



**REPORT ON 'HOW TO VOTES' CAMPAIGN
16-05-03**

We have just received a fax from Senator Aden Ridgeway, which included a letter from John Hatzistergos, Minister for Justice.

The letter states,

Dear Senator Ridgeway,

I refer to your correspondence of 7 May 2003 regarding the non distribution of “how to vote” cards in NSW correctional centres during the 2003 State Election. This matter was brought to your attention by a group, Justice Action.

I have been advised by the Commissioner of Corrective Services that during the 1999 State Election and the Republic Referendum the then Commissioner of Corrective Services had allowed election material, including “how to vote” cards, to be made available to inmates within NSW correctional centres.

Based on this advice as well as my own personal view, I have asked the Commissioner to ensure that for all future elections authorised material including, “how to vote” cards, is made available to inmates.

Yours faithfully,

**John Hatzistergos
7/5/03**

While we are thrilled that the Minister has seen fit to publicly and personally agree with us, we have replied with some reservations. We pointed out that this matter extends beyond the State elections, because the High Court affirmed that political communication is protected at all times from legislative and executive action, and not just around election periods. *Lange* (1997) held that communication about issues relevant to political matters are developed outside of election periods and recognised that ‘[I]f the freedom to receive and disseminate information were confined to election periods, the electors would be deprived of the greater part of the information necessary to make an effective choice at the election’. Whilst some people in prison lose their right to vote in a particular election, it does not follow that they also lose their ability to freely develop ideas regarding political matters that other people outside of the prison system are entitled to think about, and that they themselves may be called upon to cast a vote on, once released from prison.

We will be following this up with the Minister, and ensuring that the issue does not get pushed aside until the next election.

justice
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