



Speech by

GARY FENLON

MEMBER FOR GREENSLOPES

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ELECTORAL AMENDMENT BILL

Mr FENLON (Greenslopes—ALP) (9 p.m.): Having been chair of the Legal, Constitutional and Administrative Review Committee which has reported to the Parliament in relation to the Electoral Amendment Bill, it is a pleasure to enter this debate tonight.

The people in the far corner of the Chamber, who are former members of the One Nation Party, have demonstrated absolute cheek in coming in here and pontificating morality in the form of truth in advertising when they are former members of a party which has been convicted of electoral fraud in Queensland. They have a record in the public domain of standing for election as members of a party which campaigned on sound principles of electoral practice. Those members come into this Chamber with a pretence of moral principles.

Mr Hamill: What's more, they are the ones who got the money.

Mr FENLON: Yes, they have the money. What are they doing with the money? Where is the moral responsibility?

Mr Hamill: The fiscal responsibility.

Mr FENLON: Where is the fiscal responsibility for the electoral fraud? I am sure the Treasurer has a vested interest here. I am sure he would like to see that money come back.

Mr Hamill: Just a fiscal interest.

Mr FENLON: Yes. I am pleased to see the Treasurer maintain that interest.

Mr Hamill: Half a million.

Mr FENLON: Yes. We are not merely considering electoral fraud in this instance. What we have here is fundamental political fraud because they are former members of a party which held itself out, prior to the previous election, as the good old Right Wing, tub-thumping party which was going to come in here and put a new face on Queensland politics. What happened? They turned into the pussycats in the back corner. Those members really need to return to the Pauline Hanson finishing school to learn what they should have been doing in this place in terms of maintaining those good old Right Wing principles. Where has the racism gone?

Mr Hamill: The pussy cats got the cream.

Mr FENLON: The pussy cats got all the cream. They received half a million dollars worth of cream, but they have lost all their principles. Where is the truth? There is only one principle that those members have left, and that is truth in political advertising. What hypocrites! Those members come into this Chamber and express such a high principle and attempt to put it into legislation. It is a very high principle. Everyone in this Chamber should accept the principle of truth in political advertising. It is a motherhood principle.

However, it is something which is extremely difficult to implement. That is exactly what LCARC has found. This matter was considered by the previous Legal, Constitutional and Administrative Review Committee. The majority of that committee found that it was a desirable principle to pursue. The minority of the committee agreed that it was desirable but found that it was practically impossible to implement. The previous coalition Government was not able to tackle this matter legislatively. The

coalition had every opportunity to do something about it before the 1998 election. Why was it not done?

Mr Briskey: It couldn't be done.

Mr FENLON: That is correct; it could not be done. It is a very hard thing to put into practice. What are the alternatives? We can continue to amend various parts of our electoral legislation, as LCARC has recommended in report No. 19 on the inquiry into the election for the seat of Mansfield. The committee recommended various changes to the Electoral Act in an attempt to improve the regulations in relation to how-to-vote cards. That is a worthwhile reform, but it is very difficult to implement. It is difficult to legislate as to what should be contained in how-to-vote cards.

In my foreword to the report I said this—

"While there are particular legislative devices that may be put in place to minimise the prospect of voters being misled, there are real limits to which this can be realistically achieved without creating a substantive change to our liberal democratic system of Government."

That is really at the heart of this matter. What will we be left with if we start tampering with our freedom of speech? Who is going to be the arbiter of what is truth at that most critical time?

Mr Dalgleish: It's the people.

Mr FENLON: The real arbiters in a democratic process are, indeed, the people. This is not a matter for the courts. Ultimately, it has to come back to the people to make the decision. That is how our liberal democratic system of Government works. We can go a certain distance in attempting to ensure that how-to-vote cards are reliable, but beyond that what do we regulate? Do we regulate what people say on the street corner? Do we regulate what people publish in their newsletters? Do we regulate what people say to each other over the telephone? How far do we go? Where do we stop? Where does Big Brother stop?

Do our friends who were former One Nation Party members have another agenda? I am looking for conspiracies here. I thought those members in the corner of the Chamber might be able to help me.

Our present system is premised upon the capacity of individual participants and institutions to engage in robust debate. That is exactly what we do in this place. In this place we test ideas, ideals, policies and practices. Robust debate is the hallmark of our liberal democratic system. That is what our system is all about. Our system is about being able to test ideas. That is at the foundation of our system.

Where does it all end if we start tinkering at the edges? If we do that our system will be fundamentally changed. Within our liberal democratic system it is desirable that the most fundamental ingredients are put in place. We have the fundamental ingredient of trust in the integrity of the people participating in the system. What are we left with if we do not have such trust?

That value must be instilled in our system. On the other hand, we must have trust and integrity as well as skills of critical analysis and judgment in the wider society. Obviously, the people have shown that they are more than capable of doing that, because they saw exactly what those members in the back corner were capable of and what they really represented, and they rejected them outright at the most recent election. That demonstrates what people's capacity to analyse what those members are about is really capable of producing.

Within this place, we are able to test those ideas. I know that often the public find it very hard to appreciate and understand why at times the debate in this place is so robust. They find it hard to understand that, during debates, there is rougher than usual handling of other members. However, in this place we can use any device—dramatic irony, hyperbole, satire, metaphor, sarcasm, and occasionally our friends in the back corner even use the pun. In this place we can apply the verbal side headlock. That is exactly what has to be instilled and encouraged in the wider community.

So I urge honourable members to join me in rejecting this Bill. It is not going to achieve anything. We must in the future, in a bipartisan manner, continue to be vigilant about our electoral laws and continue to reform our electoral laws where necessary. I believe that those reforms arising out of the Mansfield decision are indeed good reforms. As I recall, the Attorney-General has already responded positively to them in terms of undertaking to bring legislation to this Parliament. They will be sound reforms. However, something that is as radical as this Bill, as wide sweeping as this Bill, that basically changes the fundamental tenets of our system, has to be rejected. It has to be rejected not only out of its impracticality but also out of principle. So I urge honourable members to reject this Bill.
