsay's election—he is in my party, so

I am delighted—was all fair and above board, that the electoral roll, the people entitled to vote, was above board?

Prof. Hughes—Fair and above board, yes. That there were no blemishes is impossible to say without conducting a post-mortem of a sort that really could not be done. One of the justifications for changing the tradition of tossing a coin in the event of an evenly divided election was that it was certain that you were going to be able to find a sufficient defect somewhere—something had gone wrong—and, three or six months later and after a great deal of trouble and expenditure, the thing would be overturned, so the thing to do was to get around to that straightaway and replace tossing a coin with automatically having another election to try to get it right the next time around. When you have 80,000 people doing something on one day, somewhere along the line somebody is going to slip up.

The number of errors in crossing off the roll is constantly before you. If Joan Winsome Howard is crossed out twice and John Winston Howard is not crossed out, does that mean that one of them has not voted and the other one has voted twice? No, it does not. It means that somebody has drawn a line at the wrong place on the roll. There will be other things. People will have been sent away and this can become a dispute as to whether they were properly sent away. Quite novel things have happened with Mundingburra. The postal votes were dealt with in a way which, up to that point, everyone had thought satisfactory but a judge thought was not satisfactory. A narrow election is by definition at risk. You can do some things—for example, introducing the audits—to make sure that the scrutiny is as accurate as possible; but with the actual conduct of the poll on the day there is always a risk that somebody is going to make a mistake.

Senator MASON—I do not want to labour the point. It is just that the Shepherdson inquiry and also this committee have heard evidence about electoral roting in Townsville in the seat of Herbert. Evidence was given in the Shepherdson inquiry about people going to Mundingburra and being signed on in Mundingburra to vote in that election, and so on and so forth. I am not suggesting that there was a conspiracy to stack Herbert, because people may not have known that it was going to be a close seat. I am suggesting that maybe, for internal party reasons, as the election was so close, it could have affected the result—170 votes are not many.

Prof. Hughes—But it is a very rare occurrence. The table that I provided—

Senator MASON—It may be rare.

Senator FERRIS—We had one electorate in South Australia where there were only 13 votes a couple of years ago.

Prof. Hughes—Yes, but who knew that before the election?

Senator FERRIS—We knew it was going to be close.

Senator MASON—I am not even suggesting they did. What I am suggesting is that, if people were not properly on the roll and they voted, it could affect the result when it is that close.

Prof. Hughes—Yes.

Senator MASON—Particularly with the history that Shepherdson has shown of rotting in Townsville.

Senator FAULKNER—He voted and he should not have voted in his own preselection ballot.

CHAIR—Professor Hughes, just answer the questions that Senator Mason raised.

Senator MASON—We had a sanctimonious speech before lunchtime by Senator Faulkner about irrelevance. You have heard evidence about a criminal conspiracy among the Queensland Labor Party, both here and elsewhere, over weeks. Nothing to do with my preselection or the Queensland Liberal Party, Senator Faulkner, has anything to do with the integrity of the electoral roll at all, and you know that.

Senator FAULKNER—Come in, spinner.

Senator MASON—Here we have the leader of the Australian Labor Party in the Senate smearing because—

Senator FAULKNER—Because of the same allegations that favoured MacGibbon lately, who is one of your members, so I want to take a point of order.

Senator FERRIS—Go outside and take a deep breath.

Senator MASON—Go outside, 10 yards to courage, and say that out there.

Senator FAULKNER—You say that to David MacGibbon.

Senator MASON—You say that out there, Senator Faulkner.

CHAIR—Order!

Senator MASON—You flick mud but you have no courage.

CHAIR—Order! Senator Mason, Senator Ferris, Senator Faulkner.

Senator MASON—You say it out there, Senator Faulkner. I bet you—

Senator FAULKNER—I am going to say it in here.

Senator MASON—No, you say it out there.

Senator FAULKNER—I keep on listening to your hypocritical, sanctimonious claptrap.

Senator MASON—This is most unattractive.

CHAIR—Senator Mason, please do not respond; just ignore Senator Faulkner. Senator Faulkner, please do not agitate the other members of the committee.

Senator FAULKNER—I apologise.

CHAIR—Professor Hughes, we would like to hear your testimony rather than the windbagery of some members of the committee.

Prof. Hughes—If you have a majority of 10 or 16 and you want a safeguard that can assure that no mistake has taken place, you have to wield resources on an extraordinary scale—such as we have never known. Basically, that is what it boils down to.

Senator MASON—In advance.

Prof. Hughes—Yes. The more security you build into the system, the more resources you have to commit to it. Depending on what those restrictions are, it may be that you will also have a downside in terms of adverse effect of the franchise of the sort that we were canvassing earlier in the hearing.

Senator MASON—Thanks, Professor. With Senator Faulkner's new president, I look forward to the next hearing of this committee.

CHAIR—Are there any other questions from members of the coalition?

Senator FERRIS—Yes, I have a question.

Senator MASON—That was a mistake.

Senator FERRIS—We have had some evidence today that shows that people in the Labor Party knew of electoral fraud way back in the 1980s. Is that a surprise to you?

Prof. Hughes—I do not know what the scale of the evidence was, I am sorry, because I was coming up from Melbourne this morning and could not be here for the earlier part of the hearing. I am not surprised that there was fraud. I have not been greatly surprised by what has come out of the Shepherdson hearings. As evidenced by what I said earlier, the constitutional review thought that there really was a problem with political parties. A chapter of the report said that something needed to be done to sort out the law relating to political parties.

Senator FERRIS—I am interested in the evidence that we have already received today, and previously from the DROs down in Canberra, when, unfortunately, you had to sit there all day, and we all apologise for that. It does seem—to me, anyway—that this evidence is broadly based and quite longstanding. I am surprised that, at your level within the Electoral Commission in the past, it was not well understood and there were not more measures taken to try to deal with it.

Mr McCLELLAND—I object. I am not sure that the committee member's interpretation of evidence is a fair recounting of the evidence for Professor Hughes's comment. To cast

imputations as to inefficiency or inappropriate or negligent conduct on the AEC, based on Senator Ferris's inaccurate recounting of evidence, I think is most unfair.

Senator FERRIS—I raise a point of order, Chair: Professor Hughes is a witness perfectly capable of answering my question himself. I have no doubt—

Mr McCLELLAND—I am prepared to—

Senator FERRIS—Chair, I am taking a point of order here. I have no doubt that the shadow Attorney-General does not need to give his interpretation of my question before Professor Hughes, who is eminent in this field, answers the question that I have put to him. If he chooses to correct my interpretation of that evidence, then so be it. He certainly does not need your assistance to do so, shadow Attorney-General.

CHAIR—That is quite right. Mr McClelland, with all due respect—

Mr McCLELLAND—Senator Ferris acknowledges that it is her interpretation of the evidence, so I am prepared to accept the question.

Senator FERRIS—Of course. All questions are.

CHAIR—Members of the coalition did not interrupt members of the Labor Party when they asked questions.

Senator FERRIS—With gratuitous, unpleasant advice.

Mr McCLELLAND—If we had asked unfair questions, I would hope that in the interests of democracy you did.

CHAIR—I think Professor Hughes is quite capable—

Senator FERRIS—You are a bully, shadow Attorney-General.

CHAIR—Professor Hughes is quite capable of answering the question himself.

Senator FERRIS—I would like to allow the witness to answer the question without your constant interpretations.

Mr McCLELLAND—Listen: if you are fair in your recounting of evidence, you will have a free run. If any of us are not fair in our recounting of evidence, I would hope that you would pull us into line.

CHAIR—Mr McClelland, thank you.

Senator FERRIS—We would not bother because yours never is.

CHAIR—Senator Ferris, thank you for your question. You are quite right in your point of order. I uphold your point order.

Senator FERRIS—Thank you.

CHAIR—I would ask Professor Hughes to answer the question as best he can.

Prof. Hughes—It would not be proper for me to say anything about the period after I ceased being commissioner. It would not be proper and I would not wish to do so. As to that period, I would say this: the commission is a statutory body with duties imposed on it by the parliament. It does what the parliament says should be done. It would be, I think, improper for a statutory body or a statutory officer such as I was to presume to assume responsibilities which had not been conferred on him or her by the parliament to interfere with the behaviour or the rights of individuals. I think you are entitled to say: did the commission warn the appropriate authorities, whether it be the minister responsible for its legislation or this body, of what it saw as problems? I think you would find that the commission has always endeavoured to provide a balanced account of how it perceived the evidence and left it open to the committee or to the minister to find alternative views where he could or where he wanted to.

It was certainly always open for persons within the commission to put in alternative submissions to the committee. To the best of my knowledge, no-one was ever discouraged from doing that. There was one DRO in Victoria who turned the declaration of the poll into an attack on the central office, and that I thought was an inappropriate usurpation of an occasion which should have been the candidate's rather than his. That is the only one that I felt had gone wrong. Basically, if parliament wants the commission to go over the electors with a fine toothcomb, I am sure that the commission will do it. The commission has applied the legislation as it was read and without any suggestion that we were acting ultra vires or in neglect of duties in respect of discharging those responsibilities. It may well be that the amendments of 1983 took a turning which some critics of the electoral process did not like, and they have continuously said that this is the commission's fault. But it is what parliament did. The legislative power of the Commonwealth is vested on the other side of the table, not in whoever the commissioner or the commission happens to be.

Senator FERRIS—I have just one further question, if time permits. Picking up on Senator Mason's question to you about roll cleansing and section 85, can you tell me technically how the AEC would go about a roll cleansing exercise? What does it actually do if it decides to roll cleanse?

Prof. Hughes—Do you mean what they do now or what they could do that would be better?

Senator FERRIS—What they could do that would be better, but also what would they do now as well, if you are able to assist in that way?

Prof. Hughes—I am not a good witness on that subject because the technology has so moved on from my time. My day was very much the habitation review, and that was the principal driving force. It was what had been the story from the beginning, except that the first rolls were collected by the police and then subsequently by the post office. Neither of them wanted to go on doing it and so, ultimately, it became casuals who were recruited by divisional staff, et

cetera. With regard to the development of cooperative arrangements for data sharing and the changes in the roll process, really I am not competent to tell you what happens now.

Senator FERRIS—What would you like to see?

Prof. Hughes—I would like to see more experimentation, which may entail legislative change. One of the great difficulties about trying anything is that under the act as it has always been it is impossible to conduct a controlled experiment. The Brits have finally got around to recognising this. They were always more flexible than us, for example, in respect of redistribution. It is possible to rejig a little boundary here or there in the UK without having to redistribute the whole country. They have been better than us in that regard. But it ought to be possible to try something, even if it is, for example, some enrolment process or some scrutiny process or some polling process in a particular area, for example, at a by-election. I can recall a Senate estimates committee being very severe on the number of people from our central office who were out at the Groom by-election. I had to explain, ‘This is our only chance to look at things on the ground and see whether this queuing arrangement or that particular procedure is better.’ It ought to be possible to check things on the ground and to try something that is slightly different without having to say 12 million people and 148 electoral districts are having to do this all at once, hence the suggestion to try and unpick Herbert, or any place else, and see what is wrong there in the way that a number of scrutinies are unpicked after the conduct of the election and see what has gone wrong.

CHAIR—Thank you, Professor Hughes, for your evidence today. I am very glad that we managed to get to you today. Unfortunately, we did not get to you in Canberra.

Prof. Hughes—I was fearful of Townsville next!

CHAIR—You are becoming our perennial witness. We are always happy to see you, of course. Thank you very much for attending today.

I make the point to members of the committee that any questions on notice that people would like to put to witnesses who have appeared today should be forwarded to the secretariat, and then they will be forwarded to the witnesses themselves. They will be covered by privilege.

Before we conclude today’s hearing we have a resolution that needs to be considered. The resolution reads, ‘That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at the public hearing this day.’ I do stress again the initial admonition to the media with regard to the Shepherdson inquiry. Suppression orders will be on that transcript in the first item. So anybody who is in any doubt about that will be able to read that on the transcript.

Mr McCLELLAND—Could I move an amendment that we include somewhere in there, ‘Subject to the motion earlier this morning regarding compliance with the suppression orders of the Shepherdson inquiry,’ or something to that effect?

CHAIR—The transcript will contain that in the first item, because this is saying we will publish the transcript in *Hansard*.

Mr McCLELLAND—Yes, but I think it will be ambiguous for someone who is not familiar with the procedure. They will read it and say, ‘Now they have authorised publication of the whole lot.’

CHAIR—Okay. What we will say is, ‘That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at the public hearing this day, and draws the attention of those who may access this transcript to the suppression orders placed on evidence, names or addresses ordered ‘Not for publication’ by the Shepherdson inquiry.’ Does that suit you?

Mr McCLELLAND—Yes.

CHAIR—Thank you.

Resolved (on motion by **Mr McClelland**, seconded by **Senator Murray**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at the public hearing this day, and draws the attention of those who may access the transcript to the suppression orders placed on evidence, names or addresses ordered ‘Not for publication’ by the Shepherdson inquiry.

CHAIR—I thank all those people who have attended today—members of the public, members of the press, and our witnesses. I particularly thank Karen Ehrmann for making the trip down from Townsville, and for your patience in remaining this afternoon, even though in the end we did not get to hear from you again. I apologise for that. And I thank the members of the committee for their forbearance, patience and kindness towards each other.

Committee adjourned at 3.34 p.m.