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**From:** Joshua Warren Davis [REDACTED]  
**Sent:** Tuesday, 26 February 2013 11:05 AM  
**To:** Electoral Reform  
**Subject:** Submission against compulsory voting and for retaining Optional Preferential Voting!

Yes,

I wish to make a submission for abolishing compulsory voting and keeping optional preferential voting.

I believe that compulsory voting is an infringement on the rights of individuals, encourages informal voting of those who don't want to vote and contributes to people who don't want to vote, not enrolling as electors at all. Compulsory voting is a gross infringement on rights of individuals to decide whether they want to vote or not. There can be a direct blame for an increase in informal voting due to those who don't want to vote deliberately spoiling their ballot in protest. Compulsory voting is a disincentive to enrol as electors for those who don't want to vote, so they cannot be pursued for not voting as an elector, because it is not cost effective for either the ECQ or AEC to prosecute people for not enrolling, as the maximum fine is \$110 and it costs thousands to prosecute a case in the courts and with the hundreds of thousands of eligible people not on the roll in Queensland, it would waste at least hundreds of millions of dollars to enforce it this way. The estimated 1.5 million eligible people nationally not on the electoral roll, is a true reflection that there is a sizable chunk of the community, or a large percentage of the estimated 1.5 million people, who don't want to exercise their right to vote and that compulsory voting goes completely to the detriment of that right. The enforcement of compulsory voting is a major waste of resources.

The compulsory voting system in Queensland elections can raise issues contravening the Anti-Discrimination Act 1991, under section 11 in relation to indirectly discriminating against a person on the attribute of political belief or activity, where a person has a certain political belief which prevents them from voting, they don't vote and as such the ECQ may not accept their reason for not voting as valid, but the person could not comply with the term of compulsory voting due to that belief and under those particular circumstances it made it not reasonable that they comply with the term of compulsory voting, then the compulsion to vote would indirectly discriminate against the person. The compulsory voting system indirectly discriminates against people who have a political beliefs that they don't have any preference for any candidate, which is in contrary to section 11, as they are forced to comply with a term of compulsory voting that they cannot comply with, as the won't vote due to their political belief of having no political preference, but the higher proportion of the population without the political belief comply or are able to comply with the term of compulsory voting and that it would not be reasonable to force the person to attend the polling both, infringing the liberty, only for them to be forced to cast an informal vote, as they have no political preference.

Also for example, if a government had done something in its actions that lead to a child not being protected and was sexually abused as a child and as an adult that child had developed a belief against supporting any side of politics on the basis of blaming all partisans, that no side of politics would have worked out better and that voting in future elections could not resolve past damage done, then it would be imposing a term of compulsory voting on the person which they could not comply with due to their political belief and under those circumstances it would be unreasonable to apply the term to vote at the state election.

If the decision is made that compulsory voting is to be retained, at least the Electoral Act should be amended to bring it into consistency with the Anti-Discrimination Act and include abstention from voting due to a particular political belief or activity as a valid and sufficient reason for not voting, as is the case with it being a valid and sufficient reason not to vote on grounds of religious duty or beliefs, it is inconsistent that the Electoral Act accepts religious grounds as acceptable for not voting,

but it does not expressly allow political grounds or particular political beliefs or activities as a valid and sufficient reason for not voting. The Electoral Act in its current form is not compliant with what the Anti-Discrimination Act stipulates in prohibiting indirect discrimination under section 9(b). Although compulsory voting has existed in Queensland since 1915, it is the Electoral Act 1992 which is the act which provides for the term of compulsory voting and the Anti-Discrimination Act was passed and assented to in December 1991, so the Electoral Act does not have the exemption under section 106 Acts done in compliance with legislation, as the 1992 Electoral Act repealed the former Act which provided for compulsory voting and section 106 exemption only covers compliance with legislation existing prior to commencement of the Anti-Discrimination Act. The 1992 Act should have abolished compulsory voting along with the change from full preferential to optional preferential voting, if it was to comply with the Anti-Discrimination Act passed in 1991.

As to Optional Preferential Voting, it is a better system than first past the post where only 1st preference counts, allowing for people to choose to allocate preferences and unlike compulsory full preferential voting, OPV does not infringe on people's liberties by compelling them to mark all candidates in order of preference. People should not be forced to preference people at all, who they don't want to vote for. Further QLD State Elections have much lower rates of informal voting than federal elections, as not all boxes have to be marked for the vote to count and also unlike federal elections a single tick or cross to signal first preference in a 1 only vote can be counted, although there are still around 2% of votes informal, presumably a lot of this is from electors who are forced to vote and don't want to vote. OPV has the much less possibility of error on marking the ballot paper, in comparison to the Compulsory Full Preferential Voting system that exists for federal elections and electors who just vote 1 or preference only some candidates should always have their vote count.

Yours Sincerely  
Joshua Warren-Davis