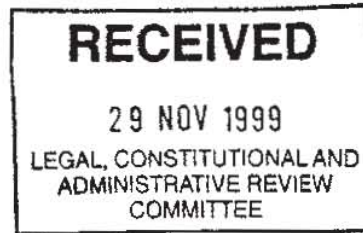




Queensland Law Society Inc



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Your Ref:

Our Ref: PDC:km:1490

23 November 1999

*Submission No 8
Spec 22.1*

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,

QUEENSLAND ELECTORAL REFORM

Thank you for your letter of 3 November, 1999. The proposals under consideration by your Committee in respect of electoral reform have been considered by the standing Criminal Law Committee of the Council of the Society. That Committee has expressed strong reservations regarding any proposal to implement aspects of Mr Marshall Irwin's advice.

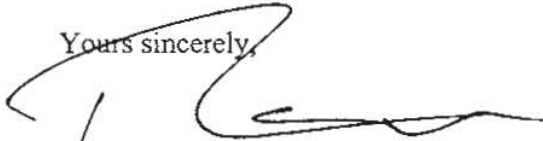
The Committee accepts that there appears to be a degree of resistance to compliance with electoral laws, either in relation to enrolment or to voting, but sees a degree of philosophical ambiguity in any proposal that seeks to achieve compulsory universal suffrage by reversal of the onus of proof and other steps which are an anathema to the administration of justice generally. Specifically, the Committee is concerned by the enhancement of what are described as "evidentiary aids" in the Commissioner's letter (S.164) and are opposed to reversal of the onus of proof (S.76).

The Committee has also drawn attention to the proposals for amendment to the disclosure provisions for election funding and particularly to the proposed definition for "associated entities". It is arguable that the definition proposed may catch an entity which expends money in lobbying for particular policies (of different parties) at different times and in different elections and that lobbying or campaigning may be "significant". The entity may however have no direct or indirect affiliation with any political party or group and should not be at risk of being treated as if it were a donor to a political party.

Lastly, the Committee has drawn attention to the suggestions that a continuous roll updating be introduced in Queensland by data matching material from State and Federal Government instrumentalities eg Australia Post, Centrelink etc with electoral rolls. That proposal seems indistinguishable from the ill-fated Australia Card proposal which drew widespread community opposition. The Queensland Law Society was strong in its condemnation of the Australia Card proposal and would be opposed to data matching for electoral purposes and to the creation of electoral compliance as a prerequisite to participation in other aspects of society eg as a prerequisite to entitlement to a drivers' licence.

In the circumstances the proposals referred to above could not be supported and if pursued seem likely to attract criticism that they are initiated for political and bureaucratic benefit and not in the interests of the community.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Carne', written over a horizontal line.

Peter Carne
President