



Speech by

**Hon. R. WELFORD**

**MEMBER FOR EVERTON**

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Hansard 3 April 2001

**ELECTORAL AND OTHER ACTS AMENDMENT BILL**

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (12.53 p.m.): I move—

That the bill be now read a second time.

This bill was introduced into the previous Legislative Assembly on 5 September 2000 but lapsed on the dissolution of parliament. It contains reforms to how-to-vote cards to improve the quality of information that voters receive before they cast their vote at state and local government elections. It also amends the Electoral Act 1992 to allow appeals on questions of law from decisions of the Court of Disputed Returns.

Both these measures were recommended by the all-party Legal, Constitutional and Administrative Review Committee in its report: *Issues of Electoral Reform Raised in the Mansfield Decision; regulating how-to-vote cards and providing for appeals from the Court of Disputed Returns*. That report substantially endorsed suggestions made by Mr Justice Mackenzie sitting as the Court of Disputed Returns in his decision on the challenge to the Mansfield result following the 1998 state election.

The bill amends the Electoral Act and the Local Government Act by imposing new party/candidate identification requirements on how-to-vote cards distributed during the election period. The requirements will apply to all state and local government elections.

Mr Speaker, I seek leave to incorporate the rest of my speech in *Hansard*.

Leave granted.

The amendments substantially follow the draft legislation recommended by the committee.

If a card is authorised for a registered political party or a candidate endorsed by a political party, the name of the party on whose behalf or on whose candidate's behalf they are being distributed must now be stated on the card.

If the cards are authorised for a candidate who is not a party candidate, the card will have to state the candidate's name and the word 'candidate'.

In relation to local government elections only, there are some additional requirements to take account of local government election practices.

In local government elections, if the card is issued on behalf of a group of candidates not endorsed by a political party but which has a group name, or for a candidate in that group of candidates, the card must state the group's name and be authorised by a candidate in that group.

These new identification requirements will be in addition to the present requirement that electoral material, including how-to-vote cards, state the name and address of the person who authorised it.

They are designed to ensure that voters are left in no doubt as to the real source of a how-to-vote card.

The bill will also insert a new division 4 in the Electoral Act which will establish a right of appeal from the court of disputed returns to the court of appeal.

This will provide greater procedural justice to the parties and enhance public confidence in the outcome of electoral disputes.

It is recognised, however, that it is in the state's interest that following a general election, parliaments and governments are able to get on with their business as quickly as possible.

Queensland electors should not be left without representation for longer than necessary.

Accordingly, the bill balances the need to provide procedural justice to the parties with the need to provide a speedy resolution to electoral disputes.

The grounds of any appeal will be limited to questions of law.

A party who wishes to appeal a decision will have a time limit of seven days within which to file a notice of appeal.

The court will also be required to deal with such appeals as expeditiously as possible.

The bill contains an additional amendment to the Electoral Act which does not arise from the report.

This amendment will allow an earlier date for the return of a writ for an election to be substituted for the original specified date.

The purpose is to enable an early recall of the Legislative Assembly in situations where this may be necessary or desirable—for example, if there is political uncertainty following an election, a new government may wish to confirm it has the confidence of parliament by testing its position in the House.

The bill also amends the Referendums Act by providing an appeal regime similar to the Electoral Act.

This was not specifically recommended by the committee's report but it is necessary to maintain consistency between these two pieces of legislation.

I commend the bill to the House.

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