

21 May 2019

Our ref: DK-GA

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary

Electoral and Other Legislation Amendment Bill 2019

Thank you for the opportunity to provide comments on the Electoral and Other Legislation Amendment Bill 2019 (the **Bill**) and for granting a short extension of time by which to provide our comments. The Queensland Law Society (**QLS**) appreciates being consulted on this important piece of legislation.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

It is not suggested that this submission represents an exhaustive review of the proposed amendments. It is therefore possible that there are issues relating to unintended drafting consequences or fundamental legislative principles, which we have not identified. By omitting to comment on the full scope of the provisions in the Bill, QLS does not express its endorsement of these.

Prisoner voting

Under the *Electoral Act 1992* (the **Act**), a person who is serving a sentence of imprisonment is not entitled to vote at an election for an electoral district.

Clause 27 proposes that section 106 of the Act be amended so that only persons serving a sentence of three years or longer are disqualified from voting. Clause 34 of the Bill amends section 115 of the Act to provide that persons in detention must vote by way of postal voting.

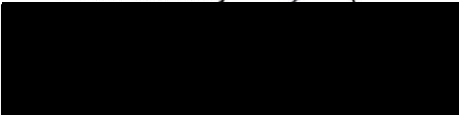
Electoral and Other Legislation Amendment Bill 2019

QLS welcomes the Bill's proposed amendment to prisoner voting. This aligns the Queensland position with the current Commonwealth position. As a representative democracy, the citizens of Queensland have the right to determine who governs through voting at an election for their electoral district. Moderating the Act's current position in favour of a broad class of prisoners will allow a greater percentage of Queenslanders to access their right to vote.

The Society notes that a discrepancy exists between the penalties imposed for failure to vote in a Commonwealth election (\$20.00) and a Queensland election (1 penalty unit, currently \$130.55). The Society questions whether there is an intention to have consistency between penalties.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team by phone on (07) 3842 5930 or by email to policy@qls.com.au.

Yours faithfully



Bill Potts
President