



Speech by

Dr PETER PRENZLER

MEMBER FOR LOCKYER

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ELECTORAL AMENDMENT BILL

Dr PRENZLER (Lockyer—ONP) (9.08 p.m.): I rise to speak on the motion moved by the member for Warwick. It is very important that—

Honourable members interjected.

Madam DEPUTY SPEAKER (Ms Nelson-Carr): Order! The members from both sides of the House will allow the member for Lockyer to continue.

Dr PRENZLER: Tonight it is important to put some of the facts on the record in respect of this Bill and the motion moved by the member for Warwick. It is important to One Nation to amend the Electoral Amendment Act 1992 to introduce into elections truth in political advertising and to incorporate how-to-vote cards into the truth in advertising provisions. That is what this Bill is all about. It arises from the Mansfield decision following the last election. The electoral process should be conducted to the highest standards. All honourable members should agree with that. All procedures involved in the process should come under the strictest scrutiny so that the results are a true reflection of the representation desired by an honestly and adequately informed public.

The current Electoral Act leaves many loopholes open for misleading and deceiving the public through electoral advertising and how-to-vote cards. The Electoral Amendment Bill proposed by One Nation—and it has now been moved that it be sent to LCARC for further consideration—is legislation about which we feel strongly. It arises as a direct result of our experiences at the last State election, when it was revealed to us the ease with which the electoral system and the public are abused by the major political parties. It is intended that this Bill will tidy up the problems we have in relation to truth in political advertising in the Queensland electoral system and improve the legislation to prevent political parties misleading and deceiving voters through their political advertising.

One of the areas that the Bill covers—and it is particularly necessary that this is addressed—relates to the misleading how-to-vote cards presented at the last election. There were reports from all over Queensland about the use of false and deceptive how-to-vote cards by many parties throughout the State in the 1998 election. I doubt that there were many electorates in this State in which both the coalition and the Labor Party did not attempt to mislead and deceive the public with false how-to-vote cards. This has certainly been going on for many years in elections in Queensland and possibly throughout Australia.

Unfortunately, that happened at the last election, and the member for Mansfield was the only one to be taken to the Court of Disputed Returns for his deeds. When presiding over the Court of Disputed Returns in *Carroll v. the Electoral Commission of Queensland and Reeves*, Justice Mackenzie agreed that the how-to-vote cards used were intentionally deceptive. Before continuing any further, I wish to read part of a letter dated 28 October 1998 sent to the *Southern Star* by the member for Mansfield. In that letter he stated that he was writing to the newspaper in order to bring truth to the arguments that have been floating around about the misuse of how-to-vote cards in the recent State election. He stated—

"Judge Mackenzie ruled that the preference cards used were legal and that my result would stand."

In truth, the judge did make that ruling. However, he also found in his judgment that they were intentionally deceptive. Hence the need for a Bill such as this one, which will be referred to LCARC. Later I will touch on a few more things that Justice Mackenzie concluded. Mr Reeves also justified his actions by taking the attitude that "if he cheats, that must make it all right for me to cheat". He stated—

"Mr Carroll used a preference card on Election Day as well. This card authorisation had no Liberal Party recognition. The card I used clearly stated that it was from the ALP."

This was another deception, as anyone who saw the card well knew. Mr Reeves also justified his deception of the public by writing—

"We have a preferential system of voting. If people do not want political candidates to lobby for preference, you would have to get rid of the entire preferential system."

What a weak argument that is. It does not justify misleading the public and having to cheat in order to win an election. I am sure that the public would not find that a sufficient excuse, either. Mr Reeves then explained how offended his friends and family were that people would possibly suggest that they were deliberately attempting to deceive the electors. Again, I will quote his letter. He stated—

"At no time did they or I want to give the appearance of representing anyone else other than myself."

The truth is, in the words of Justice Mackenzie—and I will quote from his judgment—

Mr Lucas: We can talk about the court case where One Nation was deregistered, if you want to talk about people misleading people.

Dr PRENZLER: I cannot talk about that court case, because it is sub judice. It is currently being appealed. However, this court case has concluded.

In his judgment, Justice Mackenzie stated—

"I am satisfied that the practice of handing out the orange second preference cards without saying on whose behalf it was being distributed was widespread. I am also satisfied that in some instances it was handed out by ALP booth workers not wearing any indication of their party affiliation, even though the ALP how-to-vote card was being handed out by people who were wearing clear identification as ALP supporters. I am also satisfied that sometimes the same person handed out the how-to-vote card while clearly identified as an ALP worker and either at an earlier or later time handed out the orange card while not so identified."

Later on in his findings the judge stated—

"There is also evidence of instances where, when booth workers were handing out ALP how-to-vote cards only, the fact that it was an ALP card was made known expressly to the person to whom it was delivered but that no such information was given by the same person when only the orange card was handed out."

He went on to state—

"It is a compelling conclusion that the purpose of the exercise on the part of those who were involved in such conduct ... was to conceal as far as possible from those who for some reason were not sufficiently observant that the orange card was an ALP card. Allied to this, I am satisfied that Exhibit 1 was cleverly designed so that the words 'One Nation' were particularly conspicuous at first glance ..."

The fact that the abovementioned findings are legal caused concern to many and, when compared with the letter to the editor from the member for Mansfield, reveal clearly that he continued to deceive the public.

One Nation's Electoral Amendment Bill, which hopefully will be referred to LCARC, will address the issue raised in the Carroll v. Reeves case by strengthening Queensland's truth in political advertising legislation. I have no doubt that the Liberal Party will vote—hopefully when it comes back from LCARC—for the Bill, considering that it lost at least one seat due to the deception of the public as just expressed. I note that the member for Indooroopilly introduced a similar amendment Bill in 1996.

Mr Feldman: Did that go to LCARC?

Dr PRENZLER: It lapsed upon the prorogation of the Parliament in 1996 for the election. However, it did cover some aspects of the Bill that we have proposed. Although it could have been done sooner, the Liberal Party at least attempted to make some changes to the electoral system. However, this was not recreated when the coalition was in Government. One wonders whether the Bill it introduced in 1996 was a fair dinkum attempt at improving truth in political advertising. When it comes back from LCARC, this Bill will indicate where it currently stands on the issue. Does the Liberal Party still believe in legislating for truth in political advertising or has it decided that the principle will not aid its cause at the next election? I am sure that it will decide to vote with us.

Many reports and many committees have examined this issue and they have all recommended strengthening the Electoral Act to protect the public against the misleading and deceptive political advertising often used by various political parties throughout election campaigns. The 1996 report of the Legal, Constitutional and Administrative Review Committee recommended amendments to improve the truth in political advertising provisions in the Queensland legislation. Its report stated—

"How can the Community have faith in their elected representatives if those same representatives fail to at least set the standard that they will not lie or misrepresent facts during an election campaign?"

That is a very important comment and I thoroughly agree with it. LCARC recommended that a provision similar to section 113 of the Electoral Act of South Australia be introduced into the Queensland Act. The constitutional validity of that section has already been scrutinised judiciously.

When this particular Bill comes back to this House from LCARC, it will hopefully improve upon the South Australian legislation in a couple of ways, specifically the inclusion of how-to-vote cards into the provision, the increasing of penalties for a breach of such provisions and the inclusion of all responsible for the decision to mislead and deceive the public. I think that is very important. The 1996 LCARC committee also favoured combating problems associated with the use of how-to-vote cards by extending truth in political advertising provisions to them. This Bill as proposed by us certainly will achieve this aim.

In an appearance before the 1999 joint standing committee on electoral matters inquiry into the conduct of the 1998 Federal election, our senior parliamentary adviser, Mr Ian Petersen, actually discussed truth in political advertising, and a copy of this Bill was presented to the committee for its information at that time. All I can say is that only positive comment was made, and the joint standing committee on electoral matters spoke particularly highly of the South Australian legislation, which this Bill was originally modelled on.

We also saw a report by the Legal, Constitutional and Administrative Review Committee of this current Parliament. Again, there are strong recommendations for amendment to the Electoral Act to improve some aspects of the Act to hopefully increase the truth in political advertising legislation. This particular Bill in regard to which the member for Warwick has moved a motion to refer it to the Legal, Constitutional and Administrative Review Committee does implement those recommendations of the current LCARC committee, but it also goes a little further. It also includes the executive officers of the political parties as respondents to such matters.

The LCARC committee also recommended inclusion of how-to-vote cards in truth in political advertising provisions, and this particular Bill that we are debating before the House also achieves that aim. The Bill also includes a section allowing the voluntary lodgment of how-to-vote cards with the Electoral Commission of Queensland—the ECQ—and provides some security for the candidate should a post-election challenge result occur. This is important because it gives political parties the opportunity if they wish to lodge their how-to-vote cards with the Electoral Commission before the actual date of the election and, if some disputes then arise from the election such as the Mansfield dispute, that will certainly be used in evidence in any subsequent court case and it should help provide evidence to the candidates' positions.

It is certainly clear that the issue of truth in political advertising has been a very hot topic of research. Many recommendations and court judgments from time to time over many decades have resulted from this particular problem that we see at most elections. The recommendations aimed specifically at truth in political advertising provisions from varying reports would certainly be satisfied, in my opinion, by this Bill that we have introduced and set before the House tonight. I certainly hope that the LCARC committee will see that to be the case. As members of Parliament, we are very proud to have introduced this legislation. It has certainly taken a little time to put together, to improve the truth in political advertising provisions and to prevent the deception of the Queensland public when it comes to elections.

I will finish my speech in talking to the motion moved by the member for Warwick to refer the Bill itself to the Legal, Constitutional and Administrative Review Committee of this current Parliament by saying that members of this House wish to raise their public profile from somewhere below a used car salesman—and many surveys seem to put us down there. I am sure it is a misconception that most members of the public think that parliamentarians do not do a real lot for them. Without fear, I can say that the majority of people in this House certainly do work hard for their electorates, and this is very important. However, if we want to lift that profile, one of the ways to help us do that is to have some truth in our political advertising, particularly in the run-up time to an election and during the election period itself, and more particularly on the day of the election. Hopefully then the public will recognise that we are people for whom they can vote with a lot of esteem and whatever else that comes with it.

When this Bill comes back from the LCARC committee, I certainly hope that it is debated very, very fully in this Parliament and that all members of the Parliament agree to the recommendations of the committee. Again, it is very, very important to members of this House that we do have this truth in

political advertising. It has been a cloud that has hung over the Parliament of Queensland during a number of successive elections. I think it is time that we took a stance and tidied it up for the public in general. I think it is time that we let them know that we are fair dinkum and that what we show them at election time is what we are and that we do not revert to trying to deceive the public when it comes to being voted into this House.
