JUSTICE, INTEGRITY AND COMMUNITY SAFETY COMMITTEE

Members present:
Mr MA Hunt MP—Chair
Mr MC Berkman MP
Mr JM Krause MP
Ms ND Marr MP
Ms MF McMahon MP
Hon. MAJ Scanlon MP

Staff present:
Ms F Denny—Committee Secretary
Ms H Radunz—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE ELECTORAL LAWS (RESTORING ELECTORAL FAIRNESS) AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Friday, 16 January 2026

Brisbane

FRIDAY, 16 JANUARY 2026

The committee met at 11.25 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025. My name is Marty Hunt. I am the member for Nicklin and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today. With me here today are: Melissa McMahon MP, member for Macalister; Natalie Marr MP, member for Thuringowa; Michael Berkman MP, member for Maiwar; John Krause MP, member for Scenic Rim, who is substituting for Russell Field MP, member for Capalaba; and the Hon. Meaghan Scanlon MP, member for Gaven, who is substituting for Peter Russo MP, member for Toohey.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee.

I remind committee members that departmental officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all time. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please turn your mobile phones off or to silent mode.

EISEMANN, Ms Joanna, Principal Legal Officer, Strategic Policy and Legislation, Department of Justice

KRAA, Mr Leighton, Director, Strategic Policy and Legislation, Department of Justice

PIPER, Ms Tessa, Deputy Director-General, Justice Policy and Reform, Department of Justice

ROBERTSON, Ms Leanne, Assistant Director-General, Strategic Policy and Legislation, Department of Justice

CHAIR: I welcome representatives from the Department of Justice who have been invited to brief the committee on the bill. Please remember to press your microphones on before speaking and off when you are finished. On is indicated by the red glow. I invite you to brief the committee, after which committee members will have some questions for you.

Ms Piper: Good morning. Thank you for the opportunity to provide a briefing to the committee on the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025. My name is Tessa Piper. I am the Department of Justice's newly appointed Deputy Director-General of Justice, Policy and Reform. I am also joined by my colleagues from the department. Given that I am very new to the department, I will necessarily be drawing on the support of my colleagues today to answer the questions of the committee.

As you will be aware, the purpose of the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 is to improve and restore fairness and equality to the regulation of elections in Queensland and increase public confidence in Queensland's electoral process. I understand that the department has provided a detailed written briefing to the committee on the amendments in the bill. The department has also provided a written response to the submissions received by the committee. Chair, thank you again for the opportunity to address the committee. To assist the committee, I propose to provide a brief overview of the six reform areas contained in the bill.

Firstly, the bill will prohibit persons serving a sentence of imprisonment or detention of one year or longer from voting at state elections and referendums and local government elections. This bill also ensures that necessary information sharing arrangements exist to enable the ECQ to determine a person's eligibility to vote. As outlined in the explanatory notes to the bill, the objectives of this amendment are to refine the eligibility to vote to a narrower class of persons in detention having regard to the culpability of their offending, to enhance civic responsibility and to increase public confidence in the integrity of electoral processes by not allowing elections to be influenced by those who show disregard for the rule of law.

Secondly, the bill will apply existing caps on political donations to financial years. The bill proposes to keep the donation caps at their current amounts, but shorten the donation cap period to financial years instead of the current four-year period. The new donation cap period would apply retrospectively to 1 July 2025.

Thirdly, the bill implements a government pre-election commitment by removing the ban on political donations from property developers at the state level to ensure the ban is targeted at local government elections only. The bill also applies relevant existing offences and recovery provisions in the Local Government Electoral Act to the use of restricted donations to ensure compliance and prevent anti-circumvention of the ban at the local government level. As was indicated in the department's response to the submissions on the bill, the department notes that the caps on donations will continue to operate to reduce potential risks of corruption and undue influence and also to ensure a level playing field between donors where donations are made for state electoral purposes. Electoral expenditure caps will also continue to operate for state elections and thereby limit the extent to which any political donations received can be applied to electoral expenditure for a state election. Gifts and loans from property developers and related industry bodies will be subject to disclosure requirements under the Electoral Act.

Fourthly, the bill will allow loans from financial institutions to be paid into state campaign accounts to be used to fund electoral expenditure for the state elections. This is to ensure that funding sources for campaigning are not restricted to private and unregulated lenders and to stop candidates and registered political parties from being forced to borrow from these sources to finance electoral expenditure.

Fifthly, the bill will remove the requirements for the oversight of preselection ballots for state and government elections. Currently, as you will be aware, the ECQ oversees the conduct of preselection ballots for selecting a candidate to be endorsed for a state or local government election. The ECQ's oversight involves performing inquiries and audits relating to whether a preselection ballot was conducted in accordance with the model's procedures prescribed in the Electoral Regulation 2024 and the party's constitution. The amendments will instead allow parties to undertake preselection ballots in accordance with their constitution only.

Finally, the bill will amend the authorisation requirements for election materials and how-to-vote cards to apply for the period 12 months before an ordinary general election rather than the current period, which you will be aware is typically 26 days before the election. The election material covered by the requirements include any advertisement, handbill, pamphlet or notice that is printed, published, distributed or broadcast. This includes publishing on the internet and, therefore, authorisations will apply to social media posts. Applying the authorisation requirements for a longer period before ordinary elections is intended to ensure greater transparency and awareness in relation to the material that may be provided to electors. The bill will also allow post-office boxes or other prescribed addresses to be used in the authorisation details for election materials and this responds to privacy and safety concerns, particularly for candidates who may be required to provide their personal residential address. Thank you, Chair.

CHAIR: Thank you for your opening statement. My question relates to the High Court ruling in Roach v Electoral Commissioner. Witnesses and submissions have suggested that this bill is inconsistent with that ruling. However, in his ruling High Court Chief Justice Gleeson stated—and I will quote it because it is worth having it on the record—

> It is also for Parliament ... to decide the basis upon which to identify incarcerated offenders whose serious criminal wrongdoing warrants temporary suspension of a right of citizenship. I have no doubt that the disenfranchisement of prisoners serving three-year sentences was valid, and I do not suggest that disenfranchisement of prisoners serving sentences of some specified lesser term would necessarily be invalid.

With that ruling in mind, would the department agree that this bill is not inconsistent with the High Court ruling? Would the department also outline what work you undertook in terms of taking that ruling into consideration when developing the bill?

Ms Piper: Could you please repeat the second part of the question?

CHAIR: Could you outline for the committee what consideration the department undertook of the High Court ruling in the preparation of the bill? Were there any concerns whatsoever that it was inconsistent, for example?

Ms Robertson: Chair, I think that you are probably asking the department to give advice in relation to the process that the department does in relation to developing legislation for the government of the day and the minister of the day. I think respectfully that is probably more something for the Attorney-General.

CHAIR: I will accept that. I wondered whether you would agree that the bill is not inconsistent with the High Court ruling.

Ms Robertson: I do not think that is really a matter for the department to comment on as such, Chair.

CHAIR: Thank you.

Ms SCANLON: Why did the Department of Justice not consult the CCC on the development of this bill, noting that it appears to be reversing some of the strong integrity measures that were proposed and supported by the state's peak corruption watchdog?

Ms Robertson: Again, I think that is more a matter for the Attorney-General than the department to respond to.

CHAIR: I agree with that. Would you like to try again, member for Gaven?

Ms SCANLON: Is it the department's advice that it was the Attorney-General who did not seek the advice of the Crime and Corruption Commission—

CHAIR: That is not what they said, member. You are trying to put words into their mouth now. I will move to the member for Scenic Rim.

Mr KRAUSE: My question relates to the environment we have in Queensland where political campaign expenditure is capped, donors are subjected to caps and will still be subjected to caps under this bill and there is also real-time disclosure of donations in place for all Queenslanders to see. Could the department please inform the committee about the consideration that has taken place or the assessment of opportunities for corruption such as a consideration of how opportunities for corruption or perceived corruption are limited in an overall sense by this regulatory regime when it comes to political donations and expenditure?

Ms Eisemann: The Electoral Act has a range of existing features that are intended to address corruption risks. In particular, there are caps on political donations that operate to reduce potential risks of corruption and undue influence and ensure a level playing field between donors where donations are made for state electoral purposes. There are also electoral expenditure caps in operation under the Electoral Act and they limit the extent to which political donations received can be applied to electoral expenditure in a state election. In addition, there are very strong transparency requirements in the Electoral Act. Permitted gifts and loans are subject to disclosure requirements under part 11, divisions 7 and 11 of the Electoral Act. If the committee seeks further information on any of those aspects, I am happy to elaborate.

Ms SCANLON: Can I just clarify: is it the Attorney who determines who the department consults with on the development of bills?

Ms Robertson: As public servants, we take instructions from the minister of the day. Again, I think any questions in relation to consultation should be referred to the Attorney-General. I do note, however, the Attorney-General's explanatory notes to the bill do contemplate that, in fact, the regular parliamentary inquiry process is also an avenue in relation to consultation. I cannot take that issue any further.

Ms MARR: Can you please talk us through the anti-circumvention measures contained in the bill, which ensure the property developer ban will be targeted towards local government elections?

Ms Eisemann: There are a number of anti-circumvention measures directed at ensuring that donations from property developers that are made to a political party to ensure that the integrity of the property developer ban as it applies to local government elections is maintained. The amendments will require a property developer or those types of industry bodies that are captured in the definition of 'prohibited donor' to make a statement at the time that they make a donation stating the intention that the donation is made to be used for a purpose other than a local government election.

In relation to anti-circumvention measures, political donations from a property developer to a related industry body that does not have a restricted donation statement will be unlawful under the Local Government Electoral Act. Making a donation or accepting one without that statement will be an offence if the person knows or ought reasonably to know the facts that result in that act being unlawful. That is subject to a maximum penalty of 400 penalty units or two years imprisonment.

It will also be unlawful for a person to use a restricted donation for a local government electoral purpose. If a person does that knowing or in circumstances where they ought reasonably to know that then that is also an offence with a maximum penalty of 400 penalty units or two years imprisonment. There is a recovery provision that, if a person uses a restricted donation for a local government electoral purpose, an amount equal to twice the value of the restricted donation is payable to the state.

Finally, there are a range of requirements that ensure that restricted donations are not paid into dedicated accounts used for local government electoral purposes. There are requirements for registered political parties to take reasonable steps to ensure requirements around that dedicated account are complied with. That is also subject to an offence of 100 penalty units.

Mr BERKMAN: At the outset, I note that the department's response to issues raised by submitters quite frequently notes that the issue raised is a policy matter and, on a number of occasions, also points to election commitments that are being implemented through the bill. Has the department prepared any advice or amendments for the minister that would change compulsory preferential voting in Queensland?

Mr KRAUSE: Point of order, Chair. That is an irrelevant question.

CHAIR: I was going to pull that up. That is outside the scope of the bill, member. That is well outside the scope of the bill. I will rule that question out of order as it is irrelevant. I will give you a go at another question.

Mr BERKMAN: Certainly; I will reframe. The department would have seen a number of submissions, including I think from the Institute of Public Affairs, that go directly to the question of compulsory preferential voting in Queensland. Has the department prepared any amendments or advice that relate to that specific submission that has been made on the committee's inquiry?

Mr KRAUSE: Point of order, Chair, on relevance. That is not within cooee of the bill that we are considering.

CHAIR: Member, just because you quote a submission that contains irrelevant material that does not make it relevant to the bill. I have ruled already on asking questions outside the scope of the bill and, to that extent, it is out of order. I will give you one more go at a question, if you have one, that is not related to things outside the bill.

Mr BERKMAN: Returning to the department's response to submissions on the bill, as I mentioned before, I would suggest the vast majority of issues include in the department's response that it is a policy matter for the government. I am curious: did any earlier versions of this departmental response include more substantive responses to the issues raised in submissions? For example, was that departmental response reviewed or vetted by the Attorney-General's office before it was provided to the committee?

CHAIR: Member, I think the process of the development of the bill is a matter for the Attorney-General and the department—

Mr BERKMAN: My question, Chair, goes specifically to the departmental response that has been provided to the committee in this inquiry. Separate from the process of developing the bill, this is a question about the department's work and deliberations as they pertain specifically to the committee's inquiry.

CHAIR: Member, could you ask the question again so I can listen carefully to what you are actually asking?

Mr BERKMAN: Certainly. I have already canvassed that there are a number of responses to issues raised by submitters that say the issue raised is a policy matter for government. I want to know: did earlier versions of the departmental response, earlier drafts, include more substantive responses to the issues raised in submissions and was that departmental response reviewed or vetted by the AG's office to any extent?

Mr KRAUSE: Point of order, Chair. I raise a question of relevance around it because the departmental responses submitted to the committee speak for themselves. The officers before us are not under scrutiny; the bill itself is. We have the response from the department as it stands.

CHAIR: I agree. I rule that question out of order, member.

Mr BERKMAN: Can I try one last time, Chair?

CHAIR: I am being very fair here: go ahead.

Mr BERKMAN: Is the departmental response as originally drafted by the department the same one that the committee received?

CHAIR: I am sorry, member, but I missed that question as I was seeking advice. We have lots of time so go again.

Mr BERKMAN: I am simply seeking to understand the departmental response to issues raised in submissions as originally drafted. Is the initial draft the same as the one that the committee received and has published?

CHAIR: I have advice that the department can answer as best you can on that one.

Ms Piper: As with any development of any document, there are lots of people who are contributing. In relation to your specific question, we will have to take that on notice.

Mr BERKMAN: As in, the specific question whether it went to the minister's office for review or vetting?

CHAIR: No, not that question.

Mr BERKMAN: I am sorry, Chair, but can you provide me a basis in standing orders for you taking exception to that particular part of the question?

Mr KRAUSE: Point of order, Chair. The member for Maiwar is straying very close to reflecting on the chair. Also, the question that was just asked related to whether there was a draft or if the one provided to the committee was the original. It did not relate to the question in relation to the Attorney-General. That question was withdrawn or ruled out of order by yourself. The question that was just asked was different to that. I think the deputy director-general was indicating that it would be taken on notice.

CHAIR: I think that the question was answered by saying that several people can have input into a document and documents change. What is considered the original document? Is that the first letter written or once it is drafted? It is a very broad question, member. I think it is an unfair question to put to the department and I rule it out of order.

Mr BERKMAN: I am not asking for an interrogation of the Ship of Theseus as it applies to the department's response. I am just seeking to understand to what extent, if any, the minister's office was involved in the preparation of the department's response to this committee.

CHAIR: That was not the question, but the question was answered in terms of there being many drafts made of all sorts of documents. I do not think it is a question that the department can answer. With several people contributing to the document, what is actually the first draft or the second or the third draft or the fourth go at it? I do not think it is a question that could be answered by the department. I think they did their best to answer it by pointing that out.

Mr BERKMAN: Might I seek clarification then, Chair? I put the question to the departmental representatives: to what extent did the department's response to issues raised in submissions involve consultation or review by the Attorney-General's office?

CHAIR: Member, stand by while I get some advice on that. My advice is that you are able to answer that generally around an approval process of the document.

Ms Piper: Can you please repeat the question?

CHAIR: You could answer: what are the approval processes for preparing a response to the submissions?

Mr BERKMAN: Could I put the question again, Chair? To what extent was the minister's office involved in reviewing or vetting the department's response to issues raised in submissions that were received by the committee?

CHAIR: Just a moment and I will get some advice on that specific question. We will come back to it in the interests of time. I am just getting some advice around that specific question. We will come back to you, member. Member for Scenic Rim?

Mr KRAUSE: Can the department outline for the committee how the bill better reflects and implements recommendation 20 of the Operation Belcarra report from the CCC and in relation to recommendations around the Electoral Act and developer donations for state elections?

Ms Eisemann: Essentially, the property developer ban was enacted following Operation Belcarra and the Belcarra report. Recommendation 20 recommended that amendments be made to the Local Government Electoral Act, the Local Government Act and the City of Brisbane Act to prohibit candidates, groups of candidates, third parties, political parties and associated entities and councillors from receiving gifts from property developers. The surrounding commentary in the Belcarra report, in particular on page 78, indicated that anti-circumvention measures would be necessary to prohibit donations from property developers to political parties or candidates at other levels of government from being used for local government electoral purposes. I also note that, preceding the recommendations in the Belcarra report, the CCC did note that the Queensland government may consider it appropriate to also adopt recommendations at the state government level but the recommendations themselves specifically related to those local government acts.

In order to ensure that the measures in the bill align with the Belcarra report, amendments to the Local Government Electoral Act are included in the bill to ensure that political donations to a political party will not be subject to the ban when made with the intention that a donation not be used for a local government electoral purpose. They require a donation to a political party that is intended to be used for a purpose other than a local government electoral purpose to be accompanied by this restricted donation statement stating that it is not for that purpose. Essentially, that means that the ban will continue to apply to political donations for a local government purpose which are not accompanied by that restricted donation statement. As I have already mentioned, there are a range of anti-circumvention measures to ensure that that outcome is achieved.

Mr KRAUSE: On those anti-circumvention measures, how do they measure up in comparison to anti-circumvention measures in the rest of the Commonwealth and other states and territories? That might be something to take on notice.

Mr Kraa: That might be one we need to take on notice, member.

Ms Eisemann: We do note that there are comparable bans in the ACT and in New South Wales. The New South Wales ban applies to both state and local governments. Obviously, in the ACT the local government level is not relevant in that jurisdiction. There is quite a lot involved with the anti-circumvention measures, obviously.

Ms SCANLON: A few submissions, the CCC and name withheld submission 27, made the point that with the relaxing of property developer donations for administrative purposes in the local government sphere there is a risk or a back door where a property developer can provide donations for administrative purposes, thus freeing up other funds to be used for electoral expenditure. This risk clearly flies in the face of the Belcarra recommendations. Can the department comment further on that risk?

Ms Eisemann: Really that is a policy matter for government but I do note that in terms of those other donations they will be subject to the transparency requirements through real-time disclosure in the Electoral Act. I probably cannot say much further on that.

CHAIR: In relation to my ruling on the member for Maiwar's question, I note that the department offered to take that on notice and we will go with that process in terms of what can be disclosed and what cannot. We understand that there are cabinet deliberations and all sorts of things, but if you could take it on notice then that would be appreciated.

Ms Piper: I am very happy to if you could just provide clarity around the final question.

CHAIR: We will get that question from *Hansard* to you.

Mr BERKMAN: Can I clarify, Chair, that the final question that I put is essentially ultimately the question that I really was hoping to have answered by the department. It will have been recorded, obviously.

CHAIR: We will take that on notice. If you could provide whatever response is appropriate, that would be appreciated.

Ms MARR: Can you explain the authorisation changes that will keep people more accountable in relation to when they engage in forms of political advertising?

Mr Kraa: Currently, under section 181 of the Electoral Act, a person must not print, publish, distribute or broadcast, or permit or authorise the doing of those things, an advertisement, handbill, pamphlet or notice containing election matter unless it contains the name and address of the person who authorised the material. Those details must appear or be stated at the end of the material.

Similarly, under section 182 of the Electoral Act, a person must not distribute or again permit or authorise distribution of a how-to-vote card unless it contains the required authorisation details. In respect of how-to-vote cards, those details include the name and address of the person who authorised the card; if the card is authorised by a registered political party or a candidate endorsed by a registered political party, the party's name; and if the card is authorised by an independent candidate, the word 'candidate'. Those particulars must appear at the end of each printed face of the how-to-vote card and be of a stated size.

Those existing authorisation requirements will not be changed by the bill other than to say that, when it comes to providing an address of the person, currently under the Electoral Act it is specified that a post-office box cannot be used. The bill will be amending that particular provision to remove that exclusion which will allow post-office boxes or other types of prescribed addresses to be able to be used as an authorisation detail.

The other key change the bill makes is to extend the period by which those authorisation details need to be provided. As referenced earlier in the deputy director-general's opening statement, currently authorisation requirements only exist, in the usual course of events for an ordinary general election, 26 days before the election is held—that is, after the election writ is issued. The bill is going to amend that period to instead apply to the period 12 months before an ordinary general election is held. That will further increase transparency around these election materials that are produced.

Ms SCANLON: I refer to the department's response on page 14 where it states that 'electoral expenditure caps will continue to operate for State elections and thereby limit the extent to which any political donation received can be applied'. Has there been any discussion or work undertaken in respect of changing the expenditure cap in Queensland for electoral expenditure?

Mr KRAUSE: Point of order, Chair: I think that is a policy issue for government.

CHAIR: I do not know whether the department is able to answer that. Are you able to shed any light on that?

Ms Piper: We are happy to speak to what is in the bill.

CHAIR: I will allow you to provide a response then. Sorry, what was the question, member?

Ms SCANLON: I am asking if the department has been asked to undertake any work in respect of changing the expenditure cap in Queensland for electoral expenditure. This is directly relevant to the department's response on page 14. I am asking whether the settings that are currently in place are continuing or whether they have been asked to undertake work to change those measures.

CHAIR: Member, they can answer questions about the bill before us. You are asking about what might be done outside of the bill or further to the bill. It is not about the bill before us. They can answer questions to the bill before us if you want to have another go. That question is ruled out of order on relevance. You can ask a question about the bill before us.

Ms SCANLON: I refer to the department's response on page 14 where it states that 'caps on political donations will continue to operate to reduce potential risks of corruption and undue influence'. Is the department seriously stating that the bill will continue to reduce potential risks and undue influence despite the fact that this bill now quadruples the amount during a term that someone can donate?

CHAIR: Member, the use of the word are they 'seriously' suggesting is argumentative. I rule the question out of order.

Mr KRAUSE: What measures will continue to be in place in the Electoral Act which address potential instances of corruption in relation to state elections and the changes that are being made in this bill?

Ms Eisemann: I did flag some of the existing features in my earlier response, but I can elaborate on that if it would assist the committee. Essentially, there will be caps on political donations under the Electoral Act which will continue to apply. During the donation cap period, donors must not make political donations of more than $4,800 to the same registered political party, $7,200 to an independent candidate, or a total of $7,200 to candidates endorsed by the same registered political party.

There are also electoral expenditure caps in operation. For example, for the 2028 state general election, which in the usual course events we expect to be held on 28 October 2028, the capped expenditure period, which starts on 27 March 2028 and ends on election day, has expenditure caps applicable to electoral expenditure for the state election. That is provided for by part 11 division 9 of the Electoral Act. There are caps that apply to that of various figures, depending on the nature of the electoral participant.

Further to that, there are disclosure requirements. As the committee is likely aware, Queensland has real-time disclosure laws. That means that gifts and loans are disclosed throughout the reporting period. It covers gifts and loans to candidates, third parties in certain circumstances, political parties and third parties who receive gifts for expenditure for political purposes. Under real-time disclosure laws, gifts or loans must be disclosed within seven business days of receipt. Then, during the seven business days prior to election, the election day gifts and loans must be disclosed within 24 hours of receipt. There are a range of particulars that must be included in that disclosure which is published on the ECQ website. It applies to gifts or loans of more than $1,000 received during the relevant reporting period or disclosure period for the election participant.

Ms McMAHON: I refer to the department's response on page 12 where it states that 'caps on political donations operate on a financial year basis in New South Wales and South Australia'. Isn't it the case moving forward that in South Australia private donations will be banned completely?

Ms Eisemann: It is correct to say in general that political donations will be banned in South Australia, but there are certain residual requirements which relate to new entrant political parties, independent candidates and groups of independent candidates, and also certain third parties who are not registered with the Australian Charities and Not-for-profits Commission. It is a small subset of all electoral participants but there still will be some donations caps operating in South Australia for that cohort.

Ms McMAHON: You made reference to New South Wales and South Australia. Did the department look at the other jurisdictions that are enhancing electoral reform laws, such as South Australia, when developing this bill?

Mr KRAUSE: I think there is an opinion in that question.

CHAIR: The use of the word 'enhancing' is an opinion. Could you reword your question?

Ms McMAHON: If the member does not think that we are enhancing electoral reform—

CHAIR: Member, I was not asking for an opinion on the opinion. Suggesting that a bill is an enhancement is an opinion and you are putting it to the department as a question. I ask you to reword the question without the use of that word.

Ms McMAHON: Thank you, Chair, for your guidance. Did the department look at other jurisdictions when developing this bill?

Ms Robertson: I think it is fair to say, Chair, that obviously in the development of any legislative amendments the department would examine the legislation in other jurisdictions to varying degrees. Ultimately, at the end of the day, an approach on legislation is a matter for government in that space.

CHAIR: In terms of the Electoral Commission involvement in internal preselection affairs, do you have insights into what other jurisdictions do or what Queensland has learnt from that? Can you comment on that?

Mr Kraa: The department is not aware of any other comparable arrangements in other state or territory jurisdictions in Australia or the Commonwealth where their electoral commissions perform regulatory functions in relation to preselection ballots.

Mr BERKMAN: I wanted to turn to the changes around voting rights of prisoners. Is the department able to give us a discrete number of how many people will be disenfranchised by changing that threshold from a three-year to one-year sentence?

Mr Kraa: The department has received some advice around statistics to that effect. I can inform the committee that, as at 31 December 2025, there were a total of 11,468 prisoners in custody. Of those, 597 were sentenced to less than 12 months imprisonment and 2,535 were sentenced to periods between 12 months and three years imprisonment. Therefore, if it assists the committee to give a sense of the breakdown of the effect between now and post the amendments, having regard to that total figure in custody that I mentioned earlier, currently 7,971 of those prisoners would be eligible to vote. That represents 69.5 per cent of the cohort. If the amendments are enacted, reducing that prohibition down to one year, the number who would be eligible would be 5,436 prisoners of that cohort, which represents 47.4 per cent.

Mr BERKMAN: Thank you that is very helpful. There are no secrets around the over-representation of Aboriginal and Torres Strait Islander people in Queensland's so-called justice system, so these voting changes will indirectly discriminate against Aboriginal and Torres Strait Islander prisoners as a consequence. Is there a reason that the discrimination around the right to participate in public life is not addressed in the explanatory notes or the statement of compatibility?

Mr Kraa: In terms of what I might be able to offer to assist with that, as outlined in the explanatory notes, the policy objectives of prohibiting voting by a person serving sentences of imprisonment or detention of one year is to refine the eligibility to vote to a narrower class of prisoners and persons serving sentences of detention. That is having regard to the culpability of their offending to enhance civic responsibility and to increase public confidence in the integrity of electoral processes by not allowing elections to be influenced by those who show disregard for the rule of law.

Mr BERKMAN: What evidence or information can the department provide to support the claim that these changes will enhance civic responsibility?

CHAIR: That is probably a policy matter, but I will allow you to answer it as best you can.

Mr Kraa: I would probably need to echo that sentiment in that the rationale and objective for the amendments is as I have outlined. The determination around a certain length of imprisonment that reflects those objectives—to achieve that outcome is ultimately a matter for the government to determine.

Mr BERKMAN: In terms of the availability of any evidence for this committee to consider is, is there any evidence around enhancing civic responsibility that the department can point to for our consideration?

Mr Kraa: I am not sure if we are able to offer anything in addition to the department's written response that we have already provided to the committee.

Mr KRAUSE: It is clearly a matter of public record that the government made an election commitment to remove the ban on property developers donating to state elections. This bill is part of achieving that election commitment. Are you able to explain what the Commonwealth and New South Wales do with their political donation cap periods and under this bill how similar arrangements will be in respect of Queensland arrangements to the Commonwealth and New South Wales?

Mr Kraa: Just to clarify, this was in relation to donation caps and the periods they relate to.

Mr KRAUSE: That is correct, in relation to political donation cap periods under this bill and how similar arrangements in Queensland compare to the Commonwealth and New South Wales?

Mr Kraa: Thank you for that clarification. As the member is aware, under the bill the donation cap period will apply on a financial year basis. This is similar to the position in the Commonwealth that will take effect from 1 July 2026 which is going to apply various caps on donations to a calendar year basis—that is a calendar year rather than financial year but, again, a 12-month period effectively. It is also similar to the position in New South Wales which applies various caps on donations on a financial year basis. Those are the jurisdictions that the bill would have some similarity to. Victoria, just for the committee's benefit, also has caps on donations. However, these apply in relation to the four-year election cycle. South Australia, which we canvassed earlier, has the broad-based cap. However, there are some for that smaller cohort that my colleague Ms Eisemann outlined earlier.

Ms SCANLON: In respect of the CCC's submission, which does not support the bill but indicates that additional transparency measures and reporting measures be put in place if the bill were to be passed, has the department undertaken any further analysis of how to implement such amendments or changes, noting that the Property Council also seems to be supportive of such changes in their evidence this morning?

CHAIR: That is probably a policy matter for government too, but I will allow you to answer if you have anything to add.

Ms Robertson: Ultimately, that is a matter for government in that space.

Mr KRAUSE: I would also say, Chair, it is a hypothetical question because the bill has not been passed.

CHAIR: The department has answered appropriately that it is a matter of policy. I will move to the member for Thuringowa.

Ms MARR: We spoke today about the changes to the authorisation allowing post-office boxes. It did occur to me that people were concerned about their private addresses being used. Do you think that this will lead to more people wanting to get involved in the democratic process? Do you think this change will allow people to have more confidence in putting their hand up?

Mr Kraa: The stated policy objective of providing or allowing for post-office box addresses to be used, or some other address that may be prescribed, is to address privacy and safety concerns, particularly for candidates who may be in a position where they are required to provide their own personal residential address. I probably cannot add any commentary around whether that may be likely to increase civic engagement or people running for candidacy.

Ms MARR: So the intention was to make people more confident that their privacy will be looked after during an election?

Mr Kraa: That is correct. It was to address those privacy and safety concerns that we understand have been expressed.

Ms MARR: Thank you.

Ms McMAHON: I would like to go back to the matter of prison voting restrictions in this bill. In light of the Roach High Court decision in respect of prisoner voting, has the department sought any Crown Law or Solicitor-General's advice on the constitutionality of these amendments?

Ms Robertson: Respectfully, the issue about legal advice is a matter for the Attorney-General to answer in that space.

CHAIR: Do you have any follow-up questions?

Ms McMAHON: I was just asking whether they had or had not sought legal advice.

CHAIR: That is something you could ask the Attorney-General. It has been answered.

Ms Robertson: It is part of the process, and that would be a question you would ask the Attorney-General. It is not appropriate for a public servant to disclose.

CHAIR: My question relates to prison voting as well. Can you unpack for the committee the process of how the ECQ will collaborate with Corrective Services to ensure the administration of the voting? How will that occur? What is the process for prisoners who are eligible to vote?

Mr Kraa: In terms of ensuring the Electoral Commission can determine who is eligible to vote, there are some existing and also clarified frameworks through the bill to ensure the commission can request the information they require from both the chief executive of Corrective Services and the chief executive of Youth Justice to determine those individuals serving sentences of a certain length so they can determine who, in fact, is eligible to vote. The ability to request that information is included in the act and is also provided for in the bill. In terms of the practical process for how prisoners can cast a vote, electors who are serving a sentence of imprisonment or are otherwise detained in lawful custody and are eligible to vote do so under the Electoral Act by making a declaration vote. This can occur in several ways. One would be registering as a general postal voter and making a postal vote. As I understand may have been outlined in the commission's evidence before the committee, mobile polling is another measure that might be used. Ultimately, the practical realities of how this process is conducted at each election is probably a question best put to the Electoral Commission as it may involve certain practical realities between Corrective Services and the commission in how they conduct that process.

CHAIR: I did flag that with them and they provided an answer as well. Thank you for your response to that. I do have one follow-up question about the eligibility. Just so I understand it: a prisoner, for example, sentenced to two years imprisonment is ineligible to vote, but if they are paroled after, say, nine months does that make them then eligible to vote? What are the parameters around sentence, parole et cetera?

Mr Kraa: Thank you for that question clarifying the provisions. Under section 106 of the Electoral Act and the equivalent provision in the Local Government Electoral Act, the prohibition on voting only applies to someone who is in full-time detention. They must be in full-time detention to be prohibited. If they are on probation or under some other order where they are not in full-time detention, and if they meet the other requirements, the prohibition does not apply to them and they are eligible to vote.

CHAIR: What about a home detention situation with ankle bracelets?

Mr Kraa: My understanding is that would not constitute full-time detention in a Corrective Services facility.

CHAIR: Thank you for that clarification. Member for Maiwar, do you have any further questions?

Mr BERKMAN: Yes, I do. I note that the Public Service has referred a number of questions to the Attorney-General. It is clear the Attorney-General has material that we would benefit from having before we report back to the parliament. I move that the committee writes to the Attorney-General asking all of those questions and requesting a response to allow the committee's consideration.

CHAIR: A motion has been moved. We will move into a private session. We are very close to the end, but I will have the department wait outside for us for a moment, please.

Proceedings suspended from 12.21 pm to 12.24 pm.

CHAIR: I will recommence the hearing. With just a minute left, I will wrap up. That concludes this briefing. Thank you to everyone who has participated today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. A question from the member for Maiwar was taken on notice and your response will be required by close of business on Thursday, 22 January so that we can include it in our deliberations. I declare this public briefing closed. Thank you for your attendance.

The committee adjourned at 12.25 pm.