



21 January 2020

Attorney General  
Ministerial Office  
1 William Street  
BRISBANE QLD 4000

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Dear Attorney General

RE: Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019

Together branch of the ASU is the union for state sector public servants and is one of the largest public sector unions in Queensland along with the QNMU and the QTU.

Our union members have an interest as workers, voters and people involved in the proper electoral regulation of our democracy in Queensland. Our members will enforce, regulate and manage any changes to the electoral laws as well as be affected by them as community and union members.

Below is some direct feedback on the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019*.

#### **Support for electoral reform**

Together members support moves to strengthen Queensland's democracy and allow the voice of the ordinary Queenslanders to be heard. Our union has supported the *Human Rights Act 2019* and other important reforms, and likewise we support the spirit of the currently proposed electoral reforms.

The principles of (1) *a level playing field* and (2) *political equality* must help ensure in Queensland billionaires should not be able to buy elections and drown out the voices of the working people.

#### **Resourcing of Electoral Commission of Queensland**

Additional electoral regulation of donations, advertising, expenditure and signage are all significant and important. The implementation and enforcement of compliance with these laws will be placed in the hands of public servants, mostly employed in the Electoral Commission of Queensland (ECQ).

It is vital for the ultimate success of these proposed electoral laws as well as for the strength, integrity and transparency of Queensland's democratic system that there is adequate support for ECQ staff. Therefore, our union calls on the Queensland Government to:

**Together Queensland  
Industrial Union of  
Employees**

**Freecall** 1800 177 244

**Website** [www.together.org.au](http://www.together.org.au)

**Email** [members@together.org.au](mailto:members@together.org.au)

**Postal Address** PO BOX 3272

South Brisbane BC 4101

**Street Address** L1, 27 Peel Street

South Brisbane

**Fax** 3017 6235

**ABN** 44901734369

- adequately resource the ECQ for the workload these electoral laws will create
- prioritise permanent employment to enable continuity and consistent administration, monitoring, compliance and enforcement of all specifications, policy, standards and laws
- provide high-quality, in-person training for all new ECQ employees on the new laws and regulatory compliance to efficiently and effectively uphold Queensland's electoral laws.

### **Polling booth advertising material**

Our members are the public servants in schools where many polling booths particularly the larger ones, are located. They are the janitors, grounds people, business managers and administration staff who are tasked with coordinating the facility management and clean-up for election day. Also, often political parties will attempt to set up very early sometimes even when school is on, and any damage to property or issues are managed by these staff along with the relevant principal.

All of this means our members generally support reduction of polling day material, and specifically our members in schools support polling booth limits (such as only being able to set up from 6am on polling day) and the proposed ban on soft plastic bunting.

### **Clarity around definitions**

The proposed definition of electoral expenditure has some concerns for our union. The currently proposed definition is:

#### *199 Meaning of electoral expenditure*

*(1) Electoral expenditure means expenditure of a kind mentioned in subsection (2) incurred for, or related to, any of the following purposes—*

*(a) to promote or oppose (directly or indirectly) a political party in relation to an election;*

*(b) to promote or oppose (directly or indirectly) the election of a candidate;*

*(c) to otherwise influence (directly or indirectly) voting at an election.*

Inherently, as a public sector union, we will be in a situation wherein we have to talk about the government of the day. We are particularly concerned that section 1(c) would capture things like industrial campaigns if they happened to coincide with elections or if our industrial campaigns provide any commentary on the government, they could be inadvertently captured. If section 199 was read broadly, any political activity of any kind - campaigning on issues such as healthcare which matters to our members – would be captured and limited. We do not believe this is the intention of the laws and would be an unreasonable imposition on unions, particularly public sector unions.

Any such inadvertent restriction on our industrial campaigns may offend the constitutional implied freedom of political communication that has been reaffirmed and redefined by the High Court of Australia over successive years since it was initially recognised in 1992 [in *Nationwide News Pty Ltd v Wills* (1992) 177 CLR 1; *Australian Capital Television Pty Ltd v Commonwealth* (1992) 177 CLR 106]. Determining if a law impermissibly burdens the implied freedom is a multi-step process established in *Lange* ('the *Lange* test'), reformulated in *McCloy v NSW* (2015) 257 CLR 178 and *Brown v Tasmania* (2017) 261 CLR 328 and most recently expounded in *Spence v Queensland* [2019] HCA 15.

We require a response to these matters and will be also forwarding this letter to the relevant committee.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Alex Scott', with a stylized flourish at the end.

Alex Scott  
Secretary