



MEDIA ALERT

**Parliament of Australia
Joint Standing Committee on Electoral Matters**

29 January 2001

INQUIRY INTO THE INTEGRITY OF THE ELECTORAL ROLL: RESPECT OF SUPPRESSION ORDERS OF SHEPHERDSON INQUIRY

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".

Accordingly, 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 23rd 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of committee proceedings except insofar as the proceedings are a name, address or evidence that has been ordered not for publication by the Shepherdson inquiry.

A list of Non Publication Orders made by the Shepherdson inquiry which may be helpful to the media in reminding them of a name, address or evidence suppressed by the Shepherdson inquiry is available from the secretariat.

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.

Christopher Pyne
Chairman
Tel: 08 8363 0666



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Reference: Integrity of the electoral roll

MONDAY, 29 JANUARY 2001

TOWNSVILLE

BY AUTHORITY OF THE PARLIAMENT

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

JOINT COMMITTEE ON ELECTORAL MATTERS

Monday, 29 January 2001

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

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

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

| | |
|--|------------|
| BELLETTTE, Mr Bruce Herbert, Logistics Officer, Herbert Electorate, Liberal Party of Australia (Queensland Division)..... | 336 |
| COURTICE, Mr Brian William (Private capacity)..... | 241 |
| GILLMAN, Mr Terence Noel (Private capacity)..... | 284 |
| LINDSAY, Mr Peter John (Private capacity)..... | 336 |
| MOONEY, Mr Anthony John (Private capacity)..... | 311 |

Committee met at 8.59 a.m.

CHAIR—I declare open this hearing of the Joint Standing Committee on Electoral Matters inquiring into the integrity of the electoral roll. As I have said at previous hearings, 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 Mr Brian Courtice, Mr Terry Gillman, Councillor Tony Mooney, Mr Peter Lindsay MP, and Mr Bruce Bellette. We had hoped to hear from Mr Ray Muller, but Mr Muller had an operation last week and the indication from him is that he cannot attend because of ill-health. We hope that he recovers soon.

The witnesses will be able to provide the committee with different perspectives on the circumstances in which fraudulent enrolment was committed and came to be detected in the Townsville area. I remind everyone at the hearing that 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 secretariat or via the Parliament House Internet home page.

Before the committee commences taking evidence, I place on record the fact that all witnesses are protected by parliamentary privilege with respect to submissions made to the committee and evidence given before it. Parliamentary privilege means that special rights and immunities are attached to parliament, its members and others, necessary for discharging the functions of the parliament without obstruction and without fear of persecution. Any act by any person that may operate to the disadvantage of a witness on account of evidence being 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 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 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. If the media identify themselves, the secretariat will distribute a list of non-publication orders made by the Shepherdson inquiry that may be helpful to representatives of the media in reminding them of a name, address or evidence suppressed by

that 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.

COURTICE, Mr Brian William (Private capacity)

CHAIR—I welcome Brian Courtice to today's public hearing. At the outset of your evidence, I emphasise again that this 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, witnesses should keep that fact uppermost in their minds 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. Accordingly, I would advise you, Brian—I am sure that you are aware of this, having been a member of parliament—that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament. Would you like to make a brief opening statement before I invite members to proceed with questions?

Mr Courtice—Thank you, Mr Chairman. I was asked to appear before the committee by Christine Moore of the secretariat and I took the view that it was more sensible to cooperate with a committee such as this than to be dragged before it via subpoena. I have nothing to hide and, in the words of one of the great founding fathers of the Labor Party, 'Right because it's right' and I am happy to answer any questions that you want to ask me. I am prepared to tell the truth on every issue. I do not know whether I have any wisdom to share or not, but I am happy to answer any questions.

I would like to start by making a brief statement because the issue of vote rorting in Hinkler was mentioned. I will give some background to that matter and outline what disgusted me about the reporting in the Bundaberg *News-Mail*, the local paper in Bundaberg. I have a copy of the story for committee members. It is entitled 'Hinkler linked to vote rigging' and it is probably the most outrageous story that I have seen in all my years in public life.

CHAIR—Do you want to table that document?

Mr Courtice—I would love to table that document. If you read it you will see why I was disgusted. I was driving to Brisbane on a Sunday afternoon. There was a thunderstorm on. I was on my own so I turned my mobile off. The *News-Mail* tried to contact me late that afternoon. I did not put the mobile on till the next morning. By then the story had been run.

CHAIR—The newspaper clipping is accepted by the committee as exhibit No. 7.

Mr Courtice—That is what brought me to comment publicly about vote rigging. My understanding is that on the Saturday there was a story in the *Courier-Mail* about someone, who was unnamed, saying that there had been vote rigging in the federal seat of Fisher in the 1987 election—which was also another beat-up and a load of nonsense. As a consequence of that, on Sunday the leader of the Liberal Party in Queensland put out a press release saying that on the basis of what had been said on Saturday by someone allegedly in the Labor Party he would like to look at all the federal seats Labor had won in 1987. He himself had been a federal member of parliament between 1984 and 1987. That was the basis of his press release, which is fair comment for him to make. That went out on AAP, I imagine, and the Bundaberg *News-Mail* picked up the story. Without any research, without talking to anyone in the Labor Party, they

wrote that load of nonsense and implicated people in the electorate of Hinkler, the Labor Party and me in vote rigging, which was totally untrue.

In 1987 I won by a margin of over 1,300 votes. There was a swing of 1.4 per cent to Labor in Hinkler. The overall swing in Queensland that year was 1.8 per cent. We were under the state swing. In Alex's seat the swing was about two per cent to Labor. But no-one could ever assume that Labor Party people were trying to ballot stuff in Fairfax because it is a safe conservative seat. The fact is we were flat finding enough people to man polling booths let alone do anything illegal. I was so disgusted with the story that I went to the ABC studios in Brisbane and I reiterated something that I had been told after the 1984 election that I had never mentioned before because it would have looked like sour grapes. It was simply this: a part-time worker in the Australian Electoral Commission office in Bundaberg had told me after the 1984 election that I had been cheated out of the seat and that things had happened that were untoward. She would not tell me any more than that and I never raised it because I wanted to run again in 1987 and win. I thought it was smarter simply to do that. I made that statement publicly and asked that if there were going to be an inquiry into vote rigging we look at 1984 not just 1987, which has been done.

The Federal Police have contacted me and looked at 1984 as well as 1987. I do not know whether there was anything untoward done. I only relayed what I was told by this person. What I did discover and what we worked out in the lead-up to 1987—this applies per se and not to individual people—is that the majority of people in all political parties in my view are basically honest and decent. You get a small percentage that are not. My experience is that the majority of people in the National Party, the Liberal Party and the Labor Party are decent people.

We determined that the safest way we could protect the integrity of the voters was to man every polling booth. We made sure we had people in every polling booth at the close of polling to scrutineer the counting of the ballots. Also, more importantly than that, one area that is open to rorting is in nursing homes, and we made sure we had people going in when the electoral visitors went to nursing homes to ensure that no matron or member of the nursing staff—and that is no reflection on nursing staff—or someone politically biased could influence or coerce elderly people into voting any way other than the way they wanted to vote. Also, this applied to people that had difficulty in understanding that they had the right to vote. We simply had two great old ladies there. They have passed away now and it would be nice just to mention them: Dot Burridge and Norma McClatchey. They would frighten any matron in any nursing home and ensure that everyone got the right vote and that that was the vote they wanted. So we maximised our outcome by simply scrutineering the electoral process.

It is very difficult in regional areas, particularly in states like Queensland—and, I would think, South Australia and Western Australia—and particularly from our side of politics, to get people on the ground in isolated areas. The real challenge in elections is to make sure you can get people to go to those far-flung areas to man booths. In doing so, not only do you fly the flag and encourage people who are Labor to vote Labor—because they see you flying the flag—but you make sure that the other blokes are kept honest. That is the way that we ensured we got the maximum vote and that the conservatives—at that time the Nationals—only got their maximum vote and no more. Again, I am not saying that they did anything untoward, but we each watched the other. It worked well in 1987 and 1990 because we won the seat both times.

That is why I made those comments—because I was disgusted with the *News-Mail* reporting. Those sorts of irresponsible stories impact on the political process, not just on individuals or political parties. At a time when it is important for people in public life to ensure that integrity exists and respect is maintained, it is undercut by these irresponsible stories. It is a sad reflection on the Bundaberg *News-Mail* and of their lack of professionalism. There was no research done into the swing to Labor across Queensland in 1987. Again, the reason for that was very simple: it was the ‘Joh for PM campaign’ and the Nationals were starting to run out of strength. None of that was reported. I think it was very poor reporting, which reflects on everyone in public life.

CHAIR—Thank you, Mr Courtice. With respect to proceeding with questions, what we have done in previous hearings is to have half an hour of questioning from the government, half an hour from the opposition, and from the Democrats as they see fit. I propose to proceed with that again today. If there is time at the end of that, we will have some follow-up questions from both sides.

Senator FERRIS—At 10.30 a.m. we were going to have Mr Muller. As Mr Muller will not be appearing, does this mean we will have longer for Mr Courtice?

CHAIR—We can either have longer for Mr Courtice, or Mr Gillman could come on earlier. We will play that by ear at the time. Certainly it means we have some time up our sleeves, which is a nice change.

Mr Courtice, I would like to draw you back to your experience as a candidate for election for the AWU, the impact that that has had on the electoral roll through the Labor Party, and the tactics and manipulation that Karen Ehrmann talked about at our Brisbane hearing, which seem to have emanated from the AWU and which might have led to the culture that this committee would like to stamp out through legislative solutions in our report in the middle of the year. Just to get some questions on the record, who administers the AWU elections?

Mr Courtice—The Union of Employees election, usually the first ballot to come up, is administered by the State Electoral Commission. The state ballot—which ironically is called the state ballot—is scrutineered by the federal Electoral Commission. That one is held concurrently with ballots in all other states as well as a ballot for the federal positions of the Australian Workers Union. The last time both were held, the Union of Employees election was brought on very early and was held before Christmas 1996. The national ballots and the state federal ballots were held between April and May—I think it was about May 1997. They run under the two different auspices of the federal and state electoral commissions.

CHAIR—Who provides the list of eligible voters to the AEC for them to send ballot papers to?

Mr Courtice—My understanding is that it is the role of the state secretary of the Australian Workers Union.

CHAIR—What is the process? Does the AEC check those names before they send ballot papers to them?

Mr Courtice—They do. The difference between the state and federal ballots was considerable. About 20,000 members' names were knocked out of the federal ballot. In the state ballot there were several thousand knocked out; in other words, the federal scrutineer—or the federal Electoral Commission—has a stricter terms of reference. That is no reflection on the State Electoral Commission. I would think that the guidelines or the regulations would determine that. The difficulty that exists, and where things are open to fraud, is that people who have picked fruit for one or two weeks and have paid a proportion of a union ticket—in other words, one or two or three weeks out of their pay—are put forward as members of the Australian Workers Union.

Mr McCLELLAND—Mr Chairman, if I could come in with a question to you: how is this relevant to our terms of reference? This committee has previously done an inquiry into internal trade union elections—not trade unions but indeed industrial organisations, be they employer or employee. How is this relevant? There is no necessary coincidence between a member of the state registered Australian Workers Union of employees and the Australian Labor Party or, for that matter, the federally registered state branch of the Australian Workers Union. There is no coincidence in membership at all between a trade union member and a member of a political party, be they national, Liberal or Labor. That is my question to you.

CHAIR—I think you will see how it is relevant as my questions pan out, Mr McClelland. I would ask you to be patient until those questions are finished. We have received evidence from Karen Ehrmann about the AWU's role in the Townsville area with respect to internal ALP elections. The coincidence between AWU membership of the ALP and membership figures of the union indicates the level of support in the ALP and that culture of fraud may have existed as a consequence of the AWU's activities. Given these things, the questions about Mr Courtice's election and the figures involved relevant to our inquiry.

Mr McCLELLAND—Let us cut down a lot of time here in terms of the difference in membership—and I think Mr Courtice would accept this. There was a substantially different eligibility rule of the state registered body under the state act compared to the state branch.

CHAIR—Mr McClelland, can I interrupt you. The coalition has half an hour of questioning. If you want to clear up any matters—

Mr LAURIE FERGUSON—You made a very pompous statement at the beginning today about what was relevant and now you are contradicting it.

CHAIR—you may do so in your half an hour of questioning but you are not to interrupt the coalition's members who are questioning.

Mr McCLELLAND—But you are going off on an assumption that the difference in figures was roting and this was transferred to the Labor Party.

CHAIR—No, I am asking Mr Courtice questions.

Mr McCLELLAND—The facts of the matter are the state registered union covers hospitality, it covers hospitals, whereas the federal body does not.

CHAIR—Mr Courtice will show that is relevant, I am sure.

Mr McCLELLAND—Isn't that the case, Mr Courtice?

CHAIR—Mr Courtice, you do not have to answer those questions. I am asking the questions. The Labor Party will have their opportunity to clear up any matters that they wish to clear up when they have their half an hour of questioning. If we intend to proceed sensibly today, then you will let that process continue.

Mr LAURIE FERGUSON—Well, do it.

CHAIR—That is what I am doing. You were in the process of answering why there was a difference in the figures between the AWU claimed figures and the number that were actually sent ballots by the AEC.

Mr Courtice—Correct. And, therefore, in the federal ballot, there were about 20,000 numbers knocked out. Importantly in the federal ballot, the difference was that that also included the former federated ironworkers who amalgamated with the AWU at a federal level. Therefore, one would have thought those eligible for the federal ballot would be much greater with another 10,000 FIA members included than the state ballot, but it was not the case. There were fewer numbers eligible federally to vote than there were at a state level.

Can I say also at this point that I did not volunteer to come up to this committee. I was asked to come, so I came. I do not come bearing any grudges. I know there have been spins on people that have given evidence but I believe that the best way to improve the system is to tell the truth. As I said at the start, I will tell the truth regardless of whether that impinges in any way on the feelings of people on either side of politics.

The thing that concerned me in the union ballot was that literature was sent out by the state secretary prior to the first ballot. There were several thousand letters returned as 'not at this address'. I did not have access to who those people were. But that leaves open the fact that—and this is just part of the integrity of ballots, whether it be union ballots or normal ballots—if someone has the information as to where people are not, you can guarantee that, if you are able to collect the ballot papers from those same places, then you can fill them out yourself.

CHAIR—Were you concerned that might have been happening?

Mr Courtice—Absolutely.

CHAIR—Do you have any evidence that it was happening?

Mr Courtice—I do not have any evidence that it happened. But when there is an open door or there is an open gate you cannot tell how many cattle are going to walk out of the gate. So they are the sorts of things that need to be looked at in regard to maintaining the integrity in any ballot whatsoever, because if you know where people aren't you can simply go and collect that information. The only people who have right of entry to do that, of course, are organisers in that particular union. I could not—I never had right of entry in that ballot to go anywhere; I had to stand outside the gate to talk to members—but the organisers certainly could have. I am not

saying they did. I am simply saying that there is a hell of a big gate open there that allows things to happen.

CHAIR—How many members did the AWU claim were eligible to vote in that 1996 state ballot?

Mr Courtice—I think they claimed 69,000 members and, from memory, there were something like 50,000 or thereabouts that got ballot papers. In the federal union there were less—about 45,000—even though there were another 10,000 added on that actually were entitled to vote. Of course, the difference was that in the first ballot I got 39 per cent of the vote, in the second ballot I got 46 per cent of the vote, with nothing having changed except the scrutiny under the federal rules of the Electoral Commission instead of under the state rules.

CHAIR—In the federal ballot in 1997, why do you think there were so many applications made by AWU officials for additional ballot papers?

Mr Courtice—That was a concern, too, because that is also open for rort. There was nothing I could do about it. If organisers put in an application for people to vote, what could I do? I was simply a candidate with very little resources running against an entrenched machine. Again, I am not implying nor am I saying that anything was done untoward. Were I to have known that, I would have made it public and I would have taken it to the Federal Police. I am simply saying that when things are left haphazard or are able to be manipulated, it is important that, where we can, we tighten things up for the interests of everybody.

CHAIR—Sure. So you would say there was a possibility that those ballots could have been intercepted by AWU officials and that has worried you since that election?

Mr Courtice—Well, it has. And it has in particular in the light of things that have come to the fore subsequently, through the Shepherdson inquiry, because there is a culture in Queensland that has basically existed since the days that Ned Hanlon set up the gerrymander. For those who are not Queenslanders, Ned Hanlon was the second last Labor Premier before the conservatives won power in 1957. A gerrymander was set up under the Hanlon government that was maintained and improved under the conservatives, particularly when Joh Bjelke-Petersen became premier. So a culture exists in Queensland that is different from most other states and it is that culture that we need to address. If we want to improve the standing and respect of people in public life we have got to change the culture. It has become ingrained into our system, unfortunately.

CHAIR—You described the culture this way on the *Four Corners* program:

The fact of the matter is that there is a political mentality in Queensland that belongs in the '60s in Mississippi.

Mr Courtice—That is correct.

CHAIR—Did you discover or encounter that culture in the AWU?

Mr Courtice—Unquestionably.

CHAIR—Including when you were a state organiser for the AWU?

Mr Courtice—Unquestionably.

CHAIR—When you were with the AWU were you aware that there was an AWU officials' social club fund?

Mr Courtice—I was. When I received my first fortnightly pay, I was surprised about how good a pay it was and, secondly, I was surprised that \$20 a week, I think it was, was deducted automatically.

CHAIR—What year was that?

Mr Courtice—It was 1986. I was an organiser with the Australian Workers Union from about August 1986 until I was successful in winning the 1987 election. I was employed by Errol Hodder, who was then the state secretary. I asked the district secretary what the deduction was for. He said, 'It is our social club.' I said, 'What do you mean?' He said, 'All the union officials have this amount of money taken out of their pay every fortnight.' I said, 'It is going to buy a lot of drinks,' because there were about 40 union officials. He said, 'No. Don't ask any questions. It is our social fund. It just protects us and it looks after us.' I did not ask any more questions.

CHAIR—Did you later find out what it was for?

Mr Courtice—My understanding is that it was originally set up by Errol Hodder in the eighties and was refined and improved by the present state secretary. Allegedly, it was set up to defend the existing officials from any threat from both the communists or the fascists. That mentality still exists, and that is left over from the days when Ted Theodore set up what was a great union. The AWU was a great union in Queensland. It was a very great union that my family was involved in for me. For all the criticism I have had from the Ludwig forces from the day I voted for Paul Keating, I would not be intimidated by threats and thuggery. I have copped a lot of abuse from these same people. But can I say that I believe in the principles of the AWU; I just do not believe in the way it is run at the present time.

So the fund was set up to fight any perceived threats from the Left or the Right. None of that ever happened, and the only time anyone ever challenged the status quo was when I ran in 1996-97. My understanding is that consequently about \$60,000 is raised each year through this levy. Even at \$20 a week, that is over \$1,000 a year and it has increased, I would assume, since then. There are about 40 officials, but I do not have access to the books. Even when Justice de Jersey gave me permission to look at the books, I was not allowed to look at the books after four hours of copping abuse in Bill Ludwig's office, so I cannot tell you how much money was raised. But in the four years between union ballots, that amounts to about \$250,000, which is a hell of a lot of money.

CHAIR—Did you have a lot of very successful parties in that time?

Mr Courtice—No, not at all.

CHAIR—What do you think was happening with the slush fund?

Mr Courtice—Unless a handful of people were drinking Grange Hermitage—and I do not think that is the case—I guess it was tucked away somewhere. It was used for whatever reason the state secretary so determined. I would imagine that a lot was used against me in the campaign, which was legitimate, in 1996-97. But, other than that, I would imagine that money was just tucked away and it sat there.

CHAIR—Do you think it might have been used to pay ALP branch memberships? Do you have any knowledge of that?

Mr Courtice—I have no knowledge whatsoever about that, and it would be ridiculous for me to even speculate, because I do not know.

CHAIR—Are you aware if the fund paid any taxes? Did you claim a tax deduction for it?

Mr Courtice—Yes, because I did not receive the pay, it was a legitimate tax deduction. Firstly, if that money were used illegally, then every union official would be defrauding the taxation department; and, secondly, if any of that money were used for the payment of any illegalities, such as ALP tickets, then those union officials either knowingly broke the law or the money was used without their knowledge to break the law.

CHAIR—If the money was used to pay ALP membership tickets—for example, in the Karen Ehrmann forgeries in the 1990s—who would have been the people who would have authorised that and signed the cheques?

Mr McCLELLAND—That is just outrageous, with respect. The witness says that he has no knowledge at all whether the money was used to pay ALP memberships. To then go on and make a supposition that it did and ask who would have authorised it is grossly outrageous.

CHAIR—I accept that criticism and I am prepared to change the question. From your knowledge of being an AWU state organiser, if you had wanted to draw on social club funds for a barbecue or a keg of beer, who would you have gone to to get authorisation and sign the cheque?

Mr Courtice—The state secretary, and I think perhaps the state president as well.

CHAIR—Who was the state secretary?

Mr Courtice—Back in 1986 it was Errol Hodder. At the present time it is Bill Ludwig.

CHAIR—Thank you. Do other members of the coalition have questions they would like to ask?

Senator MASON—Mr Courtice, you mentioned that the AEC are responsible for certain ballots within the AWU. Before Mr McClelland jumps on me for relevance, I will outline what my questions relate to. Firstly, the AEC are tasked under the Commonwealth Electoral Act to ensure the integrity of the electoral roll more generally. One of the issues we have discussed in this committee is their capacity to do that properly and correctly. Secondly, there have been

some suggestions for legislative reform—and I think these calls have been coming even from Senator Murray—that potentially the AEC may, in fact, have jurisdictional responsibility for conducting internal preselection ballots within Australian political parties. So the capacity of the AEC is very much an issue. Can I just refer you to what the chair mentioned before, and that is the *Four Corners* program. I will just read from the transcript. Andrew Fowler, who was the then presenter, said:

In 1997, former Labor federal Labor MP Brian Courtice challenged Bill Ludwig's leadership in a union ballot.

Courtice suspected that Ludwig had been building his power with dubious numbers.

In the days before the vote the challenger went to court to force Bill Ludwig to open the union books.

Mr Courtice, you then said:

It was probably the most frustrating day of my life because I did not see what I was entitled to see and that was the records of the union.

I saw a pile of papers of part payments and I saw two or three registers and I copped abuse for about four and a half hours in private with he—

I think that is Bill Ludwig—

and two of his staffers.

Andrew Fowler then says:

Even so, what Courtice discovered went to the heart of AWU power.

Thousands of people who were on the books either who weren't financial members or were registered at addresses where they no longer lived.

The Electoral Commission removed them from the membership rolls.

Mr Courtice, who was it who discovered the rotting within the AWU?

Mr Courtice—Which rotting do you mean? I am not being facetious.

Senator MASON—The fact that thousands of people who were on the books were either not financial members or were registered at addresses where they no longer lived. Did the AEC discover it or did you?

Mr Courtice—Those matters were raised by me but it is my understanding that the Australian Electoral Commission themselves ascertained that there were many people who were not entitled to vote. To give you an example—and I have used this statement publicly—this is what is wrong with the system; this is what is wrong with the way in which the Australian Workers Union affiliates to the ALP which, in turn, affects everyone in public life because it determines government. If you are from Sweden and are a backpacker in Stanthorpe for three weeks, your membership for three weeks, which might contribute to \$7 towards a ticket, is counted as being a member of the AWU, which then affiliates to the ALP. That is total nonsense. That person is on the records as a part payment to the union but they have gone back

to Sweden. They do not get a vote. What I had to try to make sure during the union ballot was that a ballot paper was not sent to Inge from Sweden to an apple picking shed in Stanthorpe where some organiser could pick it up and fill it out and send it back.

I add that I had no idea—and most of the decent people in the ALP had no idea—about what has come out of the Shepherdson inquiry. I have never met Karen Erhmann. I do not know the woman. But what has come out of that is a continuation of the same bloody culture. It is exactly the same culture that has grown and continued to expand and it is in the interests of everyone in public life to stop it. The price you pay for trying to stop it is to be vilified. The fact is that democracy is pretty fragile. There are only 33 countries in the world that are democratic. The last thing we want is to allow this sort of stuff to continue.

Senator MASON—Do you think it is still continuing today within the AWU?

Mr Courtice—There has not been a ballot since 1996-97. I am no longer eligible to run in a ballot because I had to go to court three years in a row just to get a union ticket. I think I am the only person who was refused purchase of a ticket. Usually it is the other way around. I gave up in the end because I was sick of going to court. Unless there is another ballot, that does not become a question.

Senator MASON—We will just go back to the previous ballot when you were defeated by Mr Ludwig. Who discovered the inconsistencies and the rorting, as you put it, within the membership rolls?

Mr McCLELLAND—With respect, Senator Mason, you put that word ‘rorting’ and the witness said, ‘What are you talking about with rorting?’ You then just clarified the question.

Senator MASON—That is a fair point. Who discovered the inconsistencies?

Mr Courtice—I discovered inconsistencies when I went to the office to allegedly look at the records which I was not allowed to see. In fact, one of the few things I was shown was the part payments register and the membership, such as the number of people who had joined the union.

Senator MASON—I just want to go to the AEC’s capacity to detect inconsistencies.

Mr Courtice—I had confidence then, and I do now, that the AEC and also the state electoral commission, determined as well as is possible with what they were shown—and that is what I assume you are getting to—the people eligible under state and federal rules. I think that they did the right thing under very tough circumstances in trying to organise something like a union ballot which is even harder than a general ballot.

Senator MASON—I accept that.

Mr Courtice—I think that they had their integrity totally preserved.

Senator MASON—But they were not the people who discovered the inconsistencies, were they?

Mr Courtice—No, they can only operate on what they are given.

Senator MASON—That is the point I am getting at.

Mr Courtice—Your accountant can only operate on the figures that a businessman gives him and the same applies to the Electoral Commission. What I did discover which was disturbing was that between a third and a half of the names on the records had no addresses whatsoever. The way I ascertained that was that I counted every tenth page and I counted the numbers that had no addresses on every tenth page. I counted about 50 pages which was over 500 sheets randomly and that is how I worked that out. As I said, other than the annual report they are the only things I was shown in the four hours, but I realised then that there were a hell of a lot of people that never had any addresses and that is what concerned me.

Senator MASON—I accept that union ballots are difficult to organise and, indeed, to monitor. The question really is that there is some suggestion that, while the AEC might do a good job with information they have, they have not been necessarily very good in monitoring or uncovering fraud on the electoral roll, and the parallel is there with the AWU in this case. That is the point. Would you agree that in a sense any alleged fraud has to be brought before the AEC before they become aware of it; they are not very good at uncovering it themselves?

Mr Courtice—No, I think they are restricted inasmuch as they can only operate on what they are given and they do not have the staff or the research facilities to try to uncover anything. They can only work on what they are given, as do accountants as far as tax returns go.

Mr SOMLYAY—On that same point, did you check to see if these people who did not have addresses appeared on the electoral roll?

Mr Courtice—We raised the matter, but the real problem was that I did not have any resources, and that is what made it very difficult. That may sound pretty naive for somebody who had been in federal politics, but if you have a union ballot you just have a go. I believed I would have to rely on the system itself. I was concerned that there were so many that did not have addresses. Again, I also recognised—and may I say in defence of that from a union perspective—that, because of the nature of the transience of employment in some areas, that is always going to be the case as well. That will always be the case; some people will move on. If they are backpackers, then they will not have a permanent residence so that problem is going to exist continuously. That is going to require the wisdom of Solomon to solve in itself when it comes to union elections. However, it then allows, as I have said earlier, the opportunity for anyone who wanted to do the wrong thing to collect ballot papers sent to those people and fill them out. So that is the problem. I am not saying that has been done purposely. I am not saying that enrolling people without addresses has been purposely done; it has not. That is the system. But that that system can be manipulated is the problem, the concern and the responsibility, I guess, of the framers of public policy.

CHAIR—Would you agree that it bears an uncanny resemblance to the fraud that was discovered involving Karen Ehrmann and Andy Kehoe; they would send ballots to empty letterboxes to be picked up and used in voting?

Mr Courtice—It does and I guess the reality is this. I do not think the question has been asked before. Why did a small number of people secretly—as seems to be the case through Shepherdson—go out of their way to manipulate the system? For what end did they do it? If that question is looked at, I think the whole of the picture becomes clear. What we are really looking at here—and it was mentioned earlier—is a culture of institutional corruption. I am talking about the system itself.

There are three levels in public life that are relevant here. There is industrial power, which leads to political power, which then leads to legislative power. The legislative power enshrines the industrial power which is expanded through political power, which then leads to further legislative power. My understanding is—and I will be corrected if I am wrong—that, other than in two or three circumstances where people tried to respond to what was allegedly shown to have been rorting by one group within the party, all of it has been done virtually by a small number of people for the same end. It has not been to improve the world; it has not been to gain government; it has been to entrench AWU power within the political system of Queensland. Without question that is what it has been done for. Look at the number of people who have admitted being rorters who, after they have rorted, have been promoted through the AWU. Ken Court, I think it was, admitted rorting for Lee Bermingham and was made an AWU organiser by Bill Ludwig after he had done this. It was not by Lee Bermingham; it was by Bill Ludwig. A young woman in Townsville who admitted rorting became an AWU trainee. Young Lyndon who admitted rorting is now the press secretary for Bill Ludwig. There have been other instances. They are just three that come to mind.

Senator FERRIS—They passed the test, Mr Courtice.

Mr Courtice—I think so. I do not know, but it has been institutional corruption. The sad reality is that both sides of politics have to wear the responsibility.

Senator FERRIS—And the odium.

Mr Courtice—And the odium. I will explain why. What we have in our system today in Queensland is a union that affiliates to the ALP, with 69,000 or 70,000 members instead of 42,000 proper full-time members, that—along with the amalgamation with the shop assistants union—basically runs the ALP which is one-half of the government process in Queensland. On the other side of the fence, the majority of employers in the mining, hospitality, retail and construction industry want to see the Australian Workers Union dominant in the union movement in Queensland because, consistently and continually, the AWU undercuts other unions and undercuts conditions of their own workers. I have press cuttings here to substantiate that that I would like to table.

CHAIR—Will we accept it as exhibit No. 8?

Mr Courtice—I have been called to give evidence, Senator, and I am not here to lie or tell stories.

Senator FERRIS—I will propose a motion that we accept the tabled evidence.

CHAIR—Senator Ferris has moved that they be accepted.

Mr McCLELLAND—If she wants to speak to the relevance they have to the terms of reference I am prepared to hear Senator Ferris.

Senator FERRIS—Until we have a look at the material your comments are irrelevant. I am waiting to ask Mr Courtice a question.

Mr Courtice—As a consequence of that, there is a very strong interest in maintaining the dominance of the Australian Workers Union industrially by some employers. Those same employers are the major supporters financially to, in particular, the National Party in Queensland. In fact, I have the *Hansard* here of 25 May 1999—and I would like to table this—when Peter Beattie as the Premier and Paul Brady instituted reforms to the Industrial Relations Act of Queensland to give other unions a better chance to be able to sign up people in workplaces.

CHAIR—Can I just interrupt you? We are time limited. The time for coalition questions is up. Jenny Ferris has not had a chance to ask her question. We will get the chance again after the Labor Party and the Democrats because we have time with Mr Courtice. I suggest that if you want to table documents like this then we take a motion at the end of your evidence this morning. If you have other documents you want to table we can just keep adding them and then we will move a motion and deal with them at the end of your evidence so we do not keep being interrupted. I now propose to ask Senator Ferris to ask her final question and then we will come back to the coalition later after giving 35 minutes to the Labor Party.

Senator FERRIS—Senator Mason's question went to the ability of the AEC to be able to detect electoral fraud and the manipulation of federal electoral rolls for these purposes. My question goes to your view on how this can be prevented. Previous witnesses have suggested that enrolment identification is a fundamental point in ensuring that the roll at least has some integrity and also there has been the question of voter identification. As somebody who has been within the political system and has seen the way the system works, do you have any comments on the other part of our term of reference, the prevention of fraudulent enrolment?

Mr Courtice—I think that wherever possible walk-up ballots is the best way to prevent it. In other words, abolishing postal ballots is the best way to prevent fraud because it is very difficult when you are dealing with posting things out to determine whether people are there.

Senator FERRIS—What about identification at the point of enrolment?

Mr Courtice—I think that improves things but I still think in the end—and I know it is very hard in isolated areas and that is one of the problems in political elections—where you have walk-up ballots it works much better.

Senator FERRIS—What about enrolment voting ID when people vote?

Mr Courtice—I think all those things can only enhance things, but I still think where you can have a walk-up ballot you improve things dramatically.

Mr LAURIE FERGUSON—And you show identification at the walk-up ballot.

Mr Courtice—Absolutely. And then you have scrutineers at that place as well. That is what I found in 1987 when we manned every polling booth. We were there when they tipped out the ballot boxes and no polling clerk in a small polling booth could then play games—and I am not saying they did but they could not—because both sides were watching. There is nothing better than having adversaries watching the person counting because you know the count is accurate.

Senator FAULKNER—Mr Courtice, you have been around the Labor Party and the trade union movement, of course, now for a pretty long time. I think it is fair to say that you had an ongoing battle, as you have described it, with the AWU leadership in Queensland for the best part of a decade. If ‘battle’ is unfair, perhaps ‘war’ would be a better description. I do not think you would argue with that.

Mr Courtice—Absolutely.

Senator FAULKNER—I think that members of the committee understand that background and history, and I certainly do. As you have described to us, you have got very serious concerns with the political culture in Queensland. Part of that, of course—part of it but not all of it, you have stressed that—goes to the Labor side of politics as well. I think that is a pretty fair summation of what you have said. I do not want to put words into your mouth but am I being fair making that statement?

Mr Courtice—Yes.

Senator FAULKNER—Currently there is an election campaign in Queensland, as we are all aware. It is the view of Labor members of the committee that we should not be having this hearing while that election campaign is under way but that is another matter to be dealt with at another stage. You would be aware that the Premier of Queensland, Mr Beattie, has brought down a package of electoral reform. That package is called Restoring Integrity. It is a plan to deliver honest democracy and honest elections and a more accessible parliament. I wonder whether you have any views about how Mr Beattie has approached this issue and whether you would endorse the decisions that he has taken in this regard, given that we all understand, front and centre in Queensland politics and public life at the moment, the sorts of issues that this committee has been dealing with. How do you react to what Premier Beattie has proposed?

Mr Courtice—It is a breath of fresh air. The reality is that Peter Beattie is totally honest. He has been a victim, as much as myself and a few other people, of the vitriol of the people that have been caught out rorting the system within the ALP. I can go on from that to prove a point. As I mentioned earlier, in the state parliamentary *Hansard* on 25 May, in response to Peter Beattie trying to reform the Industrial Relations Act of Queensland, which allowed other unions more democracy in signing up people, which comes to the heart of this whole rorting system, the Leader of the National Party moved this motion:

That this Parliament notes the concerns of the AWU and major industry groups in regard to proposed changes to industrial relations laws and calls on the Government not to proceed with changes that will disadvantage the AWU ...

Jim Elder interrupted, ‘That’s one I’ll be participating in.’ And Mr Borbidge said this:

Someone has to stick up for Bill, because old Judas over there sold him out.

There is more *Hansard* here I would like to present, where Santo Santoro defends the AWU and the institution that they have built up over the years and the culture. That is what I was getting to: the problem in Queensland is that the AWU is institutionalised, it is above party politics. There are no winners out of this corruption and the rotting because, on the one hand, you have the bosses wanting to keep a corrupt, rotten institution there because the AWU will undercut other unions and sell out their membership and, on the other hand, the ALP is hamstrung because the way in which the AWU affiliates to the party gives it a monopoly. So the AWU stays there regardless of who is in power. And until the Industrial Relations Act is changed even further, you have got an institutional corruption in Queensland.

One thing that I found very interesting that also backs this up is that when Peter Beattie brought this industrial relations reform in, Ludwig publicly said, 'I'll go under Peter Reith.' No union leader in their right mind with a state award would want to go under Peter Reith's federal laws. And at a time, of course, when the balaclavas and the dogs were on the waterfront and I was running against Ludwig in Queensland and talking about corruption, and Ian Cambridge and Steve Harrison, two national secretaries of the AWU from New South Wales, called for a bloody royal commission. Not a boo was heard from the federal minister for industrial relations but the waterside workers had a kick in the guts and the balaclavas and the dogs were out, because you have got a passive, conservative, right-wing union in Queensland that sells itself out for the highest bidder.

I think it is relevant that we have this hearing here in Townsville, because Sun Metals is the dirtiest word you would ever heard about dirty deals. The reporter from *Four Corners* told me that \$50,000 changed hands and went to the AWU after that enterprise bargaining arrangement. My understanding is that not one worker was on the workplace when that deal was done. That is why other unions and most decent people in the ALP want to clean the show up so that workers get a fair bloody choice as to which union they join and what rate of pay they get.

In one of these press releases I can show that, with the original agreement with the two power stations for the expansion, the AWU undercut the wages by \$100 a bloody week. In one other industry, the meter reading industry—reading meters in the councils—they undercut the wages by \$10,000 a year. These are press releases from other unions, not from me. So you can see where the financial advantage is to institutionally hold a corrupt, right-wing union in power in Queensland by the bosses, and the same union affiliates to the other political party with a rorted system where they count people that are not even living in Australia as members to affiliate to that party so that they have got a hand in each pocket. That is the problem we have in Queensland today. It is in everyone's interest—Labor, Liberal and National—to clean it up because no-one benefits out of this. There is one woman in jail. I do not know Karen Ehrmann, but the sad thing is she is in jail for doing what she was told to do, and we all know who the hell told her to do it and we all know who the hell paid for those tickets.

Senator FERRIS—Your social club?

Mr Courtice—I do not know. But, so far, only the truck driver bringing the whisky across the border has been put in jail, but Al Capone is still sitting behind the bloody desk. And everyone knows that.

CHAIR—Who are you talking about, Mr Courtice?

Mr Courtice—Quite clearly, William Patrick Ludwig. It is indisputable. And none of the people that rorted and got promoted by Ludwig did so because they were beneficiaries to some charity. The plain simple fact is this man rang up people and threatened them for the election of the Prime Minister of this country. He even followed one federal member into a toilet at the airport and threatened him. On that basis, can we believe that all these people that have now admitted doing the wrong thing and bringing the institution into disrespect did it because they woke up one morning and had an apparition? Of course not. They did it because they were told to. They were sycophants who would not even get out of the bed in the morning unless they were given permission. What they had to gain out of it was to get a safe seat in a safe place to vote for the AWU faction to enshrine their political power, which then enshrines the present bloody system.

What we are looking at is an institutional thing. I do not get any pleasure saying this because, more than anyone else, as a Queenslander I want to see Peter Beattie win the election. I recognise what the responsibility is to be sitting here telling the truth. But I will be buggered if I will not tell the truth after everything that has happened because until we fix it we do not have a decent situation here in Queensland. In the end not even the bosses benefit out of this. In the end you do not benefit by propping up a corrupt system. That is why one woman is in jail and the show is falling apart on both sides of the fence. When you read that Santoro and Borbidge are defending the AWU and enshrining industrially their power which then leads to corruption, we have a real problem in society in Queensland today.

Senator FAULKNER—I understand your dispute with the AWU, which I indicated before. I accept that there is that background and it is in that context that you are invited by certain members of the committee to appear. I understand that. What we are doing here, Mr Courtice, which I know you appreciate, is not dealing with the internal trade union affairs—only in as much as they impact on the integrity of the electoral roll. I think you have indicated to us that you know of no evidence where that has occurred. But maybe you could just make that clear again for the committee's benefit. Do you know of any impact at all that these affairs have had on the integrity of the electoral roll? I understand your grievances. You have made your grievances clear about the AWU. This committee is dealing with the integrity of the electoral roll. Is there any evidence you can bring to bear on that particular issue? Then I want to come back to the Beattie package if I can.

Mr Courtice—If I had any evidence obviously I would have given it already. I do not have any personal evidence of any wrongdoing, none whatsoever. But I can say that it is so obvious that it was not the train drivers taking people into—

Senator MASON—I have a question of relevance, if I may? Senator Faulkner asked whether there is any relevance with respect to the electoral roll. It depends what you mean by that. If you are talking about—

Senator FAULKNER—I am asking the question. Mr Courtice is answering it. It does not need your interpretation of it.

CHAIR—Excuse me; we allowed Mr McClelland to raise questions of relevance. I have not even heard what he has to say yet.

Senator FAULKNER—My question goes to the actual terms of reference of this committee.

Senator MASON—The left wing of the ALP do not know much about relevance, John. That is why your philosophy is out the window.

CHAIR—Just let Senator Mason make his point. If it is not a valid point, I will rule it out of order.

Senator MASON—The question is whether a culture of rotting within the AWU has had any effect on the integrity of the electoral roll. On one level, of course, it has. It depends what Senator Faulkner means by relevance.

Senator FAULKNER—I did not ask that question. I asked Mr Courtice a question, which he answered. You have had an opportunity for some 40 minutes to ask questions of Mr Courtice. I am now taking the opportunity extended to opposition members of the committee to ask Mr Courtice questions too. He has answered it and I am satisfied with the answer. I know you are not. I know you do not like that answer.

Senator MASON—I am quite relaxed with it.

Senator FAULKNER—I know you do not like the answer.

Senator MASON—I am just bringing out a fact that it depends what you mean—for the record, Senator Faulkner.

Senator FAULKNER—Please allow opposition members of the committee to ask questions too. Having heard that answer, Mr Courtice, which is, to be fair to you, something that you said a little earlier in evidence, can I now come back to Peter Beattie's plan that he has announced. I do not want to ask the leading question: do you endorse the plan?

Senator FERRIS—I thought you had done that.

Senator FAULKNER—But I don't want to ask that question. I want to hear from the witness—

Senator FERRIS—That would be irrelevant.

Senator FAULKNER—The plan, of course, as you would be aware, Mr Courtice, goes, amongst other things, to measures in relation to enrolment, which is focused on what this committee is supposed to be dealing with. Are you confident that the Premier's plan will make a difference, and what is your attitude to the reforms that the Premier has announced in the last few weeks?

Mr Courtice—Yes, I am confident that it will improve the integrity of the system. Equally so, the reforms he has announced within the party, which also then leads to the system and to government itself, will improve the system. As I have said earlier, Peter Beattie is honest. He has been on the receiving end of the people that are now exposed as being corrupt. He has done

something that no other Premier has done since this institutional corruption started under Ned Hanlon. He is trying to clean the show up, and to his great credit; he deserves credit for that. He has done it in the light of seeing some of his members go in disgrace and the Deputy Premier go in disgrace. It has shown a lot of guts on his part. I have known the Premier for 16 years—known him very well—and I have always held him in high regard. I think what he has done has been very good. I am not saying that there may not necessarily be some reforms or changes later when you see how it works out, but certainly it is a hell of an improvement. But if you go back to even the bad old days under Bjelke-Petersen, the same corrupt system that existed was still in place then institutionally.

I am not saying this because I have a vendetta against the AWU. As I said earlier, I believe in the union; I do not believe in the way it is run. Ted Theodore formed the union in 1913 with the help of the sugar workers union, which my family formed. But the fact of the matter is that this show has overridden both sides of politics and it is in all our interests to fix it up. I think the only way that it will be fixed is a royal commission, and I like to think that John Howard would have a royal commission into the AWU in Queensland. But given what happened in the Costigan inquiry, when instead of the painters and dockers getting grabbed we saw the straw companies getting grabbed, particularly in Western Australia, I do not know whether he will do it. What will come out if we have a royal commission is this institutional corruption between employers rolling over and the AWU rolling over, and, above all that, that imprimatur holds both sides of politics. On that basis, what Beattie has done I think is courageous and it will improve the system. All you can do is to continually throw out rorting wherever you see it and keep improving the system to make it harder for people to do the wrong thing.

Senator FAULKNER—Thanks for that. Why would you think that Mr Howard, the Prime Minister, would have a royal commission into a particular trade union official in Queensland when he would not even have a full public inquiry into the Reith telecard affair?

CHAIR—It is really a bit irrelevant.

Mr Courtice—May I answer it, though. I am not interested in talking about telecards; we never had them when I was in parliament. The fact of the matter is that the Prime Minister, or at least parliament, has seen it so important to have this inquiry into rorting that it is on the lips of everyone in the state. On that basis, and also on the basis that the two national secretaries of the Australian Workers Union, Ian Cambridge and Stephen Harrison, back in 1996 called for a royal commission into the AWU slush funds and money trails of \$320,000—

Senator FAULKNER—There might be a few jurisdictional issues but, apart from that—

Mr Courtice—That ran all around Australia.

Senator FAULKNER—Yes, but you talk about the Bjelke-Petersen culture or the culture that you say is the responsibility of both political parties.

Mr Courtice—Absolutely.

Senator FAULKNER—That is the thrust of your analysis in relation to the culture. What about this matter of the polling booth in Hinkler in 1984—under a National Party member's house, was my recollection. It is a long time ago—

Mr Courtice—Correct.

Senator FAULKNER—How is the police investigation of that particular matter going?

Mr Courtice—The Federal Police have concluded their investigations. They spoke to me a couple of weeks ago. I am not privy to what their findings are, but they have investigated that statement that I made. May I say that the one improvement that was made by the time of the 1987 election is that, to my knowledge, and I cannot speak for the federal seats of Kennedy or Maranoa but I think in all the other seats on the Queensland coast, there were no more polling booths in people's houses because that is open to roting.

How it happens is very simple. Fred Smith and his wife ring up and say, 'Look, Bill, vote for me today; we're not coming in to vote. And my three blokes that work on the property, vote for them, too.' They are the sorts of things that can happen. I am not saying they did, but they are the sorts of things that can happen. The Electoral Commission in Hinkler got rid of that particular polling booth prior to the 1987 election.

One of the worst aspects, of course, is intimidation. We had a young booth worker in a booth called Woodmiller in the 1984 election. That booth was closed before 1987. The young person was threatened with physical violence and had to stand on the other side of the road to the Woodmiller booth. But, better than that, the National Party were allowed by the polling clerk to hand out how-to-vote cards in the booth itself, inside the hall. That is the sort of stuff we experienced—and I am not saying that just one party does it. But where you could have two people standing on a booth, they were less likely to be intimidated. Where you could get your troops out to just scrutineer and work, you prevent a lot of those things from happening. In 1987 we sent all the footballers to all the rural booths and there were no problems. But you do not send a little person with spectacles because they get stood over.

Senator FAULKNER—Did you have much to do with Mr Bermingham, who rolled over at the Shepherdson inquiry?

Mr Courtice—No.

CHAIR—Tell the truth—

Mr Courtice—In fact, I thought someone would ask me that question. When all that happened, there was a bit of a spin put on things by people who have subsequently been shown up to be crooks who are in disgrace and out of the party. My understanding was that initially it was going to be Karen Ehrmann that was going to carry the can for everyone, then Bermingham, until finally more and more things got exposed until now the gangrene has got right to the state secretary of the AWU.

I first met Lee Bermingham in the 1993 campaign when he came up to Bundaberg. I could never understand why the AWU would appoint someone who had his personal lifestyle and was

an ex-Communist. I thought it was quite hilarious and I could not work out why the right wing of the party would do that. We had an argument the first time he ever spoke to me. I am happy to answer the question. We had an argument. He wanted me to go and doorknock my electorate after I had been the member for six years and had represented the city in sport, et cetera. I told him that was typical yuppie Brisbane nonsense, it did not work in regional Queensland and to pack his bags and to bugger off back to Brisbane, which he did. That was the first time I met him.

The second time I met him was early in 1997. After I ran in the 1996 the first state union of employees ballot against Ludwig and got 39 per cent of the vote, he made an approach through John Black, who gave me a hand during the campaign, to say that he wanted to give me a hand. The fact of the matter was that I had two mates—John Black and another bloke—giving me a hand and that was it. There were three of us fighting an entrenched organisation. So I said to Blacky, ‘Look, I don’t care who wants to give us a hand; we’ll take all the help we can get. But what’s he going to bloody do? I don’t think he’s got a real good understanding of politics.’ I think I relayed his view about doorknocking back in 1993. He said, ‘Look, he’ll help do up some brochures and he’ll get them out to the workplaces.’ I said, ‘Good, beauty. Let him do it.’ I think I met him twice in 1997 during the second ballot. I have not seen him or spoken to him since then. That is my total association with Lee Bermingham.

Senator FAULKNER—As you would be aware, all of the members of this committee have had an opportunity to read transcripts of evidence before the Shepherdson inquiry—which is hard yakka, I can tell you. He has raised some concerns similar to yours. You might be interested to look at Hanson QC’s closing submission on the issue of what he describes as the AWU slush fund. Hanson QC says:

However, as there was no evidence that such a fund was called upon with the specific purpose of paying for fraudulent enrolments, this was not within the commission’s jurisdiction.

He says that in relation to Bermingham’s and Powell’s evidence. Before my colleagues ask you some questions, the only matter that I would like to ask you about is this: you have raised certain tax concerns with this same matter that Bermingham and Powell have also given evidence on, but have you raised those specifically with the Australian Taxation Office at any stage?

Mr Courtice—No. I have only mentioned it here. I have not mentioned it to anybody else. It is on the basis as well that only if that was done. I do not know whether that account was used to pay for fraudulent enrolments or not. I have no idea.

Senator FAULKNER—But you have never followed that through? That is all I was asking.

Mr Courtice—No. I saw no reason why I should do anything other than answer your questions here. I am not the country’s keeper, Senator.

Senator FAULKNER—I understand that. My colleagues have other questions to ask.

Mr McCLELLAND—For instance, you have a campaign fund but there was no suggestion, was there, that any funds from your campaign fund were used to enrol people falsely in the ALP?

Mr Courtice—Never did.

Mr McCLELLAND—And your campaign fund was titled the AWU campaign fund?

Mr Courtice—This is for the union ballot?

Mr McCLELLAND—Yes.

Mr Courtice—Yes. It was a very small fund. We had virtually no money.

Mr McCLELLAND—How much roughly—no, that is irrelevant; I withdraw that question. There is no need to answer that.

Mr Courtice—Bugger all, to be honest. That is why I lost. They spent \$300,000 and I spent nothing.

Mr McCLELLAND—We will come back to these points that you raised, and we do have, as Senator Ferris mentioned, the job of looking at some issues for reform. One of the things you mentioned was the returned ballot papers and the desirability of stand-up voting, actually presentation. And you would endorse, as Senator Faulkner said, Mr Beattie's reform package which will require that?

Mr Courtice—Absolutely.

Mr McCLELLAND—And you would endorse the fact that there is now a precondition of eligibility qualifying period to vote to prevent this transient sort of stacking?

Mr Courtice—Yes.

Mr McCLELLAND—And you would also endorse his other reforms, such as requiring an auditing of the membership roll, which will be available to all candidates to canvass those people who they want?

Mr Courtice—Absolutely.

Mr McCLELLAND—And, of course, no rule is worth while unless you have a proper enforcement mechanism. You would certainly endorse his measures to establish a truly independent review tribunal within the party.

Mr Courtice—Yes, without question.

Mr McCLELLAND—That would be a necessary precondition.

Mr Courtice—Yes.

Mr McCLELLAND—I note you also had some criticisms of the returning officers, whether they be state returning officers or federal returning officers, in conducting the state registered union ballots or the federal registered union ballots. You would concede, wouldn't you, that involvement by the Australian Electoral Commission in internal party ballots, as Peter Beattie is going to bring them into Queensland, could only enhance the transparency of the process?

Mr Courtice—Absolutely. In fact, I do not have a criticism as to the way in which either the state or federal returning officers performed. The only criticism could be the fact that it was difficult for them to do any more than they did under the circumstances—

Mr McCLELLAND—The AWU has traditionally had a very transient work force—

Mr Courtice—Absolutely, which I have mentioned—

Mr McCLELLAND—Agricultural workers, yes.

Mr Courtice—and, as a consequence of that, even legitimately, it is very difficult to cover, and I alluded to that. So you can only improve things to a certain level. But where you do that, at least you make it both harder to be rorted but also fairer. It is more important to be fairer. Thank God we do not have the system of the United States—they landed a rocket on the moon 30 years ago but they cannot run a proper electoral ballot. We are so far ahead of them. It is the Dark Ages in America.

Mr McCLELLAND—Sure. I think it is fair to say that the reason that people are in jail is the fact that they have been prosecuted for actually falsifying the electoral roll. There are two choices the party could have up here. They could say, 'We will do as the Liberal Party is and we won't require people to be on the electoral roll for their party address.' Do you think that would be a good thing or is it better to say, 'We want it clean. We want people to confirm their membership addresses by being at the address that the electoral roll says they are at'?

Mr Courtice—I can say this: the position we have taken is correct. Peter Beattie's decision is the tougher one, but the correct one: people should be enrolled. The decision that he has taken to expel anyone who has been seen to have done the wrong thing—to take the hard decision—is the sign of a decent premier. It would have been easier to turn the other way, no matter what pain we go through. People may think I am sitting here to try to get square with Bill Ludwig, but that is not the case. I want to see a better state, a better union and a better party. It is not pleasant being here during the state election but, for the long-term good, it is better to fix it now than not at all. So I think, yes, what Peter Beattie has done in requiring people to be on the roll is the better system. I think our system is better than the Liberal Party's system. If you do not have that, there is more creativity: you can easily sign up 1,000 people and, whoever signs up the most, wins. That is not democracy.

Mr McCLELLAND—On that point, you mentioned your concern about transient backpackers. I think you talked about a backpacker from Sweden getting a vote. That could not happen under Peter Beattie's reform proposals.

Mr Courtice—Correct.

Mr McCLELLAND—Are you aware of the Liberal Party's rules regarding people who live overseas voting?

CHAIR—Mr Courtice, you really cannot answer that question.

Senator MASON—It has nothing to do with the electoral roll.

CHAIR—You are not really an expert on the Liberal Party's rules.

Mr Courtice—No, I am not, but I have heard mention of 'Hong Kong' and I do not know which electorate it is in.

Mr McCLELLAND—In fairness to Senator Mason, do you think a system that permitted foreigners to enrol in a preselection would be desirable?

Mr Courtice—It is unAustralian.

Mr McCLELLAND—Yes. Thank you.

Mr LAURIE FERGUSON—You indicated that Premier Beattie has at times been taken on by the AWU and been a victim of their power in this state. You also mentioned the passionate defence by Mr Borbidge of AWU interests. What was the nature of Santo Santoro's defence of the AWU's interest?

Mr Courtice—This was the same legislation in *Hansard*. Rob Borbidge gave a notice of motion to introduce a private member's bill defending the dominance of the AWU in Queensland and opposing Peter Beattie and Paul Braddy—the Minister for Employment, Training and Industrial Relations—in reforming the industrial relations process. The matter needs to be taken further. But Santoro and Borbidge—I would like to table all this information—defended the entrenchment of the AWU and said in their speeches in *Hansard* that the employers wanted to keep this monopoly. Of course they do—every time you have another Sun Metals or another Swan Bank or Teroong when all the other unions are undercut, then of course the bosses will benefit. Surely every Queensland worker is entitled to choose which union he or she wants to join, and surely the trade union movement is entitled to sit down collectively and enter into a decent enterprise bargaining arrangement for the benefit of those Queenslanders. I have a press release from the Queensland service union, which says:

AWU agrees to \$10,000 per year less for meter readers.

Media inquiry's Rod Shaw says that the Queensland Building Trades Group complained about Barclay, Leighton's, Forrester Kurts, Watpac, John Holland, Springwood et cetera, and all the deals that the AWU do. It says that AWU greenfield agreements have slashed nurses pay and professional status. They are just a couple of examples; I could have got thousands.

This clearly shows the link between AWU apparatchiks rorting the political process to get more of their people in, to dominate a Labor caucus for the political power and to create the

legislative power which then entrenches industrial power. That is on the one hand. On the other hand, you have Borbidge and the bosses maintaining that entrenchment of power. The last thing Rob Borbidge should do in this election is talk about rorts when he defended Bill Ludwig in parliament only 18 months ago. He said, 'Someone has to stick up for Bill because old Judas over there'—referring to Beattie—'sold him out.' I think it is amazing that Borbidge would be silly enough to turn around and talk about rorts when he is helping keep in power the bloke who is backing the rorts.

Mr LAURIE FERGUSON—You have spoken about the staff and resourcing of the AEC. What level of resources were they able to devote to this ballot? How many people could they actually put into it?

Mr Courtice—A union ballot?

Mr LAURIE FERGUSON—Yes.

Mr Courtice—This is the Australian Electoral Commission?

Mr LAURIE FERGUSON—Yes.

Mr Courtice—I would think simply the staff that they have available at the time. One thing this committee could look at would be if it is possible to fund more staff continuously for the federal Electoral Commission. I would assume that there would be a role for them to play in other sorts of ballots, not just union ballots but other ballots that are held in similar format, so that we have a bigger or broader electoral commission overseeing a lot of elections per se. At least we have a national system. That was the problem with the United States, where you had counties within the state of Florida having different rules, et cetera, which is crazy.

Mr LAURIE FERGUSON—You have great concerns about the level of resourcing at the AEC?

Mr Courtice—Yes. I think the resource side of the Electoral Commission should be enhanced if budget allows. I think that would make sense.

Mr LAURIE FERGUSON—Some coalition members today are expressing some passion about an interest in democracy inside union ballots. What is your analysis of why the previous inquiry by the coalition-dominated joint electoral committee trading in ballots failed to actually come up with suggestions on these very obvious problems you are putting forward?

Mr Courtice—Quite clearly, in my view and looking back at the front page on the *Sydney Morning Herald* in 1996 when two national secretaries of the AWU called for a royal commission of inquiry into the AWU—and I did not get to finish this previously—and the \$320,000 money trail that went to Bruce Wilson in Western Australia, Bill Ludwig's mate, the coalition ran dead on it. It did not do a thing. If the bosses want to maintain a rotten system then the party that represents the bosses is not going to do anything about it. At the same time, the blokes on the waterfront and the coalminers got belted. You have an entrenched system here that has to be fixed. Not only do we need to clean up union ballots—and that goes without saying—we also need to clean up a lot of other ballots in the private sector. All the goodies are

never on one side of the fence. What I have tried to show today is that this entrenched corruption is protected from both sides. No-one wins out of this and Queensland loses. That is why we have to fix it up.

Mr LAURIE FERGUSON—Returning to this social fund, the nature of that is essentially, as you understand it, a series of contributions to fund the re-election of officials?

Mr Courtice—That was the intention, and I would think the main intention of that fund.

Mr LAURIE FERGUSON—You said a few minutes ago that they threw \$300,000 at you?

Mr Courtice—Yes.

Mr LAURIE FERGUSON—That would make a significant dent in that fund, wouldn't it?

Mr Courtice—I would think they would run out of dough. I would think that in 1996-97 they used all the money they had. I am sure of it. By now, three years hence, they should have another 180 grand there, if they are still taking the same amount. I do not know what they are doing now. That was what was happening when I was there. But they would have used up all the money they had at that time, because it was a fair dinkum fight and I got 46 per cent of the vote. So they took it seriously.

Mr LAURIE FERGUSON—Realistically, you would expect them to spend money against interstate competitors in federal ballots?

Mr Courtice—Yes, if they have any.

Mr LAURIE FERGUSON—You have no evidence that this has been used to buy up votes inside the Labor Party?

Mr Courtice—None at all.

Senator BARTLETT—We have had a suggestion put a few times in previous evidence that this activity of electoral roll rorting, for want of a better phrase, is widespread, entrenched and endemic. In that context, my understanding from what you have said already today is that in your period of involvement in the political process, which has been over quite a long period of time, you have not seen a great deal of evidence of it?

Mr Courtice—No. In fact, even in regard to what has come out of Shepherdson and the false enrolment of people with the ALP, my understanding from what I have read is that none of those people double voted in a federal election to win government for the Labor Party. They voted for preselection to put some little spiv into a safe seat. That is what is even worse. If you get caught cheating, putting the ball behind the hooker's foot to win a game of football, at least you are trying to win the game. These blokes were not trying to win the game; they were trying to entrench a rotten system and maintain it in power. I have never seen any of these characters that have been named ever having had the guts to take on a conservative publicly. They are only good at belting people within the political structure. I am not aware of anyone double voting.

Certainly, the *Courier-Mail* story about the federal seat of Fisher in 1987 was total nonsense. We never had enough troops on the ground in any election to have people running around double-voting. It is a nonsense. We are always short, particularly in big seats. You may have the luxury in the metropolitan areas of having more than one person at a time on one gate at a school; we were flat out manning the booths. In my seat of Hinkler there were 94 polling booths in 1984 and 87 in 1987 and that was over 47½ thousand square kilometres of territory. It was the eighth biggest seat in Australia. Fisher was basically, in those terms—as Alex would recall, because I think it bordered your seat, did it not Alex?

Mr SOMLYAY—It was before my time, Brian.

Mr Courtice—It was a semi-rural type of seat in the outer suburbs of Brisbane. That was a rural seat. There was no way that anyone ran around and double-voted. As for pub talk and parliament talk, no-one to my knowledge on either side of politics double-voted. But again, when this nonsense was printed in the Bundaberg *News-Mail*, I wanted to check 1984 were I lost by 221—because there might have been a little bit of argy-bargy going on then, given that was the height of the bad old days of the corrupt National Party in Queensland; but the fact is that I do not think there was enough done, if it was done, to even influence that outcome.

Senator BARTLETT—And the sorts of things you have suggested that may have been problematic—like polling booths in people's houses et cetera, which does not occur now—are administrative things rather than things requiring legislative change?

Mr Courtice—Correct.

Mr McCLELLAND—It is no longer possible, is it, to have a polling booth in someone's house?

Mr Courtice—I would be surprised. What happened in 1984 was that five new seats were created in Queensland, and I just think that the Electoral Commission were less able to handle all those things. And then they kept improving and reforming things each election. Of course, you can only improve things by seeing the areas that do not work.

Senator BARTLETT—Your 1987 election campaign was obviously one where you put in a lot of effort to try and get every single vote possible to maximise your vote. Apart from your efforts in terms of scrutiny and keeping others honest, how much impact has it had in terms of ensuring that particularly younger people or itinerant people are actually on the roll rather than not on the roll? Do those sorts of votes in a tight contest make a difference? Is that an area you have to focus on as well?

Mr Courtice—It is mainly done in the big cities, but most parties, if they can get permission—and I know that there was one shopping centre in Queensland last week which refused Mr Borbidge entry—by and large get a table and two helpers and sit in a shopping centre and have all the relevant Australian Electoral Commission material there for people to apply on if they have shifted address or are not on the roll. But the AEC themselves do a very good job. In fact, at the present time, they are doing a habitation review in Hinkler. They may be doing it across the country. I know the shire I live in, Burnett Shire, has now given all residences a street or road name. It is done for emergency services, and the number you have is

the distance from where the road starts, which is very good for ambulance and fire services. The Electoral Commission is updating that. For instance, mine is 94 Windermere Road, and so they have redone a check to ensure that everyone who is listed as there lives at that address. In fact, because I obviously know some of the staff there, I spoke to a lady the other day when she rang. I said at the time that both my daughters were in Japan, one finishing a degree and the other one teaching. I said, 'Given all this, I want to make sure that we are not breaking any of the electoral acts. Stacey Jane is back now and starts teaching today in Bundaberg, and my other daughter's permanent residence is our place; it is just that she is over there for another six months in Japan.' They said, 'Fine. This is still her address.' So, yes, with the resources they have, they do a good job—but, again, I think you need to look at whether you can increase the resources for them.

Senator BARTLETT—What about the importance of postal voting at election time? Is that something also that you would put a lot of energy into, to ensure that those people who cannot get to a booth are able to vote?

Mr Courtice—Yes.

Senator BARTLETT—What I am concerned about is that, in the light of all the concerns that are raised about the integrity of the roll and possible rorting of the process, if we make a whole lot of changes to the act that actually make it harder for people to enrol or harder for them to vote, that is likely to have an even bigger impact on the legitimacy of the outcome, isn't it?

Mr Courtice—It is a small concern in so much that, if postal voting can be rorted in the political process, there would be concern that it could also be rorted in the general election process for government. However, by and large, my understanding is that the people that were using that process were doing it for internal elections. They were not doing it to double vote for a political party. It was about power within the system.

I think it is important to have stringent controls on postal voting. I like the old walk up to the ballot box because it is safer, but I realise there are a lot of people in isolated areas who cannot get easily to polling booths on polling day. For instance, Monogorilby is a place I am sure everyone other than Queenslanders have never heard of. It is down between Chinchilla and Mundubbera. Right in the middle of nowhere there are about 100 voters. It is now in Wide Bay. It used to be Hinkler. For those sorts of people it is much more sensible for them to have a postal vote than to drive for two or three hours to get to a polling booth. You have to balance the two up. I think the commission do as good a job as they can under those circumstances.

Senator BARTLETT—Just in terms of the AWU, I think it might have been Mr Ludwig saying all this stuff about the AWU faction being irrelevant to the AWU union because they are completely separate things. Can you just clarify for me, as a non-Labor person, all this stuff we have heard today about the AWU and how it works, and how that relates or not to the AWU faction?

Mr Courtice—Firstly, there are quite a number of people that may well be members of the AWU faction who are members nominally because they are right wing. There are two right wing factions in Queensland to choose from—Labor Unity, which is the small right wing unions

other than the AWU, and the AWU itself. Historically, the Australian Workers Union has had a massive influence industrially and politically outside of Brisbane in the regional areas. Therefore, you would find that there are nominal members of the AWU who are not involved in any of this nonsense by virtue of where they live and the areas that they represent. However, the fact is that the AWU faction is the political arm of the AWU and is run by Bill Ludwig totally. When I voted for Paul Keating I got chucked out of it. That is the way it is.

Bill Ludwig runs it. Bill Ludwig insisted everyone do as he said and he always has. None of those little apparatchiks would go to the toilet without his permission because the only way they are ever going to get promotion is to please him because he runs it like an iron fist. He is paranoid and he has the same mentality as Joseph Stalin. That, sadly, is a culture that has been brought over from Joe Bukowski's days. Joe Bukowski threw out a premier of Queensland because he went to school with him and did not like him. He brought down the Labor government in 1957, well after the split in 1954 in Victoria.

The fact is that the AWU faction is the AWU union's faction and it is there to maintain the political influence to protect the industrial power that the AWU has. Anyone who is not aware of that need only go to an ALP conference and see all the little batons put up when they vote. They do not vote independently. The voting papers are collected. It is run ruthlessly and efficiently. I am sure that two of the members here have been on the receiving end of that at conferences. That is the way it works. The AWU faction is the AWU and is Bill Ludwig. Absolutely.

Senator FERRIS—Thank goodness none of the unions are here.

Mr Courtice—Absolutely.

Senator BARTLETT—You touched a bit on and indicated your support for reforms such as those the Premier has put forward. Do you have other recommendations or suggestions, whether administrative or legislative?

Mr Courtice—I think that he has probably covered all of it. Peter was state secretary of the party. He was an official in a railway union. He has a very good understanding of how to improve things. One of the things that he has done, as I have said, is try to reform the process within the party as well as for government per se. All the way along the line he has been attacked and hamstrung by Bill Ludwig and the AWU. The proof is here in *Hansard* where the other side of the fence is defending the entrenchment of the rotten system.

Senator BARTLETT—So all our committee needs to do is adopt Peter Beattie's package and we should be right.

Mr Courtice—I think, in seriousness, that what needs to be done is to see how that is implemented and how the mechanics of that are implemented, and if it works like a smoothly oiled machine, then that is great. If there are little niches at the edge that need to be improved, fine. I think you can only watch, but I think it, by and large, addresses all the concerns that exist. As I said, I can only compliment the Premier on having the courage to do that under the circumstances that he has been placed in. It takes a lot of guts to do that.

Senator BARTLETT—Thank you for that.

CHAIR—Just a few follow-up questions that I have as chairman—and there might be other coalition MPs that have some as well—and then whatever time we do not use we will give to the ALP as an opportunity to ask further questions. Peter Beattie has been bandied about a bit this morning by the Labor Party. You were a member of the federal parliament and a state AWU organiser in the 1980s and, of course, Peter Beattie was state secretary of the ALP, and you have talked about the institutionalised corruption of the AWU: were you aware of the institutionalised corruption of the AWU back in the late 1980s and early 1990s?

Mr Courtice—No, I was not. I was not aware of what has come out of Shepherdson either; and all—bar those people that were doing it—would not be aware of it for these very reasons: (a) it was illegal; and (b), it was done to maintain the dominance of one faction. People within that faction either were mushrooms and did as they were told or, like me, fell out with them and were ostracised; therefore there was no way that Peter Beattie was ever going to know what was going on. They would not tell him, because they hated him. They kept him out of cabinet for three years and, again, as I say, when he tries to reform the industrial process of Queensland and clean it up, he gets bagged by the Leader of the National Party, who is talking about rorts, who is helping to maintain the entrenchment of the bloke behind the rorting of Queensland, Bill Ludwig. So there is no way that Beattie would have known, and the majority of Labor people would not have had a clue.

CHAIR—Can I draw you back to the AWU slush fund that we were talking about—the official social club. You said that there was about one-quarter of a million dollars going into it every four years?

Mr Courtice—Yes.

CHAIR—At about \$20 a week?

Mr Courtice—Maybe more now.

CHAIR—It probably is more now, I would have thought; but maybe it is not. Maybe it is about \$20. So, over the period since 1986, at least in your knowledge—

Senator FAULKNER—We do not know if it exists.

CHAIR—We know it has existed, because Mr Courtice actually made contributions to it out of his pay.

Senator FAULKNER—But you are speculating on what the situation is now. Mr Courtice has not done that.

CHAIR—Over that period of time—

Senator FAULKNER—Mr Courtice gave evidence about Mr Courtice's experiences; he did not speculate about what is a fair amount.

CHAIR—that would have been about \$900,000—that is, with a minimum of \$20 a week. And you say they spent about \$300,000 on the campaign to defeat you, and Mr Ferguson said that made a significant dent in the figure. But it still leaves potentially \$600,000—if it has continued as it was in 1986.

Mr LAURIE FERGUSON—With respect, Mr Chairman, it also refers to a number of federal ballots that occur as well.

CHAIR—Yes. Where is the \$600,000 today?

Mr Courtice—I would not think there would be \$600,000 there. Firstly, there are federal ballots, as the vice-chairman has said, and there was a federal ballot for federal positions, as well as the state ballots in 1997 in which—

Mr McCLELLAND—Was there one before that too, with Errol Hodder?

Mr Courtice—There was—every four years there are federal ballots—in which, actually, Ludwig was defeated for national president. The ticket that I supported got up, and Graham Roberts from Wollongong became national president of the AWU. So they would have used a lot of money in that, as well.

Senator FAULKNER—You have to get a win every now and then!

Mr Courtice—Every now and then! So they would have used a lot of money there. However, you are correct that if the fund is still operating—I do not know if it is, but it certainly was, clearly, in 1996, unless they pulled the money out of the sky or construction companies gave them the dough, which is possible—the fact is that there would still be a six-figure amount available by the next ballot this year, if they kept on raising money at level. But that is speculation; I have no way of knowing, and they are certainly not going to tell me.

CHAIR—Is it possible that the AWU official social club fund was used to fund ALP candidates for preselection within the ALP from the AWU faction?

Senator FAULKNER—Point of order, Mr Chairman; it is a hypothetical question.

Mr Courtice—I cannot answer that, I do not know. I do not know the answer.

CHAIR—He says he cannot answer it.

Senator FAULKNER—No; but it is a hypothetical question, and it seems to me it is inappropriate for you to ask.

CHAIR—You have asked a number of hypothetical questions—including Mr McClelland's questions about the Liberal Party.

Senator FAULKNER—I have not asked any hypothetical questions, and I certainly would not ever begin a question with the words 'Is it possible that'.

CHAIR—Thank you for your advice. We will certainly take that on board.

Senator FAULKNER—Listen carefully and you might learn how to do it.

Mr Courtice—I have no knowledge as to whether that fund was used for those purposes. However, it could have been. What I am saying is that, if the secretary wanted to use it for whatever, he had the power to do it. But I have no idea what he does, or what he did, with it.

CHAIR—Are you familiar with the allegations made by Lee Bermingham about delivering 14 membership forms to a Mr Neil Frost at the AWU offices in 1994?

Mr Courtice—I have seen the report of that evidence in the papers but I have no knowledge of it at all. I have been in the cull since 1991, so these dudes were not going to tell me anything. In fact, I thought it was interesting when Lee Bermingham offered to give me a hand. I took the view, and it has since been reinforced by speaking to union officials from other right wing unions, that not only was he having a dollar each way but also he was the intermediary for a lot of other people within the AWU and the ALP, some of whom have become famous through the Shepherdson inquiry and some of whom have not. Basically, half the AWU faction was having a dollar each way in the union ballot in case I won. When I lost, they all ran back into the shadows and left Bermingham holding the baby. So he is the one who copped it in the neck for being their intermediary. I have no close relationship with any of them.

CHAIR—Are you aware of any other funds within the AWU which could have been used to pay for ALP memberships besides the social club fund?

Mr Courtice—I was offered 30 grand to look after three politicians if I become state secretary, and I turned it down. I do not know where that money was to come from. Again, that was mentioned to me through John Black. Since, from discussions I have had with other people, I tend to think that it was a slush fund in Queensland, but I have no idea where it came from.

CHAIR—I do not quite understand what you mean by your being offered \$30,000. This was to do what exactly?

Mr Courtice—To look after three politicians if I become state secretary.

CHAIR—What does ‘look after’ mean?

Mr Courtice—Ensure they kept getting promoted.

CHAIR—I am in the Liberal Party and we do not have this culture of corruption that exists in the Labor Party.

Mr Courtice—I simply rejected it, because I thought it was not a bright thing to do. Where that offer came from, I have no idea; I did not bother asking.

Senator MASON—Mr Courtice, when Mr Beattie became leader of the state parliamentary party in Queensland, he had the backing of the AWU, didn't he?

Mr Courtice—I would imagine so.

Senator FAULKNER—You do not know?

Mr Courtice—No, I do not know.

Senator MASON—Hold on.

Senator FAULKNER—I do not want him to imagine; I want him to tell us whether he knows or not.

Mr Courtice—I would say that it was quite clear that he was the best candidate and they would have looked damned stupid if they had continually opposed him so they had no choice but to support him. In the end, no matter how biased a cricket selector you are, you still have to pick Ricky Ponting because he is a damned good batsman; you still have to pick Gilchrist as the wicket keeper. In the end they had no choice but to support Beattie because he was the best.

Senator MASON—The AWU supported Mr Beattie; he was elected parliamentary leader at the state level of the Labor Party. In response to a question from Senator Bartlett, you said that the AWU has a massive influence on the Australian Labor Party—they were your words.

Mr Courtice—Absolutely.

Senator MASON—If the AWU called their support for Mr Beattie, could Mr Beattie maintain the leadership of the party?

Mr Courtice—Unquestionably.

Senator MASON—Would he gather enough numbers?

Mr Courtice—He would maintain the leadership, because he is the best leader we have. In fact, if Bill Ludwig went away, our vote would go up. One of the reasons why Peter Beattie is ahead and why he is going to win the election is that he is cleaning the show up. Everyone knows the AWU is on the nose and that Ludwig is a crook. It is not a secret. He is an embarrassment to the party and he is an embarrassment to industrial relations and to the union itself. The problem is that he is propped up on one side within the Labor Party by the way in which he fraudulently affiliates with the party and on the other side by the bosses and Rob Borbidge. So the problem is that both sides keep him there. Somewhere down the track this has got to be cleaned up, and that is why I have asked for a royal commission. If Johnny Howard is prepared to have a royal commission you will clean it up, because you will get to the bottom of all of it.

Senator MASON—You have mentioned there is all this corruption and fraud. Could you have risen to a senior position in the Australian Labor Party over the last five years and not know about this?

Mr Courtice—Absolutely.

Senator FAULKNER—That answer does not suit you, Senator Mason.

Senator MASON—Earlier today you have been detailing massive corruption—

Mr Courtice—Absolutely.

Senator MASON—over years and years, since Mr Hodder in fact.

Mr Courtice—I use that as a reference point only.

Senator MASON—When was Mr Hodder the general-secretary?

Mr Courtice—Errol left and went to the national secretary's position in about May 1988.

Senator MASON—That is 12, 13 years ago?

Mr Courtice—Twelve years ago.

Senator MASON—Let me ask the question again: you think you could rise to a senior position in the Australian Labor Party and not know anything at all about this rorting—nothing?

Mr Courtice—Yes. I can tell you why. It is the same as saying to the taxation department, 'Why don't you know about Fred Bloggs who is ripping off the system?' Unless they get the evidence, unless the evidence is there, they are not going to do it. It is the same as saying to a police inspector—

Senator MASON—Did Mr Beattie go looking for it? Was he told about it ever? You knew him well. Did you tell him about it?

Mr Courtice—If I had known about it I would have—

Senator MASON—You did, didn't you? You said that earlier today.

Mr Courtice—What I know about is—

Senator MASON—You said you were a good friend of his. Did you tell him anything about it?

Senator FAULKNER—Do you think you are Perry Mason?

Mr Courtice—When you have finished asking me the three questions I will answer your questions.

Senator FERRIS—Didn't you like the answer, Senator Faulkner.

Senator MASON—You have said you knew about this since 1988. You have said you are a good friend of Peter Beattie, he is a great mate of yours. You never mentioned this to him?

Mr Courtice—I do not say that I knew about the corruption since 1988.

Senator MASON—You have known about it since 1996.

Senator FERRIS—What about the slush fund?

Senator MASON—That was your evidence.

Mr Courtice—When you have finished asking me the questions I will start answering them in order. In 1988 Bill Ludwig took over as state secretary of the AWU—that is what I said—and Errol Hodder went to Sydney. I do not know about corruption in 1988. If I had known I would have stood up in parliament and exposed it.

Senator MASON—But your evidence today is this: that in 1996 you discovered all the fraud and so forth relating to the AWU. That is your evidence and it was also in the *Four Corners* transcript.

Mr Courtice—What I discovered was that there were—

Senator MASON—Did you raise this issue with Mr Beattie?

CHAIR—He is asking a direct question.

Senator MASON—It is a fair question.

Mr LAURIE FERGUSON—You have asked him 17 questions in two seconds.

CHAIR—He has asked him a direct question about whether he raised it with Mr Beattie after 1996.

Senator FAULKNER—He can ask whatever questions he likes, but also Mr Courtice and any witness is entitled to answer them.

CHAIR—Order! It is a fair question. Let Mr Courtice answer the question.

Mr Courtice—During the course of that union ballot, in 1996 and 1997—and I repeated this on *Four Corners*, you are correct about that; you are not correct about the rest of your question—I discovered in particular when I went to the union office and looked at all the part payments that about a third of the members had no addresses. I made that statement public.

CHAIR—With respect, Mr Courtice, we have taken that evidence two or three times today. The specific question that Senator Mason asked you was whether you raised it with Mr Beattie after 1996.

Senator MASON—It is a direct question.

Mr McCLELLAND—Define it.

CHAIR—The corruption that he discovered when he went to the offices in 1996.

Mr McCLELLAND—Define your corruption. Fair go.

CHAIR—Read the *Hansard* when it comes out. It is all there.

Senator MASON—Thousands of people—

Senator FAULKNER—I raise a point of order. It seems perfectly reasonable if we are to ask questions of any witness—and Mr Courtice is at the witness table at the moment—that the witness be given an opportunity to answer them. Some of Mr Courtice’s answers today, particularly to some questions I asked, were quite lengthy. I did not interrupt him; I let him answer. You have interrupted him as chair, which is most inappropriate.

CHAIR—We have time constraints.

Senator FAULKNER—Senator Mason has asked a number of questions. I have counted 11, only one of which—

Senator MASON—I have asked a direct question and I would like to know the answer.

Senator FAULKNER—This is my point of order. He has asked 11 questions. That is all right, but give the witness a chance to answer the questions. I do not particularly want to defend this witness, but every witness before the committee ought to get a fair go. Don’t forget this committee is conducting a witch-hunt during a state election campaign.

CHAIR—Thank you, Senator Faulkner, for your political statement. Now, would you like to answer the question?

Mr Courtice—If I can get back to answering the question, after I discovered that a third to a half of the memberships had no addresses I made that statement public. Everything I have discovered I have made public. I do not see where you are coming from in saying, ‘Did I tell Billy Smith and Freddie Jones?’ because I told the world: I spoke to the paper and went on TV.

I had no evidence other than that I knew that a third of the members had no addresses. I had my suspicions, but I had no specific proof to lead to any prosecutions. If I had, I would have taken it to the appropriate authorities. There was no point in my running to Peter and saying, ‘Guess what? I think these so-and-sos are bloody crooks.’ What would have been the point?

Senator MASON—Did Mr Beattie call you and want to discuss it?

Mr Courtice—Can I say one thing, Senator. I have been in the House of Representatives for six years and I know the game. I will answer your questions my way.

Senator MASON—I thought you might.

CHAIR—But you cannot mislead the committee.

Mr Courtice—I am certainly not being misleading.

Mr McCLELLAND—I ask the chair to withdraw that.

CHAIR—I am just warning the witness.

Senator MASON—My question is fair.

Mr Courtice—I am happy to answer your questions, but if you are going to ask me, ‘Have I stopped beating my wife?’ I am not going to answer yes or no, because you know what the answer is.

Senator MASON—I am asking: did you discuss this issue with Mr Beattie?

Mr Courtice—Can I answer the question?

Senator MASON—It is a very fair question.

Mr Courtice—Fine. Can I answer the question in my own way?

Senator MASON—Yes.

Mr Courtice—The fact of the matter is that I made all my concerns public. Why would I go and annoy the Premier and say, ‘Guess what?’ If I had any evidence of proof, I would have given it to him and to the police.

Senator MASON—Did he phone you to discuss it?

Mr Courtice—No, he did not. Why would he?

Senator MASON—Thank you very much, Mr Courtice, that is fine.

CHAIR—Are there any other questions?

Senator FERRIS—I would like to make one point relating to Ms Ehrmann’s evidence where she talked about a meeting that she went to where Mr Beattie told her that she then belonged to him. She said—and I will quote the *Hansard* here:

He was nice about it, but he said, ‘You belong to me now.’

I just wonder how somebody could say, ‘You belong to me now,’ in a factional sense and not know that these things were controlled by, if you like, forces outside the office that he was then occupying, which was the office of the state secretary. We now know that the state secretary before him and the state secretary who followed him not only were aware of these things but had some involvement in them to a lesser or greater extent. Do you still believe it would be possible to be the state secretary of the Labor Party, who was clearly engaged in some kind of

factional war with the AWU and other unions which I do not quite understand, and not know that this sort of thing was actually occurring?

Mr Courtice—I do.

Senator FERRIS—You think it is possible for him to have done that?

Mr Courtice—Can I answer it this way: I do, because if he had been able to get any evidence he would have used it, as I would have, because the people that had been doing the wrong thing were his enemies. The fact is that it is certainly possible. It is like saying to a police inspector, ‘Why don’t you know that there is a bank robbery on today?’ Of course he cannot know until it happens. Do you know what I mean? There is no way that he would have known.

Senator FERRIS—Sure, but you have already said that he has obviously come to some accommodation with these people; otherwise he would not be Premier today?

Mr Courtice—No, I did not say that, Senator. What I said was that they would have been mad not to support him, because he was the best candidate there. They had no choice.

Senator FERRIS—But they accommodated the enemy, as your saying Santo Santoro and those others propped up what was apparently the enemy.

Mr Courtice—Yes, but the difference is—

Senator FERRIS—Somebody has been accommodating all round, whether or not he was the best person for the job?

Mr Courtice—There is a difference between accommodating and individual members of caucus voting to elect a leader. There are some instances where a little bit of courage does exist. Some of those caucus members would have voted for him regardless of what Ludwig said. There was no point in the AWU opposing Peter Beattie for the leadership, because he was going to win. I would think they took the view that they sat back and let him win because they could not stop him.

Senator FERRIS—And they are now accommodating him even though he was their enemy?

Mr Courtice—They do not have any choice because—

Senator FERRIS—But they are. I do not disagree with you about that, because I do not know who might have been available, but I am just saying to you that you said that they kept Peter Beattie out of cabinet for some years because he was their enemy.

Mr Courtice—Correct.

Senator FERRIS—Now they are accommodating him as the Premier because, you say, he was the best man for the job. Does this mean that he is no longer their enemy and therefore all these deals have been done where nobody rocks that boat?

Mr Courtice—No.

Senator FAULKNER—Do not ask Mr Courtice: how would he know?

Senator FERRIS—I wish we had the opportunity to ask him. Perhaps we will call him in due course.

Mr Courtice—The difference is that individual members of caucus—some of whom are nominal members of the AWU but are not involved in any of the union activities at all and would not even know a lot about the union but who chose to be in that part of the right-wing faction instead of Labour Unity—would vote for Peter Beattie regardless of what Bill Ludwig said; and some of them that would probably tell Ludwig to go and jump in the lake if he tried to influence them. So they are not accommodating.

Senator FAULKNER—With respect, Mr Courtice, how could you be expected to know all this?

Senator FERRIS—Please do not keep interrupting!

Mr Courtice—I can only give a hypothetical answer, Senator.

Senator FAULKNER—Of course you can.

CHAIR—Have you finished your questioning? Thank you, Senator Ferris.

Mr SOMLYAY—Very quickly—if I might digress and return to the terms of reference—Brian, when you were a federal member, you will recall that quarterly or monthly the Electoral Commission notified you of new enrolments?

Mr Courtice—Correct.

Mr SOMLYAY—And, like a good marginal seat holder, you would have written to them in their interests?

Mr Courtice—Yes.

Mr SOMLYAY—Quite a few of those would be returned to you, ‘Not known at this address.’ What did you do about that? Did that raise suspicions in your mind that something was happening?

Mr Courtice—No, it did not. In all honesty, I did not know that any sort of electoral rorting was going on. That might seem naïve; but, when you are holding a marginal seat and you are going flat out the whole time, they are the last things that you have the luxury of even thinking about. I think you have to be in a very safe seat to get up to Machiavellian politics—

Mr SOMLYAY—Or in another house!

Mr Courtice—Or in another house. I never thought there would be anything untoward. I always believed that the ability of the electoral office would fix those things up. I was also aware that people would come in and out of habitation. For instance, for every 10 people who come to Queensland, about four go back. So we get about 60 per cent of the total gross migration to Queensland. Australians are very migratory within the country, both intrastate as well as interstate; so I thought that was just the way it was; I never considered there was anything wrong at all. I never heard of it within the party, either. That is why I have said that this was in-house and very well kept in-house. Whether you use the words ‘pub talk’ or ‘corridors of parliament’, I never heard of any of this stuff. Up until 1991, I was a member of the AWU faction; so they kept it very bloody quiet within a small group. I never heard of it.

Mr SOMLYAY—In his book, Peter Beattie refers to an occasion when he was standing for preselection for a bayside seat and he was visiting preselectors. Surprise, surprise! One was a vacant block! He refers to that in his book. The problem of enrolling people at vacant blocks in the ALP must have been happening then. Peter Beattie must have been aware of it then: it is in his book.

Mr Courtice—I have not read the book yet, but I have heard that comment by someone else. I think Pauline Hanson raised it on Steve Liebman’s show the other day.

Mr SOMLYAY—That is not where I heard it.

Mr Courtice—No; I did not expect that Pauline Hanson would talk to you regularly, Alex. Even so, the problem is this: even if you are aware that that is not right, finding out who the hell did it and how it happened is much more difficult. These people covered their tracks. They covered their tracks so well that neither the media nor anyone else in the party that was disadvantaged by this knew about it until Karen Ehrmann got caught—which was only last year. So it was well concealed. There was no way they were going to tell someone like Peter Beattie, because he is a reformer: he reformed the ALP through intervention and he is reforming it now—as he has tried to reform the Industrial Relations Act. So, while he might have got to a vacant block and thought, ‘This is funny!’, how he could go from there to find out who the hell did it—and prove it—is a hard thing, because these blokes do not advertise that they are doing the wrong thing.

Mr SOMLYAY—But that person had a vote in his preselection.

Mr Courtice— I do not know about that.

Senator FAULKNER—How could Mr Courtice know that? Fair dinkum!

Mr Courtice—I am not disputing your statement; I just do not know.

CHAIR—As Mr Somlyay has no further questions, we have 20 minutes for questions from the opposition, if they wish to avail themselves of that time.

Mr LAURIE FERGUSON—Mr Courtice, Senator Mason was very interested in whether you had received phone calls from Mr Beattie about this, and what Mr Beattie knew about, et cetera. This very committee conducted an inquiry into trade union ballots, after a lot of fanfare

from the minister. Did you receive any contact at all from Minister Reith about the problems you confronted?

Mr Courtice—Not at all.

Mr LAURIE FERGUSON—From the chairman of this committee?

Mr Courtice—No.

Mr LAURIE FERGUSON—From the Prime Minister?

Mr Courtice—No.

Mr LAURIE FERGUSON—So when they conducted an inquiry in 1996-97 into trade union ballots in this country—which members over there today are so concerned about and are aghast about the corruption of, et cetera—no-one contacted you. You were not asked for any evidence?

Mr Courtice—No.

Mr LAURIE FERGUSON—You weren't asked for any evidence?

Mr Courtice—Not to my knowledge. I cannot remember anyone contacting me. I am certain they did not.

Mr LAURIE FERGUSON—What do you put that down to?

Mr Courtice—I guess the fact that there are still partisan politics on both sides of the fence.

Mr LAURIE FERGUSON—Quite frankly, you and others have talked about a royal commission. On that track record with regard to genuine interest about the conduct of the democratic structures and democratic ballots inside trade unions, isn't it pie in the sky to talk about the Prime Minister running some royal commission into this ballot?

Mr Courtice—I would like to think not. On the basis that it has been clearly proven through the events of the Shepherdson inquiry and through evidence already given to this committee, I would think from my observations that there needs to be. If there needs to be and if the Prime Minister does not have a royal commission into the Queensland branch of the AWU, he is neglecting his duty and that will reflect—

Senator FAULKNER—How could he do that, Mr Courtice, even if he wanted to? As I say, he has not even had an inquiry into Mr Reith's telecard. How could he do that jurisdictionally?

Mr Courtice—Unfortunately, I am not a lawyer, so I cannot answer that legally.

Senator FAULKNER—Not legally, but I can still ask the question.

Mr Courtice—And I think it is a good one. The fact is that, if you are in government and you are running the country and you know that there is a dead rat in the corner, you fix it up. So there must be a way legislatively that he can do it. After all, they did have a Costigan inquiry into the painters and dockers, so why not into the AWU? It is as simple as that.

Mr LAURIE FERGUSON—The reality is that this very committee, which is so concerned today about trade union ballots and the AEC and the validity of these ballots, had an inquiry and basically come down with a result that was a total damp squib. They did not make any suggestions to solve these kinds of problems, nothing happened. Isn't that the reality?

Mr Courtice—To my understanding, that is correct.

Mr McCLELLAND—I have two questions. You mentioned that Peter Beattie is a reformist in terms of, firstly, the industrial legislation here to try and reform the situation and also in terms of the party political processes. In instigating those reforms, has he been influenced, do you think, by any trade union?

Mr Courtice—Not at all.

Mr McCLELLAND—The second question I have is: is there anyone else in Queensland driving this reform of internal party political processes?

Mr Courtice—No, not a bit, only Peter Beattie.

Mr McCLELLAND—If he was defeated, the drive would end?

Mr Courtice—Given that Rob Borbidge has defended the AWU's entrenchment here in *Hansard*, the rot would stay there, absolutely. Ludwig has been entrenched in power by the bosses, and that is the problem. Every other unionist from every other union in Queensland will tell you so. Right here in Queensland—

Senator MASON—In 1996, though?

Mr Courtice—Sun Metals in Townsville is a classic example of that. There were pickets out in the street because the EBA was done without one worker walking onto the workplace. The *Four Corners* program told me that they interviewed people here who said that 50,000 went to the AWU as a consequence of that EBA. I imagine that was to pay for tickets. They would have written out tickets for the blokes on the site. My understanding is that they got the union coverage for the construction phase. The blokes were undercut in wages, so the company benefited. The construction finished and then the other unions had to apply to get coverage. So effectively, the AWU has become a bosses union, and that is why the bosses and Borbidge underpin them.

Senator MASON—And Peter Beattie didn't make a phone call to you?

Mr Courtice—Neither Peter Beattie nor Peter Reith rang me.

Senator FAULKNER—I wonder whether you could let us know when you were approached by this committee to give evidence.

Mr Courtice—A couple of weeks ago Dr Christine Moore, I think her name is, who I believe is in the secretariat, rang me up and asked me if I would give evidence. I agreed, for two reasons—

Senator FAULKNER—I appreciate you agreed; you are here, and I think you explained that in your opening statement. My question was when.

Mr Courtice—A couple of weeks ago.

Senator FAULKNER—Would you be able to be more specific?

Mr SOMLYAY—Before the election.

Senator FAULKNER—I appreciate that it was before the election was announced last week.

Mr Courtice—I would expect that Christine would have a record of the phone call, but I cannot be any more specific than a couple of weeks ago. I did not make a note of it.

Senator FAULKNER—I am not suggesting, by the way, for one minute that it was after the election was called. Of course it was before the election was called. As far as the opposition members of the committee are concerned, the question of the hearing time had been established before the election was called. It was the calling of the election, in our view, that meant we would not want to prejudice other activities and felt that this hearing, the one that is set down for Townsville in Queensland today as opposed to the one set down in Sydney tomorrow, ought not go ahead until after the conclusion of the campaign. So I was not suggesting for one minute that there was an interrelationship with the calling of the election. The point is that you did not make a submission to the committee, did you?

Mr Courtice—Not at all. I have made no contact with any of the members and I have not spoken to any of the members at this hearing.

Senator FAULKNER—So do you understand the motivation of your being called before the committee?

Mr Courtice—I don't, but my assumption is that it is because of this and because I called for an inquiry into the 1984 ballot because of this outrageous piece of junk by the Bundaberg *News Mail*. As I said earlier, I went on television that night in Brisbane to say, 'Let's look at 1984, if you are going to accuse us of rotting in 1987.' Even the editorial, which is just ridiculous. So I assume that is what it was about. Of course, prior to that I had been on the *Four Corners* program and I did not approach *Four Corners*. I have not approached anyone. But, as you know, once you throw a few grenades, you are going to attract the interest of the media.

Senator FAULKNER—Did the committee secretariat indicate to you what the committee was seeking and this inquiry into the integrity of the electoral roll?

Mr Courtice—The committee secretariat sent me—I have copies here—what the terms of reference were. I said to Christine, ‘You can ask me whatever you like. I will tell the truth. I’ve got nothing to hide. I haven’t done anything wrong.’ That is the way it is.

Mr LAURIE FERGUSON—You at no stage indicated any difficulties in coming before this committee?

Mr Courtice—No. I just said to Christine, ‘Do you realise how far Townsville is from Bundaberg? It is a hell of a long way.’ The reality is, as you probably know, that Brisbane is 25 airline miles closer to Melbourne than Cairns. It is a big state. She explained that the committee would fly me up here and cover my accommodation for the night, which I appreciated. I said, ‘If you want to ask me some questions I will go.’ It would not have looked good if I was subpoenaed or if I refused to answer questions because it would have looked as though I was trying to cover something up. So I was happy to come along.

Mr LAURIE FERGUSON—So you would be surprised at speculation by the chairman that you might be a reluctant witness and need a subpoena?

Mr Courtice—I know nothing about that.

CHAIR—We have not issued a subpoena to Mr Courtice.

Mr LAURIE FERGUSON—He is one of the people you cited as an unlikely witness for the committee.

CHAIR—No, I didn’t. I said we needed to have a list of subpoenas in case they were needed.

Mr LAURIE FERGUSON—You named a few unlikely witnesses for the committee.

Senator FERRIS—What is the relevance?

CHAIR—Senator Bartlett, do you have any further questions? This stuff is nonsense.

Unless there are any other final questions, I would like to thank you very much for coming today, Mr Courtice. I appreciate your coming, knowing that you are a Labor man and there was some difficulty, I guess, in your thinking that you might have to say some difficult things for the Labor Party. I assume nobody tried to discourage you from coming today.

Mr Courtice—No-one.

CHAIR—Good. Thank you very much for your time. We will take a short break and hear from Mr Gillman.

Proceedings suspended from 11.09 a.m. to 11.26 a.m.

GILLMAN, Mr Terence Noel (Private capacity)

CHAIR—Mr Gillman, I welcome you to today's public hearing and remind you that this is an inquiry 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 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. You were also not present this morning when I opened the hearing and indicated that everything that is talked about is covered by parliamentary privilege, so you should feel completely protected to be entirely honest about everything you know to do with the committee's inquiry. Do you wish to make a brief opening statement before I turn to questions?

Mr Gillman—Mr Chairman, I am not sure what capacity I appear here in. I was a preselection candidate back in 1996 against Karen Ehrmann, so I guess from your point of view that is the capacity that I will appear in.

CHAIR—Do you want to make an opening statement?

Mr Gillman—I did have a very short statement to make—maybe it might be better at the end of the hearing. They are my thoughts, through my experience at the sharp end of electoral roting, to put to the committee. It would be a brief statement, and I can leave that go until the conclusion.

CHAIR—I think you should make it now, Mr Gillman, because we might want to ask you questions about it.

Mr Gillman—Okay. I think it is important not only from my point of view but from Australia's point of view that the whole democratic process in Australia—the democratic right to vote and the exercising of that right—should be protected at all costs. Every possible barrier should be removed to ensure that as close to 100 per cent of eligible voters of the Australian population do exercise that right, and I think that should include the continuation of compulsory voting. I believe that some of the moves put before this committee include voter ID and registration limitations of voters, and they probably would hinder that process.

The integrity of the electoral roll is essential in a truly democratic society. Unfortunately, what has happened over the last decade, which we have seen exposed in the Shepherdson inquiry, undermined the integrity of the electoral roll. From the Labor Party's point of view, processes are in place now to correct that. However, I think that the apathy of a lot of people generally to the democratic process has resulted in people taking a blase attitude as to how the electoral roll should be treated in the way of fraudulent enrolments and whatever else. A lot of people in the community do not understand how important it is to have that roll correct,

otherwise we will end up having a system of government like they have in Central America or in places like Burma if we do not ensure that integrity.

The penalties for electoral fraud should be increased. What happened in Thuringowa in particular, from my experience, was absolutely diabolical. A lot of people do not know what happened there—the intrigue and whatever else—and should take the time out to maybe find some more information out about it. But it was absolutely diabolical. The Australian Electoral Commission and the Queensland Electoral Commission should be given better resources and better systems to keep an eye on movements and to detect electoral fraud earlier in the piece, maybe through better computer systems and better cross-referencing with the electronic systems available today.

Finally, I want to touch on the idea that there should be a public awareness campaign to educate the community, first of all in the appreciation of our democratic system—using comparisons to illustrate the world’s other not-so-democratic systems—and the importance of retaining that system, which should be done by exercising their right to vote in federal, state and local government elections; and in the importance for them to be on the electoral roll and to be correctly enrolled in the appropriate area that they are living in. That public awareness campaign can be done by media or direct mail. It was very interesting to note in the *Townsville Bulletin* last week that, because of the Shepherdson inquiry and the circumstances revealed there as to electoral fraud, et cetera, the Australian Electoral Commission is now receiving 8,000 calls per day from people seeking to alter their electoral roll details. So that has been a direct ‘silver lining’—as I think Peter Beattie called it the other day—to the whole affair. Since this whole thing has been exposed and people are starting to think about it, they are now more concerned about their correct enrolment. Also, there should be special programs in the school system, particularly in grades 10 and 12, with the kids coming up to be eligible to vote at 18, so that they understand all those things. There are hurdles to overcome: a general apathy in the community, the community’s mistrust of politicians and a cynical view of the political process generally. That is—with present company excluded—a view that is very strong in the community towards the status of politicians.

I believe that there should be a good look at the preselection process in all parties. The Labor Party, which I hold very dear as a long-term member of it, is not the only one that should be looked at. We should have a close look at the way other parties operate. That is to ensure a proper preselection process to ensure a better quality of person is preselected. Maybe the government should look at getting some standard preselection processes in place to make sure that people do pay their own membership; and that people with unlimited funds, if you like, cannot just go out there and buy 1,000 memberships to ensure their place in parliament. I think that is just morally and ethically wrong. That is what has happened in Thuringowa, where people have the resources to pay people’s membership. They should be registered in the area where they are eligible to vote, in any preselection process—and not live in Hong Kong, as I believe some of the Liberal preselection people eligible to vote are in those sorts of circumstances—and there should be an auditing by the Electoral Commission to ensure that that does happen.

In conclusion, Mr Chairman, I believe that if you have an honest candidate preselected by a political party—whatever political party it is—it flows on that you get a better quality of candidate in all parties, regardless of where you sit in the political spectrum, and the general

community will have more faith in the electoral process and in their politicians. When they see this sort of thing go on and people get involved in this sort of activity, it obviously flows into their representation, when and if they do get elected to parliament. That is a very fundamental problem, that the whole community is looking at the political process very cynically. If we address that first and educate people on how important it is to appreciate our democratic process and be on the electoral roll and vote, we are on the way to better things. These are my own personal views. They are not my union's view or the party's view. It is just something that I thought, after reading the brief and the terms of reference of the committee, might be relevant, Mr Chairman.

CHAIR—Thank you, Mr Gillman. The Labor Party might like to go first this time, since the government went first with Mr Courtice. Are there any questions from the Labor Party? We might limit it to 20 minutes for them, 20 minutes for us and the Democrats, and then any follow-up questions after that.

Senator FAULKNER—Mr Chairman, I am happy to kick off. Mr Gillman, I think you indicated that you have been a Labor Party rank and file member for a considerable period of time. How long have you been a member?

Mr Gillman—Twenty-four years.

Senator FAULKNER—Obviously one of the things that you were keen to do in terms of that involvement was, I suppose, take it to another level by nominating for preselection in 1996 for the state seat of Thuringowa.

Mr Gillman—Yes, correct.

Senator FAULKNER—I am not an expert in all the details of the Thuringowa preselection, as you can appreciate, but some details, of course, have become a little notorious. I know Ms Ehrmann was a candidate. Were there any other candidates in that preselection?

Mr Gillman—No, we were the only two candidates.

Senator FAULKNER—Okay. You discovered during the time—and you did what candidates do in selection ballots: you canvassed for votes and sought support to represent the political party of your choice—that there were irregularities and genuine concerns in relation to the eligible preselectors. I think that is fair to say, isn't it?

Mr Gillman—Yes, I did have concerns.

Senator FAULKNER—You might say to the committee, when you discovered these concerns, how you responded and what you did.

Mr Gillman—At the time, I basically revealed that a lot of the people who were on the ALP listings were not actually living at those addresses. It was very difficult to determine who was eligible to vote because, quite naively, when I first kicked off with it, I believed that essentially the majority of people who would be eligible to vote in the Thuringowa preselection would be in the three branches that existed at that time in the state seat of Thuringowa. However, it was

later revealed that in one branch in particular, the Heatley Vincent branch, there were about, I think, 150 people. It was a branch mainly used for sitting people in to use at the appropriate time when it came around to a preselection ballot. A lot of those people in that branch either had—I think it was about 40 per cent—addresses unknown or post office box numbers. So it was impossible, even by looking at the electoral roll, to determine who was actually on the roll in Thuringowa.

What made it more difficult also—you probably understand that the Australian Electoral Commission has its roll and, for the purposes of this preselection, the Labor Party used the Queensland electoral roll—was that there is a delay from when a person does change enrolment to when it actually shows up on the Queensland roll. Anybody who did not have the resources—which I was fortunate enough to get through Ken McElligott, who was in the sitting member's office at that time, in the way of an electronic roll update through the Queensland Electoral Commission—would be well and truly behind the eight ball, because you might have a Bill Smith with an address unknown and they could very well be in Thuringowa and you would never pick it up. So it is those sorts of things, Senator. Subsequently it was all revealed, but at the time I was very confused because I just did not know what I was up against, to be quite honest.

Senator FAULKNER—Sure. You, in fact, took action within the internal processes of the Labor Party because you were aggrieved by these occurrences. You took action at the time against what were the standing ALP mechanisms, if you like.

Mr Gillman—Initially, before I realised the extent of it, there were quite a number that I objected to through the returning officer, Joan Budd. Some were ruled out; others were left in. Following the endorsement of Karen Ehrmann, some of the media were ringing around people who voted in the plebiscite and found out that one fellow in particular, Kirby Newton, had his ballot paper picked up by Karen Ehrmann, and subsequently the vote was lodged without him filling it out. He provided a statutory declaration to that effect.

Once that started I realised that it was a much bigger thing than what I had initially thought, and I did take the issue to the ALP's internal disputes tribunal, which held a hearing for an entire day. I think it ended up finishing at 9.30 at night. They exonerated her at that time. This was not a formal court hearing; it was a hearing like this. There was formal legal argument and whatever.

Senator FAULKNER—I appreciate that, and I am aware that your complaint to the ALP disputes tribunal was dismissed. What you have been able to outline concisely is the history as we all understand occurred in relation to the selection ballot for that seat and your own involvement and that of Ms Ehrmann in it. I suppose the rest is history, as they say. Since that time, with Ms Ehrmann's conviction and subsequent jailing, the conviction of two others for electoral fraud, and of course the Shepherdson inquiry, things have moved along apace, as you would appreciate. I think events in that preselection and in Townsville more generally were very much the catalyst for a great deal of what has happened.

Could I now take you to the situation we find ourselves in in 2001. The committee is looking at the question of enrolment and the integrity of the electoral roll. We meet now in Townsville—in my view, improperly—during a state election campaign. We have of course had Premier

Beattie outlining a range of initiatives and reforms to both electoral law and the internal processes of the Labor Party. That is Mr Beattie's good government plan for Queensland. I wondered if you might indicate to the committee whether you feel that this is a significant step forward, and what your response is to Mr Beattie's initiatives and what you think their significance might be.

Mr Gillman—In the last 12 months or so, Mr Beattie has come a long way towards addressing a lot of my concerns. There have been changes to the rules now, and people have to be registered with an ALP branch for 12 months in lieu of the previous six months. Their address for the purpose of voting in a preselection plebiscite must be frozen as of 31 March each year so that when the ballot opens people cannot go running around changing people's electoral enrolments. Kim Beazley made some moves, I believe at the national conference, to prevent people from paying other people's memberships, except for immediate family, which is a practical thing to do. There is a bit of a way to go yet. I know there have been some proposed changes to the structure of the disputes tribunal. It has been a concern of mine and Peter is currently trying to address that. I believe that they are now trying to set up a mediation process to have a more open and accountable tribunal. So it is moving in the right direction and I am reasonably happy that a fair bit is being done to try to correct the problems.

Senator FAULKNER—Has this shaken your faith in the Labor Party, or have you stuck with it?

Mr Gillman—It has not shaken my faith in the Labor Party but it has shaken my faith in a lot of people within the Labor Party. Obviously a few of them are not there anymore. I think the Labor Party is a great party and I will always support it.

Senator FAULKNER—Can I ask you about your appearance before the committee here today. You did not make a submission to the committee; that is right, isn't it?

Mr Gillman—No, I did not.

Senator FAULKNER—You did not seek to present evidence to this committee?

Mr Gillman—No, Senator. Most of the information that I would be able to provide to this committee is pretty well public knowledge: it has been canvassed over the years in the media and obviously at the Shepherdson inquiry. So I did not think that, with the exception of my few personal notes, I could add anything.

Senator FAULKNER—Were you approached by the committee to give evidence today?

Mr Gillman—Yes. A lady contacted me initially and I got back to Christine.

Senator FAULKNER—Do you recall when this occurred?

Mr Gillman—I am not exactly sure; it was a week and a half or two weeks ago. It was fairly recently.

Senator FAULKNER—Was it a bit out of the blue?

Mr Gillman—It was a bit out of the blue considering that I did not get called to appear before the Shepherdson inquiry. It was a bit out of the blue to be called to appear before this one.

Senator FAULKNER—Perhaps the Shepherdson inquiry does not have the same political motivations that this particular witch-hunt has.

CHAIR—You do not need to answer that, Mr Gillman; it was just a party paid, political advertisement from Senator Faulkner.

Mr McCLELLAND—You commented that all political parties must have fair and transparent preselection processes as that is important for democracy. Is it a fair comment to say that the people who are thrown up by a stacking process within any political party are necessarily those who have time to do that activity; they are not successful in any other area of life—whether it is work, business or sporting organisations? If you like, the stackers tend to be losers in society. Is that a fair comment?

CHAIR—It is a hypothetical question.

Senator FERRIS—You are leading the witness.

Mr Gillman—I think that, with what has been happening in the Townsville area, it would be near on a full-time job for whoever was involved in it. The work and intrigue that goes into that sort of thing is absolutely unbelievable.

Mr McCLELLAND—It would be very difficult for someone involved in that full-time activity to achieve anything worth while in the broader community.

Mr Gillman—That is right; you would not have much time to do anything else.

Mr McCLELLAND—In terms of the reform processes that have been set up, how would some of the important ones affect your circumstances? Firstly, is the requirement for front-up, not postal, voting significant?

Mr Gillman—It would be, but there are still some loopholes in that. It is unfortunate that Mr Muller is ill today as he would have been able to give evidence of what happened in a ballot in 1994—and possibly one in 1992—when there were stand-up ballots but that did not prevent 60 or 70 absentee votes from being stuffed into the ballot box at the last minute. There are moves afoot to do that—I read the material on it recently—and I think they are certainly moves in the right direction. From what I have seen, there is one thing lacking: if there is to be a genuine absentee vote because a person is elderly and cannot make it to a stand-up ballot, the returning officer should be able to go around and see that person at home and get him or her to sign an application form in front of him so that he can cross-reference the vote.

Mr McCLELLAND—He would have a pre-verified signature.

Mr Gillman—That is probably it. Other than that, I think we have gone a long way towards preventing postal vote fraud.

Mr McCLELLAND—Turning to the role of the Australian Electoral Commission in the internal preselection process, do you think it should have that role?

Mr Gillman—Yes.

Mr McCLELLAND—My second question is related to the first. Is it desirable for a party's membership roll—the address of a member—to coincide with a person's electoral enrolment address?

Mr Gillman—Yes, I think it certainly should for the purposes of voting.

Mr McCLELLAND—What about voting in preselections?

Mr Gillman—Yes.

Mr McCLELLAND—You mentioned in your submission that it was desirable for people who preselected a candidate to live in the area that the candidate represents.

Mr Gillman—Yes.

Mr McCLELLAND—We have received evidence previously from Professor Colin Hughes, a former head of the Australian Electoral Commission, that in many electorates, in many safe electorates, the preselection process is effectively the election process because whoever is selected to represent a particular party in a safe seat ends up being the representative of the Australian people in that electorate in the parliament, whether state or federal. Would that be a fair analysis, that the preselection process can be vitally important to determining effectively the election of the person?

Mr Gillman—That is exactly right. You may have the circumstance where the people are stuck with a candidate that has been put there by others that are not associated with that particular area.

Mr McCLELLAND—How undesirable is it in that context for non-citizens to be able to participate in that preselection process? You referred before to a Hong Kong example. Do you think the Australian people would want their representatives selected by foreigners?

Mr Gillman—No, of course they wouldn't. We had one instance in Thuringowa where one of the fellows that came out on the original plebiscite roll was not an Australian citizen, so it was picked up on the electoral roll that he was not on the electoral roll—although he was a member of the party—so he was not eligible to vote.

CHAIR—Did you say in Thuringowa?

Mr Gillman—Yes.

Mr McCLELLAND—That was picked up because of the coincidence of the electoral roll requirement being the same as a person's address?

Mr Gillman—Yes.

Mr McCLELLAND—That picked that up. So that is one of the reasons why you think it is desirable to have people's addresses coinciding with the electoral roll?

Mr Gillman—Very desirable, yes.

Mr McCLELLAND—And that only people who reside in an electorate should vote for that candidate?

Mr Gillman—Yes, certainly.

CHAIR—I think that is time up for the opposition. Do you have any burning questions, Mr Ferguson?

Mr LAURIE FERGUSON—Just one. You said that you thought it desirable that, as near as possible, 100 per cent of Australians should cast votes in elections, and you said that you had some concerns with some of the proposals that have been emanating that might go against that. The coalition have reversed their position in regard to voluntary voting over the last few years and are actually supporting compulsory voting again. Which of their proposals are you concerned with as possibly reducing voting in Australia?

Mr Gillman—I think it is important to not disenfranchise particular people in the community, whether they be underprivileged or Aboriginal people or whatever. I would hate to see it get to the stage where the American system is. I am not sure what percentage of people vote now, whether it is 40 per cent or whatever the case may be, but it is really not a reflection of a probably constructive democratic country. It is very important to make sure that you do not disenfranchise people and make it harder for them to exercise their vote. At least with 100 per cent or 95 per cent of people that do vote we can say that the result is what the vast majority of people want.

CHAIR—Mr Gillman, did you have anyone encourage you not to attend today's hearing?

Mr Gillman—No.

CHAIR—So nobody intimidated you in the slightest?

Mr Gillman—No.

CHAIR—Not you or your family?

Mr Gillman—No.

CHAIR—On the *Four Corners* program on 30 October last year, you said:

I did contact the party hierarchy and, to my dismay, I was told to go back to those places and get statutory declarations from people that didn't know these people to the effect that they didn't live there.

This is the system of rorting that you uncovered in that preselection with Karen Ehrmann that you have already commented on this morning in your evidence. Who did you contact in the party hierarchy?

Mr Gillman—It would have been one of the organisers. I think it might have been Di Farmer.

CHAIR—Did you write to the party hierarchy with respect to what you had uncovered?

Mr Gillman—Yes, I put in a written list of people that I believed were not eligible to vote to the returning officer.

CHAIR—Did you write letters to Mike Kaiser and Peter Beattie displaying what you had uncovered in the Ehrmann preselection?

Mr Gillman—The process within the party is that you go through the disputes tribunal, so I followed strictly the rules as per processing a dispute. I think I did write a letter to Mike Kaiser at one stage expressing my disappointment in the tribunal's decision, but I do not recall writing anything to Peter Beattie.

CHAIR—You do not recall writing anything to Peter Beattie. Did you, through an associate, indicate to a person here in Townsville that you had letters, that you had responses from Peter Beattie and Mike Kaiser to a letter that you had written to them outlining the rorting, and the response from Mr Beattie was that Mr Kaiser would be responsible for answering on his behalf? Did you not do that?

Mr Gillman—I cannot remember anything. As I say, what I did do was go through the proper channels under the rules of the party with the disputes procedure. The material I wrote was to the chairman of the disputes tribunal, Brian Kilmartin, at the time. I corresponded with him. There could have been something that went to Mike Kaiser because he was the secretary.

CHAIR—Would you have copied that letter, potentially, to Mr Beattie?

Mr Gillman—I could have done but I am not sure.

CHAIR—You could have done that but you cannot remember?

Mr Gillman—I doubt whether I did write anything to Beattie—I doubt that very much.

CHAIR—So you did not recently tell a member of the local council here that you had letters, and had them distributed to other people, which were responses from Peter Beattie to a letter from you? You are saying that that did not happen?

Mr Gillman—I would have to see what you are talking about because I cannot recall anything with Beattie. There could have been but it does not stick in my mind. I know there was with Brian Kilmartin and Kaiser, but not with Beattie.

CHAIR—Are you familiar with the Muller report?

Mr Gillman—Yes.

CHAIR—Have you seen a copy of the Muller report from 1994?

Mr Gillman—Yes.

CHAIR—I seek to table that report for the benefit of the other members of the committee, and I so move. Those in favour? Those against? That is carried. That will be exhibit No. 8, which I ask the secretary to distribute. You will have to forgive me, it has got my writing on one corner of it but it is nothing very controversial.

Senator FERRIS—Is anybody else's writing on it?

CHAIR—No.

Senator FERRIS—What a pity.

CHAIR—So you have seen a copy of the Muller report?

Mr Gillman—Yes.

CHAIR—Are you familiar with its recommendations and its findings?

Mr Gillman—From my recollection, Ray talks a lot about passive membership and trying to tidy the things up so there is more active membership and that sort of thing. Without having it in front of me I just cannot remember the full details, but he was not very happy with what occurred in that situation.

CHAIR—He talked about passive members and he also talked about absentee voting, you might remember. He also mentioned with respect to absentee voting that, in relation to the preselections, the place of residence differed from the address nominated for mail for the ballot paper, so ballots were going to addresses that were different to the place of residence. Were you familiar with that practice in the Labor Party in this district, where addresses were different to the electoral address?

Mr Gillman—I was told at the time that the ballots would be sent to where the people lived or on the electoral roll and not to post office boxes, but I am not 100 per cent sure whether that did in fact happen. I suspect that maybe some were sent to post office boxes or other addresses. I suspect that; I cannot prove it.

CHAIR—From your memory, were Mr Muller's recommendations acted upon?

Mr Gillman—No.

CHAIR—How did Mr Kaiser respond to you with respect to your complaint about the roting in the Ehrmann preselection?

Mr Gillman—At the time Mr Kaiser was not the secretary. The acting secretary was Peter Shooter, but he was not involved in the tribunal. From memory, the response was from Brian Kilmartin to the complaint I put up at the tribunal. That is where that came back from—it would have been from him.

CHAIR—What did that say—that it was unsubstantiated? How did they describe your claims?

Mr Gillman—They just basically said that she was exonerated, did not have a case to answer.

CHAIR—You had obviously raised these concerns because you had written to Mr Kaiser, and you could have written to Mr Beattie but you cannot recall. The responses that came back to you were that it was unsubstantiated and that she was exonerated from any wrongdoing?

Mr Gillman—Yes.

CHAIR—At the same time Mr Muller, who, if I remember rightly, was the returning officer for Herbert, had written a rather detailed report to the general returning officer—that is who it is addressed to, but I am sure Mr Kaiser would have been given a copy of it—detailing similar allegations about the preselection and, again, it was not acted on at that time. Does that surprise you, that two quite senior people in this district in the Labor Party would raise questions of enrolment fraud with the state secretary and potentially the leader of the party and have them dismissed so lightly?

Mr Gillman—I am not sure about the leader of the party—again, I am fairly certain that no correspondence took place with him. But, yes, as there was also a previous incident, in 1992, where a similar thing happened, and 1994 and 1996. But that is history now, and significant changes have been made to correct the problem, mainly due to Peter Beattie's involvement, I think.

CHAIR—It might be history, Mr Gillman, but we are trying to find out what happened so that we can make recommendations to make sure it does not happen again in the future. You said recently—not that recently, in fact—in an article in the *Courier-Mail* of 19 August 2000, that you had 'grave concerns that general elections—not just party ballots—were rigged'. The article went on to state:

Some of the people's names which Ehrmann used to stack the numbers lived overseas and interstate. "The question beckons if they lived in South Australia or Western Australia did they vote in Mundingburra?" Gillman said. "They are on the roll. It's quite possible."

Would you like to outline those concerns that you had about people voting in general elections who were on the roll fraudulently for ALP preselections?

Mr Gillman—Was that an article by Tanya Targett?

CHAIR—Yes.

Mr Gillman—It is the funny how the journalists get these things. When she interviewed me, she finished the interview and when she was walking out of the room she said, ‘Do you think if people were on the roll in Mundingburra they could have voted?’ I said, ‘Of course they could have. If they are on the roll, they are eligible to vote whether or not they live there.’ That was the remark, and it was the main part of the story. That is completely correct. If you live in Perth but you are on the roll in Thuringowa, you are legitimately on the roll. If somebody else comes and fraudulently enrolls on your behalf or whatever, that is technically possible.

CHAIR—Do you still think that is happening in the Labor Party in this part of the world?

Mr Gillman—I have no evidence of that ever happening in general elections. I doubt very much whether people would go to that extreme. If you have 22,000 voters, how many people are going to get involved in that sort of activity? You would have to be pretty well organised.

CHAIR—You wrote to Mr Kaiser on 2 December 1996, and you set out your concerns about passive voting in the Labor Party. Do you remember the response that Mr Kaiser sent to you at that time?

Mr Gillman—I do not know if I got a response. Is that the one where I said that they were so passive they did not even vote for the Labor Party?

CHAIR—That is right. They were so passive they did not even vote for the Labor Party.

Mr Gillman—That was correct. But, no, I do not think I got a response. I cannot remember what time it was, but as far as I know it was read out at the administrative committee or whatever and just noted.

CHAIR—Did you discover when you were doing your doorknocking for the preselection that some of the people who were voting did not even support the Labor Party? Is that what you were saying?

Mr Gillman—Yes.

CHAIR—And did Mr Beattie stop that letter that you said was read out at the administrative committee being read out at the preselection?

Mr Gillman—What do you mean ‘at the preselection’?

CHAIR—It stated in a December *Sunday Mail*:

Mr Beattie is under fire for overruling moves to suspend the preselection process at last Monday’s ALP electoral college so letters of a complaint about the conduct of both the Townsville and Thuringowa ballots could be read to the college and investigated. Mr Beattie overruled Mr Ludwig, who had chaired the meeting and had suggested they be read to those present.

Why would Mr Beattie have done that?

Mr Gillman—This is reading out of that letter?

CHAIR—Reading out of letters of complaint about your preselection and the Townsville preselection.

Senator FAULKNER—On a point of order, Mr Chairman. I do not know what the basis of your question is, but I do not think that Mr Gillman can be expected to comment on Mr Beattie's motivations, whether or not there is anything behind the question you ask. That is not a fair question to Mr Gillman. You know that.

CHAIR—Mr Gillman can answer the question the way he wants to.

Senator FAULKNER—I do not think you should ask the question, because I do not think it is fair to ask Mr Gillman what Mr Beattie's, Mr Ludwig's or anybody else's motivations might be.

CHAIR—I will ask the question differently then, Senator Faulkner.

Senator FAULKNER—I would appreciate that, because it is very unfair question you have just asked him.

CHAIR—Do you remember at the time of the Thuringowa and Townsville preselections that letters of complaint about the conduct of the ballot were obviously written to head office? Do you recall controversy at the time that Mr Ludwig had said that those letters should be read out and that Mr Beattie had overruled that? In fact Mr Beattie told the *Sunday Mail*:

There was no provision in the rules for the letters to be read out or for the preselection process to be suspended pending investigation.

Mr Gillman—I do not know what happened down that end. The only letter I can think of that was forwarded to the state office at that time was from the local EEC expressing their dissatisfaction with the process. There could have been another from the Rasmussen branch of the party. But what happened to those and how they got treated, I do not have any idea.

CHAIR—I have one final question before other members of the coalition might choose to ask you questions. Karen Ehrmann revealed that she had discussed the allegations that were made on the ABC and in the *Sunday Mail* with the leader of the parliamentary party, Peter Beattie—which was known about—and with the state secretary, Mike Kaiser, that they had also advised her to take her lawyer's advice and that that was what she was doing. She said that on the radio.

Mr Beattie said, 'I have had a chat with Karen as I have with Mike, and I have indicated to both of them that there is no point continuing to respond to a bit of bruises that have come out of a couple of plebiscites.' Did Mr Beattie discuss a couple of the bruises that had come out of these plebiscites with you as he had with Karen Ehrmann?

Mr Gillman—No. He never spoke to me at any time.

Mr St CLAIR—Mr Gillman, can you explain to us the preselection process for the Australian Labor Party? Do you have to be enrolled on the electoral roll in that electorate?

Mr Gillman—At that time in 1996 you had to be enrolled on the electoral roll in that electorate, which, in this case, was the state seat of Thuringowa, and you had to be on the electoral roll at the time of the opening of the ballot, which could have been three weeks or so, four weeks, before the actual ballot. That is the first thing. The second thing is that you must have been registered with a branch of the party—that is, registrations obtained by actually attending a meeting of a branch and having your name as attending that meeting recorded on the minute book or whatever that you have actually physically attended that meeting. They are the two main things. As I said before, that has now been changed from 31 March where you have got to freeze that address for the purposes of voting; it is 12 months instead of six months.

Mr St CLAIR—Would that include non-citizens who were registered on the roll?

Mr McCLELLAND—That was the question before. You cannot be on the electoral roll if you are not an Australian.

Mr Gillman—They cannot be on the roll if they are foreigners.

Mr St CLAIR—Do you know of any other political parties in Australia that use the electoral roll as the formation or the basis of their preselection process?

Mr Gillman—No, I do not.

Mr St CLAIR—You do not know of any?

Mr Gillman—No.

Mr St CLAIR—So the Labor Party is the only one in Australia that you know of—

Senator FAULKNER—He said he did not know.

Mr St CLAIR—I would like to get it clear in my mind, Senator.

Senator FERRIS—You are not his legal counsel, Senator Faulkner.

CHAIR—Senator Faulkner, Mr Gillman is answering these questions well, and I do not think he needs any support.

Senator FAULKNER—He is. But given that Mr Gillman says that he does not know, the follow-up question being asked by Mr St Clair is absurd.

CHAIR—That is a matter for Mr St Clair to ask the questions he wishes to ask.

Mr McCLELLAND—Of course. Let him be absurd. You are quite right.

CHAIR—Thank you for your commentary on the matter.

Mr St CLAIR—I want to clarify this in my mind. You have said that the Australian Labor Party is the only party that uses the electoral roll as the formation for preselection.

Senator FAULKNER—No, he said he did not know.

Mr Gillman—I do not know. I know that the Labor Party uses it, but I am not exactly sure what other parties do. I believe the Liberal Party just has a meeting in a hall and everybody rolls up. You have actually physically got to be there. But there is no reference to the electoral roll, as far as I know.

Mr St CLAIR—At the time of the preselection battle that you were having for Thuringowa and you made the complaint to the Australian Labor Party's disputes tribunal, I think they call it, and the tribunal found that there was nothing wrong and subsequently, of course, we have Ms Ehrmann at Her Majesty's pleasure, does that seem strange to you?

Mr Gillman—All I can say is that I was very disappointed and disillusioned. There is no question about that. However, that happened in 1996; we are now in 2001, and I believe that with the current changes Beattie has pushed through a lot of things most likely would not occur again.

Mr St CLAIR—Do you think that there was some sort of a deal done prior to the finding of the disputes tribunal?

Mr Gillman—Yes. That is the way the Labor Party factional system operates. This is one of the things that I have been on about—and I do not know what happens entirely in other states—but it is the same in any organisation. Whether it is a sporting organisation or a political party, there should be some access to an independent arbitrator. The factional system in the Labor Party has given it a lot of good things, probably better than bad things, but in this case it has probably given us a bad thing. The disputes tribunal probably did do that. I am not 100 per cent sure but I would think that. But, at the moment, I know there is a report with Peter Beattie on cleaning that up with remediation conferences and a different structured disputes tribunal which would hopefully clear the air so that it would not happen again.

Mr St CLAIR—Were you aware of any decision being made prior to the decision of the tribunal being handed down?

Mr Gillman—I suspect that probably did happen. If the factions met on the day before—and I am just hypothesizing here—I would expect that might have been a foregone conclusion.

Mr St CLAIR—But you were not informed of that decision?

Mr Gillman—No.

Mr St CLAIR—Do you know of anyone else?

Mr Gillman—I would not be wasting my time sitting there from nine o'clock in the morning to seven o'clock at night in a disputes tribunal if I knew that the thing had already been decided.

Mr St CLAIR—So you felt that it had been?

Mr Gillman—Well, subsequently I felt that it had been. But at that point in time everything looked fairly legitimate.

Senator MASON—Mr Gillman, you are really quite famous because you are the person who has uncovered perhaps the most serious abuse of the Commonwealth Electoral Act in our nation's history. We were delighted that you could be here today. I note in your presentation before *Four Corners* that you say:

I felt very, very hurt with the whole thing, that a significant issue like this was, in my view, swept under the carpet and that democratic process was not in place.

We also heard evidence this morning about Mr Muller's report dated 5 July 1994 on, in effect, similar things. At the time of the ALP disputes tribunal hearing was Mr Kaiser the state secretary?

Mr Gillman—No. He was a state secretary but Peter Shooter was the acting secretary.

Senator MASON—Okay. And Mr Beattie was parliamentary leader?

Mr Gillman—Yes.

Senator MASON—What were the reasons given by the ALP tribunal for dismissing your claim?

Mr Gillman—There were four or five points that were provided to me by Brian Kilmartin. I just cannot remember the exact content of that. Basically there was not enough evidence. I think a lot of it was hearsay and there was not a case to answer.

Senator MASON—The ALP disputes tribunal said that but here we are today investigating the roting of the electoral roll. I will ask you a question that perhaps goes to the heart of the matter. After the handing down of the decision by the ALP disputes tribunal, did anyone senior in the Australian Labor Party phone or talk to you?

Mr Gillman—No.

Senator MASON—No-one called?

Mr Gillman—I had phone calls at the end of the session but no senior Labor Party person called me.

Senator MASON—Were you surprised by that?

Mr Gillman—I guess the process was under the rules that it be handled by the disputes tribunal and really was not a role for the leader of the opposition or the leader of the parliamentary Labor Party. I do not know.

Senator MASON—Mr Bermingham says also in the *Four Corners* transcript that the ALP disputes tribunal was just another factional tool of the AWU. Do you agree with that?

Mr Gillman—The AWU does not control the entire disputes tribunal, as I understand it. They have a significant influence there but the other factions are also represented on that tribunal.

Senator MASON—Were you surprised with the outcome of that disputes tribunal?

Mr Gillman—Surprised and disappointed, as I have already said.

Senator MASON—Again, no-one senior in the Australian Labor Party contacted you following the Muller report in 1994, about which we already have heard evidence, and the hearing of the ALP disputes tribunal in May 1996. No-one called you?

Mr Gillman—No.

Mr SOMLYAY—Mr Gillman, on the question of non-citizens, are you saying you have to be a citizen to join the Labor Party in Queensland?

Mr Gillman—No. In this case this gentleman in Thuringowa is of German origin. He is a member of the Labor Party but he cannot vote in preselection processes because he is not on the electoral roll.

Mr SOMLYAY—So you can be a member of the party but you cannot vote in a preselection?

Mr Gillman—Yes.

Senator FERRIS—Mr Gillman, when you complained about what you had found out during this preselection, did it cause much of a stir within the party rank and file? Did you talk to many people about it? What was the grassroots feeling about this?

Mr Gillman—Out in Thuringowa it was very strong, and unfortunately it resulted in quite a number of resignations of very good Labor people from the party. But, as I say, we have to move on. People were upset at the time, but we are in 2001 now and there are processes in place, I believe, which have rectified the problem.

Senator FERRIS—What sort of internal discussion was there about it? I am just trying to understand whether this would be considered a pretty important issue within the electorate and how widely it might have been discussed. I am trying to understand how far up the party it would have been known that this had informally been discovered and was likely to be the subject of an inquiry?

Mr Gillman—I just not exactly sure where you are coming from. There was concern amongst the local members. There were meetings. The structure out there is you have an EEC when it comes to state government matters. The EEC in Thuringowa is a representative group of all the branches—there are three branches. There was concern expressed at the EEC meetings, at the branch meetings.

Senator FERRIS—Did the acting state secretary come to any of those meetings?

Mr Gillman—Yes, he attended a couple of meetings, one at Thuringowa and one at Rasmussen, subsequent to the tribunal's deliberations.

Senator FERRIS—Would this be an unusual event, for you to discover this and then for the state secretary to attend the meetings? How important would that be seen to be, given that local rank and file members were resigning?

Mr Gillman—To give him credit, he did attend those meetings, which I was not at. There was a fair bit of media coverage and people were concerned about the whole thing, so he did come up here and address those meetings to try and answer questions.

Senator FERRIS—Do you think it would be unlikely, then, that he would go back to his office and not discuss with his parliamentary leader the effect of what you had discussed?

Mr Gillman—You would have to ask him that. I do not know what took place.

Senator FERRIS—I would like to think that I have that opportunity. But what you have just put to me is that long-time members were resigning, you had discovered what appeared to be fraud, there had been meetings taking place within the electorate, and the acting state secretary of your party had come up there. I am just saying to you: would you think he would have gone back to his office and not discussed this situation with his parliamentary leader?

Mr Gillman—I expect that would be the process, but whether he did or not I do not know.

Senator FERRIS—And that parliamentary leader did not ever phone you—you have said that. Did the acting state secretary ever phone you after those meetings?

Mr Gillman—No. The last time I spoke to him was at the tribunal hearing, as far as I can remember.

Senator FERRIS—So this was causing quite a lot of discussion and angst within what was a pretty important election, a pretty important area, but nobody phoned you afterwards to say, 'Look, you've uncovered something, can you tell me a bit more about it? Would you like to come down to Brisbane and talk to the parliamentary leader about it so that it can be laid out on the table and cleaned up?' No-one rang you?

Mr Gillman—No.

Senator FERRIS—Does this seem like a leadership that was interested in electoral fraud, do you think, Mr Gillman?

Mr Gillman—Maybe the leadership was looking at it on the basis that the party has rules and the rules were adhered to in the way of the disputes tribunal—which made the wrong decision, in my view, but that is the process under the rules. He probably would have thought, I guess, that those nine good persons, wise persons, would study the thing and come up with a correct decision. I do not know.

Senator FAULKNER—Whoever was the party leader at the time, was he or she a member of the disputes tribunal, ex officio?

Mr Gillman—No.

Senator FERRIS—When there is a rotten apple in the barrel, I do not think it matters who that person is, Senator Faulkner. Once again, you always like to give your assistance to my questions and I, as usual, am telling you I do not need it. Can I just pursue this: you said you were very disappointed at the outcome of the tribunal's inquiry, so can you tell us what sort of people are on that inquiry? Do you know the membership of the inquiry?

Mr Gillman—The disputes tribunal?

Senator FERRIS—The membership of the tribunal.

Mr Gillman—There were only three there that I recognised. I was not introduced to the rest. I think there were nine in total. Brian Kilmartin was the chairman; there was a lady by the name of Joan Brady, I think, from Rockhampton; and Linda Lavarch, who is a state member, but she was not a state member then. I did not know who the rest of them were.

Senator FERRIS—Did any of those members contact you after the decision was made to seek any further information?

Mr Gillman—No.

Senator FERRIS—So they did not, the state secretary did not, the parliamentary leader did not, and basically the rank and file were pretty upset and angry and some of them were resigning, and still nothing came down from the top. Is that correct?

Mr Gillman—That is correct. But the processes under the rules of the party were followed even though the outcomes were wrong. But they were still followed, I guess.

Senator MASON—Did any parliamentary member of the ALP—state or federal—contact you?

Mr Gillman—No.

CHAIR—I think we have gone well over time with the coalition, so we will give the Labor Party an opportunity to ask about five minute's worth of questions in a couple of minutes. It is the Democrats turn to go first—the Democrat, Senator Bartlett; you carry them all on your shoulders.

Senator BARTLETT—You put forward in your opening comments some of your views about the improvements that could be made: more resources for the AEC, increased penalties, proper preselection processes and oversight. You also referred to the reform package put forward by the Premier. The intended aim of this committee is whether or not we need to recommend further changes to the law et cetera. You expressed your concern about possible—whether inadvertent or otherwise—extra barriers being put in people's way in terms of participating. What I would like to get a sense of—because I think it is important in balancing that easy access versus preventing fraud question—is just how big a problem this is. As you have said, you have been involved for 20-odd years, I presume at rank and file level, in all the elections et cetera. You have not held any senior office bearer positions or anything like that within the party?

Mr Gillman—I have been the president of two branches locally here, the Currajong branch and the Thuringowa branch.

Senator BARTLETT—So you would have had some reasonable degree of knowledge of activity at grassroots level within the party with preselections, when campaigning and at voting time, and that sort of thing—just generally?

Mr Gillman—Yes, but not to the extent of anything untoward at that time. It was not until 1996. I got some inkling in 1994, I think it was, when Ken McElligott was first going to resign that there was something wrong with the membership. But I had no idea of the electoral fraud side of it.

Senator BARTLETT—We have had suggestions given in evidence at other hearings that this is endemic throughout the whole political culture of Queensland—widespread practices, everybody is doing it, war stories around the camp fire, that sort of stuff—versus suggestions that it is just a very small number of people who have done the wrong thing and kept it very secret, as you would. I am getting the impression from what you are saying that this really only came to your attention in 1994-96 in this particular area. From your experience in the political process, not just from the party, do you think this is a widespread common practice that is a cancer through the whole Queensland political system, or do you think it is really just a few bad apples?

Mr Gillman—The Shepherdson inquiry has revealed what has happened and it has been fairly significant. Getting back to what I said before, I think there has got to be a better view from the general community as to the political process, the politicians and the importance of having that right to vote and using it properly. It is beyond me how anybody could come to somebody else and say, 'Look, can you go and register on the electoral roll over here because we want to do such and such in the way of a ballot?' To me, that is clearly illegal. But obviously a lot of people thought it was a flippant thing to do—that it was nothing, that it did not matter. People are not educated to that fact. Events have proven that people have got to be made much more aware of the importance of the integrity of the electoral roll.

Senator BARTLETT—You are not aware in any of your experiences, whether they were in 1996 or at any other times, of this sort of misbehaviour that you have mentioned being used on polling day itself to affect election outcomes as part of any organised activity?

Mr Gillman—No. There is no evidence of that whatsoever. I thought it was just confined to the Townsville area but, obviously, it is bigger than that.

Senator BARTLETT—In terms of the proper preselection process that you mentioned—again, I think this issue would obviously be relevant for all political parties—how would you define what should be a minimum standard for a proper preselection process?

Mr Gillman—I think the minimum standard should be at least that people are on the electoral roll and residing in the area where the preselection process is taking place and, secondly, that payment of membership should be outlawed unless it is in the case of immediate family because that—

Mr McCLELLAND—Paying for someone else's membership?

Mr Gillman—Yes, paying somebody else's membership because, even though it is not illegal at the moment, it leads to a system where people with the resources can fudge an election.

Senator BARTLETT—In your experience, whether in this specific instance of the improper activity that you discovered in 1996 or, indeed, in the rest of your time involved in the political process, have you had many dealings with the Electoral Commission? When you were finding out these people's incorrect enrolments, did you talk to the Electoral Commission at all?

Mr Gillman—I did go to the Australian Electoral Commission's office on a couple of occasions. I tried to go through new enrolments, and that sort of stuff, on a microfiche, but it is very difficult unless you are experienced at that sort of thing to find the information. I went up there once or twice just to check it out, but I have not had any meetings with them or anything like that.

Senator BARTLETT—In detecting and uncovering this type of behaviour, do you think the Electoral Commission needs to do things differently or is it just simply a matter of resources?

Mr Gillman—With modern technology—I do not know fully what resources they have got now—I think there must be ways to tidy it up. Audits could be done and they could cross-reference people's movements, and whatever else, to ensure as best as they can that people are on the electoral roll in the area where they claim to be.

CHAIR—Would the Labor Party like an opportunity to ask five minutes worth of questions or more? If you want to go on, we will ask a few more after that. Do you want to ask questions?

Senator FAULKNER—I have only got one to ask. I read in the *Courier-Mail*, Mr Gillman, a statement on 24 January in our clipping service which said:

Mr Gillman, however, said his long held concerns about electoral fraud in Townsville had now been addressed at the Shepherdson inquiry and by Premier Peter Beattie's reform package and he would have to be subpoenaed to attend.

That is, to attend the meeting of the Joint Standing Committee on Electoral Matters hearing in Townsville. I just wondered if you were accurately reported there?

Mr Gillman—Yes, that is pretty close to the mark. I think we are going a long way towards correcting the problems of the past and, like I say, there may be a couple of other areas where I can make a contribution to tidy it up a bit further, but certainly Peter Beattie has gone a long way to addressing the past problems.

Senator FAULKNER—Thank you for that, and you were aware of the threat of a subpoena hanging over your head, I suppose?

Mr Gillman—Yes.

Senator FAULKNER—So you would prefer not to be here, I suppose?

Mr Gillman—Yes, I would prefer not to be here. The last four years have been pretty straining for my family and me. It has been difficult, and I did not believe that I had really anything to offer that was not already on the public record, except for the statement I made earlier.

Senator FAULKNER—Thank you for it. I appreciate it.

Mr LAURIE FERGUSON—The rule that Mr Beattie has introduced with regard to a March freezing of addresses, are you saying that whatever address you have pre-March you retain regardless of whether you move after that date?

Mr Gillman—Yes. The date of 31 March was the date for renewal of ALP membership to keep your continuity with the party. As I understand it, regardless of your change of address in the following 12 months, that is the date used for any preselection.

Mr McCLELLAND—And the purpose of that is to prevent transient movements to rot preselections?

Mr Gillman—Yes.

Mr LAURIE FERGUSON—What are your views with regard to permanent residents and their voting rights? People might be here for 10 or 12 years, but for a variety of reasons—in some cases, financial reasons—there are very big disincentives to become Australian citizens. Do you think a mechanism should be found to give them votes inside political parties even if they are not on the electoral roll?

Mr Gillman—It is a difficult one, I suppose, but it gets back to the point that was put before, I think by Senator Faulkner. Hypothetically, if that was the case, you could have quite a number of non-citizens in one particular seat determining—if it is a safe seat—who the candidate may be. That is really the election, isn't it? It is a safe seat. Hypothetically you could have 50 non-Australian citizens selecting a candidate who will represent that area, and they are not even Australian citizens.

Mr LAURIE FERGUSON—Whilst we are concerned with, maybe, faxes from some casino in Macau coming as votes in Australian Liberal preselection ballots, on the other hand there are permanent residents who have been here 20 years. They have to be put into the system too, don't they, in some way, if that can be done.

Mr Gillman—The fellow I referred to in Thuringowa would be one of the best Labor people I know, and I would like to see him have a vote. But that is just not the rules currently.

Mr McCLELLAND—There are two ways of looking at these issues, I suppose. One is: Karen Ehrmann is in gaol because of an illegal act, because of a technical requirement that the ALP rules coincide with the electoral legislation, and that is the only issue to be concerned about. From your opening submission, I think it is fair to say you are saying there are broader issues regarding how our democratic process operates, in terms of the preselections that are conducted in all political parties. Is it your opinion that it is not good enough to wash your hands and say, 'Nonsense can take place within political parties, as long as it does not breach that technical issue'? It is a technical and illegal issue, I should say.

CHAIR—The fact that it is illegal is a pretty important distinction.

Mr McCLELLAND—I have got to say it is a vitally important issue, but is it good enough to say—

Senator MASON—It is criminal.

Mr McCLELLAND—'We were only going to be concerned about that and nothing else,' or do you think the system should be changed to ensure that there are fair processes in all political parties?

Senator FERRIS—How could he know the answer to that? He has only given evidence about the Labor Party.

Mr McCLELLAND—I have asked him for his opinion and he certainly is—

Senator FERRIS—What a hypothetical question. The man has been a member of the Labor Party for 20 years. How would he know about the Liberal Party?

Senator FAULKNER—That is why he is here, Senator Ferris.

Mr McCLELLAND—I am not asking him to give any factual—

Senator FERRIS—Exactly why.

Mr McCLELLAND—Now listen to me, Senator Ferris. I am not asking him to give any fact about any rule within any other political party—

Senator FERRIS—Don't wave your fingers at me. Chair—

Mr McCLELLAND—I am pointing up at the ceiling. I am not pointing at you.

Senator FERRIS—Put your fingers down.

CHAIR—Order, everybody!

Mr McCLELLAND—What fact did I ask him to give about any political party? I asked this witness—a genuine man, I think, from any fair and objective account—to give his opinion as to whether it is good enough for John Howard to say, ‘We are not interested in our tidying up our political party. We are only interested in this illegal issue.’

Senator FERRIS—At least now we know what you are on about. We know what you are on about now. Your agenda in the question is now obvious.

CHAIR—Order! I think you have made your point. Mr McClelland. You do not actually need to answer that question.

Mr SOMLYAY—Mr Gillman, you made a statement that you have been in the Labor Party for 20-odd years and that you have been—or are—branch chairman in the past or a branch president.

Mr Gillman—Branch president.

Mr SOMLYAY—As a president of a branch, are you entitled to receive and keep receiving updates of the membership roll of that branch?

Mr Gillman—The secretary does get updates of the membership in that branch, but that does not necessarily reflect who is in that area. If you have got three branches, the secretary would only get a listing for that particular branch. But there may be people that for the purposes of voting in a plebiscite are in other branches, so they would not have the information.

Mr SOMLYAY—Other branches outside of that electorate?

Mr Gillman—Outside of, say, Thuringowa in this case, yes.

Mr SOMLYAY—So, when you discovered this problem in Townsville, there was no way that you could say that it was strictly confined to Townsville, that it was not a practice that was much more widespread?

Mr Gillman—As I said before, initially I was fairly naïve about the process and only looked at the local branch membership. Obviously some people, for the sake of friendships, would rather be in another Labor Party branch: they might feel more comfortable with the people there. There were one or two—a sprinkling—of them, but I did not understand or realise the bigger picture at that time. It is very difficult to get that sort of information unless you are in the know.

CHAIR—I referred in my earlier questioning to radio transcripts and to an article that appeared in the *Sunday Mail*. I move that they be accepted as exhibits Nos 9 and 10. There being no objections, the motion is carried.

Mr Gillman, we appreciate the fact that you have appeared before the committee today: we know it must have been difficult for you over the last few years. You gave evidence that you had received no letters from Mr Beattie or Mr Kaiser—in fact, you could not remember writing to Mr Beattie with respect to letters about the rorts that you had uncovered. Did you have anything to do with Mr Frank Tanti with respect to any of these matters in 1996?

Mr Gillman—No.

CHAIR—Did you cause to have leaked to him or leak to him the material that you put before the disputes tribunal?

Mr Gillman—No, I have never met Frank Tanti, I have never spoken to Frank Tanti and I have never sent Frank Tanti any documents of any nature.

CHAIR—You realise of course that we could call Mr Tanti to appear before the committee if we chose to do so?

Mr Gillman—Yes.

Senator FAULKNER—I hope you do.

CHAIR—All right. Thank you very much for your appearance today.

Proceedings suspended from 12.36 p.m. to 1.09 p.m.

CHAIR—I reconvene this public hearing. On a number of occasions this morning Senator Faulkner has referred to the fact that the Labor Party does not support holding this meeting today. I propose that I table the correspondence between Senator Faulkner and me and the advice from the clerks of the Senate and the House of Representatives—which will set out clearly the basis for going ahead with the Townsville hearing today—and the correspondence between us last Thursday. I so move.

Senator FAULKNER—Mr Chairman, I would like to speak to the motion before the chair. I want to make absolutely clear the situation as far as opposition members of the committee are concerned. We believe holding this hearing in Townsville today interferes with the Queensland state election campaign. In my letter to you, Mr Chairman, I requested that you, as chairman of this committee, establish a telephone hook-up between committee members to deal with this issue. I faxed a letter to you late on Wednesday of last week. In the four full days since then—which I think gave ample opportunity to have a telephone hook-up to decide whether this hearing should go ahead—there was of course no such hook-up.

Given the circumstances—we are now in Townsville and I do not want to waste public moneys—I do not believe there is any alternative but for the hearing to go ahead. The opposition committee members' position on this matter is absolutely clear: we are not saying that the committee's activities outside Queensland should be curtailed—a public hearing is scheduled to be held in Sydney tomorrow and I believe it is appropriate for that meeting to go ahead. However, today's meeting in Townsville should not go ahead: we do not believe a federal parliamentary committee should interfere in any way with the conduct of the

Queensland election campaign. I do not want my position on this matter, or that of my colleagues, to be misunderstood.

That is what I wrote to you about, Mr Chairman. I requested a telephone hook-up. You had four full days to organise it but you refused to do so. I consider that a serious dereliction of duty on your part. I think that, as chair of this committee, you have taken a highly partisan decision that is utterly inappropriate during the conduct of the Queensland state election campaign.

CHAIR—Thank you, Senator Faulkner.

Senator FAULKNER—I have not concluded my remarks.

CHAIR—We have time limits.

Senator FAULKNER—I know we do, Mr Chairman, but you have moved a motion and I am speaking to it. I make this point very clearly: as far as the opposition is concerned, this hearing in Townsville is simply the extension of a witch-hunt that has been taking place on this issue.

CHAIR—I think you are now boring the committee, Senator Faulkner; you have made this point a number of times.

Senator FAULKNER—Mr Chairman, let me make it clear: it is obvious, as a result of this morning's hearing, that this is a witch-hunt that has backfired seriously on government members of this committee.

CHAIR—Thank you, Senator Faulkner. Senator Ferris, would you like to make some comments with respect to the motion?

Senator FERRIS—In speaking to the motion I would just like to make the point that the Clerk of the Senate has advised:

There is no procedural or legal barrier to a committee holding a public hearing in a state during a state general election. There is no parliamentary convention that such meetings should not be held. Senate committees have held hearings in states during state elections. As Senate committees are not affected by a dissolution of the House of Representatives, Senate committees have in fact also been held during federal elections.

So it is very clear that the evidence from the Clerk of the Senate makes it obvious that there are no procedural or legal barriers. I am very glad that this letter is being tabled, for the benefit of those people who may have believed Senator Faulkner's spurious remarks, along with the letter from Harry Evans and the letter from Ian Harris, the Clerk of the House.

Senator FAULKNER—I raise a point of order, Mr Chairman, and I ask you to rule on this. Given that a member of the committee, Senator Ferris, has read out certain parts of the Clerk of the Senate's letter—

CHAIR—It is about to be tabled.

Senator FAULKNER—But this is my point of order: given that she has not read out the next key paragraph, it is for the committee to determine whether there is a question of propriety or political consideration which would influence the committee not to hold such a hearing.

Senator FERRIS—That is not a point of order.

CHAIR—Senator Faulkner, we are not going to get into this kind of debate. You have had your opportunity to speak to this resolution—

Senator FERRIS—Put the motion!

CHAIR—Senator Ferris has had the opportunity to speak to the resolution, and I intend to put it.

Senator FERRIS—Put the motion.

CHAIR—Those in favour? Those against?

Mr McCLELLAND—I did not get a chance to speak.

CHAIR—We have had speakers for it and against it. We have to get on. You have canvassed this issue in the media. I am tabling all the correspondence so that the media themselves can see the evidence. I do not propose to have this debate for any longer.

Senator FERRIS—Well done.

CHAIR—We have Councillor Mooney here determined to give evidence to us and I would like to take that evidence before we have to fly out this afternoon. The motion has been carried and I hand the secretary the correspondence for her to distribute. Members of the media will be able to obtain it from the secretariat at their leisure.

Senator FAULKNER—I invite them to read the whole letter.

CHAIR—I am sure they will, Senator Faulkner.

Senator FAULKNER—Good. Unlike Senator Ferris.

CHAIR—Unlike you, they will read what they think is important.

[1.16 p.m.]

MOONEY, Mr Anthony John (Private capacity)

CHAIR—Welcome. Is there anything you wish to add about the capacity in which you appear?

Mr Mooney—I am Mayor of the City of Townsville.

CHAIR—As I reminded earlier witnesses, 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 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.

If you would like to make a brief opening statement, you would be welcome to do so.

Mr Mooney—I have no opening statement to make.

CHAIR—Right. What is your understanding of the procedures for plebiscites in the state of Queensland in the Labor Party?

Mr Mooney—As they exist now or as they existed in 1996?

CHAIR—As they existed in 1996.

Mr Mooney—The arrangement for plebisciting for state and local government were different, but I will confine my remarks initially to state plebiscites. Candidates would nominate in terms of ALP rules as they existed in the state of Queensland for the Labor Party. There would be a list of eligible voters who were registered members of the Australian Labor Party and who were enrolled on an appropriate state electorate roll. Those people who were on that roll and were registered to the Australian Labor Party were eligible to vote in a particular state plebiscite. The plebiscites were run, at least in the case of Townsville, on a postal ballot arrangement. Fifty per cent of the vote was attributed to local participation, the remainder was by a central electoral college.

CHAIR—Are you aware of electoral fraud that was carried on in the preselection in which you were a candidate?

Mr Mooney—I became aware of it through the conviction of Mr Kehoe and after that, of course, Ms Ehrmann and Mr Foster.

CHAIR—You became aware of it because you read it in the newspapers?

Mr Mooney—That is right.

CHAIR—So you knew nothing about it before that?

Mr Mooney—That is right.

CHAIR—And what was your relationship with Andy Kehoe?

Mr Mooney—Mr Kehoe was a supporter of mine. I cannot add any more than that.

CHAIR—Mr Kehoe was described as ‘Tony Mooney’s numbers man’ in the *Four Corners* program. He wasn’t your numbers man?

Mr Mooney—I made it clear before the Shepherdson inquiry and on several other occasions that Mr Kehoe was a supporter—nothing more, nothing less.

CHAIR—Were you aware of what Mr Kehoe was doing?

Mr Mooney—I just said to you before that I became aware only after it became known in the newspaper and also after his conviction.

CHAIR—So he kept you entirely in the dark?

Mr Mooney—In terms of his fraudulent activity, yes, that is correct.

CHAIR—Is Mr Kehoe known as a voluble man who would talk about what he was doing to numbers of people?

Mr Mooney—I cannot speak on behalf of Mr Kehoe.

CHAIR—The evidence earlier, when he was first arrested and tried, was that he was bragging about his activities and that is how it came to the attention of people in this area.

Mr Mooney—I cannot speak on behalf of Mr Kehoe.

CHAIR—Mr James O’Donnell gave evidence, as reported in the *Courier-Mail* on Friday, 27 October, during which Mr Lambrides from the CJC asked him:

Did you say something like this: ‘Mooney’s gone and I will tell you why’?

Then he goes on to describe that Lee Bermingham ‘will sing like a bird’, and ‘he knows enough’, and ‘he will pick them all up down there and he has gone’. He is talking about you.

Mr Mooney—Yes.

CHAIR—Why would James O’Donnell have said that, do you think?

Mr Mooney—I cannot speak for Mr O'Donnell, but clearly the later evidence given by Mr Bermingham, direct evidence by him to the inquiry, supported my version of events.

CHAIR—So you do not know why Mr O'Donnell, who was an associate of yours, would have thought that you were, as it was put, gone?

Mr Mooney—In terms of what was said, I just know that it was not proven to be the case in terms of what was actually said before the inquiry by Mr Bermingham. So clearly it was wrong.

CHAIR—The *Australian* last week reported that the CJC was going to recommend to the DPP that investigations or potential actions be taken against you and Mr David Barbagallo. What could that have been referring to?

Mr Mooney—What could that have been referring to? I presume two matters before the inquiry. I presume you have the transcript of that inquiry, and most Queenslanders would have been reading the media; I think they know very well what it relates to.

CHAIR—But this committee has not taken evidence with respect to that, so I am just wanting to see if we could put it on the record what you think the CJC may have been referring to in terms of recommendations.

Mr Mooney—Mr Chairman, I have no intention of trying to look into the crystal ball of the CJC. I can tell you, though, in terms of the submissions by my counsel, Mr James Douglas QC, those allegations and matters that the CJC counsel put before Mr Shepherdson, which are still under his consideration, that that advice and that submission from my QC clearly refuted those allegations. I stand very firmly behind the submissions made by my QC.

CHAIR—Ms Ehrmann gave evidence to the committee in Brisbane that she was a bit player in a much wider scheme within the Labor Party. It seems to have been the AWU who were originally behind the schemes of enrolment fraud that were used in preselections and plebiscites, and potentially, of course, they could have voted in general elections. What is your response to Ms Ehrmann's allegations and claims about being a bit player in a much wider scheme? Were you aware of a much wider scheme?

Mr Mooney—No, I was not. I can say in relation to her claims about me that she made false claims about me. I think they have been comprehensively rebutted and proven to be false, and I believe she was aware that they were false when she made them.

CHAIR—Do you think that there is a possibility there was widespread enrolment fraud going on as a consequence of the AWU's actions within the ALP?

Mr Mooney—No, I do not.

CHAIR—So what do you think the Shepherdson inquiry has discovered in the last few months?

Mr Mooney—Mr Chairman, I have no intention of trying to use a crystal ball to foretell what Mr Tom Shepherdson QC is going to bring down in his final report. That is the very reason that

I did make it very clear to this inquiry that I thought it inappropriate that I be here today, at least until Mr Shepherdson has had the opportunity to consider all of the submissions, including those from my QC, President of the Queensland Bar, on that very issue. I would prefer to wait until Mr Tom Shepherdson has brought down his report before I make any comment about what he has found, and I think that should be incumbent upon every other person involved.

Senator FAULKNER—Mr Chairman, I might say I think that is a highly improper question you asked, in the circumstances, of Councillor Mooney. I would ask you to give consideration to, at a minimum, rephrasing the question, recasting it.

CHAIR—My question is this: there has been evidence given to this committee over some months that there was widespread electoral enrolment fraud going on in the Australian Labor Party. There is one person in jail for it and others have been given suspended sentences for electoral enrolment fraud. The Shepherdson inquiry, which has been conducted for some months and has been reported widely in the press, also seems to have uncovered widespread fraud. It has led to the Deputy Premier resigning, Mr Grant Musgrove resigning, Mike Kaiser resigning, a number of candidates for ALP seats resigning. I am wondering what Mr Mooney was aware of with respect to the ALP in Townsville, given that obviously there has been a culture of fraud uncovered through the Shepherdson inquiry and through Ms Ehrmann's evidence to the committee.

Mr McCLELLAND—Is that a statement or is it a question to the witness? I think it needs to be—

CHAIR—That is as much of a question as the questions you were putting to Mr Gillman earlier today. I am just wondering what you were aware of from your own knowledge with respect to the culture of the ALP in North Queensland that led to the evidence that we have received from Ms Ehrmann and others. Or were you just completely unaware that there was anything going on?

Mr Mooney—I can only really use the word of Mr Peter Beattie, who said—and I support this point of view—that in terms of the rank and file membership of the Labor Party, 99.9 per cent of those rank and file are honest and want to make a contribution to the betterment of their communities throughout Queensland. They do not have an agenda for electoral fraud and I do not believe that in the closing submissions, even by Mr Hanson QC, last Friday week, there was any indication that there was a widespread culture within the Australian Labor Party in Queensland. I do not think that, in the submissions that I read at least, that has been proven.

As for some of the things that have been said: one claim, for example, was that there was widespread general electoral fraud attempted to be perpetrated in the Mundingburra by-election. I think the final figures showed somebody who was supporting Mr Frank Tanti and I think one other person who may have been a supporter of the Australian Labor Party. To me that is hardly an example of widespread electoral fraud or a culture of such, within any political party.

CHAIR—Except that it has been seen as a serious enough matter for members of parliament, including a deputy premier, to stand down. So I guess it is a matter of degree as to whether you regard that as serious or not.

Mr Mooney—Sure, but—

CHAIR—Can I just ask you, perhaps off that subject, because I think we have covered it—

Mr McCLELLAND—In fairness to the witness, he disputed the question of culture. He did not question the seriousness of people's violations of the law. For you to interchange seriousness with culture is to misrepresent the nature of the witness's evidence today.

CHAIR—Are you aware of what procedures were in place in the ALP to detect enrolment fraud?

Mr Mooney—I have not had a big role in terms of the administration of the Labor Party. In 1996, no, I was not aware, and am not aware in a major way even today.

CHAIR—Are there any other questions from members of the coalition?

Senator FERRIS—Could I just clarify the comment that you made about Mr Kehoe. Mr Kehoe is described as your numbers man. Was he your campaign manager, or did he have a formal role in your campaign?

Mr Mooney—Can I just answer that by saying first of all Mr Kehoe himself denied that he was my numbers man, I have denied that he was my numbers man, and that has been comprehensively covered in evidence before the Shepherdson inquiry. Mr Kehoe was not my numbers man. He was a supporter; he was not a campaign manager.

Senator FERRIS—So what then was your relationship to Mr Kehoe?

Mr Mooney—Mr Kehoe was a supporter, as I have several supporters in various branches of the Labor Party in the area of Townsville.

Senator FERRIS—I take you to comments that were made in the *Four Corners* program in relation to what was described as a sleeping branch on Magnetic Island that was brought back to life. Did you go to any meetings on Magnetic Island?

Mr Mooney—First of all, can you tell me who made those comments?

Senator FERRIS—A Mr Charlie McColl.

Mr Mooney—Need I say any more?

Senator FERRIS—I don't quite understand the joke. Perhaps you would like to tell me about that.

Mr Mooney—I think the first thing that anyone should do before using that source as a quote is to test the credibility of the person involved. That person involved, a few years before, stood against me in a mayoral election and got under five per cent of the popular vote and then, because of defamatory comments made against me, was forced to settle with me out of court for claims that he made to me in a throwaway newspaper on Magnetic Island. I think that seriously

questions his credibility. I think you will also find that Mr McColl was not even a member of the Labor Party at the time in question.

Senator FERRIS—Thank you for all that background information. I now take you back to the question: did you or did you not attend meetings on Magnetic Island at which a number of people were signed up as members of the Labor Party?

Mr Mooney—I did and still do.

Senator FERRIS—What do you mean?

Mr Mooney—I attend meetings of Labor Party branches—be they on Magnetic Island or anywhere else in Townsville—where people sign up to become members.

Senator FERRIS—What do you say to the comment that the signing up of members took your control to 60-40?

Mr Mooney—Are these comments from Mr McColl?

Senator FERRIS—This was part of a publicly broadcast program on the ABC last October; I am sure you are aware of it, Mr Mooney.

Mr Mooney—I did not actually see the program but I hope you do not expect me to believe as gospel things that appear on the *Four Corners* program, because I do not.

Senator FERRIS—Mr Mooney, let us not play, ‘Destroy the credibility of the critic’; let us just answer the questions so that I can better understand this internal factional dispute. You say that Mr McColl told lies about you on *Four Corners* but presumably you have not sued him. Therefore, can you please answer the question?

Mr Mooney—I have questioned the credibility of that person, and I still do. But in terms of my support for people joining the Labor Party, I have attended meetings where people have joined the Australian Labor Party and I continue to do so. At the last branch meeting that I attended I think somebody joined the Labor Party.

Senator FERRIS—What about ferryloads of people being brought over to Magnetic Island to join up? Is that wrong as well?

Mr Mooney—Unbelievable.

Senator FERRIS—No. Is that wrong as well?

Mr Mooney—I just said ‘unbelievable’.

Senator FERRIS—That is not a yes or a no answer.

Mr Mooney—It means that it is wrong.

Senator FERRIS—I would appreciate it if you said that it was wrong. Are you aware that Karen Ehrmann has talked about a culture of corruption and a culture of manipulation of electoral rolls for the purposes of ballots within the Labor Party?

Mr Mooney—I certainly have been aware of her comments.

Senator FERRIS—Would you deny those comments now that you know what you do from Shepherdson?

Mr Mooney—I have already answered that question in terms of the culture within the Labor Party. What Peter Beattie has said and done has proven the determination of the Queensland branch of the Labor Party to go forward in a very positive way, and I commend him for that.

Senator FERRIS—I have asked for your view because I want to go to the committee's terms of reference regarding the prevention and detection of fraudulent enrolment. I ask you again: are you concerned about the degree to which there is now shown to be fraudulent enrolment and the manipulation of the electoral roll for purposes of internal Labor Party ballots and plebiscites?

Mr Mooney—I am concerned about any manipulation of the electoral rolls, be it through the Labor Party, Liberal Party, National Party or any other political party for that matter.

Senator FERRIS—I am not asking you about the Liberal Party and the National Party because fraudulent enrolment does not enable people in the National Party or the Liberal Party to manipulate plebiscites and ballots. Having eliminated that, I now ask you about the prevention and detection of fraudulent enrolment. It has been suggested to us by Ms Ehrmann and others that voter and enrolment identification could be introduced in Australia to make sure that the federal electoral roll cannot be manipulated and that Australians can be confident that their federal electoral roll is in fact an honest and true reflection of the electorate.

Mr Mooney—I would like to answer that question, but first I will go back to the comment you made before. I mentioned at the Shepherdson inquiry—and I state it again today—that, certainly in the lead-up to the Mundingburra by-election, examples were given to me of general roll manipulation by members of other political parties for the purpose of that by-election. I raised that matter in my comments at the Shepherdson inquiry. I do not think you can say that it is only there for internal party political plebiscites; it goes further than that. I think that should be the major concern of this committee.

In terms of voter identification, in a seat such as Herbert in Townsville where there are numbers of itinerant people—especially people who are at the lower end of the socioeconomic scale and people who are travelling through—I think that sort of requirement could help to disenfranchise those people. I would be concerned about that sort of provision being enacted. That is my view as a citizen of Townsville.

Senator FERRIS—Are you talking about voter identification or are you talking about enrolment identification?

Mr Mooney—I am talking about voter identification.

Senator FERRIS—So you are quite happy to enable a system to continue where people can walk up and vote and not be asked to identify themselves?

Mr Mooney—I have given my point of view, Senator. I am not attempting to be an expert in this matter. I have not come before you to shove my point of view down your throat. You have asked me for an opinion and I have given it.

Senator FERRIS—What about enrolment identification?

Mr Mooney—Again, I do not have a firm view on that. It would seem to me that in areas like Townsville where there are numbers of itinerant people, where you have people passing through, that there could be problems for those people and I would have concerns about it. However, I have an open mind. I have not carefully studied the issue.

Senator FERRIS—How else could you suggest that the integrity of the federal electoral rolls could be ensured?

Mr Mooney—I have not studied the issue carefully, Senator; I am sorry. I do not have other points of—

Senator FERRIS—Councillor Mooney, you are the mayor of Townsville. One of your councillors is now serving a prison sentence for electoral fraud. Are you telling me that you have never considered ways in which we can improve the integrity of the electoral rolls?

Mr McCLELLAND—You asked for further ways, not ways.

CHAIR—Just let her ask the questions and let Councillor Mooney answer them.

Senator FERRIS—Mr McClelland, you always offer your assistance with my questions. Neither the witness nor I need it. Please let him answer the questions.

Mr McCLELLAND—I do not think the witness knows.

Senator FERRIS—Please let him answer the questions.

CHAIR—Order! You could all stop badgering poor Senator Ferris.

Senator FERRIS—Would you like me to repeat the question?

CHAIR—Senator Ferris is allowed to ask her questions and they are excellent questions.

Senator FERRIS—They are used to bullying women; that is their problem.

CHAIR—That might be the problem.

Mr Mooney—Could you repeat the question, please?

Senator FERRIS—You were the mayor of Townsville when there was a CJC inquiry which really began because of allegations that arose from manipulation of rolls in this city. You have one of your colleagues, a former Labor colleague, now serving a prison sentence for electoral fraud. I am asking you whether you have any ideas on how to improve the integrity of the roll. I have put to you the two suggestions that former Councillor Ehrmann made to this inquiry—and you are asking me to believe that you have never considered how the integrity of the roll can be better delivered to Australian citizens.

Mr Mooney—First of all, don't ever accuse me of being a colleague of former Councillor Ehrmann.

Senator FERRIS—You were a colleague in local government, Mayor Mooney.

Mr Mooney—In terms of my view about the Commonwealth electoral roll, I am not in a position to affect that. If you invited me here today to make some submissions on that issue, I would have been more than happy to have prepared some of that.

Senator FERRIS—This is the principal term of reference that we have here:

the adequacy of the Commonwealth Electoral Act for the prevention and detection of fraudulent enrolment;

I would have thought that when you came here you would have been aware of what our terms of reference were.

Senator FAULKNER—Councillor Mooney came here because he was threatened with a subpoena.

Senator FERRIS—Please settle down, Senator Faulkner.

Senator FAULKNER—Let us be clear.

CHAIR—Order, please!

Senator FAULKNER—Come on, let us be real.

CHAIR—We let you ask your questions without any interruption and I think the least we can do is allow Senator Ferris to ask her questions.

Senator FERRIS—Please, Senator Faulkner, stop trying to bully me.

Senator FAULKNER—As you are all aware, these witnesses have been dragooned into arriving at this position today.

CHAIR—That is part of the process.

Senator FERRIS—Chair, I find the Labor Party's bullying of me at every one of these hearings quite deeply offensive.

CHAIR—It is deeply offensive.

Senator FERRIS—Just because you do that at your branch meetings you do not need to do it on this inquiry. I would appreciate it if you would stop it, Senator Faulkner.

CHAIR—I agree, and I would ask you to do so, Senator Faulkner.

Senator FERRIS—Councillor Mooney, could you please try to answer the question.

Senator FAULKNER—On a point of order—

CHAIR—Senator Faulkner, Senator Ferris is quite right about your tactics towards her in the last three public hearings. I would ask you to desist from bullying.

Senator FERRIS—It is just a disgrace.

Senator FAULKNER—My point of order is to you, not to Senator Ferris, Mr Chairman.

CHAIR—What is your point of order?

Senator FAULKNER—My point of order is this: could you make sure that the record shows that most of these witnesses have attended today's hearing because there is a threat of a subpoena.

Senator FERRIS—There is no point of order, Chair.

CHAIR—There is no point of order.

Senator FERRIS—That is not a point of order.

CHAIR—There is no point of order and that is not true.

Senator FERRIS—Once again, Chair, members of the Labor Party run games of interference against women that I hope all women members of your party pick up on. Certainly the previous witness, who is now serving a prison term, Ms Ehrmann, picked up on it, and she found it offensive as well. Mayor Mooney, would you care to answer my question or do I have to repeat it for the third time?

Mr Mooney—No. I am more than happy to answer the question by taking it formally on notice. I will prepare a full submission, Mr Chairman. Thank you for the opportunity to do that. I will do some important research and then prepare a full submission for this inquiry.

CHAIR—We would appreciate that.

Mr Mooney—I have already indicated that I support the view taken so far by Mr Peter Beattie in terms of his good government policy. He puts down a number of requirements for all political parties in terms of how they should conduct their affairs in this state. That includes the

Electoral Commission undertaking comprehensive campaigns to educate the community to make sure that people are aware of their rights and can get on the electoral roll and making sure that there are extra Electoral Commission resources in order to undertake this work—and I think there has probably been some lip-service paid to that in the past, and I think that has to be addressed. Certainly, in terms of identifying those people who are enrolling, there are issues there and I can see that point. I will address that in terms of a formal submission. I thank you for the opportunity to do so.

Senator FERRIS—I have one final question, Chair. As the mayor of Townsville and, in particular, the area where many of these allegations had their genesis, did you ever have any phone calls from the state secretary of the Labor Party, Mr Kaiser, or the state leader, Mr Beattie, to ask your view on how this was affecting members of the Labor Party in Townsville? Did you ever ring them to discuss the effect on Labor branches in this area and resignations from Labor branches in this area as a result of—

Senator FAULKNER—I have a point of order, Mr Chair.

CHAIR—Can Senator Ferris finish her question?

Senator FERRIS—Can I please finish one question without your interruptions. Could you please just answer that question for me?

CHAIR—I have to take the point of order before Mr Mooney answers.

Senator FAULKNER—My point of order is a very important one.

Senator FERRIS—This is outrageous, Senator Faulkner, and you know it! This is outrageous interference and bullying, and you know it!

Senator FAULKNER—Mr Chair, my point of order is: given the terms of reference of this particular joint standing committee of the Commonwealth parliament, how can you allow this question to be asked of this witness? This is about internal Labor Party affairs. It is not about any of the terms of reference—

Senator MASON—It is about electoral fraud.

Senator FAULKNER—It is not about electoral fraud, with respect. It is not about the terms of reference of this committee. I do not think these sorts of questions should be allowed.

Senator FERRIS—Chair, can I explain why I asked the question so that perhaps Senator Faulkner may understand that better?

CHAIR—Yes.

Senator FERRIS—Councillor Mooney has been mayor of this area for more than 10 years now. This was a very significant issue within the council of Townsville—

Mr Mooney—No, it was not.

Senator FERRIS—as one of the councillors was charged with electoral fraud. We have already had evidence today of the number of branch members who resigned as a result of differences of opinion and feelings of disenchantment arising from this. It had a lot of media coverage and, I believe, as the mayor of this municipality, it is a reasonable question to ask you as a senior member of the Labor Party and a former candidate what effect this had on this area and whether you ever discussed it with your state secretary or the leader of your party.

CHAIR—I think it is a reasonable question because of the evidence that Karen Ehrmann gave to us in Brisbane that she had a meeting with Tony Mooney and Peter Beattie in Townsville to discuss the preselection in 1996. And so I think it is a fair opportunity for Councillor Mooney to perhaps comment on that.

Mr Mooney—That is a separate question, Mr Chair, with respect. I am happy to attend to that matter if you have questions on it but it—

Senator FERRIS—Perhaps you could answer both of them.

Mr Mooney—If I stopped getting double-barrelled questions, I might be able to do it. In terms of answering the question, no and no. I did not speak to either Peter Beattie or Mike Kaiser. I would not necessarily expect to do so. But, in terms of the effect locally, I think the people of Townsville have got enough commonsense to look at the issues that are important to them when they are selecting their local council, state and federal representatives. And I think they have shown that judgment very well over the last several years. They are concerned about issues of putting bread on the table, fuel prices and all the other things that are important.

Senator FERRIS—That is why they elected Peter Lindsay.

Mr Mooney—They are the issues I put to you that are going to be uppermost in their minds in the coming several months.

Senator FERRIS—Perhaps you would now like to address the question—

CHAIR—You might like to answer the question with respect to the private meeting you had with Mr Beattie and Ms Ehrmann.

Mr Mooney—What is the question, exactly, Mr Chair?

CHAIR—Did that meeting go ahead?

Mr Mooney—I did have a meeting with Mr Beattie, and at that meeting Karen Ehrmann and Mike Reynolds were both present.

CHAIR—And the preselection was discussed?

Mr Mooney—The preselection was discussed. That is shown, by the way, in my official diary, which is in the hands of the CJC.

CHAIR—Were complaints raised at that point with respect to the electoral roll deciding the plebiscite?

Mr Mooney—No, not at all.

Senator MASON—I think I am right in saying that, in response to a question from the chairman, you said that you first learnt of electoral fraud within the ALP in Townsville in 1996. Is that correct?

Mr Mooney—No, I did not say in 1996. I said at the time of the conviction of those people involved.

Senator MASON—Who were they?

Mr Mooney—Kehoe, Ehrmann and Foster.

Senator MASON—When did you first join the ALP?

Mr Mooney—1974.

Senator MASON—When were you first elected a councillor?

Mr Mooney—I was appointed in 1977.

Senator MASON—And deputy mayor?

Mr Mooney—1983.

Senator MASON—And a state candidate?

Mr Mooney—I was a state candidate in 1986, and a state candidate for the Mundingburra by-election in 1995-96.

Senator MASON—So over a quarter of a century membership of the ALP and coming up to 25 years in council?

Mr Mooney—That is right.

Senator MASON—Have you ever heard of the Muller report?

Mr Mooney—Yes, I have.

Senator MASON—Those allegations of electoral fraud were in July 1994?

Mr Mooney—In terms of the allegations of electoral fraud, I have not read the Muller report, and you will have to talk to Mr Muller about that himself, but I am unaware of any reference to electoral fraud in that report.

Senator MASON—Have you read the report?

Mr Mooney—I just said I have not read it.

Mr McCLELLAND—Just to cut through, Senator Mason, you might refer the witness to the passage to which you are referring where reference is made in the Muller report to electoral fraud.

Senator FAULKNER—This will be interesting.

Senator MASON—I will not now, Mr McClelland. Well, the witness said he had not read the report.

Mr McCLELLAND—Have you?

Senator MASON—That is not right. It is the part about passive members and absentee voting and so forth.

Senator FAULKNER—In party selection ballots, that is.

CHAIR—Yes, it is about electoral fraud.

Senator MASON—It is electoral fraud.

CHAIR—Anyway, I am not going to argue about that. Let us just get on with the questions.

Mr Mooney—I made the point that I was aware of the Muller report.

Senator FAULKNER—Maybe you are not Perry Mason after all.

Senator MASON—No, Senator Faulkner.

CHAIR—Why doesn't the Labor Party want to have this evidence brought out? What is the problem—trying to cover up and obfuscate and create hurdles.

Mr McCLELLAND—The difference with the Labor Party is we want the evidence from the witnesses, not from senators who have not read documents—

CHAIR—You will get your opportunity to ask your questions.

Mr LAURIE FERGUSON—He has had time to find that quote now.

Senator MASON—Hold on, Mr Ferguson. Mr Mooney, you have said you never read the report. Is that correct?

Mr Mooney—I have not read the report.

Senator MASON—Why haven't you read the report?

Mr Mooney—I am not in the administration of the Australian Labor Party. My job is mayor of the city and I have functions to perform in that job. I head up an administration which is involved in managing a billion-dollar corporation. I am not involved in the administration of the Australian Labor Party, full stop. Those issues are matters for the various party organs to be involved in, to examine those issues and take appropriate action.

Senator MASON—When you were being questioned before the Shepherdson inquiry you were asked about factions and factionalism within the Australian Labor Party.

Mr Mooney—Yes.

Senator MASON—You said that at the 1996 plebiscite there was another faction supporting your opponent, as I understand it, and the question was asked, 'And what was that faction called?' You said, 'To my knowledge, the socialist left'.

Mr Mooney—Yes.

Senator MASON—Then: 'And they are real power groups, are they, within the ALP, these factions?'

Mr McCLELLAND—Mr Chairman, I raise a point of order. I was called to order at the last meeting—

CHAIR—Yes, you cannot refer to evidence in the Shepherdson inquiry on the transcript.

Senator MASON—All right. So, Mr Mooney, you have been a member of the Australian Labor Party for over 25 years, a senior figure here in Townsville, a councillor since 1977, a state candidate twice, and you are telling this committee on oath that the first time you came across allegations of electoral fraud was 1996?

Mr Mooney—No, that is not correct because what I said before was that I was not aware during 1996; I became aware when Kehoe and the other two were convicted.

Senator MASON—That was the first time, to your knowledge—

Mr Mooney—Yes, that is definitely—

Senator MASON—After 22 years then in the ALP?

Mr Mooney—Yes.

CHAIR—I think he has answered the question as best as he can. I have a final question before we go to the Labor Party or the Democrats. You have, a number of times, given evidence saying that you knew nothing about electoral fraud before the conviction of Erhmann, Kehoe and Foster. So what is your answer to the allegations made before Shepherdson that your handwriting appears on a number of false enrolment forms?

Mr Mooney—For a start, there is no evidence before Shepherdson of that type at all. I would request that you withdraw that comment because there has been no evidence given by anyone before the Shepherdson inquiry along those lines.

CHAIR—That is what I understood to be the newspaper reports.

Mr Mooney— No, Mr Chairman, you have the transcript. I request that you remove the comment because no evidence has been given along those lines. It is untrue. You have the transcript before you. Show me where it is said. I demand that that be withdrawn.

CHAIR— I will withdraw if it was put in a way that is obviously not exact or precise.

Mr Mooney—Mr Chairman, I take offence. You said to me—

Senator FAULKNER—You're not having a good day, Chris.

CHAIR—I have withdrawn the question, Mr Mooney.

Mr Mooney—Thank you.

CHAIR—Therefore, what are the allegations in front of the CJC about fraudulent enrolment involving you? I defer another question to when the CJC's interim report recommends that you be referred to the DPP. So what are the allegations before the CJC regarding your role?

Mr Mooney—Mr Chairman, the allegation is that I was made aware of, and encouraged Mr Kehoe in his, fraudulent activity. As I said to you before, my counsel James Douglas comprehensively rebutted that evidence. I table the submission that he made before Mr Shepherdson QC, especially in view of what you have just said, which to me clearly shows that you are unaware of the allegations made against me. I am offended by that. I will table this. I would like every member of the committee to be able to read it so they can be fully informed before such mistakes are made in the future.

Mr McCLELLAND—I would like to ask the chairman why this witness was called to give evidence if the chairman did not know what allegations had been made against him. Why have taxpayers paid money for us to fly up here and take evidence from this witness if you do not know the allegations?

CHAIR—That is a spurious question. You are not here to ask me questions.

Senator FAULKNER—Just as well really, isn't it?

CHAIR—The point is that the committee deliberated and chose to have these witnesses. We have been here for a number of witnesses.

Mr McCLELLAND—On your casting vote.

CHAIR—Councillor Mooney is obviously an important witness for the committee.

Senator FAULKNER—You're not having a good day, are you!

Senator BARTLETT—Just getting back to the issue of the electoral roll and the electoral system, you mentioned before the issues that you think are of concern to the people of Townsville. How much do you think all the publicity about rorts, et cetera, going on has impacted on people's confidence in the electoral system, increased their cynicism and made them less likely to want to be involved in the political process?

Mr Mooney—I think it has done politicians of all political parties some damage. There is a general degree of cynicism about politicians and the political process. It has certainly made people more aware. If you listen to the electoral commission, they claim that there is unprecedented interest, which is probably a good side effect of the whole outcome. But I do not think it has done politicians or the political process at any level any good at all because it has just entrenched in the minds of the community beliefs that they already held about politicians.

Senator BARTLETT—When we are going around the community, we all encourage people we think might be able to make a good contribution to get involved in the political process. I am sure you do the same. Have you found it a bit harder to encourage people to join up or get involved since all this has come to light?

Mr Mooney—Frankly, no. The amount of support coming from my local community has been overwhelming. I am fortunate to have a very supportive network here locally. I do not think it has affected people joining the political party that I belong to and believe in. People have already moved on and are now focusing on other important issues, be they state or federal issues, coming up in the year ahead. But I think there is a general cynicism about politicians and that perception is going to be there for some time.

Senator BARTLETT—Do you have much contact with the Australian Electoral Commission in any sort of regular way in terms of how they operate and monitor the roll and that sort of thing?

Mr Mooney—Frankly, that has not been a function of local government, so I have not had much involvement or interest in that matter. Naturally I am concerned to make sure that the electoral rolls have integrity and are valid. That is important at election time. But, as a function of local government, it has not been at the top of my list of priorities.

Senator BARTLETT—Does the council as a whole try to cooperate by encouraging people to get on the roll at citizenship ceremonies and other gatherings around the place?

Mr Mooney—We work with the AEC at citizenship ceremonies: an officer of that organisation comes along and makes those electoral enrolment forms available. At election

time, candidates from all political parties go out and encourage people to enrol if they are eligible. I fully expect to continue to do that.

Senator BARTLETT—In terms of the size of the alleged various problems that we are meant to be examining, how big a problem do you think electoral fraud is at the moment? Some people have suggested that it is endemic not just throughout the ALP but in Queensland's political culture while others say that basically a few bad apples are doing the wrong thing.

Mr Mooney—I do not think it is a major problem and I do not think the community at large believes it is a major problem. The submissions that went before Mr Tom Shepherdson last Friday week showed that it was certainly not widespread in terms of any general election. That has been shown conclusively. The particular election that was focused upon in the Shepherdson inquiry was the Mundingburra by-election. As I have already indicated, apart from the evidence of Mr Udo Reeh and one piece of evidence from the Labor Party, there was virtually no evidence to support that claim.

Senator BARTLETT—In terms of purity of the electoral roll being a mechanism for reflecting the views of all Australians, is there potentially a bigger problem with people who should be enrolled not being on the roll rather than with people being enrolled at the wrong addresses?

Mr Mooney—If I can make any appeal to this committee it is that adequate resourcing be made available to the AEC to enable it to educate the community and do the monitoring that is needed over time. That would overcome many of the concerns that have been raised in the submissions that are obviously coming before you.

Senator BARTLETT—I am sure that this question is totally outside the committee's terms of reference, but I am curious as to how you have managed to be mayor for more than 10 years and still not have any grey hairs at all.

Mr Mooney—They are coming.

Senator BARTLETT—There must be a secret in that somewhere. Going to the basis of what we are meant to be examining in terms of the electoral roll, apart from the allegations that have been made specifically at the Shepherdson inquiry and in media reports, are you aware of any similar activities occurring within the party, whether locally or elsewhere?

Mr Mooney—No, I am not aware of that. We all read the scuttlebutt that gets into the media from time to time, but I have certainly not been aware of that and I have not heard of it locally. I did mention to you the case—which I raised at the inquiry—involving another political party in the lead-up to the Mundingburra by-election. But, apart from that, that has certainly been my position.

Senator FAULKNER—Mr Mooney, you have indicated that you will make a submission about possible changes to the Commonwealth Electoral Act in relation to the integrity of the roll, but you have not yet made a formal submission to this committee, have you?

Mr Mooney—No, I have not.

Senator FAULKNER—Did you request at any stage to give evidence to this committee?

Mr Mooney—No, I did not.

Senator FAULKNER—Are you aware of how your attendance at this committee came about?

Mr Mooney—I know I received a subpoena. I did make a request, on advice from my QC, saying that it would be highly inappropriate for me to be here today, prior to Mr Tom Shepherdson bringing down his report. I have been adversely named and naturally I am hoping for natural justice to apply at some stage. So I took that advice—that advice was given to me—and the secretariat of this committee was made aware of that position. I made it clear that I would be happy to cooperate and answer questions, as I am here today doing so to the best of my ability; but my legal advice was that it would be inappropriate to be here today.

Senator FAULKNER—Can you tell us, Councillor Mooney, how that advice was passed through to the secretariat of this committee?

Mr Mooney—My legal firm spoke to staff involved.

Senator FAULKNER—Do you know when that took place?

Mr Mooney—I could get you that detail, but it was certainly around the time that I received the invitation to attend, so it was in the last fortnight or 15 days.

Senator FAULKNER—Would you be surprised to learn that such advice had not been passed on to members of the committee?

Mr Mooney—I understood that the committee had to meet to be able to subpoena me, and I understood that that was, in fact, a decision taken by the committee.

Senator FAULKNER—Would you be surprised to learn, Councillor Mooney, that a general resolution encompassing witnesses who might not desire to or be keen to attend the committees is passed and includes all names of prospective witnesses, and it is not dealt with individually?

CHAIR—No, it does not, actually. That is actually not true.

Mr Mooney—I am not aware of that, Senator, at all.

CHAIR—That is not true anyway.

Senator FAULKNER—Councillor Mooney, I think, would be surprised to learn, as indicated to us, that the views of his legal counsel have not been passed on to members of the committee—another serious breach on your part, Mr Chairman.

CHAIR—Absolute nonsense. Just get on with asking questions on our terms of reference.

Senator FAULKNER—It is not absolute nonsense.

CHAIR—The private deliberations of the committee are not a matter for being aired at the public hearings, as you are fully aware. Your behaviour in raising them is quite improper.

Senator FAULKNER—It is not. I am asking Councillor Mooney—and I intend to progress this—about issues relating to your administration and chairmanship of this committee, because as we progress through these hearings we find more and more failures and more and more partisan behaviour on your part.

CHAIR—You can waste your question time on this subject if you wish to.

Senator FERRIS—More and more attempts to cover up electoral fraud for your own purposes.

Senator FAULKNER—No, this is a very serious issue.

CHAIR—Well, raise it in private meeting.

Senator FAULKNER—Councillor Mooney's legal counsel has provided advice to the committee secretariat, which, I assume by deliberate decision of the chairman, has not been provided to us as members of the committee.

CHAIR—Neither should it be.

Senator FAULKNER—I beg your pardon—neither it should be?

CHAIR—We passed resolutions in private committee to deal with subpoenas on the basis that we knew that some people may not wish to attend, so that if we proceeded with the—

Senator FAULKNER—Do you understand, Councillor Mooney, why I describe this as a witch-hunt?

Mr Mooney—I do. I can.

Senator FERRIS—Could we just get back to some questions of relevance?

CHAIR—Senator Faulkner, our terms of reference are to deal with the integrity of the electoral roll. In private meetings you can raise these matters, but not at public hearings.

Mr Mooney—I simply want to make it clear that I have come here today to cooperate, Mr Chairman, and that was always my intention.

CHAIR—For which we are very grateful.

Senator FAULKNER—Councillor Mooney, you have spoken briefly about Premier Beattie's plan. The witnesses that we have had this morning before this hearing in Townsville—that is, Mr Courtice and Mr Gillman—have indicated a very strong endorsement of that plan. You have mentioned, I think, general support yourself. I do not want to put words into your mouth; I would just like to ask you, if I can, a question. I do not want you to accuse me of

asking you a double-barrelled question, but there are two elements to it. One goes to questions of the Premier's approach to the question of general integrity of electoral processes, electoral legislation, electoral law in Queensland. The other goes to a reform package in relation to internal processes, as you would be aware, within the political party which both of us happen to be members of. I wondered if you might give the committee a more formal response to your view of these proposals, accepting that I think on two occasions you have mentioned that in passing.

Mr Mooney—In terms of the internal affairs of the Australian Labor Party, I think those reforms have been very well received. The view that the AEC should monitor those balloting arrangements is, I think, a welcome change and widely supported, as is the recommendation that postal ballots should no longer occur and that there ought to be a stand-up ballot whereby party members who want to exercise that right can do so in person.

The view that the AEC should be able to do an audit, with the support of the party, of members of the party who are eligible to participate in those sorts of balloting arrangements is also a recommendation that is widely supported within the party. There is a view—and we talk about a culture—and a very strong culture within the Labor Party that that be the case: that things be seen to be transparent, and that accountability is there so that the rank and file members of the Labor Party are seen to be having a real say. I think that approach is welcome.

In terms of what the Beattie government have put forward with their good government policy, again I think there are new provisions there which will make all political parties in Queensland far more accountable. Because political parties receive public funding for the work they do for their operations, there has to be accountability along the lines that Peter Beattie has put forward, and I think Queenslanders generally support that. There is going to be a much greater onus on political parties to perform in Queensland in terms of openness, transparency and accountability. I thoroughly endorse that approach.

Senator FAULKNER—I have heard what you say about the impact of this issue in general on the Townsville community because a member of the committee asked you—I think it was Senator Bartlett—about this a short while ago. Have you had any feedback to suggest that that endorsement that you have just given might well be broadly supported in the community?

Mr Mooney—The feedback I am getting is that people are looking to other issues. People want answers to their questions about putting bread on the table. This afternoon I am meeting with a woman whose husband was involved in the fishing industry and they are having all sorts of problems just sustaining their family. When she called me last Thursday my mind was on this inquiry. She did not have one iota of knowledge about electoral rorts or things of that nature, nor was she interested in this inquiry. There are a lot of people who are doing it tough out there in that sort of environment. Those people are concerned about those everyday issues. As I mentioned before, there is a cynicism about politicians and the political process. I think the sort of package that Mr Beattie has put forward will help reassure those people.

Senator FAULKNER—I am aware that you have been asked a number of questions about when you first became aware of this issue of electoral fraud as it applied to Labor Party figures and you have answered that on a couple of occasions. This might seem a little odd given that this committee has conducted itself in such a partisan way, but I wondered whether you had any

experiences you might care to share with the committee—you may have none—in relation to the non-Labor side of politics and the integrity of electoral process that you might think the committee might usefully examine.

Mr Mooney—The only evidence that I became aware of happened after the Mundingburra by-election. As you know, I was the defeated ALP candidate at that time. It was at the time of the Carruthers inquiry, and I mentioned it more by way of reference here earlier today that it was not only the Australian Labor Party that was accused. I certainly became aware at that time of a claim that a prominent member of the organisation known as the Friends of Mundingburra, with links to the National Party, had been involved in the employment of somebody to manipulate the electoral roll leading into the Mundingburra by-election. That was made in a claim to me. I refused to mention the name of the person alleged to be involved because I could not track down the person who made the claim to me and I could not verify it. I still refuse to take—

CHAIR—Was that before the Karen Ehrmann, Foster and Kehoe convictions for electoral fraud?

Mr Mooney—This was in 1998.

Senator FAULKNER—The logical next question for me to ask you is to front up with the name. I am interested in your just expanding, as I think you were before the chairman asked his question about why you would prefer not to give the name. Normally I ask those sorts of questions.

Mr Mooney—The person who made the call would not identify herself to me. The name of the person involved is well known in political circles in Townsville and I was not prepared to go forward on that, and I still am not. I mentioned at the Shepherdson inquiry that it had been second-hand information to me. That was nevertheless made to me, and I state it now for the record; but I really do not want to pursue it beyond that because I have no way to verify the involvement of that person.

CHAIR—So it is hearsay?

Mr Mooney—Might I say that there has been plenty of hearsay put to me this afternoon, but, yes, it is hearsay.

Senator MASON—You are told about National Party rorting but never about Labor Party rorting.

Mr Mooney—I think, Senator, that you have been very much involved in that.

Senator MASON—It is an issue of credibility, Councillor.

Senator FERRIS—Fancy that!

Mr Mooney—Exactly.

CHAIR—Order! Any further questions from the Labor Party?

Mr McCLELLAND—I have one of concern, and I am pleased Senator Ferris is back in the room. Senator Ferris chastised you—she can correct my use of language—for not being in a position to give particular information or your opinion about particular matters. When you were requested to come to this inquiry, were you advised that you would be required to give evidence regarding any particular matter?

Mr Mooney—No, I was not.

Mr McCLELLAND—As far as you were concerned, you were turning up to face whatever a partisan committee might throw at you?

Mr Mooney—I expected there would be some questions along a certain line, and I have not been let down in that expectation.

Senator FERRIS—You never thought to look at the terms of reference of the committee of inquiry?

CHAIR—The terms of reference would have been sent to the witness.

Senator FERRIS—Exactly.

Senator FAULKNER—Unlike his counsel's submission to the committee, which was not sent to committee members.

CHAIR—Senator Faulkner, sadly for you—

Senator MASON—Why should it be sent?

CHAIR—Senator Faulkner, sadly for you the letter was never received from the witness's counsel.

Mr McCLELLAND—Was there any direction to you—

CHAIR—There was no letter sent by the counsel. So thank you very much for your apology to me.

Senator FAULKNER—I am not giving an apology. We have heard from Councillor Mooney that the advice was given verbally, so why would they send a letter?

CHAIR—There was no letter or submission to circulate.

Senator FAULKNER—Was advice given?

CHAIR—Advice was given that he would not appear—which is why, of course, a subpoena was in place, because we expected him not to appear.

Senator FAULKNER—You are having a very, very bad day.

CHAIR—No, sadly, we are not. There was no counsel letter to circulate to members.

Senator FAULKNER—Just more partisan chairmanship from you.

CHAIR—Not at all—in fact, more than fair.

Mr McCLELLAND—You were presented with a terms of inquiry in respect of which we will be required to give a detailed and extensive report, but you were not asked to focus on any particular aspect of those?

Mr Mooney—No, I was not.

Senator FERRIS—It is the mayor's entitlement.

Mr McCLELLAND—Thank you for that, Senator.

CHAIR—Any other questions from the Labor Party? Andrew Bartlett, you have had your questions. Any other questions from the coalition?

Mr St CLAIR—Just one question: are you aware of any other political party in Australia that uses the electoral roll as the basis for its preselection process?

Mr Mooney—No, I am not.

Mr St CLAIR—And the ALP uses it?

Mr Mooney—I am only aware of the Queensland situation. I am unaware of any other situation for other Labor Party branches in the rest of the country.

Senator FAULKNER—So you would not be aware—as I do not think members of the committee would be aware—that the New South Wales Liberal Party has a residential requirement linked to electoral enrolment?

Mr Mooney—No, I am not.

Senator FAULKNER—I do not think they are either.

CHAIR—Councillor Mooney, you responded quite sensitively before to my question with respect to your own allegations made before the CJC inquiry. I think perhaps you should clear it up with the *Advertiser* and the *Australian* as well, because the *Advertiser* reported the CJC interim report as follows:

There also was a case against Townsville Mayor Tony Mooney for forging and uttering enrolment cards in Townsville in 1996.

The *Australian* reported it as follows:

But Mr Hanson has recommended Commissioner Shepherdson consider referring Townsville Mayor Tony Mooney to prosecuting authorities for possible forgery charges. He said there was evidence to suggest the pair—

being Mr Barbagallo—

had been involved in forged electoral enrolment forms.

So you can understand my confusion with respect to the allegations.

Mr Mooney—Yes, I can. But, with respect, you have the transcript from Shepherdson and you have, I presume, secretariat staff who are researching for you questions, which must have been prepared well in advance of this hearing, and would know very well what the allegations are. They are, in fact, allegations of one individual which are not corroborated by any other documentary evidence apart from his own invented conversations. Those comments are comprehensively rebutted in these submissions.

CHAIR—We will have that tabled. I always rely on the fourth estate's veracity in respect to checking out these matters and so I was happy to rely on them on this occasion.

Mr Mooney—As a politician that would be a grave error, I suggest to you.

CHAIR—The committee has agreed that the counsel's advice be tabled and it will become exhibit No. 12. Thank you, Councillor Mooney, for your attendance today.

Proceedings suspended from 2.16 p.m. to 2.29 p.m.

[2.30 p.m.]

BELLETTE, Mr Bruce Herbert, Logistics Officer, Herbert Electorate, Liberal Party of Australia (Queensland Division)

LINDSAY, Mr Peter John (Private capacity)

CHAIR—I would like to welcome Mr Peter Lindsay, MP, and Mr Bruce Bellette to today's public hearing. As I stated to the other witnesses this morning, this inquiry is about the integrity of the electoral roll. It is not an inquiry into the internal matters of any political party except in so far 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. I do not really need to tell you that, Peter. Accordingly, I advise that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament. Would you please indicate whether you would like to make a brief opening statement to the committee about any matters.

Mr Bellette—I have no opening statement.

Mr Lindsay—I would like to make a fairly extensive opening statement if that is okay.

CHAIR—Certainly.

Mr Lindsay—Mr Chair, I am pleased that the committee has come to Townsville today and I welcome you all. It is good to see you up here. I am also pleased to see the terms of reference that the committee is inquiring into. It is long overdue. I am a bit disappointed at the reaction across the country to the proposals that have been put up to try and solve the problems that we have seen articulated time after time after time. Mr Chair, I have what I think is a basic six-point plan that might help the committee with whatever its recommendations might be in relation to trying to solve these problems. I want to relate those points to what I have seen happening here locally and give you some factual information in that regard.

The first point I would like to make is that I believe that some form of appropriate formal identification that sufficiently establishes a person's identity and address should be required before a person can be enrolled to vote. I make that point because, as I go about my duties as the federal member and as I look at the state of the rolls, I see at certain addresses five single people with different surnames all enrolled at the same address. When you go around to that address you find that perhaps two of them actually exist. You have got to wonder why that happens. And you have got to wonder why there are so many of those instances on the electoral roll. I can speak only on the electoral roll for Herbert. I have not looked elsewhere in the Commonwealth of Australia but I assume it is the same sort of thing. It happens because people do not need to say who they are. And you also know that in fact it is possible for any of us to put anyone on the electoral roll anywhere. That is the current situation in Australia. In fact I think there are some very famous instances where animals have been put on the electoral roll—and properly enrolled.

Senator FERRIS—Do they vote?

Mr Lindsay—Senator Ferris, that is the question you have to ask: does that name actually vote? There is no check. You could put your cat or your dog on the electoral roll if you wanted to. I certainly know of an instance in Toowoomba where something like that happened. We cannot allow that to continue to happen—we just can't. That is why I believe there needs to be some kind of formal identification confirming the person's identity, confirming their address, and confirming that they are entitled to go on the roll.

My second point is that I believe that the change of enrolment process should also require formal identification before the application is processed. I make the point to the committee, and I am sure that you are well aware of it—and I make it publicly—that any of us can actually transfer anyone else on the electoral roll without their knowledge. Certainly in this city I have seen this happen on a number of occasions. Anyone in this room could transfer all of you to Christmas Island this afternoon and you would not know.

How could we have an electoral system like that? Surely that leaves the roll open to the possibility of improper use. I think that is what you are all looking at and what you are interested in. All of the political parties will have the same interest in that because I do not think any of us want to see the roll not have the integrity that the voters would like to see it have.

My third point is that voters should be required to show some form of appropriate formal identification at a polling booth before they are provided with ballot papers. I will give you two examples where, if we do not do that, things can happen. I concede, and this is not widely understood in the community, that the problem of double voting is not really a problem, because the Electoral Commission picks it up. If there were sufficient double votes that the outcome of the election could be affected, then they would do something about that and hold another election.

Where I think the problem occurs is twofold. If you are voting in a community such as Palm Island, the local Aboriginal community, it is extraordinarily easy for somebody to go and vote for somebody else because they know that that person is not going to turn up. You get that kind of a misrepresentation occurring and nobody knows. The other area where I understand that there have been some problems is with caravan parks. It has been a technique, as has been reported publicly and you would all have seen this, where some groups will go and knock on doors in caravan parks. They will have a copy of the electoral roll and they will see who is on the roll at that address and actually find out who physically is at that address. If it is different, then there has been some evidence that people have gone and voted for a person who did not actually live at the address. You get that kind of matter operating. So I think that formal identification on polling day would help the integrity of the process.

My fourth point is that rolls should be closed immediately an election is called. The reason for that is it precludes the possibility of a particular seat, for whatever purposes are intended, being stacked out, effectively. If people are not on the roll when the election is called—bad luck. They have a civic duty to be enrolled at all times at their place of residence. Nobody should cry that they have been denied their rightful justice or whatever by closing the rolls when an election is announced. It precludes the possibility of, for whatever reason, a party or group moving people into a particular electorate when they see the timing of an election, in case

it gives some kind of political advantage. Again, I am giving you advice on how we might protect the integrity of the roll.

My fifth point is that declaration votes should be counted as formal only where it could be shown that the voter was not on the roll of electors as a result of an administrative error. You might find that point interesting. I have found over the years that declaration votes heavily favour one party. It has always puzzled me why in the scheme of things a declaration vote is strongly biased towards one party. You would think, all things considered, that declaration votes should pan out equally, but they do not. In every election, they strongly favour one party. I am not going to draw any conclusions as to why that might happen, I am just saying that it happens and perhaps we should all be on guard about why that is occurring. The solution is, again, that you have got to be on the roll, and you have got to have a mechanism if someone has been accidentally left off the roll. Administrative errors do occur, but I think we have got to be very careful about the number of declaration votes that are formally admitted to a poll. As I suggest, it should only be as a result of administrative error.

My sixth and final point is that additional resources should be made available to the Electoral Commission so that the integrity of the roll can continue to be verified. I would like to inform the committee of what happened at the last city council elections here in the city of Thuringowa. There are actually two city councils here. Those elections were held in March 2000. At that election there were 5,266 people who did not vote. The council then had a look at that and sent out letters to 4,965. The 301 of the original figure I gave you was an error with the AEC. So nearly 5,000 letters were sent out by the council asking, 'Why didn't you vote?'

From that figure there was no response at all from nearly 2,000, and 886 were marked 'return to sender'. Then the council sent out summonses to the 2,000 no responses and about two-thirds were returned 'return to sender'. So in that election, if you work out that maths, 2,190 people on the roll were not at the address and could not be found for that particular election. How could you have a roll where 2,190 electors were actually not there and probably not entitled to be on the roll? What happens if the rolls are like this across Australia? My recommendation to the committee is that the AEC or ECQ—whatever it is—should have the additional resources to be checking all the time and not waiting for members and senators to send information back saying, 'We cannot find this constituent.' It should be an ongoing and a pretty substantial process to make sure that the rolls are right. They are my six recommendations and perhaps I could table that or present it as evidence.

CHAIR—The committee accepts the document as submission No. 51.

Senator BARTLETT—Thank you for those suggestions. I particularly note the one about extra resources for the AEC. Just in terms of some of the points you have made there, you suggested a lot of things that people could do at the moment—for example, they could enrol us all on Christmas Island or they could vote for somebody else. Potentially there are lots of things people could do, but have you seen much evidence of things that people do that you have expressed concern about, such as voting on behalf of other people on Palm Island, and all those sorts of things?

Mr Lindsay—My response to that is that we have all seen it. It has been in the media and in the Shepherdson inquiry. All of that evidence is already before us.

Senator BARTLETT—I have not seen anything in the Shepherdson inquiry about people enrolling other people without their knowledge on the scale you are suggesting or people voting on behalf of other people.

Mr Lindsay—I do not think you have read the media. It has all been there. That is what started this whole process.

Senator BARTLETT—I have been reading the Shepherdson thing.

Mr Lindsay—That is what started this whole process. That was the original material that was given.

Senator BARTLETT—That people had voted on behalf of other people on election day?

Mr Lindsay—That people were moved around the country.

Senator BARTLETT—You have suggested that people should have an ID at polling booths before they are able to vote. How would that apply in terms of postal votes?

Mr Lindsay—That is somewhat more difficult. I have not given that any thought.

Senator BARTLETT—If, for example, as suggested in the hypothetical situation on Palm Island, I would have thought, particularly in a community like Palm Island, it is more likely that people at polling booths would know people. If someone came up and said, 'I am so-and-so and I am voting,' it is a fair prospect that somebody there would know that they are not who they say they are. It is a reasonably close-knit community. Wouldn't that be a risky thing to do?

Mr Lindsay—I think that is a fair question. Senator Bartlett, I am not going to go into that because I do not want in any way to demean the Palm Island community. I stand by what I have heard, but I do not think it moves the system forward to talk about the social problems on Palm Island. You probably do not understand what I am saying.

Senator BARTLETT—I know a bit about Palm Island but not as much as you do. I was not in any way implying social problems on Palm Island or wanting to raise them.

Mr Lindsay—It is linked into why I gave that evidence.

Senator BARTLETT—I do represent Palm Island but the electorate is a bit larger than that. You raised that as a reason why we need to tighten things up. I guess the concern I have is that, if we tighten things up in the absence of evidence of there being a sufficiently big enough problem, we may end up disenfranchising people. A lot of people do not necessarily have ID, whether it is to vote or enroll. In trying to catch some crooks we may end up disenfranchising a significantly larger number of people. Is that a concern you would have about some of the proposed changes?

Mr Lindsay—I understand what your concern is. I think it is a proper concern. However, the people on Palm Island find themselves in situations where they have to produce ID now. It is

not to vote. I do not think there would be a problem in asking for ID in Aboriginal communities. I think we should not underestimate the intelligence of Aboriginal communities. They can be responsible for themselves. If they are required to produce ID, they will produce it.

Senator BARTLETT—In terms of using ID as a means to stop people who are deliberately trying to rort the system, do you have any knowledge of how widespread fake IDs are, including photographic ones, in the community at the moment?

Mr Lindsay—No.

Senator BARTLETT—If you have people who are deliberately determined to break the law, as we have seen some examples of, getting a fake ID would be just another means of sidetracking that.

Mr Lindsay—I agree. It just makes it harder, doesn't it?

Senator BARTLETT—On the issue you gave of people enrolled at the same address, are you aware of the continuous roll update and other cross-checking mechanisms the AEC uses now?

Mr Lindsay—Yes, but I still find five people with different surnames enrolled at the one address, and so does the AEC.

Senator BARTLETT—In how many of those sorts of circumstances do you think people are deliberately trying to break the law as opposed to it being a situation where one family have moved in and changed their enrollment while the other family that have moved out have not changed their enrollment?

Mr Lindsay—The answer to that is that I do not know. I do not think there is any way that you could know. I just present the evidence, for example with what happened in the Thuringowa City Council election. The integrity of the roll is suspect. I think Australians want to have confidence in the integrity of the roll and I think all of the committee does.

Senator BARTLETT—I am certain that is the case. You gave figures about Thuringowa and the total number that did not vote. What is the total number of eligible voters in Thuringowa?

Mr Lindsay—I do not have that figure with me. It is of the order of 30,000—so it is 2,000 of 30,000.

Senator BARTLETT—So less than 10 per cent. Do you have much of an idea of how many people are eligible currently to be on the roll but are not for whatever reason? They have not got around to enrolling.

Mr Lindsay—As I travel across the electorate I find very few people who are not on the roll. But I cannot give you a specific number. As we all move about our communities we find out if people are enrolled. In fact, my office always checks when we get a constituent inquiry as to

whether people are on the roll. We find very few who are not. Those who are not generally have a reason for not being on the roll.

Senator BARTLETT—I have a final question which is possibly to both of you or either of you. Allegations have got a fair bit of coverage in the last few months in terms of misuse of the electoral roll, with a lot of those stemming from this region. When those allegations first came to light, were they a surprise to you? Were they something you had not heard of, or was this something you always suspected but just had not seen evidence of?

Mr Bellette—I have always had strong suspicions that there has been something out of the ordinary happening with the electoral process. I was not surprised.

Senator BARTLETT—The evidence that we have had to date in this committee and the vast majority of the Shepherdson inquiry evidence goes to activities that relate to preselection rather than on polling day. Do you have a belief that there is a lot of improper activity on polling day itself in terms of misuse of the roll or that type of thing?

Mr Bellette—Misuse of the roll or improper activity—would you define improper activity?

Senator BARTLETT—Voting on behalf of other people.

Mr Bellette—Regrettably, I have actually seen it happen some years ago at Marian school. A chap and his wife came through and he told me in no uncertain terms what he thought of me and the Liberal Party, and went in and queued up to vote. About an hour or two later, the pair of them were back again and queued up again to vote. There was a man from the Electoral Commission there with a mobile phone at the time. I asked him to go and stand behind these people as they answered the three questions—what is your name, what is your address and have you voted before? We wanted to get these people to make an example of them. All I got was a 10-second lecture on computer voting and he left.

Senator BARTLETT—On computer voting?

Mr Bellette—Yes. He thought it was a good idea, that it would stop this sort of thing—and he was gone.

Senator BARTLETT—You brought it to the attention of the local polling official who chose not to—

Mr Bellette—He took it to the attention of the Liberal Party.

CHAIR—But on the day you referred it to a polling officer.

Mr Bellette—He was an electoral officer.

Senator BARTLETT—And the electoral officer chose not to act. If that were double voting, that would have been, I presume—

Mr Bellette—An offence.

Senator BARTLETT—Presumably to vote again in exactly the same booth, they would have had to use someone else's name. Theirs would already have been crossed off.

Mr Bellette—Probably. We have no way of knowing what they did, whether they voted for Aunty Maude or whatever.

Senator BARTLETT—So that particular example you brought to the attention of the party. Do you know if the party followed it up with the Electoral Commission?

Mr Bellette—I do not know.

Senator BARTLETT—Apart from that particular instance, have you seen or heard of others? Part of what I am trying to do through this inquiry process is to find out how widespread all this rorting or misbehaviour is and whether it impacts on polling day activity as well as preselection.

Mr Bellette—In terms of polling misbehaviour, at the booth at Garbutt in Townsville there was a lady who witnessed and who is prepared to testify to the issuing of benefits to voters to vote to favour of the ALP.

CHAIR—The issuing of benefits to voters? You do not mean social security benefits?

Mr Bellette—No. In this case, a carload of Aborigines arrived at the booth. The ALP booth worker went over and had a chat. The Aborigines went in, voted, came out and a six-pack came through the window as they left. That happened on three occasions on the same day. Under the act, that is the issuing of a benefit.

Senator BARTLETT—So this person may put in a submission to our inquiry?

Mr Bellette—I guess so.

Senator BARTLETT—It would be handy to get specific evidence from the witness. I do not want to go too far in terms of getting this second hand. From your understanding of it, did they overhear a conversation, or just simply witness people talking?

Mr Bellette—Perhaps, if it was only one six-pack, you could offer an explanation; but when it is three times in the one day, it is very difficult to arrive at any other conclusion.

Senator BARTLETT—But they did not actually overhear a conversation?

Mr Bellette—No. I was not there. The lady did not overhear but she arrived at the conclusion that it was offering a benefit to the voter.

Senator BARTLETT—I might leave it there given the time.

CHAIR—Senator Bartlett, we have about half an hour of questions that we could ask, so I propose 15 minutes for the opposition and the government, and I propose that the opposition might go first.

Senator FAULKNER—Mr Lindsay, in the second paragraph of the brief that was prepared for the committee about your appearance it says:

In April 1997, Mr Lindsay received information from an anonymous source on the fraudulent enrolment activities of Ms Karen Ehrmann and Mr Shane Foster. Mr Lindsay passed this information to the AEC who began an investigation.

I wondered if that was entirely true. Is that right?

Mr Lindsay—Virtually none of it is true.

Senator FAULKNER—I did not think it was true; that is why I asked you. In fact, didn't someone drop a great big parcel on an unnamed Liberal Party member's 'doorstep'? And didn't that unnamed Liberal Party official pass the material on to Mr Tanti, who was the member for Mundingburra? And didn't Mr Tanti drop it in the parliament, basically?

Mr Lindsay—That is correct.

Senator FAULKNER—I thought that, but I wanted to be doubly sure. You were Mr Tanti's campaign manager, weren't you, in that Mundingburra by-election?

Mr Lindsay—The first time that he stood, yes.

Senator FAULKNER—In the Mundingburra by-election?

Mr Lindsay—No, the first time that he stood and lost.

Senator FAULKNER—What year was that?

Mr Lindsay—In 1995.

Senator FAULKNER—I see. Have you heard of this group called the Friends of Mundingburra?

Mr Lindsay—No.

Senator FAULKNER—Mr Mooney mentioned it in his evidence. In relation to these issues that we are grappling with at the moment, we of course know about Mr Udo Reeh of 17 Swailes Street, Mundingburra, and his false enrolment. He basically said that Mr Tanti asked him to enrol for electoral purposes. Do you know Mr Reeh?

Mr Lindsay—Yes.

Senator FAULKNER—Do you have any background you can give the committee on that enrolment at all?

Mr Lindsay—Not at all. I knew nothing about it. The only time that I knew Mr Reeh was that he employed Frank Tanti as a tiler.

Senator FAULKNER—Did this issue concern you at all?

Mr Lindsay—I was not aware of it.

Senator FAULKNER—When did you become aware of it?

Mr Lindsay—I read it in the paper this year or late last year. It quite surprised me.

Senator FAULKNER—He was enrolled at 17 Swailes Street, Mundingburra. Allegations have been made that this particular address, 17 Swailes Street, Mundingburra, is what is called ‘a Liberal Party safe house’. You have read that, too, I suppose?

Mr Lindsay—No, I haven’t, but it is laughable.

Senator FAULKNER—Okay. So that is not right?

Mr Lindsay—No, never heard of it in my life.

Senator FAULKNER—Do you know Mr Desmond Docherty, who was enrolled at 17 Swailes Street, Mundingburra?

Mr Lindsay—No.

Senator FAULKNER—Ms Kathleen Docherty at 17 Swailes Street, Mundingburra?

Mr Lindsay—But the point you are making, Senator, of course is a point that I covered in my recommendations to you: that it really needs some kind of formal identification to get enrolled at an address like that.

Senator FAULKNER—What about Mr Peter Sanderson of 17 Swailes Street, Mundingburra?

Mr Lindsay—Don’t know.

Senator FAULKNER—Ms Lisa Sleep of 17 Swailes Street, Mundingburra?

Mr Lindsay—No.

Senator FAULKNER—What about Susan Sleep of 17 Swailes Street, Mundingburra?

Mr Lindsay—No.

Senator FAULKNER—You have put my mind at rest about Mr Reeh’s address. He was enrolled, as you would appreciate, at 17 Swailes Street, Mundingburra. That was the false

enrolment there, and of course allegations were made about others who were enrolled. I am not making them. I just want to know whether you are aware of these particular individuals.

I noticed on page 31 of the closing submissions to the Shepherdson inquiry by counsel assisting—I think everyone calls it the interim report; that is how it is described in the media, so we know what we are talking about—that Mr Hanson said that evidence taken at the inquiry ‘suggested that it was a convention’ among politicians of all parties to enrol members of their family at the family home regardless of where the members lived. I wondered if you agreed with that observation.

Mr Lindsay—I have not talked to my colleagues about that, so I have got no knowledge on that. I could not say if any member or senator here had their family enrolled at their own home, and neither could I say it about probably every other member and senator. I do not know.

Senator FAULKNER—I do not think that it is enrolling them at their own home but enrolling family members at the family home regardless of where the members live. If you have got family members enrolled at your home and they all live there, that is fine, obviously—not only fine but absolutely appropriate. But that is the practice that you would follow, for example?

Mr Lindsay—As I said to you earlier, Senator, anybody can enrol wherever they choose, whether they know it or not.

Senator FAULKNER—I was just interested in why the use of this terminology ‘politicians of all parties’. You don’t have any background on that at all?

Mr Lindsay—No.

Senator FAULKNER—If there is a false enrolment by a member of the Liberal Party, or someone associated with the Liberal Party—you and Mr Bellette here, if you like, yourself as the local member, Mr Bellette in his capacity as a member of the Liberal Party, that is fair enough; we have had members of the Labor Party before us today, I think we all understand that—it would not matter whether it is Liberal Party, Labor Party or any party, would you treat any such allegation with the same seriousness regardless of what political party a person might be involved with or in, a member of?

Mr Lindsay—It is up to the AEC to deal with that matter.

Senator FAULKNER—The point I am asking you is this: if there is an allegation of false enrolment, are we talking about trying to ensure that we have integrity of the roll across the board, not worrying too much about whether it happens to be Labor, Liberal or Callithumpian but getting to the nub of the issue. It would not matter, surely, whether it is the National Party or Labor Party or Democrats or whatever; isn’t it just as serious regardless of what party a person belongs to or might be associated with?

Mr Lindsay—Senator, the entire thrust of my evidence today, you would have noted, has been non-political. That answers your question.

Mr McCLELLAND—In other words, it is an offence under the act, no matter who commits it?

Senator FAULKNER—You would agree with Mr McClelland's view there?

Mr Lindsay—Yes.

Senator FAULKNER—So if a member of this committee, for example, changed enrolment, that is something we should look closely at and investigate?

Mr Lindsay—If a member of the committee—

Senator FAULKNER—changed enrolment, family members changed enrolment, it would be something worth our having a look at?

Mr Lindsay—I do not think anyone would know that occurred, would they? How could they know? I do not see the point you are making.

Senator FAULKNER—Because of the sorts of things that have been said here, I am starting to look at this sort of background, which you would appreciate. Most people who are members of this committee would be aware of what I think is a pretty partisan background to what has occurred, so I have just started religiously going through the members of the committee and looking at their enrolment history—

Mr McCLELLAND—And their colleagues.

Senator FAULKNER—And their colleagues, yes. That seems a sensible thing to do. I looked, for example, at the enrolment of one of the Liberal members of this committee, Mr Somlyay, and I have got some questions to ask about that.

Mr SOMLYAY—Ask me.

CHAIR—Senator Faulkner, may I interrupt you. Mr Lindsay does not know anything about Mr Somlyay's electoral enrolment or anything else.

Senator FAULKNER—I am talking about general principles here. Mr Bellette and Mr Lindsay have come before us because I was strongly of the view that Mr Lindsay should come before us as the local member and not just Mr Bellette from the organisation. We have had a lot of members of the Labor Party before this committee and a lot of concentration on alleged enrolment fraud in relation to the Labor Party. I am trying to nail down the general principle of whether we should be just as vigilant with members of the Labor Party as we would be with members of the Liberal Party or the Australian—

Senator FERRIS—No-one is suggesting anything else.

Senator FAULKNER—You are not suggesting anything else, are you?

Senator FERRIS—No. No-one has.

Senator FAULKNER—I am asking the witness before us, Mr Lindsay, in relation to that.

CHAIR—The only point that I make is that Mr Lindsay may not find that it is within his knowledge to be able to answer those questions because obviously he knows nothing about anybody else's enrolment. That is why he answered before that it was a matter for the AEC.

Senator FAULKNER—What I was going to ask was whether members of the Liberal Party have been vigilant about these sorts of issues as well. We may as well start at the top, we may as well start with members of parliament. That seems to be a sensible way of starting. We may as well start with members of the committee. We may look at some enrolment history in relation to members of the committee.

CHAIR—I am sure nobody would be concerned about that. Mr Lindsay might like to answer the question.

Mr Lindsay—The answer to your question is that the laws of the Commonwealth of Australia apply equally to everybody, end of story.

Senator FAULKNER—Yes, but there are special enrolment entitlements, aren't there, for members of parliament in relation to their own constituency if they happen to live outside their constituency?

Mr Lindsay—I do not know about that. I have always lived in the electorate that I represent.

Senator FAULKNER—Sure, but let us be fair about this—there are redistributions and things like this that mean, as you know, Mr Lindsay, that from time to time members might find themselves living outside their electorate. It may only be a couple of hundred yards, for all I know, but that does happen. Other members choose to live outside their electorate. Senators, of course, have a particular enrolment entitlement as well. I just wondered if you were aware of those specific provisions of the Commonwealth Electoral Act in relation to members of the House of Representatives and the Senate.

Mr Lindsay—I have never needed to acquaint myself with that because I have always lived within the electorate of Herbert. As that has been raised, an issue that I am aware of—and I do not know whether it has been changed—is the position of Norfolk Islanders and where they may vote. Has the committee canvassed that particular issue?

Senator FAULKNER—We have in the past. I am not sure that we have done it specifically with this hearing. Certainly it is an issue that this committee has looked at in the years gone by, when I was first a member of the committee.

CHAIR—We may well take evidence on it again.

Senator FAULKNER—We might, yes. So, as you are aware, there are specific provisions. Are you aware that they relate only to the member of parliament or the senator himself or herself?

Mr Lindsay—I am not aware of the detail of that at all, as I said, because I have never needed to be aware of it.

CHAIR—We have only one minute left for opposition questions.

Senator FAULKNER—I will follow it through later.

CHAIR—Are there any other opposition questions? Or are there any government questions to Mr Lindsay?

Mr St CLAIR—Does the preselection process for the Liberal Party involve the use of the electoral roll?

Mr Lindsay—No.

Mr St CLAIR—Not at all?

Mr Lindsay—No.

Mr St CLAIR—Do you know of any parties where it does?

Mr Lindsay—Yes, the Australian Labor Party.

Mr St CLAIR—Do you know of any other parties in Australia?

Mr Lindsay—No.

Senator FERRIS—Mr Lindsay, you were a member of the Townsville City Council before you entered politics, as I understand it. Were you ever aware of any informal discussion during your period of time as a councillor about manipulation of the electoral roll for purposes of preselections or plebiscites in the Labor Party?

Mr Lindsay—You have said I was a member of the council before I entered politics. I was an endorsed Liberal on the Townsville City Council. The answer to your question is that I came to the committee to give it advice on what I think we need to do in the future.

Senator FERRIS—Let me give you the background on the reason for my question. We have had some evidence today from previous witnesses that suggests that this was a pretty big issue of discussion in the city of Townsville, and that many people were very angry and disappointed about the way in which ballots and the roll were being manipulated. I am just trying to establish how widespread this information was. In fact, we have had evidence that the acting state secretary of the Labor Party came up here and attended branch meetings and it did get quite a lot of media coverage. I am trying to establish the extent to which this was a matter of public knowledge or public speculation in the city prior to the conviction of Ms Ehrmann and Mr Kehoe.

Mr Lindsay—Thanks, Senator Ferris, but perhaps Mr Bellette could give you an answer there.

Mr Bellette—Like I said earlier, there has been a long held view that things have been a little bit off in Townsville. I look after Herbert: geographically, the seat of Herbert is made up of three state seats—Thuringowa, Townsville and Mundingburra. The seats of Mundingburra and Townsville essentially make up Townsville City Council, and the state seat of Thuringowa makes up the council of Thuringowa. When it comes to the allocation of resources—bearing in mind that if comes to dodgy practices, we are essentially reactive; we have to react to a situation consequently—if I have to allocate resources, I will put more into the seats of Townsville and Mundingburra than I would into Thuringowa, simply because it is not my expectation that there would be a need for more resources in Thuringowa to react to situations that may occur. Just what goes into the back of those things, simply, I have got no idea. We have just got to be ready to react, that is all.

CHAIR—Is that because of your past experience with Mundingburra and Townsville? Would you like to tell us about some of those experiences—any of the curiosities that you have encountered?

Mr Bellette—There are a number of curiosities. In the state seats of Mundingburra and Townsville, it is not unknown for council staff to arrive at a booth and remove our electoral material on the basis that it is a breach of some by-law or other. That certainly happened to me personally in the Mundingburra by-election.

Mr McCLELLAND—I am not wanting to cut off this witness in giving genuine evidence, but in view of the time and our terms of reference, is this helpful?

Senator FERRIS—It is very helpful to me.

CHAIR—I think it is helpful. In view of the time, that is exactly why I am sorry that you have interrupted, because we have only got 15 minutes of questions and we did not interrupt any of your—

Senator FAULKNER—I think it is helpful, too.

Senator FERRIS—Let us have our 15 minutes, please. Can we just have our 15 minutes without being interrupted all the time?

Senator FAULKNER—I think it is helpful too, but I make this suggestion, Mr Chair: as you would appreciate with the integrity of the electoral roll reference, this sort of evidence would be best given for our general post-election reference.

Senator FERRIS—Let us hear the evidence first, Senator Faulkner, please.

Senator FAULKNER—Hang on, I do not want to cut it off, but you know as well as I do, Senator Ferris—even you know—that this has absolutely nowt to do with our terms of reference.

Senator FERRIS—How do you know that, Senator Faulkner? You have not even heard the evidence yet.

CHAIR—Senator Faulkner, Mr Bellette has not even finished his sentence yet.

Mr McCLELLAND—Can people removing material from polling—

CHAIR—We do not know, he might be going on to talk about electoral enrolment, and I think it is therefore fair to say that—

Mr McCLELLAND—Okay, I am happy to withdraw that.

Senator FERRIS—Why is it that you people get so interested in the answers to our questions but we do not interrupt when you are getting your answers?

Mr McCLELLAND—With respect, you are speaking in generalisations and quite offensively. It is a question as to—

CHAIR—Order! We are running out of time. I would ask people to return to order. Mr Bellette.

Mr Bellette—That is the sort of thing where the council administration actually interferes directly in the process. With respect to the Mundingburra by-election, there were those incidents where council officers removed electoral material. They could not show me a by-law. I told them to go and get one and bring it back, which they never did, so we just put the material up again. With the Mundingburra by-election, we delivered by hand, and I personally delivered, a number of letters to letterboxes. There was a house very near our campaign office that seemed to have a very large number of people in it but, curiously, there were no cars or lights and that sort of thing. The house itself had at least half a dozen ‘Vote for Tony Mooney’ leaflets nailed to the front of it and a conservation movement banner across the front fence.

CHAIR—And there were voters registered at the house?

Mr Bellette—Yes. Our mailings were done out of the electoral roll.

Senator BARTLETT—Are you saying that there was some kind of conservation banner?

Mr Bellette—Yes, some conservation group had a banner—

Senator FERRIS—So you are saying that those people were on the roll at that address but that the house appeared never to have any occupants?

Mr Bellette—There never seemed to be anyone there. They all might have been on holidays.

Senator FERRIS—So in fact your evidence is relevant because it is about manipulation of the electoral rolls. I am really glad you are able to give us that evidence.

Mr Bellette—It is hard to say. That is what I saw.

CHAIR—Is there any other incidence that you can recount to the committee?

Mr Bellette—Yes. Recently I have arrived at the conclusion that Palm Island is a very interesting booth. Traditionally we have in the order of a quarter to a third of the vote. The Labor Party has knocked us off every time. I went over there in the 1998 state election. There were a nominal 800 voters at the booth. We got 33 votes, which is four per cent, down from 25 per cent or 30 per cent. If you look at an election result you can usually rationalise why that happened. It does not matter what the elections are, and I am quite happy to use the republic referendum. You look at Canberra and you say that they are so far from the mean there has to be a reason—and I am inclined to believe it is because they are detached from reality in Canberra. Similarly, when you look at Blair and Wide Bay it is as much the other way—and that is Hansonism.

CHAIR—So you found it hard to rationalise how our vote could have fallen from the 30 per cent to four per cent?

Mr Bellette—To this day I cannot rationalise that result.

Senator FAULKNER—You were there on the day?

Mr Bellette—Yes, I was. Another curious thing happened with that booth. Palm Island—we are talking about literacy as well—has historically been the highest informal vote in the electorate. It gets up around seven per cent. This time it went down to one of the lowest. You can make whatever interpretation you like of that but to my mind it seems like there has been some coaching or something else going on at Palm Island. I really should direct you people to consider having a look at those booth results.

CHAIR—Did the AEC make any investigation of the Palm Island booths?

Mr Bellette—Not to my knowledge.

Senator MASON—How many votes did you secure Herbert by last time in the 1998 election?

Mr Lindsay—Senator Mason, I spent too much money on the campaign. You only need to win by one vote and I won by 150 votes. Clearly, I overspent.

Senator MASON—Professor Colin Hughes, who is a former commissioner of the Australian Electoral Commission, suggested that—and it was just a suggestion—as an example there should perhaps be a cleansing of the roll here in Herbert. What you think of that idea?

Mr Lindsay—That has been my evidence today, very strongly. I had indicated to you what the state of the rolls in Thuringowa was less than a year ago. That continues. Furthermore, when you send out letters to new enrollees you find quite a proportion of those get returned as ‘return

to sender'. That might just be circumstances but I think it shows you that something is not right with the roll.

Senator MASON—Given all the evidence that the committee has heard over several weeks now at various hearing days, do you think that the result in Herbert was affected by rorting—not the outcome but the actual result, your win—

Mr Lindsay—If I answer how I feel it will appear a self-interested answer. I would leave it for others to judge what a win of 150 votes might have meant in relation to all of the evidence that we have seen over so many months now and the clear evidence of what has happened in the Thuringowa city election. I note that the Townsville City Council never pursues non-voters, and the Townsville City Council is, of course, fully controlled by the Australian Labor Party.

Senator MASON—You would support roll cleansing here in Herbert?

Mr Lindsay—Absolutely. I think that we need to do everything that we can to make sure that the roll is clean.

Senator MASON—I hope your win is bigger next time.

Mr Lindsay—It will be.

CHAIR—Hear, hear! As there are no further questions, I would like to thank the witnesses who have appeared before the committee today and I would like to thank Mr Bellette and Mr Lindsay.

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

That this committee authorises publication including the 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's inquiry.

Committee adjourned at 3.20 p.m.