



Speech by

**BILL FELDMAN**

**MEMBER FOR CABOOLTURE**

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Hansard 12 April 2000

### **ELECTORAL AMENDMENT BILL**

**Mr FELDMAN** (Caboolture—CCAQ) (9.22 p.m.), in reply: It is with pleasure that I rise to speak in support the Bill. I think the member for Greenslopes referred to people pontificating in the Parliament with respect to fraud. The only ones pontificating here tonight are, in fact, the Labor Party. It is the only party in Queensland that has actually been charged with electoral fraud. Some 50-odd charges were originally laid in Thuringowa back in 1998. I think they described it as a relatively unimportant internal Labor Party ballot at that time. There is possibly more to come, Madam Deputy Speaker, as the member for Burdekin said. The member for Woodridge has spoken in the debate. He was the author of the infamous orange card that was distributed around the State with the intention of misleading voters. He uttered the words that it was intended to mislead the public of Queensland so that they actually voted for someone other than the person for whom they originally intended to vote.

**Mr KAISER:** I rise on a point of order. The statement made by the honourable member is untrue. I find it offensive and I ask for it to be withdrawn.

**Madam DEPUTY SPEAKER:** Order! Will the honourable member withdraw?

**Mr FELDMAN:** Under the Standing Orders I will withdraw, especially when someone is so sensitive, particularly when I had to listen to the tripe that was dished out over there.

Turning to the Bill, the City Country Alliance's Electoral Amendment Bill is one that we are extremely proud to introduce to this House. We are proud to do so on behalf of all Australians who actually voted for us and supported us and we are fulfilling our promise to them. We are proud to do so on behalf of all the candidates who felt the injustice of the electoral system through the deception practised by others. We are proud to do so on behalf of all the Queenslanders who believed in what was right, in what was honest and in what was fair, and we tire of being deceived by people who stand up in this place and pontificate, even though they are people whom the general public could respect if they did the right thing.

The introduction of this Bill also saddens us. It saddens us, but we honoured our commitment. My colleagues have already referred to the number of reports on the issue that have been presented and the number of times it has been mentioned in Parliament, promised by politicians and referred to in legal judgments. Yes, we heard of the coalition's attempt to improve the truth in political advertising provisions, but then we saw their inaction when they were in Government. The fact of the matter is that it took over 400,000 Queenslanders to say that, "We have had enough", before a party came into this House to represent them and to introduce this legislation.

We have heard from two members opposite how difficult it is to say "City Country Alliance"—and I think I heard the word "protection" used by members opposite. I think that it is a matter of their being a little scared to say the words "City Country Alliance Queensland". We hear how difficult it is for both sides of the Parliament, but particularly the Labor Party, to say it. We have heard them stammer, we have heard them stutter and we have seen them choke on the very words. I think that it is very, very sad that they are indeed that scared that a party that will test their mettle in their own electorates is again rising.

We have read in Hansard the Labor Party's complaint about the failure of the coalition Government to act upon its promise and we have heard the coalition make the same complaints

against Labor. However, only one party has been charged with electoral fraud, and it is not the coalition.

We have demonstrated clearly the inaction of both Labor and the coalition in this regard in their own words. We have gone over the completely unacceptable acts of deception that occurred in the 1998 State election and the subsequent findings of the Honourable Mr Justice Mackenzie. He found that false how-to-vote cards were distributed. He found that they were designed in a manner to deliberately mislead and deceive voters into believing that they were One Nation how-to-vote cards.

The alarming aspect, though, is that, as was also stated by that learned judge, under existing legislation what took place was technically correct. "Technical" hides a lot of things. We have gone over some of the recommendations of the reports of the many inquiries conducted into truth in political advertising and note their similarity. We have explained how the Electoral Amendment Bill achieves the aims of these reports and repairs the loopholes in the Electoral Act that were pointed out in Justice Mackenzie's judgment.

We have also heard of the high esteem in which the South Australian legislation is currently held. It has faced legal challenge and survived. It has set a standard for other Australian jurisdictions. We have shown how the City Country Alliance's Electoral Amendment Bill is based upon that very same South Australian legislation but indeed improves upon it in some respects. We have also now heard the latest Legal Constitutional and Administrative Review Committee report No. 20 of April 2000 and their analysis and recommendations specifically relating to this Bill.

From the evidence outlined by my City Country Alliance colleagues throughout this debate, there is no valid reason why the sentiment of this Bill should not receive the support of both Labor and the coalition. This Bill provides a strong deterrent against misleading and deceiving electoral advertising. It provides increased penalties for those who breach the Bill's provisions and it catches executive officers of political organisations should they have played a role in that deception of the public. These issues were all broached in the Legal Constitutional and Administrative Review Committee's latest report and in response to them we have drawn up a number of amendments that we will move at the Committee stage, should we reach that point.

If honourable members are doing the right thing by their electorates, there is no justification for cheating. They will be elected on their merits. What we have seen in this country and State is a systematic and consistent abuse of that electoral system by the major parties in their struggle to retain power and to try to gain more power at the expense of democracy, true representation and respect for the citizens of Queensland. If honourable members were here for the right reasons and attempting with all honesty and integrity to do their best for their electorates, there would be no reason at all why the entire electoral process should not be completely watertight against fraud, corruption, deceptive actions and misleading information. The fact that it is not is an indictment upon the very politicians who have gone before and a contributing factor to the low esteem in which politicians are currently held.

It is better to win and to win fairly than to cheat to win. We have seen that in relation to the current crisis in international cricket. It is not right to cheat to win. It is not right to cheat to win a bet. It is not right to cheat the public.

**Mr Knuth:** They all get found out.

**Mr FELDMAN:** They all get found out.

The use of the false how-to-vote cards is inexcusable and is nothing more than an attempt to prey upon the public's confusion about and ignorance of electoral matters—to cheat to win. It is no wonder the public is disgusted by the actions of politicians. The last thing they deserve is to be taken for a ride at election time with lies and deceit. We have heard the Government and the coalition attempting to argue that we do not need the people's input through citizens' initiated referendums, because the parliamentary system and the party system ensure representation and democracy.

The people of Queensland deserve to be treated with respect and honesty. This Bill ensures that self-interested people cannot mislead or deceive the public in their political advertising or their how-to-vote cards throughout an election campaign. My City Country Alliance colleagues have already mentioned the fact that the coalition and the Labor Party made a joint promise some years ago to ensure truth in political advertising, yet they have done nothing to make this happen. This alone poses the question to the public about the roles of the major parties and their effectiveness and willingness in representing the will of the people and in keeping the very promises that they make. It took the City Country Alliance to stand up for the interests of the people of Queensland and to introduce this legislation.

The Legal, Constitutional and Administrative Review Committee's latest report makes several worthwhile recommendations. As my City Country Alliance colleagues have already explained, the amendments that we will be moving in Committee deal with the majority of the issues that that committee raised. Unfortunately, the committee did not see eye to eye with some of our intentions in the legislation. These two have been highlighted. The main issue of contention is the increased penalty

provisions that we have incorporated into our Bill, the covering of other election material apart from how-to-vote cards in the provision and the liability of the executive of political parties. As already stated, we have chosen to stick with the high penalties as per our original legislation.

Honourable members should rest assured that we certainly all believe that they are relevant and need to be high in order to encourage compliance with the truth in political advertising provisions. We have retained the provisions that require truth in political and election material other than how-to-vote cards. We have done so because we believe that all election material should be truthful and accurate, although, as honourable members will see clearly, we have amended our Bill to address the concerns raised regarding our wording, being "false or misleading in a material particular", and replaced it with the wording of the South Australian legislation, being "a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent".

**Mr Kaiser:** I'm still waiting for you to carry out your defamation threat against me.

**Mr FELDMAN:** It certainly kept the honourable member quiet. These changes most certainly overcome the concerns expressed by some members of the Legal, Constitutional and Administrative Review Committee and ensure the legislation's workability, as the South Australian legislation has been tested at law.

City Country Alliance, Queensland has also chosen to retain the provisions regarding the liability of executive officers of a political party. Again, as already stated, we have done so because the structure of the majority of political organisations means that corporation penalties will not apply and hence the deterrent to political organisations, specifically large organisations, is slight. As no other options to deal with this gap in the law have been raised or recommended and considering the importance of accountability for inaccurate and misleading statements, it is to the benefit of Queenslanders that these provisions have been retained. Again, we highlight the defence provisions that will ensure the innocent party executive members are not wrongfully held liable for inaccurate or misleading statements purporting to be fact.

We have made a certain number of compromises based upon the committee's recommendations, the most significant of which is the adoption of the wording of section 161, as recommended by the committee in the Mansfield report of September 1999. We have also heeded the advice of the committee and that of the Scrutiny of Legislation Committee with regard to the voluntary lodgment of how-to-vote cards and will be moving to remove these provisions from the Bill. All in all, I believe that the amendments we intend to introduce will create a Bill that is indeed balanced and workable and it will ensure truth in political advertising in all election material during the course of an election.

Although both parties have agreed and promised to provide truth in political advertising in the past and this Bill will achieve that, they will still vote against it. The committee recommends that our truth in advertising provisions be withheld based on the fact that the Attorney-General has promised to introduce its recommended amendment later this year. The City Country Alliance is unwilling to place as much faith in the Attorney-General's promise as the committee seems to. The intention of this Bill has been toyed with for far too long. We will be moving amendments to adopt the wording of the committee's recommendation anyway, and we could have these provisions in law well and truly before the next election if this Bill were to pass through the House. If we wait for the Attorney-General to come good on his promise, we may find that, if any changes are made, they may not apply to the next election, as the wheels of bureaucracy turn rather slowly.

The City Country Alliance's Electoral Amendment Bill 1999 is a Bill that will benefit the people of Queensland. It is indeed workable and it is necessary to ensure that the electoral process is of the highest possible standard to achieve democratic elections and the selection of worthwhile representatives of the people of this State. I say to the people of Queensland: you decide—based on facts, not fiction—who you want to represent you. You decide what the actions of those who vote against this Bill this evening show about those people. If the vote here tonight is in the negative, the people of Queensland need to ask why the Government and the coalition are intent on running election campaigns by deceiving and misleading the public. If they cannot be trusted throughout the campaign, how can they be trusted to run the State in the best interests of their electorates and Queensland? The City Country Alliance's Electoral Amendment Bill is yet another City Country Alliance initiative to give the power back to the people and to make politicians accountable for their actions. I have already mentioned the pride with which we introduced this Bill and now attempt to have it implemented on behalf of those we represent—on behalf of all those who felt the sting of betrayal of one of the most important systems of this country and for all Queenslanders who are sick of being abused by their political representatives. In the interests of democracy, representative government and out of respect for the people of Queensland, I commend this Bill to the House.

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