



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

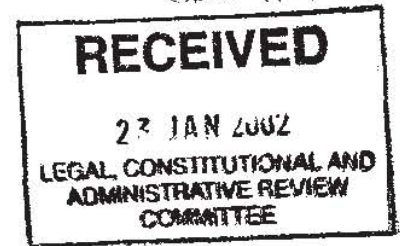
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No 5

Our Ref: TOG:KP

21 January 2002

Ms K Struthers MP
Chair
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Ms Struthers,

RE: THE ELECTORAL (FRAUDULENT ACTIONS) AMENDMENT
BILL 2001

I refer to your letter directed to Mr I Dearden, President Queensland Council for Civil Liberties dated 5 December 2001 inviting submissions on the above Bill.

Your letter indicates the Bill raises a number of issues including constitutional validity and mandatory minimum sentences.

This brief submission will not concentrate on constitutional validity. Our principal interest lies with the proposal for a minimum penalty of three months imprisonment.

This Council's opposition to mandatory minimum penalties is well known.

Essentially our opposition is based on the unjust sentencing outcomes that flow from fettering judicial discretion.

Particularly in relation to the provisions of this Bill there has been no material provided which would indicate the benefits to be derived from a mandatory minimum sentence.

The Shepherdson Inquiry into Electoral Matters demonstrated electoral rorting which ranged from the quite serious and calculated by mature and experienced people to the minor and most basic by predominantly younger persons who had

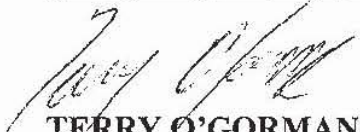
just joined a particular political party and were overly swayed by the guile of older party members.

The arguments against minimum sentence are otherwise well known and frequently publicly argued.

Thank you for the opportunity to make this brief submission.

Yours faithfully

QUEENSLAND COUNCIL FOR CIVIL LIBERTIES



TERRY O'GORMAN
VICE-PRESIDENT