

Parliamentary Inquiry into the 58<sup>th</sup> State Election in Victoria, 2014. Dr. Myers, JB. 1/12

“Good noW!”®

B”H

03 July 2015 / 15 Tamuz 5775.

To: The Hon Louise Asher MP  
Chair, Electoral Matters Committee.

Attention: Mr Mark Roberts, Executive Officer, Electoral Matters Committee,  
Parliament of Victoria, Parliament House,  
Spring Street, East Melbourne, Vic 3002.

Dear Ms. Asher,

Re: Inquiry into the 2014 Victorian State Election.

Thank you for your letter of 29 May, 2015, informing me of the Inquiry into the 2014 Victorian State Election and requesting a submission from me.

It is my understanding that the Democratic Tradition is one which e in this State and indeed in Australia hold dear as a pinnacle and basis of a free society and that the following excerpts hold true:

*From AEC website 12 June 2015:*

## ***Elections***

*Free and fair elections are central to our democracy. It is every citizen’s responsibility to understand the electoral process and have a say.*

*Australia is a representative democracy in which voting is a fundamental right. We elect representatives at each of the three levels of government; State, local council and Federal.*

*At each election you get to decide how you would like to be represented in government, by choosing which party or candidate best represents your views.*

## ***Voting***

*Voting is your chance to actively participate in our democracy and have your say in shaping our state.*

*In Victoria voting is compulsory and you may be fined if you do not vote.*

## ***Secret ballot***

*Victoria was the first democracy in the world to introduce the secret ballot. The secret ballot means that nobody else can see how you have voted.*

*Strict policies and procedures are in place for the confidential handling of all ballot papers.*

*[Making Voting Secret](#) is the fascinating story of the introduction of the secret ballot in Victoria in 1856.*

## *VEC*

### *Assistance for voters*

*The VEC's vision is 'all Victorians actively participating in their democracy'. We provide a range of services and resources to ensure that the right to vote is not limited by language, disability or circumstance.*

### *Why vote?*

*Australia is a representative democracy. We elect representatives to make decisions on our behalf. Each of our three levels of government; Federal, State and local council has different responsibilities.*

*It is the right and the responsibility of everyone on the electoral roll to vote. This ensures that our elected representatives are genuinely those preferred by the majority of the electorate.*

### *Elections*

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*Australia is a representative democracy in which voting is a fundamental right. We elect representatives at each of the three levels of government; State, local council and Federal.*

*At each election you get to decide how you would like to be represented in government, by choosing which party or candidate best represents your views.*

### *Who administers elections?*

*The Victorian Electoral Commission (VEC) is responsible for administering Victorian State elections.*

*The VEC also administers Victorian council elections.*

*The [Australian Electoral Commission](#) (external link) administers Federal elections.*

## **The 58<sup>th</sup> Vic State election, 2014.**

### **A. What I stood for in the election.**

#### **Social Justice Campaign. FOCUS: LET'S BE HONEST.**

- I. Re: VCAT
- II. Re: The Medical Board / (AHPRA)
- III. Re: The Press.

#### **(I) Victorian Civil & Administrative Tribunal (VCA)**

**(I)(i) to inform the public about the partiality of VCAT**

(I)(ii) and to consider an arbitration alternative and a cheaper alternative approach, for several reasons – bias, lack of procedural fairness, no rules of evidence, no accountability, expense to appeal and to have to apply for leave on a question of law, not of fact, when in fact there are no rules of evidence, and connivance and collusion between the VCAT members and the Medical Board, an agency of government (and perhaps other Boards or agencies of government).

## **(II) The Medical Board**

**II.i)** To be able to go beyond the justice (injustice) system, to inform the public of the activities of the corrupt and biased tactics of the Medical Board, that the judicial system cannot and does not tolerate, with which it connives/ colludes/ conspires.

## **(III) The Press.**

**III.i.** That the Press be made to include Context, in addition to: (i) issue/fact and (ii) opinion in all reports or fines to apply to those who do not include the third and important component, namely: (iii) context, in order to ensure ethical reporting of facts and to provide the basis for objective opinion, integrity and honesty of report, provide to the general public.

(and that this standard be applied to all reports including legal reports, Judicial reasons and decisions, without prejudice, as would be required of any officer in principle fulfilling his/her duty to the Tribunal/Court, i.e. to principles that underline the importance of natural justice)

## **B. Experiences during and following the election**

### **1. The Electoral Staff.**

- 1.i. It is a pleasure to inform you that the staff and District Manager in particular conducted an impartial and helpful support and an administrative role in determining the ballot order, assisting with voting card processing, advice re regulations at venues and being pleasant in the manner that she went about doing this.
  
- 1.ii. In regard to my own campaign I had published one advertisement in the Jewish News, which is to be uploaded (1). I was not able to do so in other newspapers as I missed their cut-off time to do so.
  
- 1 iii. However, I was able to letter drop the following A4 letter, printed on both sides, in the run-up to the election to parts of the District. Upload (2).

### **2. The Press Coverage.**

#### **2.1. The accepted standard.**

The accepted standard of Press involvement and which affects each candidate is to uphold the Democratic principle, which is to honestly declare and to inform the public regarding the platform on which one stands and to permit an unbiased vote.

- 1i. **Accordingly**, under standard conditions, and as a standard and accepted and acceptable position, the local Press have provided information to the public, informing them of the message and / or Party each candidate stands for, as an unbiased informative election orientated report.

## **2.2 Bias introduced by the Press undermines the Democratic electoral process.**

- (I) In the Vic. State Election 2014, the Press, Caulfield Leader (Caulfield District), editor, noted that I stood as a candidate in the election, for the primary three reasons, given above.
- (II) For whatever reason she intervened in the electoral process by: headlining “Disgraced doctor”, instead of “doctor” and then publishing my manifesto, as with all other candidates.
- (III) She refused me the right of reply to the disparaging article she published, saying she had made an editorial decision that it was too close to the election, albeit the Friday before., thus refusing me the right of reply.
- (IV) She agreed to use the photo I provide, but did not. Instead she used a photo taken by a Perth newspaper. The one she used showed my skull cap, which indicate to the Jewish voters in the District my affiliation, which together with her headline would cause them to dissociate from me. Indeed, that is what occurred. (Photo issue follows, see IX, below).
- (V) She published a further article stating the the Liberal candidate, who agreed to a swap 2<sup>nd</sup> place ballot position with me, had dissociated from me, following the publication of the above article disgracing me, instead of the system and Medical Board, or allowing me the right of reply.
- (VI) She said she would write or publish that I dissociated from all the other candidates, which I did so that there would be no influence of mine on the outcome, whether in favour or not of one or other of the candidates.

- (VII) She wrote or published in one of the articles that the newspaper had approached the electoral office to ask why they had let me stand and I presume, whether I could be removed, which the Electoral Office said was not possible after the ballot had been cast, and I had filled in all the forms and given the necessary assurances or fulfilled the candidacy criteria.
- (VIII) She then published a follow-up giving the results in relation to the Liberal and Labor Party performances, which, though not mentioning other candidates, included a reference to my own, that I obtained “just”, however many (1.37%) of the votes (in fact I received a better than expected primary vote of 488, 4<sup>th</sup> out of five, which was amazing under the circumstances, and came in after the Liberal, Labor and Greens Parties). Her/the use of the term “just” was to demean. It was not used in relation to the platform for “social justice”, honesty, and reform of judicial process and decision making to ensure procedural impartiality, fairness and accountability, for which I stood and still stand for.
- (VIX) Without my permission to do so, she supplied the photo I provided to her, to the newspaper in Perth, which was used so as to defame me, further, by associating it with the corrupt decision made by his Honour Curthoys in SAT (WA), who dismissed my case against the Medical Board, to not give any causes for me to sue them, as he himself stated in the lead up to that decision, and in their case against me found what he did by clear procedural unfairness, bias and mal-intent, which is relevant to this inquiry because it shows the Medical Board, Press and Tribunal matter being addressed, to inform this Parliamentary Inquiry into the State Election 2014, is not only a Victorian issue but a Constitutional and National

one, as the Medical Board and the Australian Health Practitioner's Registration Authority( AHPRA) is a National body, with State officers and offices, that affects every Australian and resident in every State.

(X) The clarity of the importance of the issues mentioned above, particularly, in (VIX), is underscored by the fact that the Victorian Parliamentary Legislative Inquiry, into AHPRA, tabled March 2014, did not accept AHPRA's/ Medical Board's assurances they provided to unravel issues raised, vis a vis, the complex relationship between the two; the conduct of the Medical Board and AHPRA undermined the public's confidence in the handling of notifications, and the Ombudsman's office dissatisfaction with their handling of notifications; undisclosed financial statements not included in their 2012-2013 Annual Report; length of investigations and their being made more complicated by the Medical Board's / AHPRA's handling of them, adding their own allegations **to make a case to justify their own existence in many cases**, rather than to sort out the issue of notification, instead of dealing with the issue at hand, expediently and efficiently in the interests both of protecting the public and to ensure health services.

(XI) Similarly, the Royal Commission into Child Sexual Abuse in Institutions was preceded by a Victorian Inquiry and work done prior to that that resulted in the Royal Commission, a legacy decision by her Honour, the then Prime Minister Julia Gillard, which as mentioned was connected, though unknowingly, to the events of the State Election, yet, indicating the importance of the Victorian State election and Parliamentary Inquiries undertaken by the Victorian Parliamentary Committee, which I believe sets a precedent in dealing with the matter that led to the

Press' interference in the Democratic process, aiming to do so for their own private agenda, and not in the public interest.

(XII) Given the extent of the Press' deliberate intention to interfere to undermine the honoured neutrality of the electoral process; its targeted campaign to denigrate and affect the outcome of the election; and to prevent the right of reply, particularly at election time, requires the highest measure of censure.

### **C. Conclusion.**

- I. The electoral process permits a change of government or endorsement according to their performance as assessed by the voters in the State.
- II. The electoral process underpins our democracy by affording all those who believe issues not dealt with or known need to be.
- III. Elections need to be held accountably and fairly.
- IV. The electoral officers did their job well.
- V. Fortunately, my experience, though at great personal emotional cost and savage social consequences, this election exposed the menacing influence of the Press, as sympathisers of the Medical Board and its practices, to the extent that an appeal was made directly to the electoral office to undermine the electoral process which underpins our democratic system of government.

**VI. Democracy ensures that minorities have a say.**

**VII. The press deliberately interfered with the minority view, namely the awareness I sought to bring to the attention of the voting public, and to the incumbent government, and to all candidates, namely, the importance of social justice, honesty, accountability and transparency of Boards and**

**Tribunals and how they operate, as well as to indicate ways to address this (1).**

VIII. The extent to which the Press involved itself in this election to defame and discredit me, and by not highlighting the issues on which I stood, instead of the former, and providing me the right of reply, plus “being involved in the campaign themselves”, making News instead of reporting it (see Ref 2), desecrates Democratic principles and threatens the whole election process and its validity. **Fines need to be applied, retroactively in this case, and if need be, according to review in future elections, when there is abuse by the Press, when context is omitted and right of reply denied.** This is the message I wish to convey to Parliament, to Government and to this Inquiry, to take further, in order to ensure elections are fair and give equal exposure to the policies and manifesto's being put forward. Without that the election cannot have fulfilled the expectations of democratic rights and principles. Without such values, the electoral process becomes the mere reflection of an abusive, agenda driven Press abusing one of Democracy's honoured Freedoms.

**IX. Without the assurance of compliance in regard to democratic conduct, the election cannot have fulfilled the expectations of Democratic Rights and principles.**

X. I believe the Caulfield Leader, ought to be warned, and an article published, therein, to indicate the strength of that warning and what this election in fact has accomplished, for all, namely, a warning against interference in the electoral process and the importance of impartiality in their reports, by including context (see Ref. 1), and where asked for, the right

of reply and equal headline space and prominence for this – beyond letters to the Editor, which she specifically refused permission to publish.

**XI. Fines ought to be able to be applied to those who seek to undermine the democratic election process, as to whom to vote for, by resorting to the use or using defamatory means and/or uncalled for denigration.**

XII. Integrity must underpin electoral processes, which demands that nothing be allowed to undermine the cornerstone of our society and freedoms.

XIII. There need to be reassurances that the Press or other disinclined to any candidate, do not in any way undermine the need or means to ensure an honest, unadulterated electoral process. Fortunately, the rule that a candidate cannot be disqualified once the ballot has been cast for preferences and voting is begun provides a safeguard to prevent interference in the electoral process, but the damage the Press wished to inflict, was made and done and could not be undone, which is why this matter has to be addressed in this Inquiry.

**XIV. An electoral ombudsman be appointed to monitor these matters (CX, CXI) and (CXII, CXIII), above, as a specific appointment and task at around election time.**

XV. Interestingly, my Advertisement in the Jewish News appeared on the same page as the announcement that the Royal Commission into Institutional Child Sexual Abuse had subpoenaed NSW and Vic Jewish institutions. Had they all understood the Providential nature of that placement and the **focus of my Campaign, being “LET'S BE HONEST, the**

community would have been lauded, as compassion and empathy shown during questioning or inquiry, would thus have occurred.

**XVI. There can be no substitute for honesty and social justice.**

XVII. In that respect **my campaign:**

**Make Caulfield District the epicentre of Social Justice Reform,** has already achieved its aim, and as it did with the full support, primary vote, of voters representative of all the voting areas that were included in the Caulfield District election campaign, and this submission to this Parliamentary Inquiry.

**D. Other issues.**

**D.I. Timing.**

(i) It all ends up as a bit of a rush from the time the ballot is drawn for preferences until polling begins. More time would give Independent candidates, at least, and perhaps others, a little more opportunity to have leaflets printed and distributed, say by a day or two more, before polling begins.

(ii) It could also perhaps provide an opportunity to exercise right of reply in circumstances that demand a refutation or reorientation or response, to set matters right and in context, while not detracting from the issues raised above, where right of reply was denied.

**D.II. Cost of printing and other costs.**

(i) The current system of reimbursement favours the main Party candidates, who poll more votes, and therefore gain a reimburse above the 4% level of votes.

(ii) One could address this, if for every first vote there was some contribution (and which increased as the number of votes increased, though this need not be necessary), or,

(iii) or a maximum of \$3000.00 dollars be provided per

candidate. The advantage to Party candidates would be in the Legislative Council as the Ballots would be the same if numbered by party, which would reduce the cost of printing, and make up the short fall from what they now receive.

(iv) the the current system be amended so that second and third preferences also benefit from the amount given to the person named as number one on any voting card who wins. After all it may be that the candidate who receives the first's preferences has had a significant part to play in the winner's gain, especially in closely contested seats, yet did not have enough votes to qualify for reimbursement, on the present criteria of required votes. And less so but to some extent for the person who receives third preference position on the winner's vote card

I am grateful to you for inviting me to make a submission to this Inquiry,

Yours sincerely,

**Dr Yaacov, John B. Myers, B”H, noW!, “Good noW!”<sup>®</sup>, 5775.**

**References and suggested further reading:**

1. Myers, J. (2014) Medical Ethics: Context Is the Key Word. *International Journal of Clinical Medicine*, 5, 1030-1045. doi: [10.4236/ijcm.2014.516134](https://doi.org/10.4236/ijcm.2014.516134).
2. Kemp, Robert. (2015) Article published in The Melbourne Jewishreport, Volume 7, p 3 and 25. July 1, 2015. [www.thejewishreport.com.au](http://www.thejewishreport.com.au), page 3 and continued on page 25. which essentially states, “that a biased Press 'makes News, rather than reports it'”, as quoted above.