

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

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Submission to the Parliamentary Committee Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

I make this submission in strong opposition to the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 ("the Bill").

While the Bill is framed as restoring electoral fairness, its cumulative effect is to narrow democratic participation, weaken transparency and integrity safeguards, and reduce independent oversight of electoral processes. These changes are not supported by clear evidence of systemic failure under the current legislative framework, nor are they proportionate to the risks they purport to address.

Electoral law should err on the side of maximising participation, accountability and public confidence. In my view, this Bill moves Queensland in the opposite direction.

Restriction of the Franchise: Prisoner and Detainee Voting

The Bill lowers the threshold for disenfranchisement from three years to one year of imprisonment or detention across state elections, local government elections and referendums.

This represents a substantial contraction of the franchise.

Key concerns include:

- **Disproportionate impact**
A one-year threshold captures a significantly broader cohort, including first-time offenders, people convicted of less serious offences, and young people transitioning from youth detention into adult custody. These cohorts are already over-represented in the criminal justice system, particularly Aboriginal and Torres Strait Islander Queenslanders.
- **Lack of integrity rationale**
The Bill does not demonstrate how voting by people serving sentences of one year or more undermines electoral integrity. There is no evidence of fraud, coercion or administrative failure associated with prisoner voting that would justify this restriction.
- **Erosion of democratic principle**
Voting is a foundational civic right. Its removal should be exceptional and supported by compelling evidence. No such evidence is provided.

Recommendation:

Retain the existing three year threshold for disenfranchisement, or provide a clear, evidence based justification for any expansion of voting exclusions.

Removal of Electoral Commission Oversight of Party Preselections

The Bill repeals pt 9 of the Electoral Act 1992, removing Electoral Commission oversight of party preselection ballots.

This is a significant change with serious implications for internal democratic accountability.

- **Pre-selections determine electoral outcomes**
In many electorates, the outcome of a preselection process effectively determines who will hold public office.
- **Independent oversight protects integrity**
Oversight provides confidence to candidates and party members that preselections are conducted fairly, transparently and without improper influence.
- **No replacement safeguards**
The Bill removes this oversight entirely without establishing an alternative independent accountability mechanism.

Recommendation:

Retain Electoral Commission oversight of pre-selections or replace it with a clearly defined independent integrity mechanism with investigatory and reporting powers.

Political Donations: From Prohibition to Compliance

The Bill dismantles existing prohibitions on property developer donations and replaces them with a system of “restricted donations”, relying on donor declarations that funds are not intended for electoral purposes.

This represents a shift from clear, enforceable prohibitions to a compliance-based model.

Key concerns include:

- **Weaker safeguards**
Bright line prohibitions are easier to administer, enforce and understand than intent based declarations.
- **Enforcement risk**
Proving misuse of restricted donations occurs after the fact and places a greater burden on regulators, reducing deterrence.
- **Public confidence**
Queensland’s political donation regime was strengthened in response to historical corruption risks. Rolling back these protections risks undermining trust in the electoral system.

Recommendation:

Maintain existing prohibitions on high-risk donor classes, including property developers, rather than substituting them with declaration-based exemptions.

Absence of Evidence Supporting Reform

The Bill does not identify a demonstrated failure in Queensland's existing electoral framework that necessitates the scope or severity of the proposed reforms. No evidence is provided of systemic fraud, administrative dysfunction or integrity breaches that would justify lowering the prisoner disenfranchisement threshold, removing independent oversight of preselections, or dismantling established donation prohibitions.

In the absence of a clearly articulated and evidence based problem, the proposed reforms appear disproportionate to any identified risk. Electoral law reform should be grounded in demonstrated need, particularly where changes reduce participation, transparency or oversight.

Cumulative Impact on Electoral Integrity

Each of the reforms proposed in the Bill is significant in isolation. Taken together, they have a compounding effect:

- fewer people entitled to vote
- reduced transparency in candidate selection
- greater reliance on compliance and declarations rather than prohibition
- diminished independent oversight

The cumulative impact risks lowering public confidence in Queensland's electoral system, rather than restoring it.

Conclusion

I urge the Committee to reject the Bill in its current form.

At a minimum, substantial amendments are required to protect voting rights, preserve independent oversight of party preselections, and maintain strong, enforceable political donation safeguards.

In the absence of compelling evidence, this Bill represents a departure from Queensland's long standing commitment to electoral integrity, transparency and democratic participation.