



**FRANK CARROLL B.Comm., LLB.,**

**Solicitor**

PO Box 6007

**UPPER MT GRAVATT QLD 4122**

**Telephone 3343 9522**

**Facsimile 3343 4299**

**Mobile No. 0418 775 963**

**Email: frank.carroll @ b022.aone.net.au**

**RECEIVED**

**- 2 NOV 1998**

LEGAL CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE

2<sup>nd</sup> November, 1998

The Chairman  
Parliamentary Legal Constitutional &  
Administrative Review Committee  
Parliament House  
**BRISBANE QLD 4000**

Dear Sir,

**SUBMISSION**

In response to your invitation to be heard on a review of the Electoral Act 1992, I respectfully submit that the following changes to that Legislation should be implemented as soon as possible:-

- (a) Section 161 of the Act should be amended in order to require the authorization on election material to appear in larger print and to specify the party for whom the document was authorized. If the candidate is an "Independent" then instead of a Party name the word "Independent" should appear on the authorization. I refer to the Judges reasons at page 64 and 65 of the abovementioned Decision.
- (b) The right of appeal from a decision of the Court of Disputed Returns should be re introduced to the Act and Section 141 of the Act amended accordingly. I refer to the said Judges reasons at page 66, paragraph 156.
- (c) The evidence in the bogus cards case provides compelling reasons for requiring How-to-Vote cards to be registered as the law requires in other states of this country.

The issue of requiring registration of How-to-Vote material has been briefly considered by your committee previously, when I was a Member, and the Committee's view appears in the "Truth & Political Advertising Report No. 4 of your Committee published in December 1996 at pages 42 to 49.

I am convinced, and therefore recommend, that a system of registration of How-to-Vote cards be introduced, relying upon the best aspects of the present New South Wales and Victorian legislation and including these criteria:-

- (i) Each Candidate or political party be restricted to one "How-to-Vote card" for distribution on the day before polling day and polling day itself or for distribution and declared institutions during the time that voting is taking place or for distribution at places where pre-polling takes place during such time of pre-polling.
- (ii) That the system of registration of such How-to-Vote card be simplified so that the Candidate is required to register the card with the District Returning Officer only and it will be the duty of such District Returning Officer to register one card for each Candidate/Party.
- (iii) I do not envisage that the District Returning Officer will be responsible for deciding the legality or otherwise of any particular card - there were no confusion and Party/Candidate will be responsible for his/her/its card but the main point is that only one card (bearing the registered number) can be distributed by that Candidate/Party in the abovementioned period.

These suggestions would overcome the main objection raised by the Electoral Commissioner as noted in your Committee's said previous report. It will therefore avoid members of the public being misled and avoid the confusion which was plainly caused in Mansfield electorate, according to the evidence that came to the Court during the bogus card case this year.

I am convinced that your Committee and the Queensland Parliament should do everything possible to avoid the political process being open to criticism by members of the public and open to abuse by sharp practice.

My suggestions would undoubtedly put an end to urgent "election day" applications to the Court for conjunctions regarding objectionable election material and would probably mean that practices which led to my complaint to the Court of Disputed Returns bogus cards case would be stamped out.

- (d) I submit that the Act be amended so as to prohibit the publication of any election material within a hundred metres of polling booths at the time of polling, apart from the abovementioned How-to-Vote card. This particular amendment would leave voters less distracted and hassled as they approach a polling booth, allowing them to focus upon the single card offered by each Candidate/Party. Again this restriction would also avoid public criticism of the waste of resources at and about polling booths.

I am happy to provide further information on these Submissions or attend any Public Hearing on the issues raised.

Yours faithfully,

