

**From:** [Tracey Arklay](#)  
**To:** [Legal Affairs and Community Safety Committee](#)  
**Subject:** Submission to the Legal Affairs and Community Safety Committee : Electoral reform in Queensland  
**Date:** Monday, 20 January 2014 2:32:58 PM

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To the members of the Legal Affairs and Community Safety Committee,

I realise that the deadline for submission was last Friday, but I have been told that the committee may accept a late submission. I apologise for the lateness in responding but the Christmas holidays intruded and I did not realise the committee deadline was approaching. As required I have attached my affiliation to this e mail, but would like to make it clear that I write this in a personal capacity.

I am concerned about the long term ramifications to the democratic system of Queensland should the changes introduced in the Electoral Reform Amendment Bill 2013 be passed. As this is very likely considering Queensland's majoritarian and unicameral parliament, I would like to raise a matter of serious concern regarding the effect voter ID laws have had in countries where they have already been introduced, and urge that the Parliament reconsider this aspect of its amendment before the bill's final assent.

If passed into law the need to provide voter ID at the ballot box will be a first for Australia. Certainly from time to time we hear that voter fraud is a problem, and advocates of voter ID claim to be concerned with making elections fairer. Now while this has a degree of inherent logic to it, the facts do not support the assertion that fraud is a real problem in Australia. Electoral experts like Emeritus Professor Colin Hughes argued many years ago that the instances of voter fraud were 'overstated'. More recently, an Australian Government Green paper released in 2009 found similarly, while the Australian Electoral Commission's website notes that since major electoral reforms in 1983, the court of disputed returns have not voided any election on the basis of fraudulent voting. Even the Queensland government's own discussion paper indicated that voter fraud was not an issue in past Queensland elections and that the introduction of voter ID could be 'considered a disproportionate response to the risk'. So the question begs, why include it in this bill?

This question is especially salient when considered alongside international experience. There are many nations that have a form of voter ID. It has its uses, providing a degree of integrity to elections in emerging democracies for example where fraud is undeniably more prevalent. Many first world countries also use a form of voter id – the USA being a chief example. Importantly, some of the more serious criticisms of voter ID also come from the USA where usually poor, black citizens risk being disenfranchised because of difficulties in obtaining suitable ID (see The Economist, 27 October, 2012). While thirty-four states in the US now have a form of voter ID, push-back is happening. In Texas a photo-id law was blocked by the federal court who found 'it imposes strict, unforgiving burdens on the poor'. In other states such as South Carolina, the law has been watered down over time as a result of court challenges. In the USA voting is not compulsory, and disabling a person's right to vote (particularly if they aren't likely to vote for the party who is imposing voter ID), makes the job of political parties in getting out the vote out that much easier. Indeed, a judge sitting in the United States Court of Appeal recently admitted he was wrong in his earlier support for the measure. Judge Posner now believes that instead of preventing voter fraud, voter ID 'suppress the vote by denying people who have a legitimate entitlement to vote access to the ballot box' (Howe, SMH, 21 October 2013). In Canada too,

there has been some controversy surrounding voter ID and Muslim women needing to remove their niqab or burka to prove their identification, before being able to cast a ballot.

Voter ID is but one measure that the proposed legislation in Queensland deals with. Attorney-General Jarrod Bleijie called it evidence the government was 'thinking outside the ballot box'. I ask the committee to do the same. Plamentz noted that 'elections are important, not for what happens at them, but for what happens because of them'. I urge you to consider Queensland's past history. Prior to the Fitzgerald Inquiry and the changes that occurred as a result (including importantly the establishment of an independent electoral commission) official misconduct on a large scale existed at the most senior levels of the police and political and administrative class. Here governments (both Labor and the Conservatives) used the electoral system as a way of shoring up support. Since the 1920s successive governments have made an art form of it. In 1922 the Labor Party stacked the Upper House with a group of men, later known as the suicide squad, who voted to abolish the Senate. Electoral systems were changed in order to benefit the party in power at the time. Malapportioned electoral districts were common place, the community of Wugul Wugul experiencing the only true gerrymander the state has seen when on instruction from Premier Bjelke-Petersen, a judge removed their right to vote in their own electorate of Barron River, and placing them instead in the Labor electorate of Cook. Many Queenslanders thought this fight was over, and that electoral changes that potentially benefit the political party in power was a thing of the past. The changes suggested in this recent bill, suggest that may not be the case.

Given Queensland's history, when any change is suggested to an institution as important as the electoral system I ask why? It seems to me that one possible answer is removing compulsory enrolment and voting in the longer term. This will be easier to argue when voting numbers decline – and in an era where many are already feeling disconnected from their governments, voting ID just might see to that.

I ask the committee to take this into account when considering this new legislation. I and am certain many other Queenslanders believe that voter ID is not necessary. Evidence would support us in that belief. The risk of what might happen as a result far outweighs any benefits.

Yours sincerely,

Dr Tracey Arklay  
Research Fellow  
University of Queensland, Brisbane, 4067

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