

24TH October, 1998

The Hon Gary Fenlon  
The Chairperson  
The Legal Constitutional Administrative Review Committee  
Parliament House  
Brisbane Qld 4000

Dear Mr Fenlon,

re: COURT OF DISPUTED RETURNS - MANSFIELD  
DECISION DATED 21 SEPTEMBER, 1998

I request that you accept my submission to your Committee in respect to the judgement made in the Mansfield case. \_\_\_\_\_

Page 2 has not been tabled.

S 153 of the Electoral Act 1992.

The difficulty with this section of the act appears to be that it is "false or misleading to the person's knowledge." (S153 2). The matter is dependant on the intention of the person authorising the card. If the booth worker knew the intention of the card could it not be argued that the person authorising the card had the same intent? There is no scope in this section of the act to cater for the perfection of the reader of the card.

This section of the act fails on the basis that it is difficult to prove the intention of the person who authorises the card and in the second instance it is difficult to prove the outcome of the perception of the voter.

The choices are limited. 1) Do away with preference voting which is the domain of other legislation 2) Limit How to vote cards to a scrutiny of the Electoral Office before the Election. 3) Insist as Judge Mackenzie has stated in his decision that the author of the card is displayed in a specified size print.

S154 of the Electoral Act 1992.

S154 (a) appears to be a contradiction in terms because the author is not going to state if is false or misleading or incomplete even if it is because the author may not believe it to be so.

This section could be rewritten to address the problem that deception and democracy are mutually exclusive and that the intent of the authorisation of the card must be fair and consider all types of voters.

The only answers that can be put forward are to do away with "How to vote cards" or to restrict the content, size of print and control the meaning of the card. I support a change to allow either party to take the matter to appeal.

Yours sincerely,



Jan F Sharples BCom JPQual