The Research Director
Legal Affairs and Community Safety Committee
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Dear Committee Members

ELECTORAL REFORM AMENDMENT BILL 2013 SUBMISSION

I am writing to express my concerns about the provisions contained in the Electoral Reform Amendment Bill 2013. These concerns are of such seriousness that I believe that the Bill should not be passed by the Queensland Parliament.

The first, and most significant, problem relates to the 'voter identification' requirements proposed in clauses 9 and 10 (amending sections 107 and 112 of the *Electoral Reform Act 1992*). By providing that, in order to cast a vote, electors must first provide an issuing officer with proof of the elector's identity, these clauses seek to place an additional barrier between a voter and the democratic right to exercise their vote.

There does not appear to be any demonstrated need to introduce such hurdles. There have been few, if any, examples of significant electoral fraud based on the use of false identities in Australia. There is not even sufficient evidence to form a legitimate fear of such abuses occurring in the future.

There is, however, evidence from multiple jurisdictions that the introduction of voter identification requirements is likely to result in the disenfranchisement of Queensland voters. While clauses 9 and 10 would still allow voters to cast a declaration vote (under section 112 of the Act), declaration votes are subject to frequent challenge, especially in close elections, and are therefore proportionately more likely to be excluded/less likely to be counted.

The introduction of voter identification requirements are also likely to discourage people from attending a polling booth in the first instance, either because of misapprehension about their ability to cast a vote, or because the voter wishes to avoid unnecessary administrative hassle.

This is especially the case with voters from vulnerable or disadvantaged groups, including people who are Aboriginal or Torres Strait Islander, people who are homeless, people who are poor and people who have lower levels of literacy. These are groups who already exercise a limited voice in Australian democracy – it is completely unjustifiable to seek to reduce their voice at the ballot box too.

The introduction of voter identification requirements, in the absence of demonstrated need and in the knowledge that some voters, especially those from disadvantaged groups, will be disenfranchised, seems perverse. Philosophically, it directly contradicts the idea that democracy should be based on the collective view of the people, taking into account the views of as many people as possible.

Rather than attempting to facilitate the ability of as many people as possible to cast a ballot, clauses 9 and 10 seek to make it more difficult, placing unnecessary barriers in their way. In my view, the introduction of voter identification requirements appears to be a transplanted solution, to a non-existent problem (in Australia), with potentially severe and negative consequences for the state of our democracy.

Even worse, if passed in Queensland, voter identification requirements would set a dangerous precedent for other Australian jurisdictions, providing an additional reason to oppose their inclusion in the Electoral Reform Amendment Bill 2013. For all of the above reasons, the voter identification requirements proposed in clauses 9 and 10 should be rejected.

There are a range of other substantive problems contained in the provisions of the Electoral Reform Amendment Bill 2013. While I do not have the capacity to go into detail about all of them, some of the key issues include:

- Clause 5, amending section 89 of the Act to increase the threshold of first preference votes required for a deposit to be returned, from 4% to 10%, appears to have no justification. It is anti-democratic, discouraging potential candidates from contesting an election, thereby depriving voters of additional choices of candidates to support, and should be removed.

- Clauses 36 and 37, increasing the threshold for reimbursement of electoral expenditure for candidates and political parties to 10%, also appears to have no policy justification. It seems to simply be an effort to entrench existing advantages in favour of established or major parties, at the expense of minor parties and/or independents. This threshold should also be removed or at least substantially reduced.

- Clause 38, which introduces a significant discrepancy in the amount provided per vote to a political party ($2.90 per vote) compared to a candidate ($1.45) also appears to be lacking a clearly defined rationale. If the payment to parties is additional to the payment to the candidates of political parties, then a vote for a political party candidate would result in the payment of three times the amount of a payment for a vote for an independent candidate. Unless a rationale for such a wide discrepancy can be provided, these rates should be reconsidered/substantively amended.

- Clause 49, which establishes a process to provide 'policy development payments' to registered political parties, also appears to be aimed at entrenching the financial advantage enjoyed by established and/or major political parties. I can see no reason why elected independent candidates, and state-wide minor parties who enjoy a minimum level of support (for example, 4%) without necessarily electing a Member of Parliament, should not also be provided with policy development payments.

- Finally, the provisions in clauses 52 onwards, which would dramatically increase the threshold for disclosure of political donations and loans to political parties and candidates, from $1000 to $12,400, would be a major retrograde development. As well as being a vital anti-corruption measure – disclosing who is funding whom, and by what amounts – the public has a legitimate right to know where political parties and candidates are obtaining their funding. Increasing the threshold for disclosure by more than 1100% deprives the public of this right, and increases the possibility of people and organisations seeking to exercise nefarious influence through political donations. In my opinion, this increase must be opposed.

In conclusion, I submit that the substantive problems which exist in the Electoral Reform Amendment Bill 2013 and which I have identified above, ranging from the introduction of voter identification requirements to the dramatic increase in the disclosure threshold, are so serious that this flawed Bill should be rejected in its entirety.

As a consequence, provisions contained in the Act which do have a sound policy basis, including the introduction of electronically-assisted voting for blind/low-vision and lower-literacy voters, should be included in separate legislation.

Thank you for taking this submission into consideration.

Sincerely,

Alastair Lawrie

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