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- 3 DEC 1999

LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE

**DEPUTY LEADER OF THE OPPOSITION**

Submission No 16

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Gary Fenlon MLA  
Chairman  
Legal, Constitutional and Administrative Review Committee  
Legislative Assembly of Queensland  
Parliament House  
George Street  
**BRISBANE Q 4000**

3 December, 1999

Dear Mr Fenlon,

**Re. Electoral Reform**

I refer to your letter dated 3<sup>rd</sup> November seeking input in relation to a number of proposals for electoral reform being put forward by the *Legal, Constitutional and Administrative Review Committee*.

I have been asked to respond on behalf of the National Party in my capacity as Shadow Attorney-General and Shadow Minister for Justice, which carries with it responsibility for comment on the Electoral Act and matters relating to the Queensland Electoral Commission.

In essence the National Party supports the thrust of the recommendations being proposed.

However there are some concerns relating to issue number 1 pertaining to the enrolment of an existing Member in the electorate he/she wishes to contest at the next State Election.

It is accepted that the creation of new electoral boundaries presents a "one-off" situation. However it is the view of the National Party that an existing Member should appear on the roll for the seat they are contesting, whether or not they physically live in that particular electorate, if the new seat contains an enrolment of 50% or more from the seat the Member represented after the 1998 State Election.

It would seem reasonable in these particular cases that Members in this situation should be considered an existing representative for the area and therefore appear on the electoral roll for that particular seat.

While supporting the general thrust of all other recommendations the National Party is concerned that some of the proposals simply do not go far enough.

If it is the intention of the Committee to take the issue of electoral reform seriously, and if the Committee views with such seriousness attempts to abuse our electoral processes which are fundamentally built on trust, then it would seem logical that the Committee should also ensure the penalties which apply to those who engage in electoral fraud reflect that seriousness.

Recommendation number 11, relating to the maintenance of electoral rolls, validity makes the point that electoral rolls are the "*foundation of free and democratic elections*".

It would seem appropriate therefore, that those people who seek to engage in electoral fraud - either by attempting to tamper with the validity of names on the electoral roll or by tampering with the validity or intentions of ballot papers - should be appropriately punished.

The Committee has failed to look at the issue of penalties.

It seems nonsensical to embark on a review to improve our electoral systems and to minimise their exposure to manipulation if, at the same time, the Committee is not prepared to look at what consequences should be applied to those who attempt to pervert those systems. The two issues of breaches and penalties should not be looked at in isolation from each other.

The National Party is of the view that electoral fraud is one of the greatest affronts to democracy.

On 1<sup>st</sup> November 1998 the National Party's State Conference unanimously passed a resolution calling for people convicted of Electoral Fraud to receive a life ban from holding membership of a political party. The motion also called for such people to be prevented from holding public office or holding a senior position within the public service. In addition, such a person should also be banned from holding a position on a statutory authority or from holding a senior position in an advocacy group such as an industrial union.

I encourage the Committee to adopt this recommendation which is consistent with the Committee's general view that attempts to pervert the integrity of our electoral system must be viewed with the upmost seriousness.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. J. Springborg', written in a cursive style.

**LAWRENCE SPRINGBORG MLA**  
Deputy Leader of the National Party  
Shadow Attorney-General and Shadow Minister for Justice