




Speech By  
**Ann Leahy**

**MEMBER FOR WARREGO**

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Record of Proceedings, 13 September 2023

### **JUSTICE AND OTHER LEGISLATION AMENDMENT BILL**

 **Ms LEAHY** (Warrego—LNP) (12.52 pm): I rise to contribute to the debate on the Justice and Other Legislation Amendment Bill. The bill amends the Justice of the Peace and Commissioners for Declarations Act 1991. I wish to advise the House that I am a qualified justice of the peace. I want to thank all of the justices of the peace and commissioners for declarations in my electorate, especially those who put forward and developed a community signing centre in Roma. They voluntarily provide a fabulous service to that community, and I want to thank all justices of the peace and commissioners for declarations for their service, which many have done for a very long time.

One of the principal objectives of the bill is to clarify, strengthen and update legislation concerning the administration of justice. This includes legislation relating to the operation of courts and tribunals, the regulation of the legal profession, and the conduct of civil proceedings and electoral matters. Again we have an omnibus bill with some 30 acts amended. In this one bill there are a wide range of amendments and objectives. It does not really allow for the freedom of all members to fully debate each change to the extent to which some may wish.

One of the very important amendments outlined in this bill is that which proposes to better recognise the deaths of unborn children which have occurred due to criminal conduct. This amendment has been brought about through the advocacy of Peter and Sarah Milosevic, their local LNP member Jim McDonald and the former member for Lockyer, Ian Rickuss. Six days before she was due to be born, Sophie Milosevic lost her life even before it began when a drugged-up driver slammed into her parents' car. Sophie's death on that fateful day, 29 August 2014, was not recognised as murder or manslaughter or in any charge that ended in occasioning death. Instead, she was listed as one of the many massive injuries that Sarah suffered. The man responsible for the crash did not see a prison sentence because Queensland law could not hold him responsible for the death of Sophie. He received a \$950 fine and a five-month suspension of his driver's license. It is right that we all pay respect to Sophie Milosevic and her family. Peter and Sarah Milosevic have spent many years fighting for the changes that we see today and to acknowledge the loss and life of an unborn child due to criminal conduct. Sophie's Law will forever be the legacy that she leaves behind. Sophie's Law should be a separate bill and appropriately named after Sophie, but I want to place on record my thanks to Peter and Sarah for their fight for this change and also the member for Lockyer, who stood with them throughout this time. Peter and Sarah, thank you for never giving up. I am disappointed that this took so long to become a reality for your family and Sophie.

I also want to bring to the attention of the House the path of some of the amendments to the Electoral Act. Following the 2020 election I raised in the parliament concerns about the number of postal ballots that were rejected at the 2020 state election. Across Queensland there were some 57,000 postal ballots rejected at this election. We see in the ECQ's submission that approximately 30 per cent of these votes could be saved. Some 17,000 people who cast their ballots, which could have been saved, had those ballots rejected. Those people thought they were voting for the candidate of their choice. Approximately 30 per cent of those with valid votes were never to know that their ballot was rejected

because it was not in the declaration envelope even though it was in the reply paid envelope. Under the current legislation the ballot paper must be accepted for counting if the ballot is in the declaration envelope received by post. One word: in. I saw some postal votes that were rejected for the seal not being torn off the declaration envelope even though the ballot was in the declaration envelope and the secrecy of the ballot could be maintained.

In my electorate of Warrego there were 566 postal ballots rejected. In fact, there were more rejected postal ballots in Warrego than there were informal ballots. That told me something was not right with our system. In Bundaberg there were 436 ballots rejected. In that seat the margin is just nine votes. It should be noted that the LNP candidate, David Batt, outpolled the member for Bundaberg on postal declaration votes. These amendments may not be of assistance to the electoral future of the member for Bundaberg. I thank the ECQ for their clarification in relation to the reporting of issued postal ballots and postal ballots returned and accepted; however this information is still not easy to locate on the ECQ website. It needs to be clearly and easily accessed. Democracy is enhanced by transparency and public reporting. Both are needed to ensure that problems with design can be addressed and education campaigns benchmarked to help reduce the number of rejected postal ballots. I note that in their correspondence the ECQ agreed with my observation regarding the importance of ensuring that trends and benchmarks can be identified and publicly reported, including postal votes not admitted to the count.

The amendments in the bill to the Electoral Act will provide that a ballot paper secured in the replied paid envelope supplied by the Electoral Commission of Queensland which also contains the completed declaration on the declaration envelope may be counted regardless of whether the postal vote is actually inside the declaration envelope. If I had not raised this issue in the House on behalf of those 57,000 people whose votes were rejected and the 17,000 the ECQ indicated were valid, I do wonder whether we would have seen the amendments before us today.

I acknowledge the amendments to expand the definition of a special postal voter to include electors who are patients in a hospital that is not a polling place and electors who are ill or infirm and unable to travel to a polling place or those caring for the ill or infirm. It is difficult for the ECQ to find staff and attend to all of the hospitals and multipurpose health and aged care facilities in regional and more metropolitan areas because there just are not people sitting around waiting to go and do that job.

There are also people in these institutions who find it confusing because they are able to have a postal vote for a federal election but not for a state election. They find that inconsistency extremely confusing. The aligning of state and federal legislation will enable these frail and often ill people to participate in democracy rather than confusing them at a difficult time of their lives. Further, the bill removes the reference to the 60-day time frame associated with the Queensland Redistribution Commission's finalisation of electoral redistribution and instead inserts 'as soon as practicable'. This could eventuate in a new electoral boundary being declared within 60 days of an election. This would not be acceptable for Queenslanders or prospective candidates for election. There are already numerous time frames defined as 'as soon as practicable' within the redistribution process, meaning that overall time frames are uncertain for participants in the political process. Queenslanders deserve certainty about the redistribution process, not more uncertainty.