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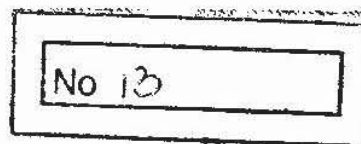
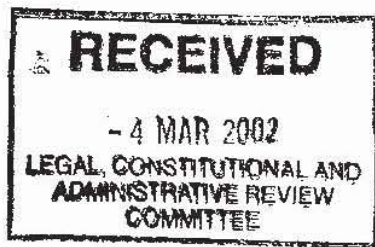
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CRIME AND MISCONDUCT COMMISSION



Spec 4-1

Our Reference: AH

26 February 2002

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

Dear Ms Struthers

RE: THE *ELECTORAL (FRAUDULENT ACTIONS) AMENDMENT BILL 2001*

I refer to your letter of 5 December 2001 which invited the Commission to make a submission with respect to the above Private Member's Bill referred by Parliament to the Legal, Constitutional and Administrative Review Committee in November 2001.

The Commission is generally supportive of moves to introduce effective electoral reform in Queensland. The need for such reform was identified by Commissioner Fitzgerald in his final report, where he stated that the electoral legislation should be reviewed "in an impartial manner to ensure that more effective means are developed to guarantee the accuracy of electoral rolls, to prevent fraudulent voting practices and to maintain the confidentiality of individual voters".

More recently, the Commission's report on the Shepherdson Inquiry identified weaknesses in the present electoral system and recommended that the Government should review and consider the offence provisions in the *Electoral Act 1992*.

It is noted that the object of the present Bill is to prevent actions being taken with the intent to fraudulently influence the outcome of an election.

However, the amendment proposed in the Bill also contains a minimum sentence provision in relation to actions which amount to fraudulent enrolments. I consider that the question of the introduction of mandatory or minimum sentences is a policy matter for the Government, and that it would not be appropriate for the Commission to make any submissions in relation to that issue.

Further, I note that earlier this month the Premier announced that Cabinet had agreed to new legislation containing significant electoral reforms. The Commission looks forward to providing submissions with respect to that legislation once it is made available for consultation.

Thank you for the opportunity to comment on this Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Butler', with a stylized flourish at the end.

BRENDAN BUTLER SC

Chairperson