

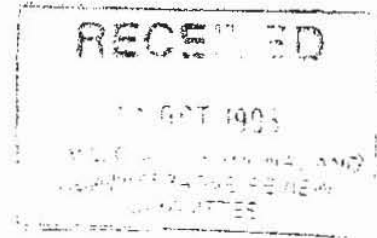
Ray Webber

26 October 1998

Spec 18-1

Submission No 24

Mr Gary Fenlon MLA
Chairperson
Legal Constitutional and Administrative Review Committee
Parliament House
BRISBANE QLD 4000



Dear Mr Fenlon

Thank you for your letter dated 2 October 1998 relative to your "Inquiry Into Issues of Electoral Reform Raised in the Mansfield Decision".

Reflecting on what happened in relation to the 1995 July 15 State Election in Toowoomba North and the subsequent commitments by the previous Borbidge Government to wipe out such practice (Refer Attachment D) by political parties issuing "Bogus How to Vote Cards" at electoral booths one would have thought such problems would have been abolished several years ago.

I have attached documents marked A to E which indicate historical reference to what has happened in the past. This reveals this practice of issuing "Bogus How to Vote Cards" is a completely undesirable practice particularly in a highly democratised society, and had there been a greater degree of commitment to eliminating this practice it could have not been the subject of this inquiry.

We are all aware that the philosophy of "Preferential Voting" is a democratic process of recording your vote however there does appear to be a major anomaly relative to optional preferential voting method as it provides the mechanism of producing "Bogus How to Vote Cards" so therefore it projects to the community there is underhand methods of voting taking place with the general perception by the community that the "Political Parties" are up to their usual dirty tricks again. A perception which is completely justified.

Therefore it is rational to analyse that the process to be adopted is the compulsory preferential voting methods. It certainly prevents the major problems that are associated with the optional preferential voting with its connection to "Bogus How to Vote Cards". A man made process to deceive and to gain electoral advantage.

It is obvious such problems do not occur in Federal Elections who use the compulsory preferential voting method under which to record a valid vote, an elector has to mark an order of preference of all candidates on the ballot paper. Therefore the solution to this problem stands out which means the adoption of the "Compulsory Preferential Voting Methods".

Thank you for allowing me to express my views relative to this matter and should you require further information do not hesitate to contact the writer.

Yours faithfully

Ray Webber
Ray Webber

Enc. Submission Attached

A

15/7/95.

VOTING

1 Independent?

Give Toowoomba a
voice in the
Goss Government

2 Des McGOVERN



Your preferences WILL count.
Please number every square.

DON'T WASTE YOUR VOTE!

Authorised and printed by P Shooter 16 Peel St Sth Brisbane

This procedure interferes with the "rights of an Independent Candidate who has stated to whom his preferences should go."

The Australian Labor Party is posing as the Independent Candidate in advising voters on how to vote to whom they should allocate their preferences in contravention of the wishes of the Independent Candidate.

ALP vote cards set 'poor example'

The Labor Party had set a poor example to school children and students by circulating misleading how-to-vote cards, Independent candidate for Toowoomba North Mr Ray Webber said.

Campaigning at Wilsonton on Saturday, Mr Webber said the Labor Party distributed green cards advising voters to allocate their second preference to ALP candidate Mr Des McGovern if voting for an independent.

Mr Webber's how-to-vote cards directed preferences to Coalition Member Mr Graham Healy.

While the cards were not an offence under electoral laws, Mr Webber and the National Party have expressed their disgust at the practice.

National Party State director Mr Ken Crooke said the ALP had distributed the cards in marginal seats throughout the State.

Mr Crooke said Labor had refused to support the Coalition in amending the electoral laws to ban the practice.

But ALP Toowoomba North campaign director Mr Hugh Wilson defended the how-to-vote cards.

"They are clearly identified as ALP. They were not there to mislead and we weren't putting them out as Ray Webber's (cards)," he said.

Mr Webber said, "It gives a fair indication to what length Goss Labor will go to."

17-7-95

LEN JOHNS
AUTO AIR
62 CLIFFORD STREET, TOOWOOMBA, QLD. 4350

B.

Nationals want 'misleading' ^{D.} how-to-vote cards outlawed

A resolution by Toowoomba North branch of the National Party calling for "misleading" how-to-vote cards to be outlawed was carried by the National's annual conference over the weekend.

Member for Toowoomba North Mr Graham Healy moved the resolution following what he described as a 'sly and far-from-honest campaign' conducted by the Labor Party in Toowoomba in the lead up to the July 15 State election.

He said the ALP had issued "bogus how-to-vote" cards in an attempt to confuse supporters of independent Ray Webber into giving a preference vote to the ALP's candidate.

The resolution was seconded by the Opposition Leader, Rob Borbidge, who told conference he would be pursuing the introduction of a private member's Bill that could lead to a maximum \$6000 penalty for non-compliance with voting card provisions.

"I am extremely happy that this resolution was passed unanimously, and I am equally happy that the Opposition Leader felt the issue was of such fundamental importance that he took the unusual move of seconding a branch resolution," Mr Healy said.

He said the resolution was now "cemented in party policy" and would ensure that a Coalition government would put an end to the dishonest campaign tactics employed by the ALP.

"Quite frankly, people are cynical enough about politicians and politics generally and the last thing they want to see is candidates trying to mislead and dupe them into voting for something they disagree with," Mr Healy said.

"What the ALP tried to do in Toowoomba was legal, but it ran against the very principles on which I believe democracy is based. Under a coalition, that sort of misleading voting material will lead to a hefty fine," Mr Healy said.



E.

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LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

TRUTH IN POLITICAL ADVERTISING

ISSUES PAPER

On 2 May 1996 the Committee resolved to conduct an inquiry into the general issue of truth in political advertising. To assist in its inquiry, the Committee has called for submissions from members of the public and interested parties.

In order to assist persons who wish to provide submissions, the Committee has prepared an issues paper, a copy of which is enclosed for your information.

The Issues Paper provides information on the matter, including the scope of the Committee's inquiry and identifies the issues which the submissions to the Committee should address.

The Committee looks forward to receiving input from interested individuals and bodies and therefore invites your submission.

Please note that the closing date for submissions is 19 July 1996.

Judy Garnin MLA
Chairman

30 May 1996

5 JUN 1996

SUBMISSION

Ray Webber

26 October 1998

Gary Fenlon MLA
Parliament House
George Street
BRISBANE QLD 4350

Inquiry into Issues of Electoral Reform Raised in the Mansfield Decision

Dear Sir

My submission relative to the above mentioned subject heading for consideration by the Legal, Constitutional and Administrative Review Committee.

Paragraph 153:

Justice Mackenzie's proposal to incorporate an inexpensive measure which neither limits solicitation of preferences nor inhibits freedom of debate (very democratic) would be to require all cards distributed with a view to obtaining second and subsequent preferences, to bear on their face (front and back) if necessary the name of the party on whose behalf or on whose candidates behalf it is distributed. This also applies to independent candidates.

The writer's recommendation is to ensure Section 161 - Electoral Act should be amended to read the name of the party or person to be incorporated at the top of "How to Vote Card" being handed out with the size of the print being consistent with other print on the card. Justice MacKenzie's comments relating to the information that it should be printed in a type size which is sufficiently large enough to be easily read and is not overwhelmed by other printing on the card. The act should be clear at Section 161, and should stipulate the size of the printing on the card or give a clear indication of the size. This prevents manipulation by agents of political parties.

Paragraph: 154

Justice MacKenzie's remark "In view of the inexpensive nature and simplicity of implementation, and the fact that it promotes the ideal of voters being fully informed before they decide whether to give a second or subsequent preference and if so to whom, consideration should be given to amending the Electoral Act accordingly."

It would be difficult to agree with such remarks that the ideal of fully informing voters is more important (if that's possible) than not infringing or trespassing on the democratic rights of the independents or One Nation candidates who have informed the public what their desired preference voting intentions are - and which are already spelled out on their "How To Vote Cards." This proposal does not correctly provide the solution to the problem.


Paragraph: 155

The Right Of Appeal is inherent in our system of justice and should be applicable in this particular case - and the Act should be changed accordingly.

It would be obvious to a rational person that the correct solution to this problem is the Federal Election method of preference voting, namely "Compulsory Preferential Voting" which is the only process that can eliminate such problems completely. No evidence of "Bogus How To Vote Cards" in the recent Federal Election.

There is an inherent risk in "Compulsory Preferential Voting," which was exhibited in the recent Federal Election. The major political parties ganged up on "One Nation" and put them last on their How To Vote Cards. This problem could arise at the next Queensland State Election.

One problem is solved and another is created.


Ray Webber