




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Record of Proceedings, 21 November 2013

ELECTORAL REFORM AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (4.03 pm): I present a bill for an act to amend the Electoral Act 1992 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Electoral Reform Amendment Bill 2013 [\[4147\]](#).

Tabled paper: Electoral Reform Amendment Bill 2013, explanatory notes [\[4148\]](#).

I am pleased to introduce the Electoral Reform Amendment Bill 2013. The bill proposes amendments to the Electoral Act 1992 to implement improvements to our electoral system. This government has been concerned at changes to Queensland's electoral system made by the former Labor government. These changes, made by the Electoral Reform and Accountability Amendment Act 2011, were implemented with too little consultation and consideration.

With this in mind, earlier this year, I released the electoral reform discussion paper and sought the views of the Queensland community on our electoral system and what changes could be made to improve it. Over 250 submissions were received in response to the discussion paper. I think this response demonstrates that Queenslanders are strongly committed to ensuring we have an electoral system that is effective and accountable as well as promoting participation. I thank those who took the time to make their views known through the discussion paper.

The government has reviewed and considered all of the views Queenslanders put forward. As you can imagine, those views were varied and sometimes conflicting, although on some issues there was clear community support for a particular option. There is strong stakeholder support for maintaining the compulsory voting requirement for Queensland state elections, and in line with this support the requirement will be retained. There is also strong support for maintaining Queensland's optional preferential system of voting, which is clearly understood by voters. Accordingly, this too will remain. Some stakeholders raised the possibility of increasing to four years the term of the Legislative Assembly and introducing fixed terms for state elections. This is still being considered by the government.

The bill proposes changes to the rules governing political donations, the public funding of elections and electoral expenditure. The government has decided to remove the caps on political donations and on campaign expenditure as unnecessarily restricting participation in the political process. The public funding of elections will revert to a dollar per vote model. Political parties will be paid \$2.90 for each formal first preference vote received by an eligible endorsed candidate and eligible candidates will be paid \$1.45 per vote.

The government considers this to be the fairest funding model as the amount of funding a registered political party or candidate is entitled to receive is directly related to their electoral strength. Parties and candidates will need to make their spending decisions based on an assessment of their prospects of success.

Minor changes are also proposed to allow a candidate to apply for election funding for which they are eligible, in place of their agent. The threshold of formal first preference votes for receiving public election funding will be increased to 10 per cent to protect public money being used to fund candidates with no realistic hope of being elected. The threshold is still at a level that enables full participation in the electoral process by candidates who have a degree of community support.

The bill also provides for annual policy development payments to be made in instalments to registered political parties with at least one elected member. The payment will also be based on a party's relative electoral support and will ensure parties can continue to engage fully in developing and shaping policy while continuing to effectively represent the community. The amount available for the making of policy development payments will be set by regulation.

As before the changes made by the Electoral Reform and Accountability Amendment Act 2011, the act will again rely on disclosure and reporting to promote transparency and accountability. In the electoral review outcomes paper, the government stated its intention to change the donation disclosure threshold to \$12,400, indexed annually for CPI. This amount is more closely aligned with the disclosure threshold currently applying at the Commonwealth level. Also proposed was a move from a biannual to monthly disclosure regime for donations. Unfortunately, during the drafting of the bill, it became apparent that the proposed monthly disclosure of donations was inconsistent with donation disclosure requirements under the Commonwealth Electoral Act 1918.

Crown Solicitor advice confirmed that the proposal to move to a monthly donation disclosure regime would more likely than not be held to be inconsistent with the Commonwealth Act and to that extent invalid. I table a copy of the Crown Solicitor's advice on that particular matter with respect to continuous disclosure.

Tabled paper: Memorandum, dated 20 November 2013, from the Crown Solicitor to the Attorney-General and Minister for Justice, Hon. Jarrod Bleijie, regarding Queensland and Commonwealth electoral acts [\[4149\]](#).

Consequently, the existing requirements in the Queensland act relating to the disclosure of donations have been retained and amended to increase the donation threshold and to align with Commonwealth requirements of the time frames for the disclosure of donations. The bill also amends the act to remove some existing disclosure requirements relevant to the caps on political donations and expenditure and to provide that a political party has complied with the act if it gives to the Electoral Commission of Queensland a copy of a return lodged with the Australian Electoral Commission in accordance with the Commonwealth act.

Providing for consistency in reporting requirements will promote certainty in relation to Queensland's electoral laws and ensure fairness, transparency and accountability are maintained. The amendments to remove political donation and expenditure caps, and associated requirements, and to implement new disclosure and reporting requirements will be taken to have commenced from introduction of the bill today. This will provide clarity for participants in anticipation of the next state election. Transitional administrative arrangements will facilitate the early implementation of the new fundraising threshold and avoid unnecessary duplication of requirements. The making of policy development payments will be backdated to January 2014.

Reforms to maximise voter participation are also proposed in the bill. Provisions to enable electronically assisted voting will be inserted into the act. The government supports offering electronically assisted voting to all Queenslanders, if associated security and integrity arrangements can be assured. In the short term, the priority is to make electronically assisted voting available on a targeted basis for blind and vision impaired voters and voters who require assistance voting because of a disability, motor impairment or insufficient literacy. Electronically assisted voting will, for the first time in Queensland, enable these voters to cast their votes independently and in secret.

In acknowledging continuous economic and social changes and an ageing population, the bill proposes removing the restrictions on who can apply for a postal vote. Voters wishing to cast a prepoll vote can currently do so without restriction and this change will make the requirements consistent. Changes to postal voting requirements will also be made to enable applications to cast a postal vote to be made online and to bring forward the deadline to apply for a postal vote to ensure voters receive their ballot papers in time to cast a valid vote.

The bill proposes reforms to enhance voting integrity. A proof of identity requirement on polling day will be introduced to reduce the potential for electoral fraud. The government acknowledges that not all voters will have ready access to photographic identity. A range of acceptable proof of identity documents, not restricted to photographic identification, will be set out in the Electoral Regulation 2013. A voter who does not provide proof of identity on polling day will still be permitted to cast a

declaration vote. The Electoral Commission of Queensland must check each declaration vote made and only if satisfied of the voter's entitlement to vote will the ballot paper be included in the count.

In recognising the important information role how-to-vote cards play, the cards will now be required to be published on the Electoral Commission of Queensland website. This will provide postal voters with access to how-to-vote guidance while allowing greater scrutiny of the cards before polling day. The Electoral Commission of Queensland will also be given power to refuse to register a how-to-vote card that is likely to mislead or deceive a voter in casting their vote. These reforms will ensure Queensland has an electoral system that meets high standards of integrity and accountability, and promotes participation in our democracy through political representation and voting.

To clarify a few points for honourable colleagues, when the Labor Party was last in government it rushed through the electoral reform and accountability legislation. We have heard in the last three days particularly a lot about processes of parliament and rushing things and consultation. I might remind members in introducing this bill that the Labor Party introduced its electoral reform bill just before the last election. It was introduced at a time when senior parliamentarians from either side of parliament were devising the new committee system. We did not have a committee system where every bill used to be referred. If memory serves me correctly, a day before the new committee system came into effect, Paul Lucas, the Attorney-General at the time, rushed in here and introduced the electoral accountability legislation, therefore alleviating the need for it to be scrutinised by a parliamentary committee. Not only that, when they debated the electoral reform and accountability act, which gave the Labor Party a lot more money than what they used to—

Mr Dempsey: Significant.

Mr BLEIJIE: I take the interjection from the police minister: significant additional resources. I remind honourable members that in 2009 public funding on expenditure for political campaigns was \$3.5 million. Under the Labor Party amendments, taxpayers forked out in the 2012 election campaign \$24½ million in public funding to political parties and candidates. In 2009 it went from \$3½ million to \$24½ million after the amendments they rushed through.

I thought it might be interesting for members to note that when they introduced this electoral reform and accountability, which introduced caps on expenditure and caps on donations, it was debated the day after the federal budget was handed down. The federal budget was handed down on Tuesday. The electoral reform and accountability legislation was debated on Wednesday. If memory serves me correctly, Gordon Nuttall was at the bar of the parliament on Thursday. They slipped it in under the cloud of Gordon Nuttall and the federal budget so Queenslanders would be distracted from the fact that they increased funding for political parties from \$3.5 million in 2009 to \$24½ million in 2012. What we are doing with this legislation is substantially reducing taxpayer funding for political parties and candidates in this state. Honourable colleagues will certainly see that reduction when the bill is debated early in the new year.

The other thing we are doing by referring it to the committee now—I suspect we will debate it early in the new year—is giving the legal affairs committee a good couple of months to look at this legislation, which is more than what was given for the former electoral reform and accountability legislation. The former electoral reform legislation introduced by Paul Lucas contained some of the most monumental changes in electoral fraud—I call it electoral fraud because it was electoral fraud by the Labor Party—in the electoral system at the time. We went from a dollar-per-vote value to recouping based on expenditure. Honourable colleagues elected in the 2012 campaign had an expenditure cap of some \$50,000. If you spent the entire cap, you were entitled to approximately \$26,000 back despite the number of votes you received. It was based on your expenditure.

I was the shadow Attorney-General at the time and I recall when Paul Lucas introduced this legislation. In the consideration in detail there was a very broad definition of electoral expenditure. If one has to prove that they have only spent \$50,000 on electoral expenditure, the next obvious question is: what is electoral expenditure for campaign purposes? I recall specifically asking the Attorney-General Paul Lucas at the time whether the A-frame that the corflute is attached to is considered expenditure or whether it is just the corflute. The Attorney-General, Paul Lucas, was so flustered at the time that he said, 'I don't know. Other people will work that out.' That was in the consideration of detail on a bill containing some of the most fundamental changes to our electoral system that this state has ever seen, and the Attorney at the time could not understand it. For the benefit of the toothpick-sucking member for Rockhampton, let me say this: he will go to the 2015 election with far more clarity and far less regulation, red tape and burden than he did in the 2012 election campaign, and he will thank the government for that.

A government member: Don't count on it.

Mr BLEIJIE: I take the interjection from the honourable minister. I will not count on it, but I hold high hopes. The next election under these provisions will be similar to the 2009 election and prior elections where essentially the more votes you receive, the more public funding you will be entitled to based on \$1.45 per vote and \$2.90 per vote for political parties. So we are retaining the two elements of public funding. For some seats in Queensland there will be considerably less money. That is why the government is saying that we are saving the people of Queensland the amount of money that the taxpayer had to fork out under the Labor Party's legislative amendments.

Bear in mind that the Labor Party introduced this legislation just prior to the 2012 election campaign. I suspect, as I said at the time, they did it because donations were drying up. The Labor Party in Queensland were on the way out. They suspected they may have trouble at the election. What better way to make sure they had funding for their election campaign than to slog the taxpayers of Queensland and make sure the taxpayers paid for the Labor Party's administration of office and additional public funding.

Honourable colleagues will be quite surprised, particularly those elected in 2012, when they go to the next election at the reduction in the regulation of red tape. They will be quite surprised because of what they experienced in the 2012 election campaign with the Electoral Commission, which was doing an amazing job under the circumstances with legislation that not even the implementers—that is, the Labor Party—could understand. Sometimes it took over 12 months after the 2012 election to get refunds to candidates and political parties because of the complexity around what was defined as electoral expenditure for campaign purposes.

There were all sorts of disputes. There were disputes in terms of what is expenditure, what is not expenditure and what is third party, because they had these ridiculous rules that candidates could spend up to a cap of \$50,000 in an election and a political party or a third party could spend up to \$75,000 in an election. There was a catch, though. If you were a third party what you could spend was capped. There was an exception, though, for unions in Queensland. Unions were not capped as third parties were because they did not fall under the third-party cap periods. We will change all of that. We will make sure there is a level playing field for all candidates, Independents and political parties in the state of Queensland.

Going to the next election there will not be caps on expenditure; there will not be caps on donations. Therefore, similar to a tax return, after an election candidates and political parties will be required to put in a return to the Electoral Commission. The return will be substantially less burdensome than what it is now because the Electoral Commission will make an assessment on the receipts that were issued for the expenditure on the campaign. Based on the number of first preference votes received, they will then be entitled to the financial contribution from the Electoral Commission once the application is lodged.

I am very excited by the opportunity that this legislation presents. I know the member for Gympie will be particularly excited by the opportunity that it presents for electronically assisted voting to be rolled out across the state, allowing those with vision and hearing impairments the opportunity to fully participate in the electoral system without the necessary assistance required currently. We have looked at jurisdictions around the world in relation to electronic voting. We would very much like to go to the next state election with some trial sites in terms of full electronic voting. However, I do have concerns with respect to some of the booths around the world in terms of electronic voting. Of course, when you go to electronic voting you do open it to the possibility of IT fraud. With 18 months until the next election, we would not want to proceed without discussing that fully and ensuring that all the ducks are lined up. We will proceed with the policy intention that we would like to see those booths operating at trial sites in future state elections. We also want to ensure that we will be able to offer electronically assisted voting to those suffering some sort of incapacity.

I wish to address the issue with respect to the disclosure regime. Currently, the disclosure regime in Queensland is such that if a donor donates \$1,000 or more to a candidate, they have to disclose that to the Electoral Commission. We are making it consistent with the Commonwealth electoral legislation, and that is where the \$12,400 comes from—indexed by CPI. We are increasing the donation threshold to that figure to make it consistent with the federal legislation. In the response to the discussion paper we also announced that we would envisage—and we have said it publicly—having a continuous disclosure regime. So anything over \$12,400 would actually be disclosed on a month-to-month basis. However, in the legal advice that I have tabled—and we would not ordinarily table legal advice in this House because there is a potential to waive certain privileges attached to the advice. However, I think it is important for the House to understand that during the drafting of the continuous disclosure regime we received advice from crown law that did indicate that if we were to implement a continuous disclosure regime in Queensland we may run into some issues regarding

section 109 of the Commonwealth Constitution—issues of inconsistency—because the regime at the federal level is a yearly disclosure regime, not a continuous disclosure regime. Essentially, crown law advice is—this is the simple way to put it—that if the law about disclosure in Queensland is more burdensome than that at the federal level, it would likely be held invalid by the High Court. So we have taken the cautious approach; we have taken that out of our legislation. However, I would encourage the committee, chaired by the member for Ipswich, to look at that particular issue and the crown law advice. Our position is that we would wish to proceed to a continuous disclosure regime in the interests of transparency, and for the benefit of transparency I have tabled the legal advice so everyone can see what crown law has said and why we have taken continuous disclosure out of this bill. I am more than happy to keep that door open, depending on the committee processes, and to see if there are other ways around that.

This is about making sure that we have an electoral system that is of the highest integrity, one that costs the taxpayers of the state less money, one that people can rely on and one that encourages participation in the political process not only by candidates but also by those donating to political parties. It is about making sure that we have the necessary steps to get rid of the caps, particularly for expenditure. I know on this side of the House we will have many very happy volunteer treasurers of our respective organisations. They will be very happy with the announcement and this legislation that will require them to do a lot less paperwork for the high pay that those volunteers receive! I think they will be very happy about that. This legislation makes sure that we have an electoral system that is modern and progressive and one that looks to the future as opposed to the Electoral Act that was amended prior to the Bligh and Fraser government leaving office in Queensland, which was all about what was in the interests of the Queensland Labor Party.

I thank people who have contributed to the discussion paper. Members will be able to see that our discussion papers are in stark contrast to those of the former government. We actually have Queenslanders tell us about these issues rather than just the politicians coming in here for their own electoral success and benefits and taking more money from the taxpayer. This went out for public consultation for a long period—back in December of last year and January of this year, 2013. The submissions were put in and then of course we responded to those submissions. Now we have the pleasure of being able to introduce this legislation.

I thank all honourable colleagues for their contribution and also those colleagues who made submissions with respect to the green paper. The public can have far more confidence in the electoral system going forward than they did under the Labor Party, which amended the Electoral Act for their own political gain. This is certainly not the case here. This will cost taxpayers less money, make politicians more accountable and will ensure that our politicians work for every dollar value per vote that they receive at the election. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.26 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Watts): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.26 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Electoral Reform Amendment Bill by 24 February 2014.