

Direction about Electoral Visitor Voting for the 2021 Stretton State by-election

Version 1.0

Approval



Pat Vidgen

Electoral Commissioner

30 / 06 / 2021

Purpose

To facilitate the holding of the 2021 Stretton State by-election in a way that helps minimise serious risks to the health and safety of persons caused by the COVID-19 emergency, by issuing directions about Electoral Visitor Voting (EVV).

Rationale

Ordinarily, the Electoral Commission of Queensland (ECQ) conducts EVV under section 120 of the *Electoral Act 1992*. However, for the 2021 Stretton State by-election, if the ECQ is satisfied that it would pose a risk to the health and safety of Issuing Officers, it may direct Issuing Officers not to visit a particular elector, any elector, or electors in a particular electoral district or class under section 392ZJ of the *Electoral Act*.

Direction

The ECQ is satisfied that it would pose a risk to the health and safety of Issuing Officers to visit any electors for the purpose of conducting EVV and directs all Issuing Officers for the 2021 Stretton State by-election:

- not to visit any elector for the purpose of conducting EVV, and
- if a request for EVV is received, the ECQ or Returning Officer must, to the extent practicable, have an Issuing Officer make alternative arrangements to enable an elector affected by the direction to vote in the 2021 Stretton State by-election.

Human Rights Considerations

In accordance with section 58(5) of the *Human Rights Act 2019*, the ECQ has considered any human rights that might be affected by this decision or action and, if so, whether the decision is compatible with human rights in accordance with section 13 of the *Human Rights Act*.

The decision to not offer EVV arguably limits people's access and opportunity to vote in the State by-election, and in doing so predominantly limits their right to participate in public life which is protected under section 23 of the *Human Rights Act*. However, this decision is not incompatible with that right because sufficient provision is being made for electors to vote using the other voting services in this by-election, namely, electronically assisted voting, postal voting, early voting, and in-person voting on election day.

This decision adequately balances the interests of giving people as much of an opportunity to vote and so participate in public life, with the competing interests of protecting the public's health and safety as provided for under section 16 of the *Human Rights Act*. Therefore, it is considered that this decision limits human rights only to the extent that it is reasonable and demonstrably justifiable in accordance with section 13 of the *Human Rights Act*.

Effective

This Direction has immediate effect and remains in place until the close of voting for the 2021 Stretton State by-election on Saturday, 24 July 2021.