

# Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

**Submission No:** 072  
**Submission By:** Patrick Coleman  
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Committee Secretariat

Justice, Integrity and Community Safety Committee

Legislative Assembly of Qld

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Inquiry Page <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=275&id=6560>

**Submission to 'Electoral laws restoring electoral fairness' inquiry'**

Please accept this submission on behalf of myself . Im not a lawyer but a former law student.

Patrick John Coleman

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2/1/26

[REDACTED]

Unless you want Qld to go back to open branch stacking DO NOT TAKE AWAY ECQ  
OVERSIGHT OF PRESELECTION BALLOTS.

DO NOT RAISE DISCLOSURE LEVELS OR REDUCE REALTIME DISCLOSURE

DO NOT RAISE EXPENDITURE CAPS

THE LAW MUST BE CHANGED SO THAT NAMES, ADDRESSES AND CONTACT  
DETAILS OF DONORS MUST BE DISPLAYED LIKE THEY USED TO BE ON THE

OLD PDF RETURNS AND BE PUBLIC ON THE ECQ WEBSITE FOR EASY CROSS CHECKING FOR FRONT COMPANIES AND FRONT NAMES.

## **RETURN TO OPTIONAL PREFERENTIAL VOTING**

The decision to change from option preferential voting to compulsory preferential voting, I think, could have been challenged in court then, and still could now.

Like in Unions NSW No1 Quoted below, there was no evidence put that it was necessary or justified. It didn't even go to committee and was rammed through. Article 'Compulsory preferential voting returns to Queensland as Parliament passes bill for more MPs' Gail Burke , ABC Online 21/5/16 <https://www.abc.net.au/news/2016-04-21/compulsory-preferential-voting-returns-qlld-parliament-passes-bill/7348172>

The change was directed at lefty greenies like me who saw through the labor party and its corruption. It was an attempt to force us to vote labor HONG KONG STYLE.

**Clubb v Edwards; Preston v Avery [2019] HCA 11** <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/11.html>

KIEFEL CJ, BELL AND KEANE JJ

5. *The test to be applied was adopted in McCloy by French CJ, Kiefel, Bell and Keane JJ*[\[5\]](#), *and it was applied in Brown by Kiefel CJ, Bell and Keane JJ*[\[6\]](#) *and Nettle J*[\[7\]](#). *For convenience that test will be referred to as "the McCloy test". It is in the following terms*[\[8\]](#):
1. *Does the law effectively burden the implied freedom in its terms, operation or effect?*
2. *If "yes" to question 1, is the purpose of the law legitimate, in the sense that it is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government?*
3. *If "yes" to question 2, is the law reasonably appropriate and adapted to advance that legitimate object in a manner that is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government?*
6. *The third step of the McCloy test is assisted by a proportionality analysis which asks whether the impugned law is "suitable", in the sense that it has a rational connection to the purpose of the law, and "necessary", in the sense that there is no obvious and compelling alternative, reasonably practical, means of achieving the same purpose*

*which has a less burdensome effect on the implied freedom. If both these questions are answered in the affirmative, the question is then whether the challenged law is "adequate in its balance". This last criterion requires a judgment, consistently with the limits of the judicial function, as to the balance between the importance of the purpose served by the law and the extent of the restriction it imposes on the implied freedom*[\[9\]](#).

Even using the tests as they were at the time it was passed, it couldn't be justified. Langer v The CTH was wrongly decided as it was an advisory decision. It wasn't even about OPV but a leaflet. And The High Court said even up to the time of Qld CPV passing that it doesn't give advisory opinions *Clubb v Edwards* at [32]-[35]. You can derive that from the cases cited in *Clubb* on that matter.

OPV was working. It was working in other states and above the line for the senate. There was no compelling reason or justification for the change back. But it falls on lack of that evidence like in *Unions NSW* no1.

There was a couple of qualifications in Langer still, In Qld voters are electors. And the court said that would have made a difference. And there was a proviso that it could be said that if the votes were so close, a voter could be said to be denied a free choice of voting against a candidate.

The nazis are rising again and CPV forces you to chose who is the better crook or religious nutter. Who is the better facist or nazi. You cant NOT recognize them on the ballot or your vote is informal. This is all well and good for unprincipled politicians and candidates, but it's sickening and undignified to reasonable people Personally, for these reasons of being forced to recognize them or else, I have lost my vote because I must cast it as informal to deny the preference flow to them. I want my vote back. I want my right to VOTE AGAINST PEOPLE BACK.

### **LIFTING THE DEVELOPER DONOR BAN FOR STATE ELECTIONS.**

I would think you are going to have a hard time trying to constitutionally justify why there is any less of a risk of corruption from developer donations by keeping the ban for local government elections and yet lifting the ban for state elections.

The public statements by the LNP say that lifting the developer ban is all about benefiting the LNP financially as a political party. There is no **public benefit**. Article “Queensland government moves to lift ban on political donations from property developers”, Alex Brewster ABC Online 11/12/25

<https://www.abc.net.au/news/2025-12-11/political-donations-qlld-property-developers/106130862>

This is what I said in the **Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018 Inquiry . Sub 22**

<https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=167&id=2910>

*“There are self evident reasons (especially in Townsville and NTH QLD) why such donations from property developers and others- such as those involved in the construction, ring roads/bridges or airport 2nd runway builders, fossil fuel. real estate , mining, arms, defence contracting, liquor or gambling industry business entities, pharmaceutical, waste/recycling , water infrastructure , pipe builders, layers or consulting engineers , tobacco industry business entity;- or from any other industry that would normally have contractual dealings with government at any level- should be banned.*

*So much was said by The High Court in McCloy v NSW [2015] HCA 34 (7 October 2015) where it upheld the NSW ban on developer donations. They were against the Americanisation of donations. It was said at par [93]*

*“...the public interest in removing the risk and perception of corruption is evident. These are provisions which support and enhance equality of access to government, and the system of representative government which the freedom protects. The restriction on the freedom is more than balanced by the benefits sought to be achieved.” “*

<https://documents.parliament.qld.gov.au/com/EGC-A022/RN756PLGEI-C191/submissions/00000022.pdf>

I re-affirm that statement.

It's already the case that environmental laws are being gutted at the state and local level. Public consultation has simply been thrown out. It's clear that people arnt even going to know what is being approved at all at first instance, because council CEO's can approve matters

that concern donors without public submissions or councils getting a vote. The minister can simply say no EIS or consultation required too. Local council was the most important step in stopping harmful developments.

Unless you want to say the truth- that the system of government is bent and it represents those that highjack it, then, removing the developer ban WILL affect the system of government. Because it certainly is SUPPOSED TO BE FREE AND DEMOCRATIC see s2(1) (c ) and s5(2) Peaceful Assemblies Act Qld where these words appear ‘reasonable in a democratic society’. Whilst that relates to protest, Qld is supposed to be democratic.

Lifting the ban would also offend s15, 23, of the Qld Human Rights Act -Equality before the laws and Equally taking part in public life . Because people could , and do purchase the right to discriminate against people. People are supposed to have the equal right to be protected against crooks who buy influence. Equal access to government and government officials. Money tips the scales against the environment and human rights. The decision of Deane and Toohey J in Nationwide News further below backs up these 2 provisions

Human Rights Act Qld Link

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>

## **15 Recognition and equality before the law**

- (1)Every person has the right to recognition as a person before the law.
- (2)Every person has the right to enjoy the person’s human rights without discrimination.
- (3)Every person is equal before the law and is entitled to the equal protection of the law without discrimination.
- (4)Every person has the right to equal and effective protection against discrimination.
- (5)Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

## **23 Taking part in public life**

- (1)Every person in Queensland has the right, and is to have the opportunity, without discrimination to participate in the conduct of public affairs, directly or through freely chosen representatives.
- (2)Every eligible person has the right, and is to have the opportunity, without discrimination—
  - (a)to vote and be elected at periodic State and local government elections that guarantee the free expression of the will of the electors; and
  - (b)to have access, on general terms of equality, to the public service and to public office.

Unions NSW v NSW no1 [201] HCA 38

FRENCH CJ, HAYNE, CRENNAN, KIEFEL AND BELL JJ quoting the full bench in Lange v The ABC

[19].....“It will be invalid where it so burdens the freedom that *it may be taken to affect the system of government for which the Constitution provides* and which depends for its existence upon the freedom....

And at paras [20]-[26] <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2013/58.html>

Pay particular attention to the words ‘Australian Community’ and ‘interest’ in the statement by THE FULL BENCH.

To see where Im going with this, consider what was said in Cunliffe v CTH applied in the Tampa Case (VCCL v Ruddock) No1 at par [163]

[163]All of the judges, except for Mason CJ, held that **the constitutional freedom could only be claimed for the benefit of Australian citizens** and not aliens. For example, Brennan J said at 335-6:

*"While an alien who is within this country enjoys the protection of the ordinary law, including the protection of some of the Constitution's guarantees, directives and prohibitions, he or she stands outside the people of the Commonwealth whose freedom of political communication and discussion is a necessary incident of the Constitution's doctrine of representative government. That being so, the implication does not operate to directly confer rights or immunities upon an alien. Any benefit to an alien from the implication must be indirect in the sense that it flows from the freedom or immunity of those who are citizens."*

<https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2001/1297.html>

Im referring to the words of the majority in Cunliffe “ *that the constitutional freedom could only be claimed **for the benefit** of Australian citizens* ”

This freedom is to be exercised in equality by members of THE BODY POLITIC. This mean EQUAL participation in the political sovereignty of the people Unions NSW v NSW No2 [2019] HCA 1 at pars [39]-[40]

Also <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/1.html>

[40] ..... The requirement of [ss 7](#) and [24](#) of the Constitution that the representatives be "directly chosen by the people" in no way implies that a candidate in the political process occupies some privileged position in the competition to sway the people's vote simply by reason of the fact that he or she seeks to be elected. Indeed, to the contrary, [ss 7](#) and [24](#) of the Constitution guarantee the political sovereignty of the people of the Commonwealth by ensuring that their choice of elected representatives is a real choice, that is, a choice that is free and well-informed[\[44\]](#). Because the implied freedom ensures that the people of the Commonwealth enjoy equal participation in the exercise of political sovereignty[\[45\]](#), it is not surprising that there is nothing in the authorities which supports the submission that the Constitution impliedly privileges candidates and parties over the electors as sources of political speech. Indeed, in ACTV, Deane and Toohey JJ observed that the implied freedom[\[46\]](#): "extends not only to communications by representatives and potential representatives to the people whom they represent.

See the joint decision of Deane and Toohey J in *Nationwide News v Wills* at para [19] of this Austlii version in reference to the freedom applying to access to government and the seat of government. Equally, it applies to the states.

*[19] It follows from what has been said above that there is to be discerned in the doctrine of representative government which the [Constitution](#) incorporates an implication of freedom of communication of information and opinions about matters relating to the government of the Commonwealth. In so far as the people of the Commonwealth are concerned, that implication of freedom of communication operates at two levels. The first is the level of communication and discussion between the represented and their representatives, that is to say, the level of communication and discussion between the people of the Commonwealth on the one hand and the Parliament and its members and other Commonwealth instrumentalities and institutions on the other. Even before the first sitting of this Court, it had been recognized that there was inherent in the [Constitution](#), as a necessary implication of its terms, a right of the people of the Commonwealth to communicate with "the Federal authorities"((162) See *Quick and Garran, The Annotated Constitution of the Australian Commonwealth*, (1901), p 958). In *R. v. Smithers; Ex parte Benson*((163) [\[1912\] HCA 92](#); (1912) 16 CLR 99, at p 108), Griffith C.J. accepted that "the elementary notion" of the Commonwealth established by the Federation necessarily gave rise to rights of communication between the people and the institutions to which they had entrusted the exercise of governmental power. The Chief Justice quoted, and adopted as applicable to the Commonwealth under the [Constitution](#), an extract from the seminal judgment of the United States Supreme Court (delivered by Miller J.) in *Crandall v. State of Nevada*((164) [\[1867\] USSC 15](#); (1867) 73 US 35, at p 44) in which, having referred to the right of federal officers to free access to, and transit through, the States for federal purposes, the Supreme Court had said:*

*"But if the government has these rights on her own account, the citizen also has correlative rights. He has the right to come to the seat of government to assert any claim he may have upon that government, or to transact any business he may have with it. To seek its protection, to share its offices, to engage in administering its functions."*

*In *Smithers*, Barton J. also referred to that passage from the judgment in *Crandall v. State of Nevada* and expressed the view((165) (1912) 16 CLR , at p 109) that the reasoning of the United States Supreme Court "is as cogent in relation to the [Constitution](#) of this Commonwealth, as it was when applied to the [Constitution](#) of the United States". In *Pioneer Express Pty. Ltd. v. Hotchkiss*((166) [\[1958\] HCA 45](#); (1958) 101 CLR 536, at p 550), Dixon C.J., while pointing out that that case did not "provide an occasion for examining the place which the very general principles expounded in *Crandall v. State of Nevada* possess with us", commented:*

*"No one would wish to deny that the constitutional place of the (Australian) Capital Territory in the federal system of government and the provision in the [Constitution](#) relating to it necessarily imply the most complete immunity from State interference with all that is involved in its existence as the centre of national government, and certainly that means an absence of State legislative power to forbid restrain or impede access to it."*

The Qld Court of Appeal ( *WILLIAMS JA for the court*) held that equality before the law was a constitutional principle In re : Criminal Proceeds Confiscation Act 2002 (Qld), Re [2003] QCA 249 (13 June 2003) at Par [52]

<http://www.austlii.edu.au/au/cases/qld/QCA/2003/249.html>

They applied the decision of Gaudron J in *Nicholas v The Queen* [1998] HCA 9; (1998) 193 CLR 173

*"[52] In her judgment Gaudron J comes close, in my view, to providing the answer to the question now before this court; she said at 208-9:*

*"In my view, consistency with the essential character of a court and with the nature of judicial power necessitates that a court not be required or authorised to proceed in a manner that does not ensure equality before the law....."*

### **COMMERCIAL DONOR INTERESTS ARE NOT THE PUBLIC INTEREST**

Companies and corporations are not citizens. They do not have human dignity. Their interests are countervailing and proprietary. This is not a **PUBLIC INTEREST**. They do not have the same legal interests as citizens. Indeed, they seek with their money to **OVERBEAR THE PUBLIC INTEREST** in preventing corruption or the perception of it.

The scales should tip in favour of the public interest and benefit to be obtained from protecting the body politic from corruption. *ABC v Lenah Game Meats* [2001] HCA 63 per Gleeson CJ at [43] , Gaudron J at [62], Gummow J at [90]-[92] , [111], [117], [125]-[132] , Kirby J at [190] , [205] , [211]-[212] , [221]

S124(3) of The CTH Corporations Act says that a company does not have the power to do that which is prohibited by state or territory laws. [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/ca2001172/s124.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/ca2001172/s124.html)

A distinction between the freedom of communication enjoyed by members of the body politic to donate and the demonstrated power to deny it to companies, corporations and those with prohibited interests is clear here.

In s180-184 of that Act there are both civil and criminal penalties for directors not acting honestly or for a proper purpose in gaining an ADVANTAGE for themselves or someone else [https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/ca2001172/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/ca2001172/)

It IS dishonest and improper to buy influence.

*Rowe v Electoral Commissioner* [2010] HCA 46

<https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2010/46.html>

French CJ

1. The [Constitution](#) requires that members of Parliament be "directly chosen by the people"[\[1\]](#). That requirement is "constitutional bedrock"[\[2\]](#). It confers rights on "the people of the Commonwealth" as a whole[\[3\]](#). It follows, as Isaacs J said in 1912, that[\[4\]](#):

*"The vote of every elector is a matter of concern to the whole Commonwealth". Individual voting rights and the duties to enrol and vote are created by laws made under the [Constitution](#) in aid of the requirement of direct choice by the people.*

2. *An electoral law which denies enrolment and therefore the right to vote to any of the people who are qualified to be enrolled can only be justified if it serves the purpose of the constitutional mandate. **If the law's adverse legal or practical effect upon the exercise of the entitlement to vote is disproportionate to its advancement of the constitutional mandate, then it may be antagonistic to that mandate.** If that be so, it will be invalid. Laws regulating the conduct of elections, "being a means of protecting the franchise, must not be made an instrument to defeat it"[\[5\]](#). As the Court said in *Snowdon v Dondas*[\[6\]](#):*

*"The importance of maintaining unimpaired the exercise of the franchise hardly need be stated."*

In *Unions v NSW No1* at [33], the following passage from Gaudron J in *Muldowney v South Australia* was quoted.

Her Honour proposed that:

*"the freedom which inheres in the Australian [Constitution](#) and which extends to matters within the province of the States does not operate to strike down a law which curtails freedom of communication in those limited circumstances where that curtailment is reasonably **capable of being viewed as appropriate and adapted to furthering or enhancing the democratic processes of the States.**"*

Whilst *Unions NSW No1* [2013] HCA 58 was about challenging a prohibition on donations, here we are concerned with justifying lifting a state prohibition whilst not seeking to challenge the legitimate anti-corruption purpose of the developer ban for local government elections. It's still a demonstrated corruption risk. There is no purpose to lifting the developer ban other than to achieve its purpose of lifting the bank balance of the LNP firstly, and other parties that say fair game. at [51] – [65]. It does not have an anti corruption purpose at all. <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2013/58.html>

The Qld developer donation ban was previously successfully justified to the high court in *Spence v Qld* [2019] HCA 15 <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/15.html>

Article 'High Court of Australia upholds Queensland ban on political donations by property developers' Matthew Staraj. Human Rights Law Center website *Spence and McCloy test*

<https://www.hrlc.org.au/case-summaries/2019-9-23-high-court-of-australia-upholds-queensland-ban-on-political-donations-by-property-developers/>

The lifting of the developer ban and raising of disclosure thresholds and expenditure caps is not a law with the purpose of protecting the franchise, the efficacy of the electoral system, protecting the integrity of the electoral system or democratic governmental decision making. It is only capable of being viewed as antagonistic to that. Its and instrument to defeat it.

It has no public interest or benefit. The scales must tip in favour of maintaining the developer ban and strengthening ways to prosecute for schemes to circumvent, otherwise known as conspiracy to engage in money laundering. This is done by giving money to lobbyists and third parties to donate because the ECQ never checks on the ultimate source or purpose of the donation.

It can be seen by the statements in the High Court Cases that Qld is again on an undemocratic trajectory. Its corrupt.

### **Receipt of, and dealing with, and gaining a benefit or advantage from proceeds of crime by political parties and candidates in Qld**

S329 -337B of The CTH Proceeds of Crime Act 2002 sets out that proceeds can be wholly or partly derived or realised from the commission of the offence . s18 and s49 says there need not be a court finding for it to be classed as proceeds [https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/poca2002160/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/poca2002160/)

The LNP Government should also take a look at The Criminal Proceeds Confiscation Act Qld <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2002-068#>

S15 Meaning of Illegal activity, s18 Meaning of proceeds, 21 Meaning of benefit and benefit derived, S 22 Meaning of illegally acquired property, The definition of Money Laundering in s250(2)(c ) and have a further look at the definitions of benefit, dealing with and derived in the dictionary .

Then, take a look at the AUSTRAC cases in its list of enforcement actions taken for organized crime and terrorism money laundering <https://www.austrac.gov.au/lists-enforcement-actions-taken>

Type the names of the companies done for organized crime and terrorism money laundering into the donations searches relevant to Qld and search the archives.

<https://disclosures.ecq.qld.gov.au/Map> , <https://www.ecq.qld.gov.au/disclosurereturnarchives>  
[https://www.aec.gov.au/Parties\\_and\\_Representatives/financial\\_disclosure/transparency-register/](https://www.aec.gov.au/Parties_and_Representatives/financial_disclosure/transparency-register/)

Its obvious that parties and candidates in Qld for all levels have benefited or gained an advantage from proceeds of crime or from donations derived from proceeds of crime within

the definitions contained in the CTH and State acts. Particularly from the gambling and banking industries.

This includes serving police who sought pre-selection whilst still under oath and bound by it. S8 of The Police Service Discipline Regulation says they are to familiarize themselves with the laws they are working under and s2.3 of The Police Service Administration Act Functions of the service. <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2016-0044>

This sets out that its to prevent and detect crime. Serving cops had mandatory misconduct reporting obligations under that act and The CCC Act. Yet no cop in Qld reported them for joining those parties despite cops attempting to detect and prosecute money laundering at Casinos the time. <https://www.legislation.qld.gov.au/view/html/inforce/current/act-1990-004>

Political parties have constitutions that deal with finances and disbursing those finances and donations to local branches. Ultimately those funds derived in whole or in part, directly or indirectly from illegal activity get used to benefit and advantage local candidates. Its not a good look hey?

I'll simply pick one, being the LNP and the government in control of what laws to ENHANCE INTEGRITY that COULD BE PASSED.

The Constitution of The Liberal party of Australia  
<https://cdn.liberal.org.au/pdf/2019%20Liberal%20Party%20of%20Australia%20Federal%20Constitution.pdf>

The LNP QLD Constitution <https://www.lnp.org.au/getmedia/a8fa273b-2e61-44c0-97ff-e50d3c1e1670/LNP-Constitution-2025-10-03.pdf>

State divisions raise funds and Qld has an account which has to be disclosed to the ECQ. S8 and 9 for the LNP says all funds are kept by the president. That would be whether they were for a state or local purpose. S15 says no money is to be paid to members. s21 defines benefit as being benefit for campaign purposes s30(e) a candidates campaign expenditure must not exceed that imposed by the Central Campaign Committee or the State Director. This small example shows that any developer money is going into the same account and it's the party constitution that says what happens to it. The CCC has no power to look into this.

Its bent. Don't do it.

### **PRISONERS VOTING RIGHTS AND DISENFRANCHISEMENT OF OVERSEAS PASSPORT HOLDING QLD VOTERS.**

Below is the text of the letter I sent to then Premier Miles, then Deputy Premier Dick and then Attorney General Yvette D'Ath in relation to overseas voters being treated worse than

Qld prisoners in regards to enrollment though they have done no wrong. I received a reply from the premiers office on 20/8/24 saying it was forwarded to the AG though it was CC'd. Nothing was done prior to the election. No attempt has been made by THIS government to rectify it either. I incorporate that into this submission .

This detailed letter sets out why I believe that passport holders who could otherwise vote if they were in Australia would be able to take action in court , like in Rowe to be enrolled . Since Rowe, there was Kvelde v NSW [2023] NSWSC 1560 which sets out who can bring an action to invalidate a law and why. That would extend to mandamus on the Electoral Commissioner to enrol that class of people

<https://www.caselaw.nsw.gov.au/decision/18c5af7c0dffcf5160213c43>

To go against the high court decision in Roach, where the court said only people serving 3 years or more can be excluded is so American in the way public funds are going to be wasted on the exercise its not funny. Its clear that its lawfare to have a collateral attack on the Roach precedent. You don't have a chance and are simply relying on how hard it will be to get a prisoner to challenge it given the imbalance of power faced by prisoners. You are also relying on chipping away at the vote and have a court saying 'you cant prove it affected the result' .

**To PREMIER STEVEN MILES**

**CC**

**DEPUTY PREMIER CAMERON DICK**

**ATTORNEY GENERAL Yvette D'Ath**

**AARON HARPER MLA**

**IMMEDIATE ELECTORAL AMENDMENTS REQUIRED BEFORE QLD  
ELECTION. OVERSEAS CITIZENS VOTING RIGHTS AND DROP VOTING AGE  
TO 16.**

Prepared by Pat Coleman [REDACTED]  
[REDACTED]  
[REDACTED]

It was brought to my attention by Qld anti corruption hero [REDACTED] and his wife [REDACTED], who live and work overseas in Europe but have Australian Passports, that Qld law denied them and others the right to vote in elections and referenda, including the recent voice

referendum because they were outside Qld **for more than a month** in the following legislation

s64(1)(b) of the Electoral Act Qld

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1992-028#sec.64> ,

s21(1) of The Referendums Act Qld 1997

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1997-011#sec.21> .

He helped bring Joh down remember? They were stripped of Australian citizenship rights to be enrolled by Qld.

**Neither travelling overseas nor applying for a passport even make it on my personal list of priorities. Its just that I was told about this, took a look at it and its plain as mud and annoys me.**

I refer to the double digit margins in the infamous Mundingburra by-election and the election of Cathy O'Leary and the hung parliament. Governments can rise and fall on the votes of less than 50 electors in one electorate. My views on the invalidity of state compulsory preferential voting aside, if you want those votes, you will change the Qld Electoral Law to give persons residing overseas the same rights to be enrolled as prisoners but without qualification as to how long they have been overseas and do it before the election in the sitting days you have left. Australian law applies to citizens overseas regardless. Simply go to the links provided below and read the paragraphs from majority decisions.

The LNP is running on a slogan of 'ADULT TIME FOR ADULT CRIME' . **The voting age must be dropped to 16 before the election to create a constituency they find hard to pitch to.** The effect of increased education, literacy and access to technology and information mean that 16 year olds can be taken to have the skills at the very least to make a choice who should represent their interests. The right to stand can be kept at 18. The slogan can be 'ADULT VOTING RIGHTS FOR ADULT THINKING'.

You punched through CPV in half an hour. You can do this in one day. Votes for overseas electors with passports is a no brainer cos it's a constitutional issue and you can say you are simply complying with constitutional imperatives that would put the sections beyond power under s9 of the Acts Interpretation Act. As for dropping the voting age, if you want those votes or preferences, you will do it.

**The sections and arguments below.**

S64 of The Electoral Act 1992 Qld states -

## 64 Entitlement to enrolment

(1) A person is entitled to be enrolled for an electoral district if the person—

(a) either—

(i) is entitled to be enrolled under the [Commonwealth Electoral Act](#) for the purposes of that Act in its application in relation to an election within the meaning of that Act; or

(ii) is not so entitled, but was entitled to be enrolled under the [Elections Act 1983](#) on 31 December 1991; and

**(b) lives in the electoral district and has lived in it for the last month.**

(2) However, despite subsection (1)(b), a person serving a sentence of imprisonment to whom subsection (1)(a) applies is entitled to be enrolled for—

(a) the first of the following electoral districts that applies for the person—

(i) the electoral district for which the person was enrolled immediately before the person started to serve the sentence;

(ii) the electoral district for which the person was entitled to be enrolled immediately before the person started to serve the sentence;

(iii) an electoral district for which any of the person's next of kin is enrolled;

(iv) the electoral district in which the person was born; or

(b) if none of the electoral districts mentioned in paragraph (a) applies for the person—the electoral district to which the person has the closest connection.

(3) Also, subsection (1)(b) does not deny a person the entitlement to be enrolled for an electoral district if the person did not live in the electoral district for the last month merely because the person was detained in lawful custody for a reason other than to serve a sentence of imprisonment.

(4) In addition, if a member of the Legislative Assembly gives notice to the commission, in the form and way approved by the commission, that the member wishes to be enrolled for the electoral district that the member represents, the member is entitled to be enrolled for that electoral district instead of the one applicable under subsection (1).

(5) Also, a member of the Legislative Assembly may be enrolled for an electoral district (the ***other district***) other than the district that the member represents (the ***member's district***) if, because of an electoral redistribution, the other district contains at least half of the electors who were enrolled for the member's district when the commission calculated the average number of enrolled electors for electoral districts for [section 45](#)(1).

(6) For subsection (2), a person is serving a sentence of imprisonment only if—

(a) the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State; and

(b) the detention is attributable to the sentence of imprisonment concerned.

(7) In this section—

***next of kin*** see the [Commonwealth Electoral Act](#), section 4(1).

The CTH electoral act states that the people who have the right to vote are those who are entitled to be enrolled and vote at state elections in s93 (1) and (2) [https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol\\_act/cea1918233/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/cea1918233/) , there are disqualifications in s94 and 94A for people not intending to reside in Australia again , and eligibility for those wishing to return after 3 and 6 years to be enrolled. There is also the Referendum Machinery Act CTH s45 [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/rpa1984353/s45.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/rpa1984353/s45.html)

Its clear any law that prevents a passport holder from being enrolled would be invalid per se. This argument relates to Qld voting rights. Another letter will be directed to the CTH .

The Qld electoral law is arguably constitutionally invalid as being disproportionate and needs to be amended.

If it says on an Australian Passport a person is an Australian Citizen , then, under s5 and 8 of the Australian Passports Act 2005 , that person is a citizen. That act and the CTH criminal code applies to them outside Australia [https://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/apa2005261/s7.html](https://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/apa2005261/s7.html)

Ex Pats who are citizens are protected by the freedom of communication see Cunliffe and Tampa Case No1 at par [163]

*[163]All of the judges, except for Mason CJ, held that the constitutional freedom could only be claimed for the benefit of Australian citizens and not aliens. For example, Brennan J said at 335-6:*

*"While an alien who is within this country enjoys the protection of the ordinary law, including the protection of some of the Constitution's guarantees, directives and prohibitions, he or she stands outside the people of the Commonwealth whose freedom of political communication and discussion is a necessary incident of the Constitution's doctrine of representative government. That being so, the implication does not operate to directly confer rights or immunities upon an alien. Any benefit to an alien from the implication must be indirect in the sense that it flows from the freedom or immunity of those who are citizens."* <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCA/2001/1297.html>

- The CTH Electoral act specifically states it does not limit the freedom of communication.
- The high court found an entitlement to enrol and vote at the time of elections in Rowe v Electoral Commissioner [2010] HCA 46, and Howards close of rolls was invalid , and previously upheld the right to vote in Roach for prisoners of less than 3 years see this HRLC Summary <https://www.hrlc.org.au/human-rights-case-summaries/high-court-recognises-that-constitution-embeds-a-right-to-vote-and-a-fully-inclusive-franchise-in-landmark-constitutional-case>

- Ex pats would get a court order to be enrolled to vote in Qld , that would trigger all other voting rights from the high court or the Qld Court of Appeal , or Federal Court .
- Qld must act quick to allow ex pat Qld citizens to enrol , at the very least with the same rights as prisoners.

If a person is a citizen, and if they were living in Australia they would be entitled to vote and enrol , and this is a 'pre-existing right' , then there should be no impediment to being enrolled and carrying out their duty as members of the body politic and Australian community to vote.

If they are Australian citizens, it says so on their passports (Australian Passports Act 2005 s5 and 8), the state is obligated to help them diplomatically (Smart Traveler). They are subject to laws relating to their conduct overseas, and protection against attacks on them (Criminal Code CTH 1995). They can come and go as they please. Because Australian Law reaches passport holders, Australian courts must adjudge on their guilt or innocence, their rights, obligations, and controversies. All of the authorities cited state this is the criteria for citizenship rights. This is trite.

They must have EQUAL participation in the political sovereignty of the people *Unions NSW v NSW No2* [2019] HCA 1 at pars [39]-[40]

Also <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/1.html>

[40] ..... The requirement of *ss 7* and *24* of the *Constitution* that the representatives be "directly chosen by the people" in no way implies that a candidate in the political process occupies some privileged position in the competition to sway the people's vote simply by reason of the fact that he or she seeks to be elected. Indeed, to the contrary, *ss 7* and *24* of the *Constitution* guarantee the political sovereignty of the people of the Commonwealth by ensuring that their choice of elected representatives is a real choice, that is, a choice that is free and well-informed[44]. Because the implied freedom ensures that the people of the Commonwealth enjoy equal participation in the exercise of political sovereignty[45], it is not surprising that there is nothing in the authorities which supports the submission that the *Constitution* impliedly privileges candidates and parties over the electors as sources of political speech. Indeed, in *ACTV, Deane and Toohey JJ* observed that the implied freedom[46]: "extends not only to communications by representatives and potential representatives to the people whom they represent.

See *Love v the CTH* , even the conservative decisions and the arguments of the CTH mean it cant be argued actual citizens can be denied citizenship rights pars [9]-[14], [18] ,[54],[58] , [68] , [93]-[95], [99] Per Gageler J , Keane J at [164], [177] , Nettle J at [237] ,[248] ,[273] , Edelman J paras [394], [438]-[340] *Love v Cth* <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2020/3.html>

[95] Upon the basis of that membership, certain common law rights and duties would automatically become applicable (most fundamentally, the right to enter and remain in Australia[139]), as would the constitutional right not to be subjected to discrimination under the law of any State on the basis of residence in any other State[140]. And upon the basis of

*that membership, other civil and political rights and duties were capable of being conferred – most fundamentally, the right and duty to vote at elections of senators and members of the House of Representatives and at referenda for the alteration of the [Constitution](#)<sup>[141]</sup>.*

*[99] Reflecting the contemporary significance of the status of an Australian citizen, legislation providing for the determination of the status of an Australian citizen enacted under s 51(xix) recites<sup>[154]</sup>, and since 1994 has similarly recited<sup>[155]</sup>, that Australian citizenship "represents full and formal membership of the community of the Commonwealth of Australia" and "is a common bond, involving reciprocal rights and obligations, uniting all Australians, while respecting their diversity" .....*

In *Roach v R* [2007] HCA 43, the majority held that universal adult suffrage was a fact that cannot be departed from. See Gleeson CJ at Par [7], [8], [12], GUMMOW, KIRBY AND CRENNAN JJ at pars [83]-[85], [89], <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2007/43.html>

See Also *Clubb v Edwards* [2019] HCA 11 KIEFEL CJ, BELL AND KEANE JJ at pars [4]-[6], [41], [44], [64]-75, [96] <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/11.html>

The Courts should hold that a law that enhances equality of access to government will be favoured over those that don't **McCloy v NSW** [2015] HCA 34 at pars [90]-[93] and at pars [57] and [81]

*[81] The second stage of the test – necessity – generally accords with the enquiry identified in *Unions NSW*<sup>[103]</sup> as to the availability of other, equally effective, means of achieving the legislative object which have a less restrictive effect on the freedom and which are obvious and compelling. If such measures are available, the use of more restrictive measures is not reasonable and cannot be justified. <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2015/34.html>*

Providing access to voting for a person who was entitled to be enrolled if the election fell on their 32<sup>nd</sup> day of overseas residence, or child of that person who would obtain voting age before or on election day, is no more onerous than to the state than if it was their 29<sup>th</sup> day of overseas residence where the issue would not arise. **The remedy and evidence that it's a simple thing to do is in the same section of the Qld electoral law. If prisoners who have done wrong cannot be denied the vote and can be enrolled, then citizens who have done no wrong and can come and go as they please can be enrolled in the same manner.**

**That's the kicker!**

The QLD legislative barrier against enrollment for citizen ex pats who have been living overseas for a month, and if any other barriers exist across the country, is an invalid

discriminatory burden on a citizens freedom of communication and pre-existing and enforceable RIGHT AND DUTY to vote on Australian soil . And if they were overseas for any less time the state would be compelled to allow them to either postal vote or to vote at an embassy or some other chosen electoral booth . Its disproportionate , undue, arbitrary, capricious , imposed with ‘Pythonesque absurdity’, its illogical , irrational, unnecessary and has no compelling justification , see Brown v Tasmania at pars [93]-[95], [123]-[139] ,[162]-[166] ,[180]-[188] , [200]-[209],[216] ,[221] –[233], [258], [269], [304] , [312]-[325] , and even on a conservative view par [392] <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2017/43.html>

## **CHANGE IT NOW. CHANGE IT QUICK**

Im a former law student only. Its been judicially noticed that I have a pretty good, but not infallible knowledge of constitutional freedom of communication and CH3 issues as well as statutory construction issues. I wrote the following winning arguments below. The Court of appeal said my arguments were compelling. I did the hearing on the papers after that. I won special leave myself on the papers. The High Court amended its rule to allow for ‘intelligent lay litigants’. And Qld abolished the old Vagrants Gaming and Other Offences Act.

Coleman v Australia <https://www.hrlc.org.au/human-rights-case-summaries/coleman-v-australia-hrc-communication-no-11572003-un-doc-ccprc87d11572003-10-august-2006>

Power in the Court of Appeal : Leave to appeal :  
<https://archive.sclqld.org.au/qjudgment/2001/QCA01-243.pdf>

Decision <https://archive.sclqld.org.au/qjudgment/2001/QCA01-539.pdf>

Coleman v Power High Court <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCATrans/2002/588.html>

<http://www.austlii.edu.au/cgi-bin/viewtoc/au/cases/cth/HCATrans/toc-C.html>

Coleman v Greenland and QLD and ors false imprisonment x 2  
<http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2004/37.html>

Coleman v Watson and QLD and ors false imprisonment x 1 <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2007/343.html>

**Links to provisions of similar provisions of the CTH, states and territories, passport act and smart traveller.**

Entitlements to vote under CTH Laws stem from your state enrolment rights. Also for referendums under s128 of the constitution

[https://www.aph.gov.au/About Parliament/Senate/Powers practice n procedures/Constitution/chapter8#chapter-08\\_128](https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution/chapter8#chapter-08_128)

See Sections 7,8, 24 and 30 of the constitution

[https://www.aph.gov.au/About Parliament/Senate/Powers practice n procedures/Constitution](https://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution)

S4 CTH Referendum Machinery Act [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/rpa1984353/s4.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/rpa1984353/s4.html)

s93 Cth Electoral act [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cea1918233/s93.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cea1918233/s93.html)

s94 Cth Electoral Act [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cea1918233/s94.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cea1918233/s94.html)

S96 in relation to itinerant voters

[https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cea1918233/s96.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cea1918233/s96.html)

The rights of Antarctic voters in s96B are the strongest evidence that there is no compelling justification for denying citizens who are passport holders the right to be enrolled and vote

[https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/cea1918233/s96b.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/cea1918233/s96b.html)

The Australian Capital Territory Electoral Act

S71 Prisoners can be registered at the prison address [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol\\_act/ea1992103/s71a.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_act/ea1992103/s71a.html)

S74 [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol\\_act/ea1992103/s74.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_act/ea1992103/s74.html)

NSW Electoral Act S30-32 , Enrolment is subject to the CTH Provisions denying some overseas citizens the vote.

[https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol\\_act/ea2017103/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/ea2017103/)

Northern Territory Electoral Act S20-21 A voter must be enrolled in an electorate , rolls are CTH rolls

[https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nt/consol\\_act/ea2004103/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nt/consol_act/ea2004103/)

South Australia S29 says a person can be enrolled if the person is a citizen are qualified under the CTH Act, or if they are a prisoner , at their last address, or their family or the prison

[https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/sa/consol\\_act/ea1985103/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/sa/consol_act/ea1985103/)

Tasmanian Electoral Act S 31,32,34 says you can be enrolled under CTH Rules

[https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/tas/consol\\_act/ea2004103/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/tas/consol_act/ea2004103/)

Victorian Electoral Act S22(3) says that you have to be an eligible overseas voter under the CTH Act

[https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol\\_act/ea2002103/s22.html](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ea2002103/s22.html)

West Australian Electoral Act S17-18 says you have to be an eligible overseas voter or be entitled to be enrolled as an itinerant voters in a division or subdivision under the CTH Act

[https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol\\_act/ea1907103/](https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_act/ea1907103/)

CTH Criminal Code 1995 <https://www.legislation.gov.au/C2004A04868/latest/downloads>

Australian Passports Act 2005 [https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol\\_act/apa2005261/](https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/apa2005261/)

Consular Obligations on the Smart Traveller website

<https://www.smartraveller.gov.au/consular-services/consular-services-charter>

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2/1/26

[REDACTED]

# Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

**Submission No:** 072a  
**Submission By:** Patrick Coleman  
**Publication:** Making the submission and your name public

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Justice, Integrity and Community Safety Committee

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Inquiry Page <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=275&id=6560>

### **Submission to ‘Electoral laws restoring electoral fairness’ inquiry’**

#### **SUPPLEMENTARY SUBMISSION**

Please accept this supplementary submission on behalf of myself . Its past deadline but you were on holidays till Monday anyway and they are just going to ram it through.

Where in my submission, I referred to s15 and 23 of The Qld Human Rights Act, I add s13 in relation to the fact its intended that Qld be a free and democratic society.

<https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>

#### **13 Human rights may be limited**

(1)A human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

(2)In deciding whether a limit on a human right is reasonable and justifiable as mentioned in subsection (1), the following factors may be relevant—

- (a)the nature of the human right;
- (b)the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom;
- (c)the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose;
- (d)whether there are any less restrictive and reasonably available ways to achieve the purpose;
- (e)the importance of the purpose of the limitation;
- (f)the importance of preserving the human right, taking into account the nature and extent of the limitation on the human right;
- (g)the balance between the matters mentioned in paragraphs (e) and (f).

This act, is a later act with later provisions that are inconsistent with those prohibiting the enrollment of Qld Citizen Passport holders who have been overseas for 30 days.

And given what the majority of the High Court said in *Kartinyeri v The CTH* about the doctrine of explicit, indirect express amendment and implied repeal by a later inconsistent act dealing with the same subject matter and limiting the operation of the provisions of the earlier act on the same subject matter at pars [13] , [15] , [19] , [48] , [67]-[68] , [89] , [116] ,

[174] –[175] , the equality and equal participation provisions of the Human Rights Act Qld , directly deal with the same subject matter. If the provisions of the electoral act concerning enrollment of overseas voters are not found to have been amended by the later act, the court, being a chapter 3 court capable of dealing with the matter in its original or appellate jurisdiction, or high court can then deal with it. The courts must read down an act to avoid invoking the constitution before resorting to it.

The Court said of the doctrine that its subject to constitutional limitations of course. And in relation to the LNP's attempt to overturn Roach, take a look at what justice Kirby said in para [116]

*“ It is appropriate to note in passing that no party suggested that [s 117](#) of the [Constitution](#) had direct application in this case. That section provides that a subject of the Queen, resident in any State, "shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were ... resident in such other State". The scope of this guarantee[\[158\]](#) and the question of whether it restricts the operation of par (xxvi)[\[159\]](#) in a relevant way, can therefore be left for another day. ”*

<https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1998/22.html>

If in Roach the High Court decision in relation to constitutional interpretation applies to the entire country and its polity in this integrated legal system (Kable v The DPP), then the QLD LNP is also setting up a challenge under s117 of the constitution because it is treating people in this state differently to those in other states when the freedom of communication is to be exercised in equality.

Patrick John Coleman

[REDACTED]

[REDACTED]

[REDACTED]

2/1/26

[REDACTED]