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**THE HONOURABLE MATT FOLEY MLA
ATTORNEY-GENERAL AND MINISTER FOR JUSTICE
AND MINISTER FOR THE ARTS**

Response to Parliament

**LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE
REPORT NO 19, MARCH 2000**

**IMPLICATIONS OF THE NEW COMMONWEALTH ENROLMENT
REQUIREMENTS**

Committee conclusion 1

- 1.1 Based on current information, the committee understands that the Commonwealth Government intends to operationalise the October 1999 amendments to the *Commonwealth Electoral Act 1918, s 98* (concerning proof of identity for the first-time electors and the witnessing of claims for enrolment) by regulations which are yet to be finalised.**
- 1.2 The amendments to the *Commonwealth Electoral Act 1918* bringing in these new enrolment requirements were developed with little direct consultation with the relevant states with whom joint or other shared roll arrangements exist. This runs counter to the historically cooperative arrangements in place between the Commonwealth and the states with regard to respective roll maintenance and data exchange.**
- 1.3 The new enrolment requirements have the potential to effectively disenfranchise a significant number of voters.**
- 1.4 This result would make it essential for Queensland to retain its enrolment criteria as they stood prior to the October 1999 Commonwealth amendments (which have not yet commenced). In practical terms, this would mean that Queensland should (re)establish a separate state electoral roll. This, in the committee's opinion, would be a necessary but undesirable outcome.**
- 1.5 If electoral fraud is a problem, it should be addressed through a cooperative approach between the Commonwealth and the states. Such cooperative approach might include an enhanced continuous roll updating system with appropriate back-up audit.**
- 1.6 Rather than the new Commonwealth enrolment requirements, the committee would prefer to see measures in place to increase the quality of the electoral roll and level of enrolment via a cooperative approach between the Commonwealth and the states.**

Committee recommendation 1

The committee recommends that the Queensland Attorney-General – as the minister responsible for the Electoral Act 1992 (Qld) – facilitate a meeting with the federal minister responsible for electoral matters in order to:

- **alert the federal minister to the abovementioned conclusions of this multi-party committee; and**
- **foreshadow the possibility that, if the enfranchisement of Queenslanders is threatened, then Queensland will consider:**
 - (a) amending the *Electoral Act 1992 (Qld)* to ensure enrolment criteria, as they stood prior to the October 1999 Commonwealth amendments (which have not yet commenced) are retained for state elections; and**
 - (b) (re)establishing its own electoral roll.**

This recommendation has been adopted and implemented. On 21 March 2000, the Attorney-General wrote to Senator the Honourable Christopher Ellison, Special Minister of State, outlining the concerns raised by the Legal, Constitutional and Administrative Review Committee in Report No 19. The Attorney-General proposed further discussion between himself and the Senator with a view to reaching agreement on how best to protect the franchise of Queenslanders and the integrity of the electoral roll. The Attorney-General stated that if the only option for Queensland became amendment of the *Electoral Act 1992* in order to maintain democratic enrolment criteria, the Queensland Government would have to reconsider its position in relation to the maintenance of the joint roll arrangement between the Commonwealth and the State.