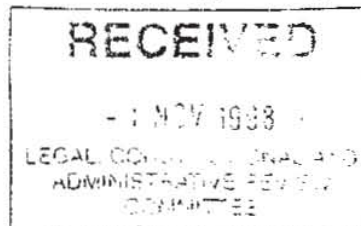




**Queensland Law  
Society Inc**



Telephone (07) 3842 5888  
Facsimile (07) 3842 5999

Your Ref:

Our Ref: PEM:km:3236

4 November 1998

Mr Gary Fenlon MLA  
Chair  
Legal, Constitutional and Administrative Review Committee  
Legislative Assembly of Queensland  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Fenlon,

**INQUIRY INTO ISSUES OF ELECTORAL REFORM RAISED IN THE MANSFIELD DECISION**

Thank you for the opportunity to respond in respect of the issue before your Committee relating to Electoral Reform arising out of the Mansfield Decision.

Your correspondence correctly identifies two issues raised in the judgment of the Honourable Mr Justice McKenzie. The Society has no submissions to make in respect of the first issue regarding how to vote cards.

In relation to the restoration of a pathway for appropriate appeal from the Court of Disputed Returns, the Society has a number of observations.

Firstly, the Society would endorse the remarks of Justice McKenzie that issues in this jurisdiction frequently raise complex questions of law. There were, in the past, adequate avenues to review determinations of questions of law and it was also possible for the court to state a case or to reserve questions of law for determination by the Court of Appeal. All of those avenues have been closed by the present legislation (S.141 of the Electoral Act).

It is the submission of the Society that the avenue of appeal which previously existed should be reinstated and enhanced by a statutory provision affording priority to such matters to ensure that they come on before the Court of Appeal with the necessary degree of expedition, say within 14 days.

-2-

The Society views the right of appeal in these matters and the speedy resolution of such appeals as singularly important because of the significant effect that such determinations may have for government and for the entire community. The Society does not propose that legislation ensuring speedy resolution of appeals should descend into detail as to procedure, necessary material etc as these matters can and would, no doubt, be adequately addressed in practice directions of the Court of Appeal.

It is the submission of the Society that it is difficult to contemplate issues more important to the governance of the State and the welfare of citizens of Queensland than those which may come before the Court of disputed Returns. In the circumstances it is appropriate that appeal to the Court of Appeal be re-established so as to ensure that decisions dealing with fundamental principles which underpin democratic government are resolved by the highest judicial authority in the State.

On behalf of the Council I thank you again for your invitation to submit to your Committee. I would be happy to respond to more specific questions should wish.

Yours sincerely,



**Paul McCafferty**  
**President**