

Dear Sirs

Thanks for the opportunity to discuss my 2nd submission '*Broadcasting & John Hewson's "real debate" vs the High Price of Licensed Broadcasters' Silence*', in the context of **what gets silenced in the "real debate"**, and the price we are paying for licensed broadcasters' silence. This submission focuses on the one broadcaster with no excuse for silence - the ABC, by using an important example.

It was clear from Prof Snapes comments at the Brisbane hearing, we share similar and strong views on the importance of "informed democracy". We need broadcasting to play a better role in the "real debate" that is yet to come. Commissioners are asked to note the following, which is both a serious example of sustained suppression, and a very topical one, as the report of the (still unbroadcast) inquiry into the 1998 election is due next month. There are other inquiry matters which I fear will be suppressed, but once you consider the significance of requiring absolute majorities for election, you'll understand why the 'Canberra Dodge' is such a perversion of our electoral law, and why the AEC wrote in its 1997 JCEM submission: "costly litigation would continue, and citizens would continue to be misled and confused about their rights and obligations in relation to full preferential voting."

The summary of this situation, which was included in my e-mail to the JCEM Chairman and others (including broadcasters, but not yet the ABC - see later) with the news that I will be using it as an example for your inquiry, is below. I've had no response, but the report is due to be tabled in parliament next month, so we won't have long to wait. If you think about the simple arithmetic of 'absolute' majorities, you'll agree its well past the time broadcasters, specially the ABC with its own election specialists, asks the JCEM a few pointed questions - and **broadcast the facts** as well as the answers!

Because the ABC Act 'guarantees' the editorial independence of the Corporation's program services, and is publicly funded, its duty was/is doubly clear. If nothing else, your final report can (should) use this example as a test case to support a call removing or reducing Commonwealth control of (at least the news & current affairs sections of) ABC funding to get genuine public accountability and hence "informed democracy".

This is not the place to canvas diversification of ABC ownership/control, but the Telstra privatisation proposed by IPA (modelled on AMP de-mutualisation) is relevant, and, in the absence of something better, is likely to get support from an absolute majority of electors. It would be nice if the ABC itself would initiate broadcasting of this tiny beginning of John Hewson's "**real debate**", specially if it can't find the courage to ask the JCEM a few pointed questions next month!

Regards, and sorry this is so long  
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## The 'Canberra Dodge' - an example of the high price of broadcasters' silence (A summary of facts about Commonwealth voting, freely available, and with parliamentary privilege)

Since 1996 the Commonwealth government's Australian Electoral Commission (AEC) has been suppressing and subverting the truth exposed by the High Court, which it has a duty to broadcast. Specifically the Commonwealth election system require an '**absolute**' majority to elect candidates, and provides for new elections if no-one gets an '**absolute**' majority. The details of this are simple, and the implications are profound, but have been greatly confused since 1997, when the AEC compounded its subversion by its qualified warning to the JCEM that "*in the absence of a practical solution to the underlying policy contradictions, costly litigation would continue, and **citizens would continue to be misled and confused about their rights and obligations in relation to full preferential voting.***"

The 1998 amendments to stop "langer voting" were not "a practical solution", so costly litigation continues, and citizens continue to be misled and confused. Despite the '**Canberra Dodge**' (see below), voting is still free, and because the intention of "langer voters" is clear, their votes are formal. Since September 1998, the High Court has dodged its duty to confirm this, and dumped it on an illiterate judge who illegally changed the word 'for' to 'between!' But the case will (soon?) be back in the High Court.

The '**Canberra Dodge**', by combining disenfranchisement, blackmail & 'bribery', perverts sec 240 and 268 of the Act, and constitutional and legal requirements for free, informed and direct election by **absolute** majorities. The provision for supplementary elections when an absolute majority of electors reject all candidates, was advertised for the 1998 election but by Albert Langer, not by the **AEC, whose duty includes: "promote public awareness of electoral and Parliamentary matters by means of the conduct of education and information programs and by other means"**.

If the AEC believed it was right in its 1998 publicity announcing it would **not** count "Langer" votes, then it failed in its duties under sec 329(1) to prosecute Langer! Despite its near emasculation by the High Court in *Evans v Crighton-Brown*, sec 329(1) still outlaws "*misleading or deceptive information about obtaining and marking and depositing a vote in the ballot box.*" Despite the JCEM submissions, the **AEC doesn't deny it has itself been doing this for years!**

To maintain this betrayal and fraudulent ballot rigging for so long, the AEC has misleadingly identified our non-partisan 'duty' of compulsory voting with the bi-partisan, indirect and illegal enforcement of compulsory preferences for all candidates. Even minor parties, who are most defrauded, were deceived into voting for it, largely by the AEC. Before it warned that the underlying policy contradictions would continue to mislead and confuse citizens, the AEC was aware the underlying policy contradictions were not a 'loophole' to be plugged, but part of the long-term fraud exposed the by 1996 High Court decision, and explained in Albert Langer's 1998 election advertisements. Thanks to this ballot rigging (and media silence) **the Commonwealth parliament and government have been illegal since at least October 1998!** Its well past the time broadcasters asked the JCEM a few pointed questions - and **broadcast the facts** as well as the answers.

Regards,

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