

A Practical Example Illustrating Vote Fraud and AEC Mismanagement Causing Loss Of A Seat

The case of **Alasdair Webster** losing the seat of Macquarie in 1993.

Alasdair Webster was the federal Liberal MP for Macquarie from 1984 till 1993, when he lost the seat by **164** votes, with the ALP's **Maggie Deahm** winning the seat. (This was the federal election touted as 'unwinnable' by Prime Minister Keating and 'unlosable' by opposition leader John Hewson. In fact, Paul Keating gathered his staff in private on the night before the election saying farewell to them.)

After the election, a team of people knocked on the doors of about 5% of the houses in the electorate and did what the Australian Electoral Commission calls a "**Habitation Review**". (In the past, the AEC often undertook 'Habitation Reviews', which were not as accurate as they should have been because the person hired to do the check had to rely on the person answering the door to verify the existence of the list of people registered at the address.).

The review team, registered as 'Auswide Surveys', found over 300 questionable enrolments during the survey. Some examples of false enrolments were located at vacant blocks of land. Others were enrolled at addresses in Macquarie but the voters were found to be actually living outside the Macquarie boundaries!

Alasdair Webster lodged a 'Petition' with the Court of Disputed Returns within the **40-day period** allowed in the legislation. His case relied on this substantial evidence of false enrolments and other irregularities. High Court Justice **Mary Gaudron** was allocated to hear the 'Petition', which dragged on through numerous interim and procedural hearings. Eventually, the way was cleared for the 'Petition' to be formally heard. By this time the Petitioner's legal expenses had exceeded \$200,000 and as there was no certainty that the 'Petition' would be upheld (in which case Alasdair would have had to bear the costs of the AEC, well in excess of \$200,000), it was decided not to continue. In addition to his own costs, he was ordered to pay the legal bill (\$80,000) of the ALP.

The Liberal Party did not support Alasdair and all costs fell on him personally. During the case, AEC staff were not permitted to discuss the issues with Alasdair Webster but did comment in front of witnesses that his case was very strong and that they expected him to win the case. Winning the case would mean a judgment that the election in Macquarie was invalid, thus triggering a by-election. This was based on their knowledge at the time that over 300 Macquarie voters had been issued the wrong ballot paper by AEC officials during the 1993 election. However, Alasdair did not have access to that knowledge until after he had withdrawn his petition. An earlier disputed election pointing to this same error had resulted in a fresh election in the disputed seat!

Some people at the time, including ALP members of the Joint Standing Committee on Electoral Matters and members of the AEC hierarchy, commented that there never was (and never is) any hard evidence of voting fraud. They stated that Alasdair Webster "lost" his case because his accusations of voting fraud were baseless. Such claims have been repeated over the years! But they are not true! Alasdair's evidence was not evaluated as to whether it was valid or baseless because court proceedings never got that far. Furthermore, there was other vital evidence collected shortly after the forty days had expired that could not be included in the 'Petition'.

That this evidence could not be included in the lengthy court proceedings was in itself is a **denial of justice**. In the 1996 election, **Macquarie** was won and held by Liberal, K. Bartlett, until 2007.