

Submission No 6
Spec 22.1



Ms Kerry Newton,
Research Director, E.C.A.R.C.
Parliament House, George Street
Brisbane 4000

SUBMISSION ON QUEENSLAND ELECTORAL REFORM

I refer to the letter from Mr Gary Fenlon MLA dated 3rd Nov. 1999 and make the following submission based on the numbering of the AE Commissioner's letter of 25th October and your Background Paper.

1. I agree with the provision that candidates should be enrolled only in the electorate in which they live - the functions of candidature and voting should be separate, and the decision as to where to live is entirely in the hands of the candidate.
2. I agree that where candidates are nominated by political parties and the fee is paid by the party then the fee should be refunded to the party.
3. I agree with the suggested amendment with the proviso that polling officers would have to carry how-to-vote material for all electorates.
4. I agree with the proposed amendment, primarily to avoid obstructive challenges where an unavoidable change to process has been made.
5. I agree with the proposed amendment with respect to pre-polling but wish to point out that there is an opportunity to reform the whole process of canvassing for all polling places. You must have received many submissions on this issue and I cannot see why no effort has been made to carry out these reforms. I attach a copy of my previous submission.
6. I agree with the recommendation.
7. Non-voter process:
 - * Evidentiary aids - in sub-para © I would terminate the wording after "holding of such opinion by the principal electoral officer." There should be available defence against that opinion.
 - * Place of failure - agree
 - * Onus of proof - as voting is a secret process it is intrinsically impossible for a voter to prove that he/she voted. It is therefore incumbent on the electoral office to satisfy a court to the level of certainty required by that court that the defendant did not vote. I would therefore not agree that the onus of proof be shifted to the defendant.

8. I agree with the recommendation.

9. Election funding etc. The principles guiding funding and disclosure requirements should be the public interest and simplicity. Changes should only be instituted after consultation with representatives of the political parties, including the minor parties on whom bureaucratic burdens bear most heavily. That said, I believe the changes recommended (threshold \$1500, retention of the Queensland categorisation and definition of 'associated entity') are going in the right direction

10. Oh for the Australia Card! Is every person born in Australia automatically an Australian citizen? Does the ordinary young Australian have 'proof of citizenship'? I agree that the process of enrolment should be as simple as possible but on the other hand the privilege of voting should be limited to citizens (apart from old Pom residents like me!). If a copy of a birth certificate is adequate then I believe it is appropriate to require it.

11. I don't believe it is necessary to be a citizen to obtain a driving licence? Nor does every young person have a driving licence. If registered birth in Australia establishes citizenship, why not automatically enrol every person at age 18 unless a death has been registered. Then, as you recommend, address data could be obtained from relevant government agencies. Citizens not qualified by birth could surely be identified from citizenship records. It is probably an important democratic principle that people should also have the opportunity to enrol themselves and efforts on the above lines could be targeted at this outcome, ie chasing up non-enrollers.

The above comments were drafted in consideration of the ECARC Background Paper, which I do not believe requires separate comment. I hope they have been useful, and await the outcomes with interest.

Yours sincerely,

A handwritten signature in cursive script that reads "Eric Walker" followed by the date "23/11/99". The signature is written in black ink on a white background.

(Eric Walker)

COPY

The Research Director,
Legal, Constitutional and Administrative Review Committee,
Parliament House
George Street
Brisbane Qld 4000

Re: "Inquiry into Issues of Electoral Reform Raised in the Mansfield Decision"

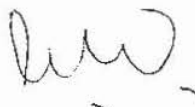
Dear Sir/Madam,

This inquiry into electoral reform has an important opportunity to make recommendations concerning the use of how-to-vote cards in state elections. Over the years there have been constant calls from thinking members of the public for an end to the harassment suffered by voters from political party workers at the entrance to polling places. These calls have been ignored, mainly one must suppose due to pressure from the major parties who can afford the cost of massive advertising and saturation of voters at the booths with how-to-vote cards. Some minor parties have supported the calls for a change in the system on the grounds of discrimination and environmental conservation.

The most-often recommended change in practice is to ban the use of how-to-vote cards outside the booths and to replace this with the placement of one copy of each approved and properly endorsed how-to-vote card inside every booth, with penalties for their removal. This would require the submission of the how-to-vote cards to the electoral commission for approval before election day, allowing the opportunity for their perusal for conformity with guidelines and the avoidance of post-election court action. I do not see that the political parties could not make their preference decisions in time for this process. The Electoral Commission could make a reasonable charge to the political parties for this service.

Given the ingenuity and persistence of political party workers however, the placement of how-to-vote cards inside the booths alone would not prevent the harassment of voters at the booths, which must be seen as a major objective of the inquiry. Another provision should be the hanning of public political party advertising, including vocal, within 100 metres of a polling place, whether within private property or not. The objective is to make the polling place a peaceful and pleasant place to attend on polling day.

Yours faithfully,



(Eric Walker)