



**From:** [Frank Rayner](#)  
**To:** [Committee, EM \(REPS\)](#)  
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To the Secretariat,  
Joint Standing Committee on Electoral Matters,

Thank you for your advice. As the first time for making a submission to any government committee I was uncertain on the treatment of criminal defamation on any submission. Accordingly I make the following additional submission for consideration by the Committee which adds substance and greater detail to the earlier submission.

### **Supplementary Submission**

1. In 2010 I saw a few seconds of television coverage of a Sydney draw of the order of the ballot paper order. What struck me at the time wasn't the draw itself but the tension behind the laughter of the AEC official doing the draw. A certain level of joviality can be expected with the media circus and all the attention, but in that instance my feeling was "Huh, what's going on here?" It was those few moments that started my analytical investigations that were to stretch from 2010 to present (2013 federal election).

2. My starting 2010 investigations were directed to NSW marginal federal seats, notionally (based on redistribution numbers) held by the ALP along the pendulum. Listed below were the 17 most marginal ALP seats at the time of the 2010 federal election (Appendix A below). In 15 of those 17 federal seats that the ALP was trying to protect (including from the Greens), the ALP candidate got above his/her main political rival, and thus benefitted from the donkey vote. There is no real doubt at that point that the ballot orders were rigged in NSW in 2010 to give the ALP the donkey vote in key seats, but in itself that provided limited information.

3. In the midst of this slowly developing effort to understand what was happening in the 2010 I was trying to identify how much the donkey vote was worth given that it is only relevant in the most marginal of seats. I found that in highly polarised seats where the campaigns are most intense (such as Bennelong) it would be limited to .8 of one percent of the vote, but in less aggressive seats, bordering on what might once have been safe seats, the donkey vote increased to some 1.5% of the vote. My interest in that aspect soon evaporated when other aspects became apparent, like how was it being done and by whom.

4. My research into 2010 moved into a different area when I found another statistical anomaly beyond just whether the ALP candidate was higher on the ballot paper than the main rival. It was that after the ALP candidate was drawn out, the main rival followed

immediately after in a hugely disproportionate number of instances, to the point that it obviously wasn't random. When the 5 most marginal and hotly contested seats are removed, there were only 4 out of the next dozen seats in which the ALP and the main rival weren't immediately after. In simple terms, for example in Greenway, after the ALP candidate was drawn there were 10 other candidates in the 2010 election and the main rival came out next. In Eden-Monaro there were 6 candidates after the ALP candidate came out, and the main rival immediately followed. And so on...

5. This anomaly did two things. It identified the technique used to rig the ballot paper order as being a controlled ball allocated to the main rival to the ALP candidate. In essence the main rival (their ball) was held back until the ALP candidate's name came up and was then released. It didn't happen in all instances, meaning that it was under human control (and not necessarily by the AEC official doing the draw). The use of a controlled ball overcomes the issue of the double blind draw.

6. The second aspect of the 2010 anomaly was that it acted as a marker for probably rigged seats and it was the seats that probably were rigged against the ALP that were the most interesting. There are 5 of those of interest – 2 within the 17 most marginal ALP seats and three that were not (Appendix B below). This "Immediately After" anomaly clearly indicates that in Dobell & Richmond in 2010 it was not luck, but clearly intended that the ALP candidates in both those seats were not to get the benefit of the donkey vote.

The "Immediately After" anomaly also clearly indicates that someone had it in for Peter Garrett, the ALP member for Kingsford Smith (this seat is number 18 along the pendulum). In that seat, after the Liberal candidate came out (in first spot as it happened), Peter Garrett, ALP then came out immediately after despite there being another 5 other candidates who could have come out.

The two other seats that appear to have been rigged are of limited value. In Wentworth why would someone supporting the ALP want Malcolm Turnbull ("the Kevin Rudd of the Liberal Party") to be in a stronger position? In Lyne why would someone supporting the ALP want to support Rob Oakeshott (Independent) over an unwinnable ALP candidate?

6. Not being into politics in a deep way left it hard for me to understand what was happening to cause Dobell, Richmond & Kingsford Smith. Eventually it became clear that Justine Elliott (ALP left, Richmond) and Peter Garrett (ALP independent, Kingsford Smith) were casualties of factional clashes amongst ALP supporters. As a member of the public, Craig Thomson (ALP right, Dobell) was a conundrum for me. It wasn't until an article in the Sydney Morning Herald on 27 August 2011 by Nick O'Malley & Phillip Coorey put things into perspective. Until that time my burning question was why would persons who supported the NSW ALP right want to hurt Craig Thomson's chances at the ballot box in the 2010 election? What that article did was indicate that there were people such as former Senator Graham Richardson and John Della Bosca who were pushing for Thomson

to go (refer extract of article attached).

I can't vouch for the accuracy of a mere newspaper article and nor does it say anything more than it says, but what it does indicate for outsiders such as myself is that in 2010, at the time of the ballot draws, there was not harmony in the NSW right over Craig Thomson. It is entirely likely, like Garrett & Elliott, that Craig Thomson was slotted below his main rival for factional reasons.

7. The 2010 federal election is relevant as a pre-cursor to the **2013 federal election**. I distributed my research (above, albeit at different stages) to a wide audience (but not to a single Senator), albeit only a few people even expressed interest. It is beyond the comprehension of regular law enforcement.

As noted in my initial submission, in Victoria the ALP got a donkey vote advantage in the marginal seats (but not in all). In NSW both T. Plibersek (ALP left, Sydney) & A Albonese (ALP left, Grayndler) got slotted into bottom place on their respective ballot papers (factional warfare again).

In Queensland, South Australia & Western Australia the Coalition got the benefit of the donkey vote in all key seats that they held (refer initial submission). There was none of the subtlety of NSW 2010, no sophisticated attempt to cover up what was happening by sacrificing a few coalition members in key seats. For this reason it comes across as some form of unofficial square-up for what happened in 2010. I use the term "some form of unofficial square-up" because of the significantly different nature of the election.

In 2010 the NSW rigging of the ballot papers was to (successfully) defend against a wave of anti-ALP voting. There was no real attempt to try to win seats from the Coalition that due to the politics of the time wasn't going to happen. In 2013 the rigging was also to defend sitting (coalition) members (Qld SA & WA) rather than being on the offensive to help capture ALP seats when the Coalition was in the ascendency in the polls. No doubt in 2013 Kevin Rudd wanted to win seats in Queensland so having the donkey vote go against him in every seat he had wanted to win would have been a blow, but it was still only a defensive rigging of the ballot paper order.

## **COMMENTS**

**Both the 2010 & 2013 lower house federal elections are over. What my submission is about is that the draws are becoming a farce, regardless of AEC comments about double blind draws in front of audiences who are prevented by law from examining (beyond simple visual inspection) the equipment. It is clear that elements of the AEC have been corrupted (akin to prisoners targeting their wardens as the expression goes).**

**Additional controls would seem to be needed in this area, either rotation of staff in key seats (assuming the issue isn't higher up and corrupted staff aren't put into key**

seats), inspection by third parties (state gaming officials?) including occasional breaking open of equipment & balls; segregation (some other independent body does the draws, and themselves become a target for corruption) etc. One problem here is that if it is the equipment that has been swapped/tampered with then it probably doesn't matter who the "barrell girl" is or how independent they are.

Your sincerely,

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## **APPENDIX A**

TWO PARTY PREFERRED POSITIONS ON BALLOT PAPERS 2010 Positions on Ballot

<u>KEY NSW SEATS THAT HAD BEEN NOTIONALLY ALP PRE-ELECTION Coalition</u>		<u>ALP</u>
1. Macarthur 50.10% 4/8	<b>DV TO ALP WON BY LIBS</b>	2/8
2. Macquarie 50.10% 9/9	<b>DV TO ALP WON BY LIBS</b>	5/9
3. Robertson * 50.11% 5/10 <b>(IA)</b>	<b>DV TO ALP WON BY ALP <u>BY 51.00%</u></b>	4/10
4. Gilmore 50.20% 5/7 <b>(IA)</b>	<b>DV TO ALP WON BY LIBS</b>	4/7
5. Bennelong 51.40% 10/11	<b>DV TO ALP WON BY LIBS</b>	8/11
6. Eden-Monaro 52.30% 3/8 <b>(IA)</b>	<b>DV TO ALP WON BY ALP</b>	2/8
7. Page 52.36% 3/6 <b>(IA)</b>	<b>DV TO ALP WON BY ALP</b>	2/6
8. Dobell 53.90% 2/5 <b>(IA)</b>	<b>DONKEY TO LIB WON BY ALP</b>	3/5
9. Greenway * 55.80%	<b>DV TO ALP WON BY ALP <u>BY 50.89%</u></b>	1/11

2/11 <b>(IA)</b>			
10. Lindsay * 56.30% 7/7	<b>DV TO ALP WON BY ALP <u>BY 51.16%</u></b>		1/7
11. Richmond 58.87% 1/9 <b>(IA)</b>	<b>DONKEY TO LIB WON BY ALP</b>		2/9
12. Parramatta 59.30% 7/7	<b>DV TO ALP WON BY ALP</b>		3/7
13. Banks 59.70% 4/4 <b>(IA)</b>	<b>DV TO ALP WON BY ALP <u>BY 51.45%</u></b>		3/4
14. Reid 61.10% 4/5	<b>DV TO ALP WON BY ALP</b>		2/5
15. Charlton 62.87% 3/6	<b>DV TO ALP WON BY ALP</b>		1/6
<u>SEATS WITH SERIOUS CHALLENGES BY THE GREENS</u>			<u>ALP Position Greens</u>
<u>Position</u>			
16. Sydney 69.32% 4/7 <b>(IA)</b>	<b>DV TO ALP WON BY ALP</b>		3/7
17. Grayndler 70.63% 4/7 <b>(IA)</b>	<b>DV TO ALP WON BY ALP</b>		3/7

(Summary: Fact:: Labor was higher on the ballot paper than its main opponent in 15 out of 17 seats as measured along the pendulum)

## **APPENDIX B**

SUMMARY 5 SEATS LIKELY RIGGED AGAINST ALP in 2010 (includes Dobell/Richmond from above)

A. Wentworth 46.15% <b>(IA)</b>	<b>DV TO LIB WON BY LIB (M. Turnbull)</b>	7/7	6/7
B. Dobell 53.90% <b>(IA)</b>	<b>DV TO LIB WON BY ALP (C. Thomson)</b>	3/5	2/5
C. Richmond 58.87% <b>(IA)</b>	<b>DV TO LIB WON BY ALP (J.Elliott)</b>	2/9	1/9
D. Lyne 36.59% <b>(IA)</b>	<b>DV TO INDEP WON BY INDEP (R.Oakeshott)</b>	2/5	1/5
E. Kingsford Smith 63% <b>(IA)</b>	<b>DV TO LIB WON BY ALP (P. Garrett)</b>	2/6	1/7

**DV**...Donkey Vote to ALP

\*... Won by ALP, less than 51.2% (2 party pref)

**(IA)** ..ALP candidate immediately after the other main non-ALP candidate

**(IA)** ..main non-ALP candidate immediately after the ALP candidate

The seats of Sydney & Grayndler have been included separately because the Greens were major threats to the ALP in Sydney & Grayndler and don't fit comfortably within the main table (as there was never any threat from the Coalition).

In Richmond there were both Liberal and National candidates. There had been some prospect that the Liberal candidate would be the greater threat to the ALP than the National candidate, though in the end the National ended with a higher primary vote than the Liberal candidate.