

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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Restoring Electoral Fairness Bill

Submission

The Restoring Electoral Fairness Bill would make elections in Queensland less fair and competitive.

Submission

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Summary

Holding the parliamentary inquiry into the Restoring Electoral Fairness Bill over the holiday break will limit the ability of the committee to investigate the consequences of the bill for Queensland democracy.

That is worrying, because there are serious concerns with the changes proposed by the Queensland Government.

Queensland's ban on political donations by property developers is targeted, constitutional and based on well-established corruption risks. Lifting the ban would risk "clientelism" where decision-makers put the interests of their patrons above the public interest.

Donation caps are a fraught issue, and there is a good argument for either higher donation caps or for donation caps to be replaced by a mega-donor cap. However, shifting from a per-cycle donation cap to a per-year donation cap benefits the major parties at the expense of new entrants. Only established parties and sitting MPs are likely to fundraise over all four years of an electoral cycle, so they can in effect raise much more money than a new party or independent candidate can.

Another unfair element of Queensland's donation caps is that a donor can give \$12,000 to a political party and its candidates, but only \$7,200 to an independent candidate. These should be equalised, either by lowering the party cap, raising the independent cap, or by replacing the donation cap altogether with something more effective like a mega-donor cap.

The bill also proposes restricting the voting rights of those imprisoned or detained. Prisoners are more exposed to the operation of the state government than almost anyone else in Queensland. In addition, those with less than four years left on their sentences will be rejoining the community during the term of the parliament. They should not have their voting rights further restricted.

Recommendations

- Keep the ban on property developer donations.
- Increase the donation cap but keep it per-cycle. (If not replacing the donation cap altogether, see below.)
- Replace the donation cap with a mega-donor cap.
Otherwise, amend the donation cap either by raising the cap for independent candidates or lowering the cap for parties.
- Do not further limit voting rights for those imprisoned or detained.

Introduction

The Australia Institute welcomes the opportunity to make a submission to the inquiry into the Restoring Electoral Fairness Bill 2025.

In December 2025, the Queensland Government introduced the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025. The bill would, among other things, lift the ban on political donations from property developers, prohibit those sentenced to more than a year of imprisonment from voting, change Queensland's donation caps from applying over a four-year term to applying per financial year, and expand the period that electoral advertisements require authorisation.¹

The bill was referred to the Justice, Integrity and Community Safety Committee for review. This at least shows more respect for parliamentary oversight than that shown by either the federal or South Australian governments during their recent electoral law changes. In both jurisdictions, governments rushed the changes through the respective parliaments without committee scrutiny or public submissions.

The Institute would welcome the opportunity to discuss research findings in further detail at any committee hearing, should there be one.

¹ Queensland Government (2025) *Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 Explanatory Note*, p. 1, <https://www.legislation.qld.gov.au/view/html/bill.first/bill-2025-044/lh>

Time allowed for the inquiry

The community and the Justice, Integrity and Community Safety Committee have not been given adequate time to consider these changes. Submissions opened on 12 December 2025 and close on 2 January 2026, clashing with the holiday period.

After close of submissions, the Committee only has a month to hold public hearings and prepare its report.

Regardless of the merits of these changes, they represent a major shift in Queensland electoral law and warrant more detailed consideration.

Australia Institute polling research last year found that 85% of Queenslanders agree that “Any major change to electoral law should be reviewed by a multi-party committee of parliamentarians to consider its design and impacts.”²

While respondents were not specifically asked how long the committee should spend on its review, the strength of feeling indicates that Queenslanders take the parliamentary review process seriously.

² The Australia Institute (2024) *Polling – Parliamentary scrutiny of electoral law changes*, <https://australiainstitute.org.au/report/polling-parliamentary-scrutiny-of-electoral-law-changes/>

Ban on property developers

The Australia Institute's principles for fair political finance reform say reforms should be targeted and effective.³

Political involvement by property developers represents a particular threat to good government and integrity, because property developers are particularly dependent on project approvals and other government decisions.

Between 2021 and 2023, the NSW Independent Commission Against Corruption released six reports concerned with “corrupt conduct involving planning decisions”.⁴ The Victorian Independent Broad-based Commission Against Corruption has also investigated alleged developer corruption.⁵ The implications are not limited to the local government level, with reports that money in NSW was solicited to “unseat a sitting federal MP”⁶ and a state premier examined (though not subject to any adverse findings) in Victorian investigations.⁷ Even when an investigation is focused on the local government level, the powers of corruption watchdogs are set by the state government.⁸

As academic and former Speaker of the Queensland Parliament John Mickel observes,

The state government sets the urban footprint legislation, for example, about areas that should be undergoing intense development.

³ Browne (2023) *Principles for fair political finance reform*, <https://australiainstitute.org.au/report/principles-for-fair-political-finance-reform/>

⁴ NSW ICAC (2023) *Corrupt conduct involving planning decisions again rears its head*, <https://www.icac.nsw.gov.au/newsletter/issue62/tolosa.html>

⁵ AAP (2025) *Ex-Melbourne mayor, developer face court over corruption claims*, <https://www.9news.com.au/national/melbourne-mayor-corruption-sameh-aziz-john-woodman-casey-council/35dc3f77-192b-410b-951a-36545269e43b>

⁶ Cormack (2023) *Perrottet's brother and associate sought \$50,000 for branch-stacking scheme, inquiry told*, <https://www.smh.com.au/politics/nsw/perrottet-s-brother-and-associate-sought-50-000-for-branch-stacking-scheme-inquiry-told-20230215-p5ckoh.html>

⁷ Johnston and Hannan (2025) *IBAC sends witnesses 'Dan-era' Operation Richmond report*, <https://www.theaustralian.com.au/nation/politics/ibac-sends-witnesses-danera-operation-richmond-report/news-story/278b059a80d6ca8e334d6782d00d348a>

⁸ Smith (2023) *NSW Liberals fail to block extra ICAC powers as watchdog investigates party members*, *Topplace*, <https://www.smh.com.au/politics/nsw/nsw-liberals-fail-to-block-extra-icac-powers-to-investigate-party-members-20230912-p5e424.html>

Equally, the state government does resume land for the construction of highways, and they can interfere in processes that are taking too long, such as for hospitals or schools.⁹

Mickel's argument echoes that of the High Court in *McCloy v NSW* [2015], where the court upheld NSW's ban on property developer donations in the face of a constitutional challenge based on the implied freedom of political communication in the Australian Constitution.

The High Court accepted the argument of the NSW Government that:

the degree of dependence of property developers on decisions of government about matters such as the zoning of land and development approvals distinguishes them from actors in other sectors of the economy. Property developers are sufficiently distinct to warrant specific regulation in light of the nature of their business activities and the nature of the public powers which they might seek to influence in their self-interest, as history in New South Wales shows.¹⁰

Considering whether the risk was limited to local government, the court instead found:

decisions as to land development are also made by relevant State departments, and Ministers are often consulted in the approval process. Pursuant to the EPA Act, the Minister determines applications for State significant development. It is the Minister who is responsible for making local environmental plans, which contain zoning and development controls. State environmental planning policies are made by the Governor on the recommendation of the Minister and they may make provision for any matter that, in the Minister's opinion, is of State or regional environmental planning significance.¹¹

The danger is not just of “quid pro quo” corruption, but also clientelism, where an officeholder is compromised by their dependence on patronage. This form of corruption is hard to criminalise, so it is better to, as earlier rulings put it, “identify and remove the temptation” – in this case, by banning property developer donations.¹²

Like Queensland, both NSW and the ACT ban property developer donations.¹³

⁹ Brewster (2025) *Changes to Queensland's political donation laws could increase corruption risks, experts say*, <https://www.abc.net.au/news/2025-12-13/queensland-political-donations-property-developers/106135566>

¹⁰ *McCloy v New South Wales* [2015] HCA 34, ss 49–50

¹¹ *McCloy v New South Wales* [2015] HCA 34, s 52

¹² Quoted in *McCloy v New South Wales* [2015] HCA 34, ss 36–38

¹³ Elections ACT (2024) *Ban on gifts by prohibited donors FAQ*, <https://www.elections.act.gov.au/integrity/prohibited-donors/ban-on-gifts-by-prohibited-donors-faq>; NSW Electoral Commission (2025) *Unlawful political donations*, <https://elections.nsw.gov.au/electoral-funding/political-donations/unlawful-political-donations>

Queenslanders are broadly supportive of targeted restrictions on political donors where those donors are particularly exposed to government decision-making. In 2023 polling research from the Australia Institute, 77% of Queenslanders supported a ban on political donations from any organisation that receives funding from government contracts.¹⁴

Recommendation: Keep the ban on property developer donations.

¹⁴ Australia Institute (2023) *Polling – Consultancies, donation reform, and trusted policy advice*, <https://australiainstitute.org.au/report/polling-consultancies-donation-reform-and-trusted-policy-advice/>

Donation caps

The Australia Institute's principles for fair political finance reform say reforms should treat all candidates and contributors fairly.¹⁵

Caps on political donations are fraught. In practice, they often benefit established and larger political parties at the expense of independents and new entrants.¹⁶ That is for several reasons, including:

- Parties can split donations between branches (or between the candidate and the party),
- Parties enjoy other sources of funding that are uncapped, such as accumulated assets, taxpayer funding (both incumbency advantages and per-vote and per-MP public funding), tithes on MPs and staffers, and so on.
- Parties can split fixed costs between several candidates, or between different branches or levels of the party.

The effect is that independent candidates and candidates from new or growing parties are more dependent on private funding, and therefore more affected by caps on private funding, than the candidates of a political party.

PER-YEAR VERSUS PER-CYCLE DONATION CAPS

The Restoring Electoral Fairness Bill would change Queensland from a per-cycle donation cap to a per-year donation cap.

Per-cycle caps are preferable because only some electoral participants are active over a full four-year cycle. A per-cycle cap means a candidate or party that emerges in the weeks or months ahead of an election is on a level footing in terms of fundraising to a party or sitting MP that is soliciting donations in each year of a four-year cycle.

With a per-year cap, a sitting MP or established party can solicit donations in each of the four years of the electoral cycle while a new MP or party might only have one year to

¹⁵ Browne (2023) *Principles for fair political finance reform*

¹⁶ See for example Browne (2024) *Submission - Review of the 2023 NSW election*, <https://australiainstitute.org.au/report/submission-review-of-the-2023-nsw-election/>; (2024) *Money and power in South Australian elections*, <https://australiainstitute.org.au/report/money-and-power-in-south-australian-elections/>; Browne and Connolly (2023) *Submission: Money and power in Victorian elections*, <https://australiainstitute.org.au/report/submission-money-and-power-in-victorian-elections/>; Browne, Predavec and Yuan (2025) *Australian democracy in 2025 - The Australia Institute*, <https://australiainstitute.org.au/report/australian-democracy-in-2025/>

fundraise – in effect, giving a new entrant a donation cap one-quarter that of an established political participant.

The shift to a per-year cap would benefit established parties and sitting MPs, particularly the major parties with sophisticated yearly fundraising operations and the ability to sell access to ministers and shadow ministers over the entire electoral cycle.

A higher donation cap is reasonable. It is the per-year element that is unreasonable. A better reform is to keep the cap per-cycle but raise the cap.

Recommendation: Increase the donation cap but keep it per-cycle. (If not replacing the donation cap altogether, see below.)

UNFAIR TREATMENT OF INDEPENDENTS VS PARTIES

Queensland's donation cap is \$4,800 per party, \$7,200 per independent candidate and \$7,200 for all candidates of a party.¹⁷

A person can give both to a candidate and the party that candidate belongs to.¹⁸

This is unfair. It means a donor can give \$12,000 to a party and its candidates but just \$7,200 to an independent candidate.

These should be equalised, either by lowering the party cap, raising the independent cap, or by replacing the donation cap altogether with something more effective.

A fairer way of limiting the political influence of wealthy donors is to cap the overall amount a donor can give to all electoral participants via a “mega-donor cap”. An earlier Australia Institute paper describes how a mega-donor cap could work.¹⁹

Recommendation: Replace the donation cap with a mega-donor cap.

Otherwise, amend the donation cap either by raising the cap for independent candidates or lowering the cap for parties.

¹⁷ Electoral Commission of Queensland (2024) *Political donation caps*, <https://www.ecq.qld.gov.au/election-participants/state-election-participants/third-party-donor/political-donation-caps>

¹⁸ ECQ (2024) *State fact sheet 06 - Political donation caps*, p. 4, <https://www.ecq.qld.gov.au/election-participants/handbooks,-fact-sheets-and-forms>

¹⁹ Browne & Walters (2023) *Securing transparency and diversity in political finance*, <https://australiainstitute.org.au/report/securing-transparency-and-diversity-in-political-finance/>

Prisoner voting

Prisoners are among the Australians *most* affected by the state government and its operation. It is perverse to exclude them from participating in the political process.

It is also damaging to rehabilitation to exclude those who will soon be released from prison from exercising their democratic rights.

Those with less than four years on their sentence will be members of the community during the term of the parliament, so it makes sense that they should be allowed to vote in the election that chooses that parliament.

Recommendation: Do not further limit voting rights for those imprisoned or detained.

Conclusion

The Restoring Electoral Fairness Bill is misnamed. The proposed changes would set democracy in Queensland back and fail to address much-needed reforms like introducing truth in political advertising laws or imposing a mega-donor cap to limit undue political influence.

Also of concern is the limited time that the parliamentary inquiry has been given to consider these important issues.

There are reforms that could improve the fairness and competitiveness of Queensland elections, but the Restoring Electoral Fairness Bill would make state elections less fair.