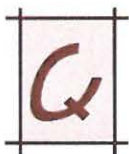


Queensland



Council of Unions

President: **John Battams**

General Secretary: **Ron Monaghan**

**Electoral Reform Amendment Bill 2013
Submission 008**

JM:RK 20140116

16 January 2014

The Research Director
Legal Affairs and Community Safety Committee
By email: lacsc@parliament.qld.gov.au

Please find enclosed the submission made by the Queensland Council of Unions (QCU) on behalf of affiliated unions.

The contents of the submission have been the subject of discussion with affiliated unions. Affiliated unions endorse the content of the submission.

Please direct any further enquiries to Research and Policy Officer, John Martin on 3010 2506 or by email johnb@qcu.asn.au

Yours sincerely

John Battams
President



Queensland Council of Unions

QCU Submission – Electoral Reform
Amendment Bill 2013

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The proposals made in the *Electoral Reform Amendment Bill 2013 (the Bill)* may appear innocuous to some but they are made in the context of some very concerning developments in Queensland. Queenslanders have seen first hand what can happen in a system with a unicameral parliament and optional preference. The results of the 2012 state election demonstrate how one political party can dominate following an election win. These results are similar to the 2001 state election when an ALP Government also won with a massive majority.

Unlike, the Beattie Government that won so convincingly in 2001, the Newman Government has demonstrated an arrogant disregard for any views or objectives that do not coincide with its own. The Newman Government has sought to silence the participation of registered organisations to participate in the political process with unfair, unnecessary and unworkable restrictions that require a ballot of membership in order to campaign on behalf of members. Such restrictions place a financial and administrative burden on registered organisations that would render them unable to effectively respond to a rapidly changing political environment. In addition organisations reliant on the Queensland Government have been prevented from being critical of that government. Given that most of these organisations have an advocacy role, to silence criticism does not enable them to perform their role effectively and it is an abuse of process to require silence in return for funding.

Of even more concern has been to see the attack on the judiciary and the dilution of a separation of powers by the Newman Government. Coupled with a Government that has no political restraints it is indeed concerning that the other checks and balances that one would normally associate with a democracy are also in the sights of the Newman Government. It would also appear that the Newman Government has the support of certain elements of the mainstream media in undertaking its attack on the judiciary.

It is in the context of the current political environment that the Queensland Council of Unions (QCU) makes its submissions. In this context the QCU has a healthy scepticism for any amendment to existing electoral law that might have the perception of being advantageous to the LNP. This submission is based on the objectives of the Bill. No reference has been made to specific provisions of the Bill. The QCU response to those objectives is as follows:

1. Removing the caps on donations and expenditure as unnecessarily restricting participation in the political process

There may be some justification for considering the existing caps on donations as a restriction. However, it is dubious as to the value to the community of substantial spending on election campaigns. The existing public funding provides for a reasonable expenditure without expenditure getting out of hand.

What is most telling about this proposal is the gross hypocrisy demonstrated by Government when one compares this proposition to the restrictions that were placed on registered organisations and registered organisations alone by recent amendment to the *Industrial Relations Act 1999*. By placing the ridiculous imposition of a ballot of members on expenditure over \$10,000 the Government has placed an unreasonable financial and administrative burden on registered organisations.

If Government was serious about removing restrictions on participation in the political process it would not have introduced the aforementioned restrictions on registered organisations. It follows that this proposition is favoured by the Newman Government as being in its own political advantage at this point in time.

The QCU recommends no amendment to existing legislation

2. Increasing the disclosure threshold to \$12400 to more closely align with the threshold applying at the Commonwealth level

As has been highlighted in previous submissions to various parliamentary committees, the sizable donation made by the former member for Redcliffe to the LNP prior to the 2012 state election is of grave concern. Whilst this donation would have had to be declared, even with the higher threshold as proposed, because of its size, the concern still exists for propriety in the Queensland political process. Given the relatively recent history of corruption within Queensland politics it would be beneficial for public confidence if the current thresholds were to remain.

The QCU recommends no amendment to existing legislation

3. Returning the basis for electoral public funding to a stated dollar amount per vote and increasing the threshold for entitlement to public funding from 4% to 10% of the primary vote to reduce the cost of funding to the community

The suggestion that the threshold for entitlement to public funding be increased from 4% to 10% of the primary vote would solidify the two-party system. In turn this has the potential to adversely impact on the level of democracy in Queensland, which might well be described as fragile. Where the two major parties lock into a particular policy position, say for example the sale of public assets, there is no alternative political position that can be advanced within a two party-system.

In the Queensland context, this proposal would seriously disadvantage the Greens, Katter Australia Party (KAP) and Palmer United Party (PUP). Whilst being promoted as reducing the cost of funding, public perception would be that the Newman Government would be advancing this proposal for its own partisan political purposes.

The schedule to this submission entitled *% share of the primary vote by electorate 2012 Queensland election* is a seat by seat analysis of the most recent state election in Queensland. This schedule lists all the seats in the Queensland Legislative Assembly and indicates the percentage of the primary votes received by the minor parties. In all but one case (ALP in Nicklin) both the LNP and ALP would be entitled to public funding following the lifting of the threshold to 10%. The table highlights in yellow those results between 4% and 10% where the candidate would be currently entitled to public funding but would be denied that funding if the threshold was lifted. Highlighted in aqua are those seats where a candidate was within a fraction of a per cent from being less than a 10% threshold (and includes one LNP and one ALP candidate).

As can be seen by this analysis of seats, the Greens would appear to be the target of any proposal to lift the threshold. Under current arrangements, public funding would be applicable to the Greens in 71 seats whereas an increase to 10% would drastically reduce that number to 15. The Greens provide an alternative perspective on a range of issues that is often contrary to the policy position of the Newman Government. The Greens divergent views on policy matters should not be seen as justification for removing public funding. The Greens also ran candidates in all state electorates in the 2012 state election and whilst they did not receive enough votes in any electorate to claim a seat, their level of votes in a number of electorates was significant.

The other foremost losers from an increase to the threshold for public funding would be the KAP and PUP. These recently-formed, conservative parties offer an alternative to the LNP and disaffected Government members of parliament have joined these parties. It would also follow that any policy that would punish these parties could also be publically perceived as pay back. The impact on the PUP is unknown as it did not exist at the 2012 state election. The PUP polled 11.0% of the primary votes in the 2013 federal election in Queensland seats which remarkably similar to the 11.5% received by KAP state wide in the 2012 state election.

The impact of the threshold change on the KAP would appear to be less than that of the Greens based on the 2012 state election results. However, the results of the 2013 federal election in Queensland demonstrate that primary vote of the KAP has dropped significantly from the 2012 state election results. The poor showing of the ALP at the 2012 state election may have contributed to the high level of votes for the KAP in that election. In addition, the existence of the PUP will be likely to impact upon votes received by the KAP. In this regard, the KAP polled 3.8% of the state-wide vote in the 2013 federal election compared to the 11.5% in the state election. It would then follow that a swing back to the ALP couple with the fielding of PUP candidates at the next state election could well place the KAP in a similar position to the Greens, if the threshold is lifted.

Similarly, independent candidates and other minor parties would be potentially disadvantaged by the proposal. Independent members have had a substantial impact on Queensland politics and whilst the 10% threshold would clearly not have an impact on sitting independents it may be a disincentive for independents to stand in the future. The 4% threshold adequately provides a reasonable limit on public funding and allows for much needed diversity in public debate.

The changing of the threshold by the Newman Government would be to its own political advantage. It is inescapable to reach the conclusion that such a proposition would be advanced by the Newman Government for its partisan political purposes. It has the potential to further entrench the two-party system and has no justification, particularly in the current political climate.

The QCU recommends no amendment to existing legislation

4. *Facilitating electronically assisted voting, particularly to ensure access to secret and independent voting for blind and vision impaired voters; and voters who require assistance because of a disability, motor impairment or insufficient literacy*

The proposition to provide electronically assisted voting has some merit but we have concerns as to security and anonymity of the voter. So long as those concerns could be overcome, any assistance provided to those with disabilities would be supported by the QCU.

The QCU recommends offers qualified support for this proposition so long as security concerns can be assured.

5. *Changing particular requirements in relation to postal voting to make it more convenient and accessible for voters*

The QCU supports this proposal on the basis that it enables maximum participation in the election. This proposal would appear to be the existing practice in that postal votes are readily available. It follows that it would be sensible to change the legislation fit the practice.

The QCU supports this proposition

6. *In recognition of how-to-vote cards as an important resource for voters—providing the cards are to be made available on the Electoral Commission of Queensland (ECQ) website and granting the ECQ power to refuse to register a card if it is satisfied it is likely to mislead or deceive a voter in casting their vote*

As with the following heading we remain unconvinced that there is an evil to be rectified. We are unaware of any evidence of misleading or deceptive practice with respect to how to vote cards. One concern is that this proposal might be used in such a way as to prevent community groups from participating in the election.

The QCU recommends no amendment to existing legislation

7. Implementing a proof of identity requirement to vote in a state election in a non-discriminatory way that reduces the potential for electoral fraud

There is no evidence of wide-spread electoral fraud and current system available to the ECQ would identify any such practices. Requiring proof of identification would by definition be discriminatory given that it would impact upon marginalised groups such as:

- indigenous
- youth
- the aged
- recent arrivals to Australia

The Queensland Government professes to be concerned with cutting red tape. Placing further requirements on voters in order to participate in an election is the most wasteful and restrictive example of red tape imaginable.

Given the obvious contradiction between the stated objective of red tape reduction and this proposal together with the absence of any evidence of electoral fraud, one can only imagine it is being suggested in order to provide an electoral advantage for the LNP.

The QCU recommends no amendment to existing legislation

Schedule % share of the primary vote by electorate 2012 Queensland election

Seat	LNP	ALP	Green	KAP	Other**
Albert	Y	Y	5.40	10.87	5.78
Algerger	Y	Y	6.96	8.47	n/a
Ashgrove	Y	Y	9.17	1.66	0.54
Aspley	Y	Y	7.43	3.60	n/a
Barron River	Y	Y	9.16	15.84	1.44
Beaudesert	Y	Y	8.34	26.37	2.59
Brisbane Central	Y	Y	15.33	n/a	2.30
Broadwater	Y	Y	3.21	5.32	4.60
Buderim	Y	Y	10.64	7.76	3.24
Bulimba	Y	Y	10.39	n/a	n/a
Bundaberg	Y	Y	2.94	15.42	3.15
Bundamba	Y	Y	5.14	8.75	7.87
Burdekin	Y	Y	2.73	26.26	2.44
Burleigh	Y	Y	8.44	7.11	2.41
Burnett	Y	Y	3.75	15.98	24.00
Cairns	Y	Y	7.11	18.73	4.17
Callide	Y	Y	3.24	26.61	2.06
Caloundra	Y	Y	13.34	n/a	n/a
Capalaba	Y	Y	7.56	5.96	1.57
Chatsworth	Y	Y	6.25	6.32	1.99
Clayfield	Y	Y	10.84	5.24	n/a
Cleveland	Y	Y	7.57	n/a	4.09
Condamine	Y	Y	4.03	21.32	2.19
Cook	Y	Y	5.50	22.34	2.23
Coomera	Y	Y	6.04	10.01	2.17
Currumbin	Y	Y	9.51	7.15	2.57
Dalrymple	Y	Y	4.73	53.73*	0.68
Everton	Y	Y	7.21	4.19	n/a
Ferny Grove	Y	Y	14.25	n/a	n/a
Gaven	Y	Y	5.58	8.77	4.72
Gladstone	10.86	Y	2.10	8.89	48.96*
Glass House	Y	Y	15.64	10.84	n/a
Greenslopes	Y	Y	12.92	n/a	n/a
Gregory	Y	Y	2.72	17.00	3.67
Gympie	Y	Y	8.49	21.83	3.23
Hervey Bay	Y	Y	3.45	12.35	3.77
Hinchinbrook	Y	Y	3.19	35.24*	0.97
Inala	Y	Y	7.21	11.51	n/a
Indooroopilly	Y	Y	18.49	n/a	1.95
Ipswich	Y	Y	5.61	14.46	8.84
Ipswich West	Y	Y	6.32	18.31	n/a
Kallangur	Y	Y	7.91	11.19	n/a
Kawana	Y	Y	8.33	6.97	n/a
Keppel	Y	Y	6.41	15.90	n/a
Lockyer	Y	Y	6.49	23.82	n/a
Logan	Y	Y	5.38	12.62	6.16
Lytton	Y	Y	8.09	6.74	2.22
Mackay	Y	Y	5.54	18.94	n/a

Mansfield	Y	Y	6.12	4.37	2.68
Maroochydore	Y	Y	13.00	8.69	n/a
Maryborough	Y	Y	2.76	19.56	30.17
Mermaid Beach	Y	Y	7.45	6.07	2.87
Mirani	Y	Y	3.34	19.16	2.15
Moggill	Y	Y	13.80	7.28	n/a
Morayfield	Y	Y	5.64	10.60	n/a
Mount Coot-tha	Y	Y	20.72	2.91	n/a
Mount Isa	Y	Y	2.17	41.61*	n/a
Mount Ommaney	Y	Y	9.78	4.24	1.64
Mudgeeraba	Y	Y	7.67	7.67	5.23
Mulgrave	Y	Y	3.55	29.95	n/a
Mundingburra	Y	Y	5.02	23.00	2.92
Murrumba	Y	Y	4.88	7.92	5.67
Nanango	Y	10.55	3.67	26.33	12.81
Nicklin	Y	N	7.07	7.57	39.14*
Noosa	Y	Y	15.51	9.02	1.33
Nudgee	Y	Y	8.08	6.76	1.98
Pine Rivers	Y	Y	8.44	11.21	n/a
Pumicestone	Y	Y	6.05	10.36	n/a
Redcliffe	Y	Y	6.73	8.74	4.53
Redlands	Y	Y	10.15	n/a	n/a
Rockhampton	Y	Y	3.45	12.68	6.68
Sandgate	Y	Y	8.98	5.27	2.72
South Brisbane	Y	Y	18.07	3.40	1.89
Southern Downs	Y	Y	3.92	13.86	2.20
Southport	Y	Y	6.69	7.45	1.59
Springwood	Y	Y	6.67	6.72	2.95
Stafford	Y	Y	11.30	4.89	n/a
Stretton	Y	Y	5.48	n/a	18.95
Sunnybank	Y	Y	9.56	n/a	5.01
Surfers Paradise	Y	Y	7.12	n/a	3.71
Thuringowa	Y	Y	3.62	30.13	2.75
Toowoomba North	Y	Y	4.88	11.64	1.45
Toowoomba South	Y	Y	5.48	11.92	3.03
Townsville	Y	Y	7.67	21.82	2.60
Warrego	Y	Y	1.98	14.06	13.19
Waterford	Y	Y	7.01	9.13	4.24
Whitsunday	Y	Y	5.88	22.30	n/a
Woodridge	Y	Y	8.57	n/a	8.76
Yeerongpilly	Y	Y	15.96	4.59	1.68
10% threshold	85	84	15	42	6
4% threshold	85	85	71	73	20

*successful candidate other than LNP and ALP

** Other is the candidate with the next highest number of votes not LNP, ALP, Green or Katter and includes One Nation, Family First or Independents