Speech By

Mark Furner

MEMBER FOR FERNY GROVE

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ELECTORAL AND OTHER LEGISLATION AMENDMENT BILL

Mr FURNER (Ferny Grove—ALP) (3.06 pm): It gives me pleasure to speak on the Electoral and Other Legislation Amendment Bill as chair of the Legal Affairs and Community Safety Committee. I do not intend to cover off on the objectives of the bill which have already been canvassed by both the Attorney-General and the member for Mansfield. Notwithstanding that, the bill delivers on our clear election commitments to place increased transparency, integrity and also accountability at the forefront of this Palaszczuk Labor government. The LNP government trampled over fundamental elements of a modern, transparent Queensland democracy. That has been demonstrated in the last three years.

The Legal Affairs and Community Safety Committee received over 500 submissions. I am sure the member for Mansfield will correct me, but I understand that when this matter was first inquired into there were something like 180 submissions provided to the committee. We are not in this place to have a competition around the number of submissions provided to portfolio committees. We are here as parliamentarians to legislate on matters that concern the public and that have direct reference to what is needed by our constituents.

Having had proper consultation through the committee, it was therefore determined that unfortunately the committee was unable to reach agreement on the bill. However, in terms of reaching agreement on the report, I am satisfied and very happy that through the assistance of the deputy chair we were able as a committee to reach a consensus overall on the report. In addition to the fact that there was an inability to reach agreement on the voter ID and also the donation threshold provisions, I commend the opposition members of the committee for reaching consensus on the way in which the CCC chair's pension is resolved and provided for.

The public hearing on this bill was on Thursday, 16 April 2015. At that hearing there was a range of substantial evidence provided by expert witnesses including officers from the Department of Justice and Attorney-General and the Electoral Commission of Queensland; Mr James Farrell, representing the Queensland Association of Independent Legal Services; Mr Scott McDougall, Director of the Caxton Legal Centre, which was a party to the joint submission made by QAILS and others; Mr Michael Cope, representing the Queensland Council for Civil Liberties; Mr Stephen Keim, representing the Bar Association of Queensland; and Professor Graeme Orr, who appeared in a private capacity.

In respect of evidence provided at the hearing on the donation threshold, there was a range of views no doubt as one would expect in any public hearing on a particular bill such as this. One particular person who appeared, Mr Bullock from FamilyVoice Australia, contended in his evidence—

As a person in this nation who is trying to make sure that the process has integrity, I cannot understand why any figure should be compulsory. Anything under $12,800 is not going to buy votes ...

Conversely, however, Mr Keim from the Bar Association of Queensland—certainly I and the other government members represented on this committee are quite clear about what conversely applies—indicated that he was seduced by convenience when the previous government amended this area of the Electoral Act and submitted—

... we have come to the view that $10,000, $12,000 is just far too high. It is much better to have it at the lower level.

The Queensland Council for Civil Liberties indicated that the figure was too high and thought that there was a reasonable argument for suggesting that even $1,000 is too low. But they indicated further—

... certainly in our submission the current figure of $12,000, which would buy you a small car, is far too high and $1,000 is in the vicinity of the appropriate number.

In relation to the donation threshold, the government believes that Queenslanders have a right to know who is donating to their political parties and how much they are donating. We know that there is an appropriate place for donations to political candidates and political parties in our democracy but there is no place for large secret donations. We must ensure Queensland laws prevent large political donations from buying support or access, and the best way to do that is to ensure that these donations are out in the open for all to see.

For many years now Queensland has had a $1,000 disclosure threshold which balanced the need for substantial donations to be reported, with the ability for everyday Queenslanders to make small contributions without having to go through the reporting process. History shows us that the LNP raised the gift disclosure threshold from $1,000 to $12,800 for political parties and candidates and backdated the change to 21 November 2013. These changes were made under the guise of consistency with the Commonwealth, but the fact is that Queensland's disclosure threshold had worked well for many years notwithstanding the higher Commonwealth threshold. This is despite the arguments that we heard in the chamber here today of this view that there is a conflict with section 109 of the Constitution and despite the efforts of those opposite tabling advice that is purely just advice on the basis that there is conflict between the Queensland laws and the Commonwealth laws in respect of disclosure of donation.

Queensland should be at the forefront of openness and accountability, not the lowest common denominator. A number of other states, as we have heard today, also have different thresholds or are enacting stronger disclosure requirements than the Commonwealth. New South Wales and the ACT have $1,000; the Northern Territory, $1,500 for political parties and $200 for candidates; Western Australia, $2,300; and South Australia has legislation coming in force on 1 July 2015 setting a threshold of $5,000. If there were a conflict with section 109 of the Constitution, you would think that the LNP or the Liberal Party or a conservative party—because there are differences in party names throughout the nation—would hold the view that this conflict needs to be contested and challenged in the High Court. However, to date we have not seen any challenge. So I would note and consider from the view of conservative governments that they seem to be kosher that the thresholds in those other states and territories seem to fit the requirements and are to the satisfaction of those particular parties in those jurisdictions.

Bills have been introduced into the Commonwealth parliament seeking to lower their disclosure threshold three times in recent years. I note that during the hearing we heard evidence—and I complemented the evidence having a background in this particular area—of the most recent Joint Standing Committee on Electoral Matters. Today we heard evidence from the member for Mansfield on this particular subject. I think the inference was that their report was accepted. However, contrary to that view, the government members on that committee certainly pushed through the report and accepted the report on the basis of the evidence they heard. However, the opposition members, along with the Greens and other Independents who were members on the Joint Standing Committee on Electoral Matters, put in a dissenting report. So it is not a case of clear acceptance by the members of the Joint Standing Committee on Electoral Matters and agreement with the report. It is the case that they found opposition to it on grounds similar to the government members on the Legal Affairs and Community Safety Committee in this particular inquiry where we found questions wanting and concerns in respect of political donations and concerns in respect of voter ID. That is why we were not in a position to reach agreement on the bill.

In relation to voter ID, this bill removes discriminatory and unnecessary voter proof-of-identity requirements for both state and local governments. This Labor government will always fight for greater participation in our democracy, not less. We want every Queenslander to have their say when it comes to who represents them, and that is why we are removing the unnecessary roadblocks. The LNP claim that these changes fight electoral fraud but, during the hearing and in the submissions that

the committee sought and studied, there was very little demonstration of any political fraud that would warrant or support the acceptance and the maintenance of voter identification as it stood with the previous government.

Queensland in fact is the only jurisdiction in this country to have this particular requirement. I am sure, Madam Deputy Speaker, you will find that particularly members on this side of the chamber will stand up today and give an account of their own rationale and their own experiences in the lead-up to the 2015 election—and, in particular, during the prepoll period—where they can identify where people were turned away and denied the right to vote merely on the basis of us as legislators not producing clear, concise legislation so that it is understood that producing ID was an absolute requirement. Notwithstanding that comment, that was the case I experienced on the ground, particularly during prepoll, where I saw many a voter who had lined up for 45 minutes run down the hill—our prepoll was up on a bit of a hill at the returning officer's own private residence—to get back to their car to get their licence. This is the impression, this is the belief, that voters had as a result of the LNP's laws they put in place.

At the last election over 15,000 voters without proof-of-identify documents were inconvenienced by having to make a declaration vote. But that is not the whole picture. What these figures cannot show is how many Queenslanders did not get a vote at all because of the new laws. Evidence submitted to the hearing on voter ID was that a lower voter turnout was really no surprise. These requirements had the potential to discriminate against already marginalised Queenslanders like young people, Aboriginal and Torres Strait Islander people, new migrants and those with a fixed address without ready access to identification documents.

The Bar Association of Queensland contended in practice the change impacted disproportionately upon the poor and oppressed in society, especially upon some Indigenous people. We need to reflect on our history in Queensland when it comes to the right to vote for Indigenous people. In 1859 Queensland denied the right for Indigenous people to vote in this state. In 1915 Queensland introduced compulsory voting which is later introduced in all other jurisdictions. So we were at the forefront in introducing legislation for compulsory voting, which was then picked up by the other states. In 1949 the right to vote for Indigenous people applied only to those who served in the armed forces or who enrolled in state elections. In 1965 finally Queensland, the last state in this nation, allowed Indigenous people the right to vote in state elections.

What sort of retrograde step would we put in place if we put barriers in front of Indigenous people in regional communities? I have visited some Indigenous communities in North Queensland and I have seen the conditions that these remote communities experience. I was fortunate last week in Cairns to speak to some knowledgeable Indigenous people on this subject and I was informed as follows: a lot of Aboriginal and Torres Strait Islander people do not vote because of distrust in the system. Putting barriers around identification creates another layer of distrust about why they need to know who I am if it is my right to vote.

I want to return to the submission and the expert evidence, given his position, of Professor Orr. He indicated that the use of voter identification requirements in an egalitarian society which we live in which employs compulsory voting can only undermine compulsory voting. Anyone in respect of a show-cause notice for not voting can simply say, 'I misplaced my ID late on voting day when I meant to vote and thought ID was mandatory.'

Once again, you can see from the hearing and the substantial evidence presented by expert witnesses at the hearing that there is a major concern in our society about this issue of voter ID. No doubt people were confused about the requirements and thought there was no point going to a polling place as they did not have voter ID at the time. Anecdotal evidence at the hearing indicated that some people without ID were turned away at polling places without being given the opportunity to make a declaration vote. The better way of addressing multiple voting is through the adoption of new technologies like electronically certified lists which were trialled in greater Brisbane during the last state election.

In conclusion, I would like to briefly speak on the CCC chair pension. The Crime and Corruption Commission plays a critical role in ensuring the integrity of Queensland's public sector, and the chairperson is responsible for ensuring this function is carried out to the highest standard. The CCC chairperson must be, and be seen to be, totally independent so there can be no question that the investigations they oversee are exhaustive and unbiased. Giving the CCC chair access to a judicial type pension will ensure we are attracting the right people of the highest standard and with the necessary skills and experience. Unlike those opposite, who appointed a hand-picked acting CCC chair without consultation with the opposition, we are committed to an independent and strong CCC.

These types of arrangements in the bill will restore integrity and transparency in our system. The pension will be available to a CCC chair who serves at least five years in the position, once they reach the age of 65.

The bill contains measures relating to accountability, transparency and integrity of the electoral system in our state. The LNP need to accept that the public have spoken on these accountability measures which cost the Newman government the election. I commend the bill to the House.