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 HEARING—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 9.30 am.

CHAIR: Good morning. I declare open this public hearing 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; Jon Krause MP, member for Scenic Rim, who is substituting for Russell Field MP, member for Capalaba; the Hon. Meaghan Scanlon MP, member for Gaven, who is substituting for Peter Russo MP, member for Toohey.

This hearing 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 hearing at the discretion of the committee. 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 times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to press your microphones on before you start speaking and off when you are finished, and please turn your mobile phones off or to silent mode.

LEWIS, Mr Wade, Assistant Electoral Commissioner, Electoral Commission of Queensland

THURLBY, Mr Matthew, Director, Funding, Disclosure and Compliance, Electoral Commission of Queensland

CHAIR: I now welcome representatives from the Electoral Commission of Queensland to our hearing. Good morning. I invite you to make a brief opening statement before we proceed to questions.

Mr Lewis: Thank you, Chair. Thank you to the committee for the opportunity to appear today; we are grateful for that opportunity. The Electoral Commission of Queensland was pleased to make a submission to the committee and I will provide a brief opening statement.

The ECQ is an independent statutory authority that delivers state and local government elections and regulates compliance with funding and disclosure laws in Queensland. Therefore, our aim today is simply to outline any operational impacts of amendments proposed in the bill, and we do not intend to comment on policy decisions of government.

The ECQ appreciates the consultation from the Department of Justice during the development of the bill which has allowed us to understand and plan for the amendments that have been proposed. The 28-day transitional provisions proposed in the bill are sufficient to implement any changes to internal ECQ systems that may be required, and that should limit the impact on any by-elections that may be underway if the bill passes.

The ECQ notes that the amendments related to prisoner voting eligibility will be effective on a date set by proclamation.

The Queensland electoral roll is managed by the Australian Electoral Commission under a joint role agreement. Therefore, consultation should occur with all parties prior to the date being set to ensure that the proposed amendments can be implemented effectively.

I would also like to comment on two other aspects of the bill. The ECQ has an active audit program related to preselection ballots which is discharged in accordance with the current legislative framework. The ECQ has specialist capability as part of its permanent establishment to lead such work. The removal of the ECQ's oversight requirement will be simple to implement and will not affect either the need for or value of this auditing capability which the ECQ will redeploy to other funding and disclosure priorities.

The ECQ acknowledges that the removal of the ban on property developers making political donations at state elections has and will continue to generate interest. Implementation of the change to the regulatory regime as it relates to these elections, however, will be relatively simple to effect. Similar to the preselection ballot change, the ECQ's ongoing need for relevant capabilities in its establishment will not be affected, given the ongoing nature of the scheme for the local government sector. We would be happy to expand on what that change program looks like if it would interest the committee.

Again, I would like to thank you for the opportunity to appear today and we are happy to answer any questions the committee members may have.

CHAIR: Thank you, Mr Lewis. I want to start by exploring the current procedures in law in the sections that the bill is seeking to amend or delete, noting that the current definition of 'prohibited donor' in section 273 is quite a long definition—700-and-something words—and that you had responsibility for making determinations under section 277. I note that the law only allows you to make a declaration that a person is not a prohibited donor, but it does not allow you to assure a person that they are a prohibited donor, yet you have the responsibility for determining whether the law has been broken in this respect. How is that confusion or that difference been operationally for you, and what confusion has it caused, if any? Can you unpack that?

Mr Lewis: I will make a few brief statements and I will hand over to Matthew who administers this part of our legislation. We have a couple of tools available to us and to donors in the system. One is a self-assessment tool that is available on the ECQ's website to enable people to go through that process of outlining their own particular circumstances and arriving at a conclusion about whether they may or may not be a prohibited donor. The other is through the determination process itself. It is a pretty extensive application process, if anyone has been through that before. Under the scheme, as it exists now, someone can make an application for that determination. That delegation usually has come to me from the Electoral Commissioner to make that determination. I believe we have made something like 67 determinations since the scheme was implemented, so it is a very tried and tested application and assessment process that we use for that.

We had prepared, at the time that that scheme was launched, extensive stakeholder engagement materials. We held many stakeholder engagement meetings as well, particularly with the Property Council, with political parties and so forth, and we continue to engage with donors of all kinds but including in that cohort, as well as party officials, to understand how we work with them and how the application process and donation process works for them.

In summary, from my perspective, we have quite a few tools available to people to help them reach that conclusion themselves. Matthew's team spends many days talking to potential donors and actual donors as well about their individual circumstances to assist them in making that determination. You would know that in the past there have been situations where we have recovered donations as well. There has obviously been some media and some court cases related to the scheme as well, so a lot of that material is available on our website for people to review, including court outcomes and the commissioner's statements about how we would enforce those aspects. I will hand over to Matthew for any further articulation.

Mr Thurlby: The only other thing I would add is the determination process is also a voluntary process that potential donors can go through to—ideally in their mind, I am sure—get a determination to provide them with legal certainty before they make a donation. That is distinct from our other investigation and enforcement capabilities. If we had information to hand that a donation had been made by someone who is potentially prohibited, we have powers, if we have a reasonable belief of that offence, to compel that information from the council if we need development application information or a political party if we need evidence of donations, things like that. As part of that process, we will go through a right of response, natural justice procedure with the donors and allow them to challenge any of that evidence or any of those findings we have made. From there, we can still use that information we have gathered, as Wade alluded to, to either recover a donation, which is the most common course, but we can go further and do prosecutions if we need to.

CHAIR: So, ultimately, you do have to determine if someone is a prohibited donor?

Mr Thurlby: Outside the determination process, yes, but as a first step, if we have doubt we would always encourage a donor to apply through the determination process first because that is often the most efficient way to resolve the matter.

CHAIR: Very complex.

Ms SCANLON: Mr Lewis, I note that your submission states that the ECQ has already commenced working on implementation of the proposed amendments. In working on your new material, has the ECQ read and taken into consideration the very strong views put forward by the Crime and Corruption Commission regarding the increased risk that this bill will have on the integrity of the electoral system in Queensland?

Mr Lewis: Yes, absolutely. We always read the CCC's materials when they release them, whether they are parliamentary submissions or otherwise. We believe that that is a matter for government. Our role is essentially to implement the scheme, as the parliament and the government passes that. We do work very closely with the CCC obviously, on occasion, as required, but we obviously have taken note of those comments they have made.

Ms SCANLON: Has the ECQ met with the CCC in relation to these changes, particularly given that these laws that are being amended obviously stem from that original Belcarra report that was commissioned by the CCC?

Mr Lewis: No, we have not met with the CCC yet, but I would anticipate we would do that during the implementation of the changes to the scheme.

Mr KRAUSE: I would like to ask the commission about the proposed bill and the requirements for a prohibited donor declaration still being required to be given when it comes to property developers to ensure donations are not used for local government electoral purposes. Can you explain for this committee how important those declarations are from ECQ's perspective in terms of conducting compliance operations for local government elections?

Mr Thurlby: The restricted donor statements, which is what I think maybe you are referring to, to clarify, are essential to the framework because they are effectively what makes the donation from the property developer or prohibited donor a legal donation. There are similar requirements under the Electoral Act currently for political donations: donors have to give a donor statement if they wish to make a political donation. From that perspective, we do not expect it to be a new requirement as such, as political parties are used to collecting that type of information from donors, but it is absolutely essential to the framework in order to make sure that the influence of the donations does not make its way into the local government electoral sphere.

Ms McMAHON: I wanted to ask some questions around the changes to the authorisation process on materials, specifically allowing post-office boxes rather than addresses. How, in practice, does the ECQ ensure that these are legitimate people with legitimate post-office boxes that may be able to be contacted if there is a matter that needs to be investigated? Is there some way that the ECQ will actually be keeping a record of who these people are and what their actual addresses are?

Mr Lewis: That is a good question. Absolutely. Through the nomination process, we understand the personal information and details of candidates as well, as well as their agents if that is in play. Likewise, in preparing election material, Matthew and his team in particular engage very closely with people who publish, produce and release how-to-vote cards and election material, whether that is prior to election or during the election period, so I am pretty confident that we would be able to identify those individuals.

Ms McMAHON: As a follow-up question, that is obvious for candidates and personal security, but what about for third parties that are releasing materials that go into letterboxes and whatnot? Are they also required to provide their details to ECQ?

Mr Thurlby: Only registered third parties are required to provide information to the ECQ as part of their registration process. It is quite a high threshold. To become a registered third party, you need to be spending $6,000 or more in electoral expenditure for an election. For that cohort who stayed below the $6,000 threshold, while we do not necessarily collect information from them, if we identified election material being distributed to electors and we had reason to doubt the legitimacy of that address, we could use our powers to request information from Australia Post, for example, to confirm who is the correct owner of that PO box. We also have access to a range of other information, like the electoral roll. If we had to find an individual for those purposes, we could. It is not necessarily a new problem. We currently have to deal with individuals in particular, as well as other organisations, distributing anonymous election material. It is largely the same challenge, so it is not new to us.

Ms McMAHON: Finalising that line of questioning, that information about who these people are who are authorising it, is that information strictly to be held by ECQ or will registered parties be able to get access to who the people are who are authorising these materials that meet that threshold?

Mr Thurlby: To clarify, member, this is in relation to the non-registered third parties?

Ms McMAHON: No. Going back to the authorisation for materials in line with a normal campaign and those that meet the threshold as well as being candidates, is that information held by ECQ or is there an ability for registered political parties to obtain that information?

Mr Thurlby: We do not collect authorisation addresses. There is no requirement for a political party or a candidate to tell us what address they are going to authorise their material with. We do not collect that information and it would not, therefore, be available to the political parties or anyone else, at least via us.

Ms Marr: Further on that—and I have had a bit of feedback from independent candidates, especially at one of our elections locally where there were a lot of independent candidates—did you have people contacting you, or have you experienced any concerns about people having their private addresses on the authorisation? It was brought up with me quite a bit, especially for smaller areas where I come from where it is quite easy to find somebody from a corflute.

Mr Thurlby: It is not an uncommon question we get from, like you said, independent candidates in particular who are concerned about that. That is all I can say. It is something we do get often.

Ms Marr: How have you managed that in the past?

Mr Thurlby: We have provided a number of options. One is if there is a friend or associate of the candidate who is willing to take responsibility for the authorship of any of that election material, then they could authorise it on the candidate's behalf and use that person's address. Alternatively, if the candidate has another address where they are potentially contactable, like a business address or something like that, they could use that.

Ms Marr: Regardless of those, it is still a safety concern for most candidates?

Mr Thurlby: Yes.

Mr BERKMAN: As far as the EN tells us, ECQ was the only organisation consulted, I understand, and you would be aware that one of the purposes of removing the developer donation ban is to create more equal opportunities to participate in state elections. Was ECQ, in that consultation, asked to provide any alternatives to achieve that objective around equal opportunity, specifically any alternatives to reversing the developer donation ban or quadrupling the donation caps over the term?

Mr Lewis: No. The main purpose of the consultation was to understand the implementation process for the proposal.

CHAIR: With regard to prisoner voting, I am interested in how that occurs practically. There will be changes to the number of prisoners who can vote under this bill. How do you go about allowing prisoners to vote? Is it physical attendance at prisons? What are the security arrangements? How does all that operate?

Mr Lewis: It has been a mixture of things over the years. For example, during the COVID elections, we worked with Corrective Services in terms of postal voting for prisoners. Sometimes mobile polling teams are sent to the prisons to conduct in-person voting. I know from talking to my colleagues in other electoral commissions that there are various models that people employ for facilitating that voting. It does depend a little on the cohort that is voting and the nature and location of the facility.

CHAIR: Are they able to postal vote, for example?

Mr Lewis: Generally speaking, it is an in-person voting service we provide, but obviously during COVID we had to pivot and provide a different kind of service in that environment. It is largely in-person voting, as I understand.

CHAIR: What electorate do they vote in? Is it the location of the prison or another address?

Mr Lewis: Chair, I will have to take that on notice, unless Matthew can tell you.

Mr Thurlby: My understanding is that it is what their last enrolled address was before they entered the detention system.

CHAIR: Thank you. That concludes the time we have allocated for your evidence. I thank you for your attendance today.

SPENCER, Mr Mark, Operations Manager, Family First Queensland (via videoconference)

CHAIR: I now welcome Family First Queensland to our hearing today. Good morning. I invite you to make a brief opening statement before we proceed to questions.

Mr Spencer: I will, briefly. Firstly, I want to give an apology from our National Director, Lyle Shelton, who normally would have appeared before the committee, but he is overseas at the moment on leave.

To give you some context for Family First, we are a registered political party in Queensland, New South Wales, ACT, Victoria, South Australia and federally, and have contested elections in each of those jurisdictions. I have been in my role as Operations Manager on a part-time basis for a little over a year now. My professional background is chartered accounting with qualifications in accounting, governance and law.

We do appreciate the opportunity to appear today and for the committee to look at our submission. In the brief time we had to prepare our submission before the Christmas shutdown, we did review the bill. With the aim of the bill being to improve and restore fairness and equality to the regulation of elections, we proposed some amendments for the government to consider making to the bill, to deal with some relatively minor administrative issues which would further those aims. The first of those is in relation to the qualifications of auditors which, at the moment under the Electoral Act, requires them to never have been a member of a political party. That is quite a broad exclusion and one that is inconsistent with any other jurisdiction in Australia. Only Victoria and South Australia require returns to the electoral commissions there to be audited, and in both cases they merely require a registered company auditor or, in South Australia's case, a registered company auditor who has not been a member of a party in the last decade. We think a much narrower exclusion still maintains independence. Auditors, under their professional obligations, are required to be independent and meet independent standards, and it would preclude a range of people who may have no active involvement in political parties from acting in that capacity.

Our second recommendation was in relation to the requirement to keep state campaign accounts, particularly by candidates. We understand why that is the case because of the construction of the legislation with the caps on both donations to parties and candidates. But, in our case, and we understand the case of other parties, where all expenditure is run through the party account, it is unreasonably onerous to require every individual candidate to also establish a bank account for their campaign account which is largely, in establishing that account, leaving it empty and then closing it after an election period. Apart from the administrative burden, we also have anecdotally heard, but, I have to admit, cannot provide any confirmation of this, that doing that sort of thing—opening and closing accounts repeatedly and not using them—may trigger flags under the Commonwealth's anti-money laundering counterterrorism financing legislation, which obviously we do not want to do.

The final recommendation was around the requirement to obtain donor statements for minor and/or recurring donations. Again, it is just another impost administratively on particularly smaller parties, and we see little benefit to that, particularly in relation to donations under the gift threshold or recurring donations. The donor statement requirement is a requirement upon donors to actually complete a statement. They are making a donation to a political party. They are often unsophisticated and unaware of the particular requirements of the Electoral Act. It is an impost and burden upon them and their participation in the political process. I am happy to take any questions from the committee, Mr Chair.

CHAIR: Thank you, Mr Spencer, and thanks for appearing before the committee today. As a political party, I wanted to explore with you your experience with the prohibited donor scheme that this bill seeks to amend as a political party, noting that the very broad definition of 'prohibited donor' in section 273 of the Electoral Act is some 700 words. I imagine your political party, as a values-based party, would have many people who want to donate to your party who may get caught up in that expression. What experience has the party had to try to determine whether or not a voter is captured there or whether you are losing support from people who want to support you et cetera? What has been your experience with the current scheme?

Mr Spencer: As a party that is operating across a number of jurisdictions, I have to be honest and say it is frankly quite challenging to stay on top of all the different requirements. They do vary across jurisdictions, and the requirements in Queensland are probably the most onerous in relation to ensuring that donors meet the particular requirements of the act. Again, they are largely not sophisticated people. They want to support our values-based party, and they may make donations by contact with our volunteers who also do not have a detailed working knowledge of the legislation. It

has proven to be problematic, both in Queensland and in other jurisdictions, where we have had people who want to support us have made donations, but we have had to return those in some cases because they fell foul of the Electoral Act requirements.

Ms SCANLON: I note at the bottom of your submission it has a South Australian post-office box.

Mr Spencer: Yes.

Ms SCANLON: In respect of political donations and the fact that conservative parties in South Australia have supported the new donation laws which have banned all private donations does your organisation have a position on that particular approach?

Mr Spencer: That may be above my pay grade, but we were caught up by the bans in South Australia. We have not raised money there since 1 July. That is a challenge for us. We were able to raise significant funds before that ban came into place. We would not be supportive of that ban being introduced more widely. As I said, we operate across jurisdictions. Our administrative office happens to be in South Australia—that is why the PO box is there on our letterhead—but we meet the requirements of the legislation in the various jurisdictions. For us, we are very dependent upon the valuable support of our donors who care about our cause, care about our values and want to see our people elected.

Mr KRAUSE: I wanted to ask in relation to the removal for the requirement of ECQ involvement with internal preselection ballots. Could you tell the committee, please, of Family First's experience with that, if any, in relation to Queensland law and Queensland preselections for Family First?

Mr Spencer: We have taken deliberately a different approach and do not have internal preselection ballots, partly to avoid having the complexity of having the ECQ involvement which, for a small party with low admin abilities and heavily reliant upon volunteers, would just add another significant burden. Ironically, the removal of these requirements may increase the democratisation of our preselection process which seems to be a rather perverse outcome from the removal of these requirements.

CHAIR: Member for Macalister?

Ms McMAHON: No further questions from me, Chair.

CHAIR: Member for Maiwar?

Mr BERKMAN: I am good, thanks, Chair.

CHAIR: Member for Gaven?

Ms SCANLON: No further questions, Chair. We would appreciate more time with other witnesses, particularly the CCC.

CHAIR: The CCC is not appearing today, member.

Ms SCANLON: That is a shame.

Ms Marr: I would like your opinion or what you would say to the critics who argue that the bill weakens democracy rather than strengthens it. What is your view on that comment?

Mr Spencer: As we have indicated in our submission, we are broadly supportive of the bill as a whole. We think it could actually go further, as we have recommended, so we reject those suggestions.

Ms Marr: So you believe that it improves fairness, integrity and a common sense of the Queensland electoral system?

Mr Spencer: We do.

CHAIR: Mr Spencer, I note the Family First support for the prisoner voting threshold being brought forward to those sentenced to 12 months or more in prison. Can you expand on why Family First supports that part of the bill?

Mr Spencer: We do note it is not an ongoing prohibition and we consider that the responsibility to vote is a right. For those who breach our laws, there is punishment for those crimes—incarceration—and we believe it is also appropriate for those who are incarcerated to lose the privilege of having a say in democracy for the period while they are in jail.

CHAIR: Do you believe that 12 months is a reasonable threshold under the law or would you like to see something different to that?

Mr Spencer: We do not have a strong view on that. We have been supportive of the proposals in the bill, as proposed.

Mr KRAUSE: Mr Spencer, in relation to the proposal before the committee about developer donations, is it your view and the view of Family First that singling out one class of lawful business for prohibition in that donation process, while permitting others, undermines equality in democratic participation in the community?

Mr Spencer: I am happy for those words to be put in my mouth.

Mr KRAUSE: Did you say you are or you are not?

Mr Spencer: We are happy to have that proposal supported. We think there should be a level playing field across those who can participate. We do note the recommendation of the Belcarra report was limited to local government, and we believe that is an appropriate standard.

Ms Marr: Family First supported moving donation caps to a financial year basis. Can you explain to us why that makes more sense than the election cycle caps for a party like yours?

Mr Spencer: It provides a much easier way to manage and administer them and make sure we are being compliant, consistent with the Commonwealth laws, looking at the calendar year basis, and it will provide a whole lot of ease in administration and also allow a greater involvement by people, we believe, across the whole electoral cycle.

Ms Marr: Are you saying it is a fairer and easier process for those who are not from larger political parties, so Independents as well—it makes it fairer for them to manage?

Mr Spencer: I can cannot speak on behalf of Independents, but for our party, we are happy for that proposal.

Mr KRAUSE: Mr Spencer, you mentioned a couple of times the administrative costs of compliance with the current legislation. Can you put a number on that in terms of numbers of staff that are devoted to complying with Queensland regulation at present or a monetary figure for what that costs and how much of a percentage of turnover that makes up for Family First?

Mr Spencer: Not off the top of my head. I may be able to come back to you with an answer on notice, if that would be helpful.

Mr KRAUSE: See how you go.

CHAIR: Do you have a follow-up?

Mr KRAUSE: No, I think Mr Spencer is agreeing to take that on notice.

CHAIR: Mr Spencer, with Family First's experience right across jurisdictions in relation to the various laws in relation to prohibited donors or prohibition on all donors et cetera, what are your thoughts in relation to a single entity such as property developers being highlighted as some corruption risk, and can you see any other donors that might seek to influence trade unions, for example, or mining companies, or other organisations? Do you have any comments in relation to property developers being singled out as the bad guys in this situation?

Mr Spencer: If you can arrange for some donations to us from trade unions and mining companies, we would very happily consider those. Most of our donations are, I should make clear, from mums and dads. We do not tend to have a lot of business donations, but some of them are small business people. Some of them may be small business people who fall within the definition of 'property developer'. They would like to support us and would like to support our values and see that reflected in the political process. Singling them out as a corruption risk, particularly at a state government level, where again, in our context, we are not talking about large, multinational corporations who might have significant projects across Queensland; we are talking about much smaller developers. In that context, we do not see any particular identifiable corruption risk around those people in the state election context.

CHAIR: So, anyone who donates to your political party, in your experience, generally is donating because they believe in your values and what you stand for, but that they also operate businesses which may deal with government or may seek government approvals et cetera, and there is not necessarily a corruption risk with every single one of them audited in whatever business they are in. Would that be a fair statement?

Mr Spencer: The nature of our party is we are a values-based party, clearly, and people are donating to us and supporting us for those values, rather than any particular business interests.

Mr KRAUSE: Mr Spencer, you touched on a point earlier where I think you noted with some irony that the removal of ECQ oversight for preselections may increase democracy within Family First preselection processes. I have a slightly different question in relation to that: do you have a view about state oversight of preselections and whether that is, or could be, an intrusion into freedom of political association when it comes to that oversight role of the ECQ?

Mr Spencer: The ECQ clearly has a role in relation to the fairness, operation and conduct of the electoral process. We think it is quite a strong risk for the ECQ to also have a role in terms of the internal party processes. We believe that is a matter, as a general principle, for the parties to determine. As the parties are doing that in accordance with the law, there is really no matter for the ECQ to get involved, and there was a great risk of them becoming involved in those processes and becoming partisan in doing so.

Mr KRAUSE: To those critics—and there would be some, I suppose, who argue the bill may weaken democracy rather than strengthen it—do you have a response?

Mr Spencer: We would respectfully disagree.

CHAIR: There being no further questions, we thank you for your time, Mr Spencer. We appreciate you appearing via Zoom today. Mr Spencer, you did take one question on notice. I indicate that your response is required by close of business on Thursday, 22 January so that we can include that in our deliberations. Is that doable for you, sir?

Mr Spencer: If the information is available, it will be provided by then.

CHAIR: Wonderful. Thank you very much and thanks again for appearing today.

BROWNE, Mr Bill, Director, Democracy and Accountability Program, The Australia Institute (via videoconference)

CHAIR: I now welcome Mr Bill Browne from the Australia Institute. Good morning. I invite you to make a brief opening statement before we move to questions.

Mr Browne: Thank you for the invitation. The Australia Institute's submission to the inquiry into the Electoral Laws (Restoring Electoral Fairness) Amendment Bill covers four major points. One: the timing of the bill. Having this inquiry run over the quiet holiday period limits the ability of the committee to investigate the consequences of the bill for Queensland democracy. That is particularly concerning given that submissions, including from the Crime and Corruption Commission, have warned that the changes are a significant departure from Queensland's robust political donations framework.

Two: the ban on property developer donations. Lifting the ban on property developers making political donations is a retrograde step. The ban is targeted, constitutional and based on well-established corruption risks. Lifting the ban risks clientelism where decision-makers put the interests of their patrons above the public interest. Alleged property developer corruption is frequently the subject of corruption investigations. It is hard to think of a better targeted restriction on political donations than a ban on property developers, nor are established political parties short of money. At the last election, the Liberal National Party was entitled to $8.6 million in taxpayer funding, the Labor Party to $6.7 million, and the Greens and One Nation to millions of dollars between them. The taxpayer provides this funding to, in part, compensate political parties and candidates for lost revenue so that they do not need to take private money that could compromise trust in decision-making.

Three: moving from a per-four-year term to a per-year donation cap. While donations caps are a fraught issue, moving from a per-term cap to a per-year cap serves to benefit incumbents who operate year in, year out at the expense of new entrants. The effect is that a major party fundraising vehicle could collect four times as much in corporate subscriptions than a new political party or an emerging independent candidate that will effectively be constrained by the old cap. You could raise the donation cap, but keep it per-term, or pursue a mega donor cap as a replacement for a donation cap which would limit any political donor's involvement by capping the overall amount they can give, rather than how much they can give per recipient. This gets around the problem of donation-splitting between like-minded parties or candidates.

Four: prohibiting those sentenced to more than a year of imprisonment from voting. Prisoners should not have their voting rights limited any further than they already are. No good policy reason has been given for restricting voting rights. Prisoners are more vulnerable to misuse and abuse of state power than almost anyone else in Queensland. In addition, voting is a reminder to prisoners that they are part of, and are responsible to, the community. Thank you.

CHAIR: Thank you, Mr Browne. Thank you for appearing from Canberra this morning. I note that you are the author of the submission that was made to the committee; is that correct?

Mr Browne: That is right.

CHAIR: On page 1, you say the Australia Institute is an independent public policy think tank. In relation to that independence, are you or have you ever been a member or affiliated with a political party in particular?

Mr Browne: I have, yes.

CHAIR: What party?

Mr Browne: I was a member of the ACT Greens and was employed by them 13 years ago, from memory, very briefly.

CHAIR: Did you undertake any fundraising for political donations in that capacity?

Mr Browne: I was fundraising coordinator which was a part-time role for, I think, six months or so.

CHAIR: Can you assure this committee that your advice here on behalf of the institute is independent and not a political opinion or an opinion from your political past?

Mr Browne: Yes, I can assure you of that. The vast bulk of our research into how political finance works in Australia has been from the last four years or so. We have articulated principles of fair political finance reform which go to questions of proportionality as well as ensuring a level playing field, and a fair political finance system benefits everyone who participates in the political process.

CHAIR: Do you support what is essentially the Greens policy of no corporate donations, not just from property developers? Would you support a blanket ban on corporate donations?

Mr Browne: No, I would not. Indeed, donation caps as a whole are a fraught issue. One of the reasons we focused on identifying fair political finance reform was a sense that it could be easy to make sweeping changes that do not consider the downstream effects of those changes, in particular how they change the competitiveness of elections. I identify that in particular our work in South Australia where there has been what is almost a blanket ban on political donations—at least to establish political players—and I think that is fraught with danger precisely because it lacks nuance. I am not familiar with the Greens particular policy on corporate donations, but it is certainly not something I have recommended or pursued.

CHAIR: To clarify, property developers are currently prohibited. Would you advocate for adding to the prohibition trade unions, for example, or mining companies or licensed venues, or any other companies that rely on government decisions?

Mr Browne: I think that it is worth looking into what you might extend a ban to. New South Wales has extended its ban, for example, I believe to alcohol and tobacco, but there might be others as well. Indeed, when there was a particular controversy around management consultants at the federal level and their relationship to government, one thing we looked at is the involvement of government contractors and the contributions that they make to government and how that can undermine public trust when those same contractors then receive contracts from the government.

CHAIR: I certainly agree that it is unfair to single out one group, but we will move on.

Ms SCANLON: Mr Browne, since the implementation of the Belcarra reforms and since the election of the LNP government, there has been increased power for Jarrod Bleijie as the planning minister in the state government to review and approve developments. In light of the CCC's submission that they are concerned about 'increased risk of actual or perceived corruption' in relation to this bill, does the Australia Institute support the CCC's position?

Mr Browne: Certainly I do not support lifting the ban on property developer donations. I think the CCC, from memory, recommended that changes, for example, around transparency be made, and that certainly made sense to me if it were to be lifted.

Mr KRAUSE: Thank you for appearing before us this morning. I want to note for the record that the Belcarra report back in 2016-2017 did not explicitly recommend that there be a developer donation ban implemented at the state level. My question relates to your argument that property developers present an undue corruption risk. Why do a broader class of donors, especially including trade unions, not present, in your view, similar risks if their activities are also tied to government decision-making, and putting that in the context of Queensland where, in previous terms of government, we have seen procurement and wage policy decisions made by government that were influenced in some ways by the trade union movement and have had significant effects through the economy? How do you say that those trade union influences do not present such a risk in the same light that you claim that property developers do?

Mr Browne: I am not familiar with another sector, including trade unions, that has been the subject of nearly so much concern around interference in government decision-making and alleged corruption. The submission we made points to a number of inquiries by anti-corruption watchdogs into the involvement of property developers and, indeed, that that involvement and alleged corruption risk occurs at state, local and federal government. There are, of course, concerns with other sectors or other groups, but, to my knowledge, nothing like the same magnitude.

Ms McMAHON: As a representative of the Australia Institute you are aware of various different jurisdiction reforms that are occurring. Are you aware of any other jurisdiction that is weakening electoral donation laws?

Mr Browne: Of course, it depends on your definition, but I am not aware of any jurisdiction that is moving to lift restrictions on donations where they already exist, and I am not aware of any jurisdiction where they are proposing to raise donation caps, although, as I say, I am sympathetic to that, depending on where the cap applies.

Ms Marr: You highlighted corruption risks around planning decisions which are typically made at the local government level affect all levels. How do you respond to the argument that state level planning and approvals are already subject to a high level of transparency and stricter anti-corruption oversights than we see in local councils?

Mr Browne: That may be true, but I do not think that would be enough to satisfy concern that, even with those stricter rules, there are still great vulnerabilities there. The fact that the anti-corruption commission is concerned about these changes I think points to that. It was long held in Australian politics that corruption risk became less severe as you moved up—so, greater levels of corruption at

local government, less at state and again less at federal—but there is wide concern about corruption even at the federal level and, indeed, that was evidenced by the implementation of the National Anti-Corruption Commission a couple of years ago. I think there may be greater chance of detection at the local level, or that corruption is less common as you go higher, but the consequences of that corruption are greater. Either of those would still militate being very cautious about corruption at all levels of government, even if it may be acute at one level more than the other.

Ms Marr: Are you saying that with the Belcarra report coming out, just including local government, that that report was not sufficient to cover all levels of government?

Mr Browne: As I understand it, that report was tasked with looking at local government. I would not say that it is inadequate because, of course, commissions can hold multiple inquiries and can look into differing issues. As I understand, it was limited. That is not a criticism of the commission, but it is not enough to be decisive.

Mr BERKMAN: The overarching policy and objective of this bill, according to the EN, includes to increase public confidence in Queensland's electoral process. Your submission, I think, makes quite clear that you do not agree that it will achieve that objective, nor improve democracy in Queensland broadly. If you were to take into account the full suite of options—everything from open slather, no donation or spending caps or any restriction right through to fully publicly funded elections, other options like truth in political advertising, or ending cash-for-access payments—what do you think would be the few most potent policy moves that would increase public confidence in Queensland's electoral process?

Mr Browne: It is a good question and I would not want to pre-empt the local knowledge the people in Queensland would have about particular problems, but certainly when I talk about elections and a level playing field, some of the things I prioritise are truth in political advertising laws which are proven to work in South Australia—they have operated there for 40 years, and can be adopted in other jurisdictions in a very straightforward way; transparency around political contributions because that allows the public and journalists and civil society to make up their own minds about what is being done, and that includes real-time disclosure as well as disclosing above a particular threshold. I think Queensland, from memory, is quite good at those things.

One thing we have suggested, though, is disclosure of all cash-for-access payments and disclosure of all corporate donations regardless of size. One of the things we found, looking at payment to have dinner with a minister or indeed a premier or prime minister is that it comes surprisingly cheap, so it can slip below donation disclosure thresholds or indeed the price can be adjusted to ensure that it falls below that disclosure threshold. Requiring the disclosure of more political donations, of all corporate and cash-for-access donations, would be a great improvement.

I think spending caps and donation caps are fraught for a number of reasons, including the fact that they can be prone to the splitting of donations between different like-minded groups or candidates, and also that they can force someone who is subject to attack from multiple angles from fighting with one hand behind their back. You can imagine someone defending a seat who faces an 'anyone but X' campaign from multiple candidates and, because of their own spending cap, cannot match a counter defensive themselves. One of the things we have recommended, at least, for limiting donations is this idea of a mega donor cap, and tracing things back to the person making the donations rather than capping it on a per-recipient level. Public funding, I think—

CHAIR: Mr Browne, you are straying a little bit from what the bill is about in terms of expanding ideas. Could you stick to the context of the bill, please?

Mr BERKMAN: If I could jump in quickly, Mr Browne just mentioned public funding there which was one particular element I was especially interested in.

Mr Browne: The way public funding gets distributed in Australia is on a per-vote and sometimes on a per-MP basis, which rewards existing political actors and does not provide funding for new entrants, but there are alternative models like democracy vouchers as used in the city of Seattle which put the power to distribute public funding back in the hands of the public.

Mr KRAUSE: My question follows on from my previous question about trade unions. In relation to donations made by trade unions and industrial relations policy, for example, corruption is not only a crime under the Criminal Code but also has a cost to the community and to the economy. Can you acknowledge that the influence that could be brought to bear on industrial relations policy could lead to maybe not corruption in the criminal sense but cost to the community and the economy which could be brought about by trade union donations?

Mr Browne: The risk exists with any donation. Some risks are greater than others. For example, a lot of donation restrictions exclude things like bequests on the basis that that is very unlikely to be achieving any direct policy change, however substantial it might be. I think there are greater and lesser risks, depending on donations, based on source, based on recipient, based on context, and certainly there is a strong case for donation transparency so that the public can make their own minds up.

Mr KRAUSE: So, in the context of a developer donation ban which you do not support the lifting of, developer donations in respect of a particular project, that might be the identified risk—a development in a particular part of a city or a state—as opposed to an industrial relations policy change which might be advocated for by trade unions which would affect the entire economy. Do you not see that that risk is actually greater in the context of trade union donations than property developer donations which is limited to particular projects?

Mr Browne: The fact that it is limited to a particular project exacerbates the risk because the benefits accrue very directly. The greater the benefits are distributed across the economy, the less individually worthwhile it is for someone to influence a decision. When there is a single developer, for example, who stands to gain the entire windfall from a rezoning of an area, than the rational amount to make a political donation in order to effect that change is much greater because they will be the direct beneficiaries of that windfall rather than it being widely distributed. Indeed, in the case of a trade union, if there are benefits to their members for industrial relations reform, those benefits accrue to workers in that sector, let's say, and not directly to the trade unions, so the financial incentives are very different.

Mr KRAUSE: I am not sure that is always the case. What percentage of donations or contributions to the Australia Institute come from trade unions?

Mr Browne: I am not sure, but we are certainly philanthropically funded—

Mr KRAUSE: Do you receive some from trade unions?

Mr Browne:—and we are a registered charity and we are required to meet the disclosure obligations.

Mr KRAUSE: You do receive some from trade unions, though?

Mr Browne: I am not sure, but I think that is very possible.

CHAIR: It is noted in your submission that you do.

Mr Browne: Okay. Then we do, if that is in the introductory material.

CHAIR: Thank you, Mr Browne. That concludes the time for you giving evidence. Once again, I appreciate you appearing from Canberra this morning for us.

LEAN, Ms Tabitha, Sisters Inside Inc. (via videoconference)

CHAIR: Welcome to our hearing. Would you like to make a brief opening statement before we proceed to questions?

Ms Lean: Thank you. Before I start my opening statement, I will introduce myself. My name is Tabitha Lean. I am a First Nations woman. I am a former prisoner. I am exactly the kind of person whom this bill is designed to disenfranchise, so it is fitting and necessary that I have been given the opportunity to speak here today. If this parliament is going to strip people of their political voice, then you should have to look us in the eyes while you do it. You should have to hear our names, hear our stories and understand that parliament does not legislate in the abstract. Parliament makes decisions about real people, people who have to live with the consequence of parliament's choices long after the hearing ends. I will say it plainly: when parliament chooses to take votes from people, it is not just removing a ballot; it is sending a message, telling people like myself that we do not belong, that we do not count and that our voice is not welcome in the future of this place. That is the impact and that is what is at stake.

I will begin my opening statement. I am appearing today from the unseeded lands of the Kaurna people. I honour Kaurna elders both earth side and in the Dreaming, and I acknowledge that this parliament continues to operate on stolen land under laws imposed without consent. Those words should not be treated as ceremony; they are a reminder that law, governance and democracy in this country were built through exclusion, and that exclusion continues today through instruments like the bill before you.

I appear today on behalf of Sisters Inside. Sisters Inside is an independent Aboriginal-led organisation that has advocated for the human rights of criminalised women and girls for more than 30 years. We are led by women with lived experience of imprisonment and we work inside prisons, watch houses and communities alongside women who are policed, punished and disappeared by this state every day. Our work is grounded in a simple truth: safety does not come from punishment, justice does not come from exclusion and democracy does not survive by shrinking who belongs.

I will begin today with the legacy of Aunty Vickie Roach—Yuin elder, advocate and warrior. From her prison cell, Aunty Vickie challenged the blanket disenfranchisement of prisoners. She took the state to the High Court in 2007 from her prison cell and she won. She forced this country to confront a constitutional truth it has long tried to avoid: imprisonment does not erase citizenship and democracy cannot survive by banishing people from political life. Aunty Vickie said in her submission to this current inquiry—

> Following the resounding success in the High Court against many of these very same electoral amendments, who, in the name of the integrity of the law itself, would have the arrogant, racist effrontery to challenge that ruling? Why Queensland of course! Long considered by themselves to be a law unto themselves, the High Court's decision would appear to be of no consequence to this state and indeed viewed instead with contempt, such as that of a schoolyard bully taunting their victim with accusations of weakness.

Those words are not rhetorical flourish; they are diagnosis. They describe a state that believes power entitles it to ignore limits, a state that treats constitutional restraint as optional and a state that responds to being told no by simply trying again harsher, lower and wider. It is our firm position at Sisters Inside that this bill is a direct attack on Aunty Vickie's legacy. It seeks to relitigate through the backdoor what the High Court already decided and what Aunty Vickie paid for with years of her life.

We are deeply concerned not only by the substance of this bill but also by the process surrounding it. In its submission, the Electoral Commission of Queensland stated that it has already commenced implementing these changes, drafting materials, updating systems and engaging with other agencies before this inquiry has even concluded. That should concern every member of this committee. When a law is treated as settled before scrutiny is complete, democracy ceases to be deliberative and becomes performative. For the communities we represent at Sisters Inside, this feels like a foregone conclusion, not consultation, to have confirmation after the fact. That matters to us because this bill is not administrative; it is punitive. It is not about electoral integrity. It is not about fairness or public confidence. It is about extending punishment beyond the prison gate and into the very status of personhood.

This bill itself proposes civil death: the political erasure of people who remain biologically alive but are stripped of voice, belonging and participation. Civil death has always been imposed by the state on those the state deems disposable—colonised people, the poor, women and disabled people—and this bill resurrects that logic. Our CEO, Debbie Kilroy, is not here today to present herself because she is attending the funeral of an Aboriginal women who died days after her release from prison. Prisons are death-making institutions. Sometimes that death is immediate and physical—a death in custody,

from medical neglect and from violence that the state insists was non-suspicious—but sometimes that death is slow, cumulative and political. What the government is proposing with this bill is civil death. Whether people die in custody or die as citizens, the outcome is the same: the state ensures a slow disappearance. Our position is clear. In closing, we do not seek amendments. We do not seek compromise. We reject this proposal outright. Democracy does not survive by deciding who is disposable. Thank you.

CHAIR: Just for clarification: is it the position of your organisation, Sisters Inside, that all prisoners should be entitled to a vote, or do you agree with the High Court's decision in relation to Roach v Electoral Commissioner to uphold that three-year threshold?

Ms Lean: It would be our position that all prisoners are entitled to vote, but we would argue right now that the status quo should be retained. We understand that was the High Court's ruling. We are not running a campaign to overturn the High Court's ruling, but we are suggesting at this point that the current bill before you should be rejected.

CHAIR: Would it be fair to say you feel that all prisoners should be entitled to vote, despite the High Court's ruling?

Ms Lean: Of course. Yes.

CHAIR: Are there any circumstances where you believe a person sentenced for any crime should be ineligible to vote?

Ms Lean: No.

Ms McMAHON: Thank you for appearing today, Tabitha. I note in your submission you referenced Aunty Vickie in relation to voting rights and the High Court case. Has your organisation sought any legal advice or opinion on whether the lowering to one year is constitutional, based on any particular evidence?

Ms Lean: No, we have not sought legal advice on whether it is constitutional or not.

Ms McMAHON: Have you seen the Law Society's submission in that they do not support this change for a number of reasons?

Ms Lean: Yes, we have.

Ms McMAHON: They are not appearing before us today. Do you want to further elaborate on some of the points they raised?

Ms Lean: No. We would agree with them on the points that they have raised. Our issue is about prisoner rights. We are people who have been to prison. We are people who care deeply about voting. We are people who care deeply about politics. I think there is this idea that people in prison do not care about voting. We go in to prisons every single day—we ourselves have been in prison. People who are in prison care about elections. They talk about housing policy because they know what it means to be released into homelessness. They talk about child protection because their children have been stolen by the state. They talk about parole laws because parole determines whether they live free or under constant threat of reincarceration. They talk about health care because prisoner health care fails them. They talk about disability support because it is systematically denied behind bars. They talk about policing because the police took them there.

They care because they live under the sharpest edge of government decision-making. For us, this is not about whether it is unconstitutional or not, although that matters. That is not our work to do. Our work is to talk about whether removing the vote teaches responsibility or not. This teaches disposability. It teaches people in prison that citizenship is conditional, that their rights are revokable and that democracy belongs only to the state when it finds those people respectable.

It is the job of the Law Society to do that other work. It is the job of the committee to do that other work. Our job is to sit on the side of the criminalised and say, 'You deserve the right to vote and these laws are affecting you.' Our people care very much about voting. Our people care very much about democracy. There is some sort of myth out there that we do not. There is some sort of myth that people who break the law should disregard their civic responsibility. That misunderstands both civic responsibility and the reality of imprisonment.

Mr KRAUSE: Thank you for appearing before us. What would you say to victims of serious crime who feel that people who break the law should not be choosing the lawmakers who determine that law?

Ms Lean: That is a really interesting question. Thanks for asking it. It is an interesting thing that has been put to me a few times where people have said this bill targets only serious offenders. With respect, that assertion is not grounded in reality. A one-year sentence does not meaningfully distinguish serious offending from criminalisation driven by poverty, surveillance and structural inequality. In practice, 12-month sentences are routinely imposed for poverty related offending, breaches of administrative orders, low-level property offences and offences connected to homelessness, mental distress, disability and coercive control.

This threshold captures people who pose no heightened threat to democratic integrity. What it captures very efficiently are Aboriginal people, criminalised women, disabled people and people living in poverty. That outcome is not incidental; it is a predictable result of how sentencing already operates. My job is not to speak to the victims whom you are talking about; my job is to speak to and represent the victims who are already behind bars. When we talk about victims, 98 per cent of the women who are in prison right now are also victims of crime. They are victims of sexual violence, and there is evidence and research that supports that.

I would ask you: when you talk about victims, which victims are you talking about? Which victims of serious crime are you talking about when you all could google the research that says that 98 per cent of women currently sitting behind bars have also been the victims of serious crime? This sends us into an argument and a debate about the deserving and the undeserving victims. When you are talking about stripping people of their democratic right to vote, you are actually talking about stripping other victims of their right to have a say in the politics and legislation that affects them.

Mr BERKMAN: Thanks very much both for your submission and for joining us today, Tabitha. I was really struck by one particular line in the written submission. It stated—

Civic responsibility is not built through exclusion. It is built through inclusion.

Could you expand on that sentiment for the committee and even broaden it out a little to address the wider context of the current government's punitive and carceral responses to youth justice and the justice system more broadly?

Ms Lean: Voting is a fundamental incident of citizenship in a system of representative government. Once voting is reframed as a privilege, it becomes infinitely withdrawable and historically it always is. This logic has been used in the past to exclude Aboriginal people, women, people without property and people with disabilities. We know exactly where that road leads.

When people say that prisoners have already forfeited certain rights, we would say that, yes, our liberty is restricted but our citizenship is not extinguished. Punishment does not justify political erasure. If incarceration justifies the removal of political voice then prisons will become places where people are governed without consent, and that is the very definition of authoritarianism.

Right now what we are seeing in Queensland, and indeed across the country, is sweeping so-called law and order reform. What we are seeing is the scooping up of people in the streets and a burgeoning of prison numbers. What we are not seeing is an investment in keeping people in their homes and in their communities, an investment in keeping families together, an investment in keeping people well, and an investment in keeping children in their classrooms and in their bedrooms.

CHAIR: Ms Lean, I will stop you there. I understand that you are talking about important issues, but we are straying from the bill. With the time we have, I would like to give every member an opportunity to ask a question, if that is all right.

Ms Lean: Sure.

Ms MARR: You went into great detail about offences that have a one-year sentence. There is a whole raft of offences at the Commonwealth and state level which could result in someone being sentenced between one and three years imprisonment. They could include burglary, assault occasioning bodily harm, unlawful use of motor vehicle, sexual assaults, indecent treatment of minors and the list goes on. Are you suggesting that people who have committed crimes such as these and sentenced for this length of time be allowed to continue to vote from within prison walls?

Ms Lean: Yes. I am someone who was sentenced to that length of time. Would you be proposing that I should not be able to vote? That argument misunderstands both civic responsibility and the reality of imprisonment. In our experience people in prison demonstrate deep civic engagement. Someone like myself wants the opportunity to vote. When I was in prison, I wanted the opportunity to vote. I followed politics very closely. I followed elections very closely. I debated policy. I understand the impacts of legislation on all the matters that affect me. Removing the vote would not teach me responsibility. It would teach me that participation is conditional and revocable. That is not civic education; that is political abandonment.

Ms MARR: It also considers victims of crime. I will finish there.

Ms Lean: I am also a serious victim of crime. It makes me question which victims you select to care about and those you select to not care about.

CHAIR: You stated in conclusion in your submission that the bill is inconsistent with High Court authority. Whilst the High Court did say a blanket ban on all prisoners was unconstitutional, the ruling Chief Justice Gleeson said, 'It is also for Parliament … to decide the basis upon which to identify incarcerated offenders whose serious criminal wrongdoing warrants temporary suspension ...' He goes on to uphold the three-year threshold but then goes on to say that 'some specified lesser term' would not 'necessarily be invalid'. Would you agree that this bill is not necessarily inconsistent with that ruling?

Ms Lean: It is our view that the High Court has already spoken. We believe that a blanket or overly broad disenfranchisement is incompatible with representative democracy. We believe that the High Court warned against this kind of overreach. Again, we think that Queensland is behaving as though it is above constitutional restraint.

CHAIR: As you said, that is what the High Court ruled—that a blanket ban is unconstitutional. In his comments the Chief Justice did say that a lesser period of three years is not necessarily invalid. You have asserted that the bill is inconsistent with the High Court ruling, but would you concede that maybe it is consistent with the High Court ruling?

Ms Lean: No.

CHAIR: The time for your evidence has expired. We really appreciate you attending via videoconference today. Thank you for your evidence.

Ms Lean: Thank you for the opportunity to speak.

CAIRE, Ms Jess, Executive Director, Property Council of Australia (via videoconference)

CHAIR: I welcome the Property Council of Australia. I invite you to make a brief opening statement before we proceed to questions?

Ms Caire: Thank you, Chair and members of the committee, for the opportunity to appear today. I would like to apologise for not being there in person. Obviously the last-minute nature of the attendance meant that I had to make sure I was here to meet my obligations directly after.

Here in Queensland the Property Council has around 400 member companies including many of the state's leading residential developers. These include community housing providers, apartment and greenfield developers, retirement living operators, purposeful student accommodation owners, build-to-rent investors and more. Alongside housing, our members also deliver the industrial precincts, logistics hubs, office workplaces and commercial centres that keep Queensland's economy moving. Our members are proud to invest in, design, build and manage the places within communities that matter to Queenslanders.

The property industry is Queensland's largest employer, supporting one in every four jobs and contributing over $100 billion to gross state product annually, or nearly 24 per cent of the state's economy. More importantly, the industry delivers 97 per cent of the homes Queenslanders live in across the full housing continuum, from social and affordable housing to build-to-rent, retirement living and family homes. Yet, despite the critical role that this industry plays in our state's prosperity, it remains the only lawful industry banned from making political donations, with the ban applying to property developers and industry bodies whose members make up the majority of property developers. It also reaches as far as those professions indirectly support the property industry such as planners, surveyors, engineers, architects and property lawyers, just to name a few. This ban, as it stands, is not fair and it is not equitable. We have held the long-standing position that the ban should be repealed to allow all lawful Queenslanders to be able to exercise their right to make political donations.

The vital role the property sector plays cannot be overstated. Queensland relies on our industry to deliver the homes and the precincts that our growing state needs, yet at the same time singling out the sector and allowing its vilification has reinforced the damaging and unfair narrative. That singling out has had consequences well beyond the original regulatory intent. This discriminatory regulation has not only undermined the confidence of the industry but also contributed to the demonisation of the industry, shaping community perceptions in ways that it makes it harder to have constructive conversations about growth, housing delivery and planning. These narratives do not just damage reputations; they fuel NIMBY sentiment and make it more difficult to deliver the diverse housing and infrastructure that Queensland so urgently needs.

The Property Council's role is to advocate for sensible and pragmatic policy reform across the whole system. We do not advocate for individual members or individual projects. We are an apolitical organisation and we work constructively with all sides of politics. I would also like to note that in 2016 our national board resolved that all Property Council employees are prohibited from making political contributions including any form of political donation. Regardless of the outcome of this bill, that remains our position.

Our focus is on reforms that deliver confidence, clarity and consistency in the investment and planning environment so Queensland can get the homes, precincts and infrastructure it needs. Our evidence-based policy positions are the same in private as they are in public. They are developed for the benefit of the broader industry in the state, not for individual members or projects.

Our position is grounded in a straightforward principle that Queensland's electoral system should treat all lawful participants equally. That means clear and consistent rules, strong transparency measures and integrity provisions that can be understood, monitored and enforced. The industry, the Public Service and government each have an important role in upholding the highest standards of public life. On any project or policy decision it is ultimately elected representatives and appointed officials who hold the power. For this scheme to succeed those groups need to be doubly vigilant both as educators and as decision-makers in modelling the strongest ethical standards.

Queensland faces pressing challenges—increasing housing supply, improving affordability and delivering the precincts and infrastructure so that we can keep pace with our growth. The property industry will continue to be central to meeting these needs. Fair, consistent and transparent electoral rules help to ensure that legitimate voices can participate openly, be held to account and contribute to good public policy while government retains full decision-making authority under the law. Thank you and I am happy to answer any questions you may have.

CHAIR: Thank you for that statement and thank you for your submission. I want to ask you about the third last paragraph of your submission where you state—

The demonisation of the property sector in recent years has had a serious impact on industry confidence, community acceptance of our industry and, in turn—

and this is the particular bit I want you to expand on—

the supply of projects that provide a place for Queenslanders to sleep, work and play.

Can you unpack that statement for the benefit of the committee on how this has impacted your ability to provide those projects?

Ms Caire: When the property industry was made the only lawful industry prohibited from making donations, it created a perception that the sector was uniquely untrustworthy, which does not actually reflect the facts or the reality. We have also seen a rise in vexatious claims and community hostility towards development. We see it every day in the NIMBY mentality, which seems to be growing—the not in my backyard.

The private sector delivers overwhelmingly the majority of dwellings in Queensland. In a constrained housing market, government and industry absolutely have to work together. Singling out the very sector that is responsible for delivering housing while calling for more housing has just reinforced a really damaging narrative that emboldens anti-development groups and makes those constructive conversations we have to have about density and supply and accepting more growth really challenging.

Ms SCANLON: Following on from that, as has been mentioned, your submission does talk about the demonisation of the property sector and that that has reduced industry confidence which you assert has led to fewer projects. When you refer to confidence there, you mean confidence in how governments and decision-makers will treat, assess and approve your members' projects; correct?

Ms Caire: When I am talking about industry confidence, there are a variety of reasons. I want to talk about the sentiment as whole. When we are trying to get projects through and we have a sentiment that development is not acceptable within that area, it does actually undermine confidence of our members to be able to deliver projects. They will go to places where it is a lot easier to be able to get developments through and not having to deal with an anti-development group that is making the project more challenging to get out of the ground.

Mr KRAUSE: Going back to the point about the demonisation of the property sector that has been referred to and the property sector essentially being singled out against many other organisations and trade unions affected by government decisions, policies and approvals at a state level, can you provide the committee with some information or feedback from your members about how the suspicion or demonisation of the property sector has affected perceptions of the industry as a whole? I think you touched on that briefly in relation to development. Could you give us some more information based on your members' feedback?

Ms Caire: As I said before, the singling out of the property sector as the only lawful industry not being able to make donations has created a perception that we are untrustworthy. The reality of that is actually not the case. That environment has created a scenario where anti-development sentiment or the reference of greedy property developers or 'We don't want these developments in our area,' has increased because there is this perception that the industry is untrustworthy. That is not founded on any fact or reality.

Mr BERKMAN: You mentioned in your submission that you have 400 member companies. I think it would be safe to assume that a significant number of those are publicly listed companies, which obviously creates specific obligations around company performance, profits and shareholder returns. Whether we are talking about publicly listed companies or otherwise, it is fair to say that any company making donations to a political party will anticipate some benefit as a consequence of that donation; is that right?

Ms Caire: I cannot comment.

CHAIR: Member, you are asking for an opinion on what others might perceive. I do not think the witness can answer that particular question. Would you like to have a go at rephrasing it?

Mr BERKMAN: Sure. Why would a company give money to a political party if it did not anticipate some benefit?

Ms Caire: The Property Council does not talk to individual interests or individual members or individual projects. Our role and the role that I can respond to here today is that we champion and advocate for the sector as a whole. I cannot respond to what an individual company may or may not decide to do.

Ms MARR: Under the banned framework, trade unions and other organised interest groups were still permitted to make political donations. How did your members perceive that distinction of unfairness?

Ms Caire: The property sector is the only lawful industry that is banned from making donations. As I said, that has had significant damage not just on confidence within the industry but on community perceptions around the industry. What our members would like is an even playing field and to make sure that things are fair and equitable—that it does not single out one industry. Our role is to advocate for that. From our point of view, we would like to make sure that there is a fair and equitable approach that is supported by a transparent and robust framework.

Ms SCANLON: Can I just clarify: is the Property Council seriously suggesting that developers giving politicians or political parties money will improve the way NIMBYs feel about approvals? Chair, given what we have heard this morning, I would like to move that the CCC be required to attend a public hearing regarding this bill. I think after what we have heard we need to hear from the state's top corruption watchdog.

CHAIR: You have moved a motion. We will have to move into a private meeting now. I apologise. Ms Caire.

Proceedings suspended from 11.02 am to 11.09 am.

CHAIR: Our private deliberation has taken us to the end of the time we had allocated for your evidence, unfortunately. We have a minute left if you would like to make any closing statements to the committee for our consideration of the bill.

Ms Caire: Thank you for having me. I just wanted to acknowledge that in the CCC's submission they did note that the concerns that they raised can be addressed by transparent disclosure with the origin clearly identifiable. That is actually a system that we support. I just wanted to reiterate that.

CHAIR: Thank you for your attendance today and apologies for the interruptions to your evidence. That concludes this hearing. 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 web page in due course. I declare this public hearing closed.

The committee adjourned at 11.10 am.