

SUBMISSIONS:

- A. Please accept the stupidity and non-democratic method of dealing with the above citizen as a submission as to why voting should not be compulsory and if it is to remain compulsory as to why the prosecution of an citizen who does fail to vote is dealt with in a manner which does not result in being fined significantly or at all or any of the other extreme punishments administered;
- B. The Electoral Commission of Queensland website states it is "required" to seek an explanation when a voter does not vote, however the Electoral Act ("the Act") at **Section 134 Notice of failure to vote etc.**, states:

(1) *Subject to subsection (2), the commission **may**, as soon as practicable after an election,*

- C. The Act does not impose an obligation upon a person to vote however is couched in the negative in that it imposes an obligation on the citizen to not vote without excuse:

186 Failure to vote etc.

(1) An elector **must not**—

(a) **fail to vote** at an election **without a valid and sufficient excuse**;

- D. The Act entitles (that it grants a right, as opposed to imposing an obligation) a person to be enrolled:

64 Entitlement to enrolment

(1) A person is **entitled to be enrolled** for an electoral district if the person—

AND

106 Who may vote

(1) The following persons are the only persons **who are entitled to vote** at an election for an electoral district—



(2) A person is **not entitled to vote**—

- E. The Act further sets out the **method** of voting (again without imposing the obligation to vote):

107 Procedure for voting

(1) An elector is to vote by **following the procedures** set out in this section.

- F. The Act does attempt to impose an obligation upon an elector to vote (in our view somewhat ineffectively) however the section may be interpreted as:-

an obligation to vote **only** in the ways stipulated in subsections (2) or (3);
and

not interpreted **solely** as the **imposition to vote**.

122 How electors must vote

(1) An elector **must vote in accordance with subsection (2) or (3)**.

(2) An elector may vote by writing on a ballot paper the number 1, a tick, or a cross, in the square opposite the name of only 1 candidate to indicate the elector's preference for the candidate.

(3) Instead of voting in accordance with subsection (2), an elector may vote by—

That is, this is an obligation to vote only in accordance with either S122(2) or 122(3) and should an elector not vote in accordance with either of those subsections, then the vote is not counted.

- G. **Enclosed**, is a copy of newspaper report and in particular we refer you to the note in bold at the foot of the notice of de-amalgamation:- "voting for this poll is compulsory". The concern is this:-

The Douglas Shire was forcibly amalgamated in 2008 by the elected representatives of the State with the Cairns Regional Council and not as a consequence of a compulsory poll of the citizens. The current elected representatives of the State via their entity ECQ now forces upon its citizens a compulsion to vote either positively or negatively to undo an action which had previously been forced upon those citizens in the first instance. This seems to be an example of beauracracy unhinged.

- H. We submit further that ECQ (as well as all other State or Territory Commissions) fulfil the same purpose as the Australian Electoral Commission and should in any view be made redundant.



- I. Voting is a right or benefit offered to the citizens of a free and democratic society and the prosecution of those persons who do not freely exercise such a right and who are prosecuted for that is the very essence of an un-democratic society.

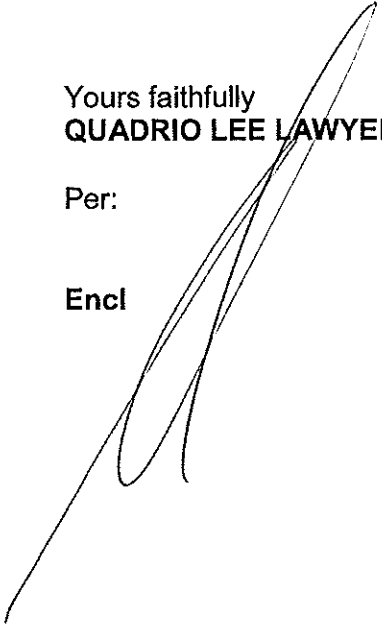
Accordingly we request the department take into consideration submissions made in this communication in formulating a final decision.

We point out to the Department that these submissions are made as instructed by our client of her own free will and not by compulsion.

Yours faithfully
QUADRIO LEE LAWYERS

Per:

Encl

A large, stylized handwritten signature in black ink, written over the typed text. The signature is highly cursive and loops, starting from the bottom left and extending towards the top right.

NOTICE OF DOUGLAS AREA DE-AMALGAMATION POLL

A de-amalgamation poll for the former Douglas Shire Council local government area will be conducted on Saturday 9 March 2013.

Enrolment for eligible persons who reside in the area remains open until 6pm on Friday 8 March 2013. Electors can check their current enrolment on the Electoral Commission website www.ecq.qld.gov.au or by calling a special helpline on 1300 129 107.

Eligible voters will be asked to vote "YES" or "NO" to the following question:

"Should a Douglas Shire Council be created by the de-amalgamation of the Cairns Regional Council local government area, with the costs to be met by the Douglas Shire Council?"

The Returning Officer for the poll will be located at:

3-7 Mill Street
Mossman QLD 4873

For the Douglas area de-amalgamation poll, the following polling places will be open on Saturday 9 March, from 8am to 6pm.

Alexandra Bay*	State School, Cape Tribulation Road, Cape Tribulation Via Mossman
Daintree River*	State School, Osborne Street, Daintree
Miallo#	State School, Miallo Road, Miallo Via Mossman
Mossman*	State Pre-School, Front Street, Mossman
Port Douglas	Community Hall, Mowbray Street, Port Douglas
Wonga*	Wonga Beach State School, Snapper Island Road, Wonga Beach

Wheelchair access *Full #Assisted

Electors unable to attend on polling day may cast a pre-poll vote from Monday 25 February 2013 to Thursday 7 March 2013 between the hours of 9am and 5pm and Friday 8 March 2013 between the hours of 9am and 6pm at the Returning Officer's office or

Port Douglas Community Hall 13-29 Mowbray Street, Port Douglas

Electors should apply to the Commission or Returning Officer for a postal vote. Postal vote applications close at 6.00 pm on Wednesday 6 March 2013. Please note that there is no provision for electors to cast an absent vote on polling day outside of the Douglas area.

Expression of Interest - Observers

The Electoral Commission of Queensland is seeking Expressions of Interest to observe the referendum process for the Douglas area. This may include observing voting and/or counting procedures, depending upon the person's availability.

Persons who wish to be appointed as observers must be over 18.

Expressions of Interest should be lodged by email to observers@ecq.qld.gov.au by 5pm Friday 1 March 2013. Alternatively, written applications need to be sent to ECQ, GPO Box 1393, Brisbane Qld 4001. Please provide your name, age and contact details.

The Returning Officer for the poll in your local area will contact you regarding your interest.

Although these are voluntary roles, in keeping with the Commission's charter of conducting open and transparent electoral events we are seeking community minded persons who can play an important role in the referendum process ensuring the integrity of poll results through community involvement.

Voting for this poll is compulsory



BEC04140, CM, D