

Electoral Reform Amendment Bill 2013
Submission 005



Electoral Reform Amendment Bill 2013

Submission to the Legal Affairs and
Community Safety Committee

December, 2013

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The Queensland Nurses' Union (QNU) thanks the Legal Affairs and Community Safety Committee (the Committee) for providing this opportunity to comment on the *Electoral Reform Amendment Bill 2013* (the Bill).

The QNU - the union for nurses and midwives - is the principal health union in Queensland. Nurses and midwives are the largest occupational group in Queensland Health and one of the largest across the Queensland government. The QNU covers all categories of workers that make up the nursing workforce in Queensland including registered nurses, registered midwives, enrolled nurses and assistants in nursing who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 50,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses in Queensland are members of the QNU.

We ask the Committee to read our submission in conjunction with that of our peak body, the Queensland Council of Unions.

Proposed Amendments to the *Electoral Act 1992*

The Committee will be well aware of the amendments to the *Industrial Relations Act 1999* introduced by the Attorney-General through the *Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Bill 2013* (Transparency legislation) that have (amongst many other provisions) placed unreasonable and potentially unconstitutional¹ restrictions on trade unions and their ability to take part in the political process. This includes imposing fines for 'political' expenditure in excess of \$10,000 per annum and the requirement that unions may only spend this amount following a ballot of members.

We now witness the Attorney-General through this Bill removing the caps on political donations and expenditure as they 'impinge on the implied freedom of political communication and unnecessarily restrict participation in the political process' (Department of Justice and Attorney-General, 2013, p.4). Apparently these rights must be preserved for all parties except trade unions. The hypocrisy and duplicity is staggering. The same concerns the Attorney-General expresses regarding implied freedom of political communication form the basis of the combined unions' High Court Challenge to the Transparency legislation.

¹ The QNU, QTU and QPS are currently challenging these provisions in the High Court.

This committee has read and heard the many arguments trade unions have made in respect to restricting our rights to freedom of expression and association. The QNU and related unions do not pursue a High Court challenge lightly. For the benefit of those members of the committee who hold some regard for the important role of the parliament in safeguarding our representative democracy we reiterate that our opposition to the current caps on our political expenditure is because:

- these restrictions only apply to organisations registered under the *Industrial Relations Act 1999* and no other form of association;
- these restrictions only apply to expenditure for a political purpose and object and not spending generally;
- there were already general provisions in the *Industrial Relations Act 1999* relating to financial probity and the accountability of officeholders of organisations to members;
- the legislation requires the expenditure of a significant amount of member funds in order to comply with its requirements which are completely disproportionate to the amount sought to be expended on the political purpose.

At the same time as the Attorney-General is declaring his intention to reduce restrictions to participating in the political process, the Bill increases the threshold for receiving public electoral funding for registered political parties and candidates to 10% of the total number of formal first preference votes made in the election. The Explanatory Notes (p. 3) even acknowledge the argument that these provisions could be ‘an infringement of fundamental legislative principles by removing an individual’s existing rights’ yet go on to justify the provisions because they will ensure ‘public funds do not go to candidates who have no realistic hope of being elected’. The Attorney-General has already demonstrated he is adept at removing workers’ and unions’ rights. Through this legislation he now denies funding and representational rights to anyone who does not fit his view of mainstream politics.

We support electronically assisted voting for those with disabilities or limited literacy, however, we have reservations about the requirement to provide proof of identity when voting. Aside from the practicalities that may result in even longer waiting times to vote and hence greater disaffection with the electoral process, this provision will impose a significant responsibility on electoral officials and potentially expose them to conflict. Members of the electorate who could find it difficult to supply proof of identity may already be socially or economically disadvantaged and include the elderly, young people, itinerants and indigenous peoples. Their rights as citizens and their dignity must not be compromised under the proposed arrangements.

References

Department of Justice and Attorney-General (2013) *Electoral Reform: Queensland Electoral Review Outcomes*.

Electoral Reform Amendment Bill 2013 Explanatory Notes.