



Speech by

Hon. R. WELFORD

MEMBER FOR EVERTON

Hansard 17 October 2001

ELECTORAL [TRAVELLERS' ADVANCE VOTES] AMENDMENT BILL

Hon. R. J. WELFORD (Everton—ALP) (Attorney-General and Minister for Justice) (8.38 p.m.): The government has indicated to the member for Nicklin that, although we agree, as the previous speaker said, that he has proposed this initiative with the very best of intentions, we do not believe it is workable. Quite apart from acknowledging that it would be nice to do something for those people who go away during an election—and from time to time all of us in our respective electorates encounter people who in the run-up to an election are about to go overseas; the election has not been called, the date is not known and the candidates have not been declared—we all feel some desire to be able to accommodate those people's genuine wish to vote.

However, for some reasons that I will outline, the government believes that, notwithstanding our best intentions, this proposal is frankly unworkable if not at risk of working quite unfairly. It is understandable that in the context in which the member for Nicklin may have been approached by constituents who see the benefit in being able to nominate someone they know who is likely to stand for election, I think the corollary or the flip side of that coin is that candidates who might represent new parties or Independent candidates and who may have an equal claim to bid for election at election time are seriously disadvantaged by such an initiative. I think that runs counter to the concept of electoral fairness to which we all broadly subscribe, namely, that when a person casts their vote one would think that they can really only do that in the full knowledge of all the voting options.

It is true that some people may know the sitting member, for example, and say that they do not care who else proposes to stand, they are going to give their vote to the existing member. Again, while one can understand that people may wish to make that choice, the concept of exercising a proper vote, in my view, does carry with it the notion that you are exercising a choice among others of which you have some capacity to make judgment. That capacity is denied any voter if, in fact, their vote is exercised in circumstances in which they are not making a choice between candidates but simply nominating a possible candidate.

According to this bill, a person may put a name on a ballot paper of a person who they think is likely to stand for election, whether it be for a political party or as an Independent. Of course, in the case of a political party, it is always possible that, between that time and the declaration of candidates for the election, parties have a different view about who their best candidate for that particular seat might be. It is not beyond the bounds of possibility that in all parties a different candidate might stand. What happens to that person's vote if, in fact, they might be a genuine and committed National Party voter nominating the name of a person who they think might stand only to see the National Party disendorse that person? Maybe they were a Liberal Party candidate by the name of Pauline Hanson who suddenly did something against the interests of the party for which she was proposing to nominate. Then the person who wanted to vote for a Liberal candidate suddenly found that their choice was not a Liberal candidate anymore.

Mr Cummins: There was no Liberal Party member endorsed.

Mr WELFORD: That is right. That is their difficulty: if they vote for someone because the person is proposing to stand for a political party and then the political party does not have a candidate standing, then obviously they have a real problem. I think there are those very real, practical difficulties.

As honourable members know, the government is looking at a comprehensive reform package for the Electoral Act. We at least acknowledge that the issue of the types of declaration votes that might be cast and the issue of people who are overseas having the greatest possible opportunity to cast a vote are worthy of consideration. In relation to declaration votes, whether they be postal votes or whatever, we are prepared to have a further look at what options may be available for people. Of course, in an ideal world we would want to be able to give a vote to everyone who wants to vote. That is the concept of a democracy.

But, of course, we do not always live in an ideal world. There may be the odd circumstance when someone travels overseas in such a remote location that it is just one of those unfortunate circumstances in which they cannot manage, notwithstanding the postal vote system, to cast a valid vote. The idea that people can vote for what are effectively unknown candidates before an election is even called and the risk that their vote may not be able to flow to a valid candidate at all seems to me to raise practical difficulties with the proposal of such a dimension that we really need to give this further thought before giving it an endorsement.

In that context I am surprised, frankly, that the National Party is proposing to support the proposal. As I say, the government is in full sympathy with the idea that we should seek to give people the maximum opportunity to cast a vote. There are some people who in these circumstances will go away before an election is called. So the conventional postal vote system will not necessarily help them. I would have thought that there would have been enough electoral history in the National Party for it to be a bit more cautious about a circumstance such as this which really is very open.

We wonder, for example, why the National Party would not be concerned that there might be some avenue for electoral fraud arising from the level of flexibility that the proposal, as it is drafted, might facilitate. Under the proposal voters will be able to lodge a vote up to six months before polling day. The reality is that, if an election is held during that time, there is no particular mechanism for knowing whether in fact the so-called intending traveller will be still eligible to vote at election time. For example, how do we find out whether within that six months the person took up permanent residence overseas or, indeed, interstate? They may even die. What is the effect of their vote in those circumstances? Under the bill as it is currently drafted, as I understand it, their vote would still be able to be counted. I do not think that was the intention of the member for Nicklin, but it is the effect of the proposal before us.

I suppose there is also the possibility that a person may cast or seek to lodge one of these advance votes on behalf of a person who may still be on the roll in Queensland but who the person casting the vote knows is overseas such that the person casting the vote is not the same person as the person who is overseas. The person who is overseas may be overseas well before the six month period, but someone else who knows they are over there may seek to cast a vote on their behalf.

Mr Springborg interjected.

Mr WELFORD: But there is no current provision in this bill or the electoral provisions as they currently exist to ensure that that cannot occur.

Time expired.
