



Speech by

**Hon. R. WELFORD**

**MEMBER FOR EVERTON**

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Hansard 16 May 2001

**ELECTORAL AND OTHER ACTS AMENDMENT BILL**

**Hon. R. J. WELFORD** (Everton—ALP) (Attorney-General and Minister for Justice) (4.47 p.m.), in reply: I am very grateful for the contributions of all members of the House who have spoken on this amendment bill. The electoral laws of our state are a very important part of the framework of our state and its constitution. It is very important that members take a close and abiding interest in our electoral laws and the electoral system. Of course, having regard to issues that have arisen over a number of years now, increasingly people are looking to governments to ensure that the integrity of the electoral system and the validity of its outcomes are secured. That is important not just in terms of the fairness of elections and their transparency but also in order to maintain public confidence in the electoral system.

I will respond to some of the issues raised by a number of members who spoke in the second reading debate. I thank the member for Southern Downs for indicating in-principle support for the amendments that are proposed to the legislation. Of course, the amendments that the government has put forward today are simply a response to the report of the Legal, Constitutional and Administrative Review Committee. In that respect, they do enjoy bipartisan support.

The member for Greenslopes was the chair of the committee when it delivered its report. He spoke at length about the way in which the committee came to its conclusions and put forward the many recommendations that are substantially being adopted today. The important point that he made is that, whatever we seek to do, we need to ensure that the electoral processes, while aimed at achieving accuracy and integrity within the system, are clear and simple. We need processes that give citizens of the state the opportunity to exercise their right to be a part of the electoral process and do not have the effect of disfranchising voters. I believe that the balance that has been struck by the committee and adopted by the government in the amendments that are put forward today achieve that outcome.

The member for Hinchinbrook raised an issue that the member for Logan later described as 'interrupted ballots'. There was a situation in Hinchinbrook where the ballot for a number of constituents was interrupted by bad weather. That is an issue that I will have a look at, although I am not entirely convinced that the later votes of one section of a constituency would necessarily result in a distortion of the outcome. An analogy was put in relation to a federal election when the votes of the eastern states are announced before voting is completed in Western Australia. I am open to argument and further persuasion on the implications of that. I am not sure that the argument was put adequately by the member for Hinchinbrook, but I understand the point that was made. As the member for Logan said, it is worth giving some further thought to.

The member for Kawana made the point that many citizens find some of the electoral processes confusing. Of course, that confusion is added to when one turns up at a polling booth and has multiple pieces of voting literature shoved in front of one. At the last state election, certainly in my electorate although I received similar reports from people in other electorates, I noticed that, more than at any past state election that I have been involved in, a very high number of people refused to take the how-to-vote cards that were offered to them. Although no-one has done a precise count, people working on polling booths at the last state election have given the impression that there was a higher level of resistance to how-to-vote cards from voters than at any other election. I am not sure what we read into that.

Some people are sick and tired of the campaigning by the time the election day comes around and, if they have not made up their mind, they are certainly brownd off enough by the campaigning process not to want to be further campaigned or lobbied in the last few seconds as they walk into a polling booth. Nevertheless, while some years ago I, too, started to develop a jaundiced view about how-to-vote cards being handed out and the amount of paper being wasted—it is a common theme discussed in the community—on the other hand, it is true that some people choose not to turn their mind to the issues until the day and choose to turn up at the polling booth, look at the how-to-votes and decide who they want to vote for there and then. They may do that against a background of a whole range of peripheral vision that they have experienced over the previous three years of the term of the government, but they do not make their final decision until they have the how-to-vote papers in front of them.

In addition, the atmosphere on election day is one which I have noticed over the last couple of elections and is something that as an Australian I am very proud to witness. There is a semi-carnival atmosphere about election days, when all citizens of this country come out and cast a vote for their government. There are many countries that call themselves democracies where voting is voluntary and in some of them fewer than 50 per cent of the people vote, and even after they vote the votes still cannot be counted, as we saw in the US election. We have every reason to be very proud of our system of compulsory voting in Australia. The fact that people come out to vote and many hundreds of others come out to assist people in voting and to hand out cards for their political parties is one of the great institutions of democracy in this country.

The member for Gladstone also made a thoughtful contribution to the discussion on elections and electoral systems, making a point about fixed terms. I think the community is coming closer to the view that it is time that politicians stopped playing around with electoral terms and that we considered the option of fixed term parliaments. Certainly, something that I think needs further consideration is the prospect of fixed four-year terms. It is something that Gough Whitlam has advocated for many years. As we know, local government in Queensland already has fixed four-year terms and it is certainly something that I think is appropriate for us to start considering for the state parliament as well.

The member for Gladstone also made the point that what we are doing today in ensuring the disclosure of the party on some of these how-to-vote cards would have strong community support, and our government acknowledges that. However, the member for Gladstone raised concerns about the risks, as she saw them, of any need to register how-to-vote cards before an election. I think those risks as described by the member for Gladstone were a little overstated and I think the member for Logan amply responded to that point. Most candidates who organise their printing of how-to-votes in time for the pre-poll voting would certainly be able to have printed how-to-votes ready in sufficient time to register if that was a necessary process, particularly, for example, if the idea raised by the member for Gladstone of posting how-to-votes in the voting ballot room was adopted. I think that proposal raised by the 'independent' member for Logan in his generous capacity as a majority of one certainly deserves some further thought, and it is a matter that I will be giving some further consideration to.

The member for Toowoomba North is a member of my committee and made a very learned contribution to the debate in relation to the appeals that are now provided for in this legislation. He supports, as did a number of other members, the maintenance of how-to-vote cards and their being offered to voters as they arrive at polling booths. But he made the point, as did the member for Mundingburra and other members, that notwithstanding the adoption of EARC's proposal for a Court of Disputed Returns—and I agree—it makes sense as in any other justiciable matter that the decision of a single judge ought to be open to appeal on questions of law. Rectifying that anomalous situation is something that deserves bipartisan support and, indeed, as I understand it, it has it.

The member for Fitzroy raised some very disturbing issues in relation to the opportunity for workers to get to polling booths. It is a matter of great concern to me as the Attorney-General and to our government that in respect of our electoral system any employer, large or small, should in any way behave in a manner which denies people the opportunity to exercise what we regard as a fundamental human right to participate in the electoral processes of our state. I was very concerned to hear that, and I will certainly be referring his concerns to the Electoral Commissioner to ensure that so far as possible anyone put in a difficult position in respect of their workplace is provided the very best opportunity to cast a vote.

**Mr Springborg:** They have an obligation to vote, too.

**Mr WELFORD:** Under the law all citizens have an obligation to vote. In a sense, directing a person in a way that denies them the opportunity to vote is virtually counselling a breach of the law. That is a matter of very great concern which we do need to look at. Frankly, any employer who sets out to deliberately deny their employees the opportunity to vote because of work arrangements or responsibilities is a mug and does not deserve the respect of any of us. Shift workers who were working in Dysart in that instance certainly deserved to have the opportunity to vote.

I thank members for their contributions. I am aware that there are a number of issues that the opposition spokesperson wants to raise in the committee stage so I propose that we move to that forthwith.

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