



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

2327



PERTH, THURSDAY, 6 JUNE 1996 No. 72 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, ACTING GOVERNMENT PRINTER AT 3.30 PM

In the High Court of Australia No. P26 of 1996 Sitting as the Court Of Disputed Returns
BETWEEN Paul Anthony Keith Stevenage (Petitioner) AND Paul Anthony Filing (Respondent).
This petition was filed by Paul Anthony Keith Stevenage of and whose address for service is
26 Favenc Way PADBURY WA 6025.

PETITION

The petitioner prays the High Court, sitting as the Court of Disputed Returns declares that: A. Paul Anthony Filing ("Mr Filing"), who was on 1 April 1996 returned as elected as the Member for the Commonwealth Electoral Division of Moore ("Moore"), at the election held on 2 March 1996 ("the Election"), was not duly elected; and B. The Election for Moore was absolutely void. The grounds of the petition are as follows—

1. In order to influence or affect: (a) the votes of various persons being electors enrolled in Moore ("the Electors") to be cast at the Election; (b) the support of a candidate, namely himself; and (c) opposition to a candidate, namely Paul Anthony Keith Stevenage ("Mr Stevenage"), Mr Filing did: (d) promise or offer on various dates from about 12 February 1996 up to and including 25 February 1996 to give or confer a benefit (the particulars whereof are set out hereunder) on any of the Electors who wished to avail themselves thereof, by: (i) distributing leaflets advertising the provision of the benefit to the homes of all or most of the Electors; and (ii) mailing letters advertising the provision of the benefit to the homes of several hundred of the Electors, (e) and did on 25 February 1996 give or confer that benefit on several hundred of the Electors, contrary to Section 326(2) of the Commonwealth Electoral Act 1918 ("the Act"). Particulars of benefits conferred: The benefit consisted of the provision of free entertainment by the singer Keith Potger, a member or former member of the internationally famous popular musical group "The Seekers", in addition to entertainment for the children of the Electors who attended this event, which was held at the Margaret Cockman Pavilion at the Wanneroo Showgrounds in Wanneroo. The election of the Respondent should thereby be declared void under s362(1).
2. In order to influence or affect: (a) the votes of the Electors to be cast at the Election; (b) the support of a candidate, namely himself; and (c) opposition to a candidate, namely Mr Stevenage, Mr Filing did: (d) promise or offer on various dates from about 20 November 1995 up to and including 3 December 1995 to give or confer a benefit (the particulars whereof are set out hereunder) on any of the Electors who wished to avail themselves thereof, by: (i) distributing leaflets advertising the provision of the benefit to the homes of all or most of the Electors; and (ii) mailing letters advertising the provision of the benefit to the homes of several hundred of the Electors, (e) and did on 3 December 1995 give or confer that benefit on several hundred of the Electors, contrary to Section 326(2) of the Commonwealth Electoral Act 1918 ("the Act"). Particulars of benefit conferred: The benefit consisted of the provision of free food and entertainment for the children under 12 years of age of the Electors at a picnic held at the Croatian Soccer club at Wishart Street Gwelup.
3. Mr Filing printed, published and distributed or caused, permitted or authorised to be printed, published and distributed matter that was likely to mislead or deceive an elector in relation to the casting of a vote, contrary to section 329(1) of the Act. The matter was delivered to the homes of most of the Electors in Moore within the month prior to the Election. Particulars of matter likely to mislead or deceive: (1) A leaflet entitled 'JOHN HOWARD', underneath which a photo of John Howard, leader of the Liberal Party ("Mr Howard"), appeared, underneath which the words appeared 'ITS "SAFE" TO VOTE FOR PAUL FILING', underneath which the words appeared 'VOTE FOR PAUL FILING AND GET THE BEST OF BOTH WORLDS'. This leaflet, either on its own, or in combination with other matters referred to hereunder, was likely to create the impression that the following propositions were true: (a) Mr Filing had the endorsement and support of the leader of the Liberal Party, John Howard, as a candidate for Moore in the Election; (b) Mr Filing had the endorsement and support of the Liberal Party as a candidate for Moore in the Election; (c) Mr Filing was the Liberal Party's candidate for Moore in the Election; (d) Mr Filing was a Liberal Party candidate for Moore in the Election. All of which propositions were false, and which Mr Filing knew or ought to have known were false. Mr Filing printed, published and distributed or caused, permitted or authorised to be printed, published and distributed the said material without the permission or authorisation of Mr Howard or the Liberal Party. The foregoing circumstances, either alone or in combination with any one or more of the other matters referred to in this petition, were likely to influence the result of the election. (2) A leaflet entitled 'INDEPENDENT, election countdown edition' distributed to the homes of most of the Electors in Moore in the month before the Election