Speech By

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Record of Proceedings, 15 October 2019

LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 2 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL

ELECTORAL AND OTHER LEGISLATION AMENDMENT BILL

Mr JANETZKI (Toowoomba South—LNP) (3.55 pm): The speech that I was going to give in relation to these cognate bills has changed substantially from an hour ago. At one stage I was going to stand up after the Attorney-General and not sing *Kumbaya* or stand on a unity ticket, but the Electoral Act amendments that the Attorney-General has just spoken to are relatively uncontroversial, and apart from raising a couple of concerns about prisoner voting and postal voting I do not see too many issues with that bill, but I will talk more about that later.

The humiliating backdown and backflip of the local government minister on the Belcarra stage 2 bill just could not go without mention. I acknowledge the contribution of the member for Warrego who went through that bill with great forensic detail and incisive analysis. That is an important step that has been taken. To reflect on this minister's humiliation here today, essentially we may as well junk the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019. The two key planks of the Belcarra stage 2 bill have been thrown away in the last hour. They have been cast aside, which begs the question as to why we are even debating this bill? There is barely anything of substance left in it.

The minister gave the game up a little bit. There are two key people who have essentially rendered this bill redundant. The first is the Deputy Premier. If members go to the amendments that were tabled over an hour ago, the first one was to remove the conflict of interest and register of interest provisions. That was because the Deputy Premier could not manage her personal affairs. I will come back to that.

The second reason was given up by the minister in his comments. Sometimes it is not what we say, it is what we do not say. If I heard the minister correctly, he said, in respect of compulsory preferential voting being cast aside today, after it was in yesterday, that the Premier was very receptive to the feedback of local governments around Queensland. I take that as meaning that the minister has been rolled by the Premier and the Deputy Premier. The minister was forced to go up to Cairns this morning, probably in the government jet, I don't know, go to the local government conference and admit he was wrong.

As the member for Warrego has already said, the LNP never supported compulsory preferential voting in the local government arena. Finally, after the Premier was very receptive to the feedback from local government mayors and councillors, the minister saw the light, flew up to Cairns, admitted in a humiliating backdown this morning that compulsory preferential voting would not be introduced and then he was forced to come into this House just an hour ago and table these amendments that saw compulsory preferential voting thrown out. I take it from it being thrown out that the minister and those opposite are actually fans of optional preferential voting. This side of the House is a fan of optional preferential voting too.

Mr Powell interjected.

Mr JANETZKI: I take the interjection of the member for Glass House. We know that it is the fairest way in which to conduct elections. It gives the voter every opportunity to express his or her true intentions.

Optional preferential voting does not force the voters of Queensland to vote for somebody they do not want to vote for or preference somebody they do not want to preference. It allows the maximum degree of choice. From the government's backdown on compulsory preferential voting today, I take it that now they too are fans of optional preferential voting. It was very pleasing to hear that the Premier was very receptive and obviously the minister was very receptive to the Premier's wishes as, in a humiliating backdown, he has come in here to walk away from compulsory preferential voting, which as I understand it he supported just yesterday. That is the first comment I make about optional preferential voting.

I turn to the second reason for my uncertainty about why we are debating the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill. The second key plank of the bill, namely, the conflict of interest and register of interest provisions, has likewise been thrown aside. Again, that was beyond the control of the local government minister. I will give him that credit, because it was not within his control. It was entirely the doing of the Deputy Premier and Treasurer through her actions in buying the house, making the phone call to the CCC and ignoring the information on high school locations and train station locations. It was the Deputy Premier's appearance at an investigation at the CCC that caused the conflict of interest and register of interest provisions to be removed from the bill under consideration today.

Never before have we seen a deputy premier and treasurer forced into their job by amendments to the Criminal Code. We hear a lot about transparency and the restoration of faith in the democratic system, but through the CCC's assessment of the Deputy Premier and Treasurer we have a recommendation that now we need to amend the criminal law of Queensland simply because the Deputy Premier could not complete her register of interests form. The Deputy Premier did not understand the very basics of good corporate governance in Queensland and did not declare a conflict of interest in matters that were before cabinet. That same cabinet did not even have the consideration of conflicts of interest as a standing agenda item. Because of those actions and failures, today the local government minister has had to walk into the House and give up on amending the conflict of interest and register of interest provisions in the bill before us. I ask: why are we even debating this bill when those two key planks, namely, the register of interest and conflict of interest provisions and compulsory preferential voting, have been cast aside?

I feel for the local government minister, who has had to come in here and walk away from those amendments. I understand that he did a great deal of work and undertook a great deal of consultation, but more importantly for the local government minister's longer term career he has been very receptive to the Premier's very receptive views of the local government community. It is to be applauded, notwithstanding that it makes the review and consideration of the bill quite redundant. It is the right thing to do to step back from compulsory preferential voting, as the member for Warrego has articulated. It is the right thing to do, because we need to get right the provisions in relation to the activities of the Deputy Premier and Treasurer. I am sure the Attorney-General and the local government minister will continue to work on those provisions, to get them right. To completely restore trust and faith in government in Queensland, the people in government in Queensland must start exercising trust and they must start exercising integrity, because all too often, as we have seen from this government in the past few months, there has been a complete lack of trust and integrity.

While those are my comments in relation to the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill, I know many of my colleagues will have more to say. It really does beg the question: why we are even bothering to debate it here today?

I now turn to some further remarks that I have prepared in relation to the Electoral and Other Legislation Amendment Bill 2019, which was introduced by the Attorney-General. The bill implements the second stage of legislative changes in response to certain recommendations of the Belcarra report and the Soorley report. As outlined by the Attorney-General, the objective of the bill is to improve the integrity, transparency and public accountability of state elections. Much of it is administrative in nature and creates important efficiencies.

Key aspects of the bill include expanding the ECQ's statutory functions to include administering and promoting compliance with the election funding and financial disclosure provisions of the Electoral Act 1992, which is recommendation 31 of the Belcarra report. Secondly, placing an obligation on donors to notify a recipient of the true source of a gift, which is recommendation 6 of the Belcarra report. Thirdly, amending and introducing new offence and penalty provisions within the Electoral Act 1992 to improve

consistency and compliance with the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019 and the Referendums Act 1997. Finally, the fourth key aspect is introducing the period over which funding and disclosure prosecutions can be brought from three years to four years from the commission of the offence.

The Soorley report—the so-called 'independent' report from the panel chaired by one of Labor's key figures of the last generation—titled *A review of the conduct of the 2016 local government elections, the referendum and the Toowoomba South by-election* also informed the drafting of this bill. That report made 74 recommendations and this bill has adopted only a few of them. They include recommendation 4, which recommended the EQC rather than the Governor in Council appoint returning officers and assistant returning officers; allowing the preliminary processing of declaration envelopes for postal votes to commence before polling day to allow such ballot papers to be included in the preliminary count; and allowing the ECQ to better disperse its workload over the election period, which is recommendation 61 and item 11 of recommendation 74. The adoption of the ideas also included administrative concerns relating to replacement ballot papers, polling booth notification processes, nomination payments, retention of election papers and financial records, ballot paper printing costs and absentee vote electoral roll requirements.

Finally, it included the moving of the deadline for postal vote applications to be submitted to the ECQ to no later than 12 days prior to the election, by 7 pm on the Monday two weeks before polling day. That was as a consequence of changes to the frequency and reliability of postal services and to ensure that postal ballots applied for can realistically be delivered to voters prior to polling day. That was contained in recommendations 41 and 43 and item 13 of recommendation 74. This particular aspect of the bill does raise some concerns for the opposition. The current process in Queensland requires the ECQ to send a ballot paper and declaration envelope to an elector who requests a postal vote if the request is received no later than 7 pm on the Wednesday prior to polling day. The bill moves that deadline for making an application for a postal vote from that time on the Wednesday evening to 7 pm on the Monday evening of the week before.

That change in the bill is again justified by the Attorney-General as being as a consequence of changes to the frequency and reliability of postal services and to ensure that postal ballots applied for can realistically be delivered to voters prior to polling day. While I understand where the Attorney-General is taking that proposal, the opposition does hold concerns with the deadline being moved from two days prior to the election to 12 days prior to the election, in that it may create inadvertent consequences such as ballot papers not being received by the applicant before the polling day.

The opposition considers the shift from two days to 12 days before the election as excessive. The opposition considers that voters will only have a short time frame in which to apply for postal votes once the writs have been issued. This will result in voters in some circumstances, particularly in rural and remote areas, running the risk of missing out altogether. That is particularly relevant for electorates such as Warrego and Gregory.

That recommendation was reflected in the Soorley report. I want to spend a few moments talking about the Soorley report. Just a few recommendations were taken from the Soorley report and introduced into this bill. There were 74 recommendations made in that report and by my count there were probably only four or five recommendations adopted by the government.

I must say that the government has been very keen to badge the Soorley report as a report of an independent panel. Again, this goes to the restoration of confidence in our electoral system. If the government were truly serious about independence, about the restoration of faith and about trust then surely one of Labor's luminaries of the last 30 years—someone who represented the Labor Party for a generation—would not be given the job of chairing the panel tasked with analysing the electoral system. I accept that he is probably of the highest character, but just the perception of a former Labor lord mayor of Queensland undertaking an assessment of the electoral system of Queensland must raise eyebrows. It must raise concerns. Surely there would have been a far better appointment, a far more appropriate appointment to that review panel than a former Labor luminary.

As I said, there were 74 recommendations made in the Soorley report and probably only three or four taken up. Some of the other recommendations did raise an eyebrow. I would be interested in understanding the government's position in relation to a couple of these recommendations because the government gave a generic response to the report when it was handed down. They said that things would be considered in the fullness of time. They used language of that nature.

There were a couple of interesting recommendations. The Soorley report stated at recommendation 20—

> ... the ECQ should consider the employment of a security officer to monitor activity which might be construed as canvassing for the elector's vote. Police intervention may need to be considered where warranted.

I would hope that elections in Queensland do not ever necessitate the involvement of the police force. Perhaps the Soorley panel had evidence before it. Another recommendation that the Electoral Act bill has not address is that returning officers—

... should not automatically appoint family members and friends as polling booth staff. The ECQ can only approve these appointments under special circumstances.

I would have thought that something of that nature would have been an important recommendation to at least consider.

Recommendations 42 and 43 speak about postal vote distribution which the Attorney-General has addressed. At recommendation 53 the Soorley report stated—

... the ECQ introduces e-voting by the 2020 election at some pre-polling and polling booths.

Recommendation 54 stated—

... the ECQ investigates options for internet voting in the longer term and begins to prepare for full online voting at the first appropriate election.

I would be interested to understand whether the government would consider initiatives of that nature.

One area that was addressed by the Attorney-General was recommendation 61. This relates to the commencement of counting of pre-poll and postal votes prior to the close of the polls on election day. Another aspect of this bill that I wanted to speak about was the costs. The explanatory notes to the Electoral and Other Legislation Amendment Bill 2019 speak about the costs associated with the introduction of this bill and state that they would be addressed through the normal budgetary process.

I note that during the committee's May public hearing Pat Vidgen, the Electoral Commissioner, commented that total funding to implement the proposed reforms was 'expected to be in the millions without being precise'. The Electoral Commissioner talked about the costs associated with the introduction of this bill being in the millions without being precise. I understand the Attorney-General has been considering these matters. I think it is important to understand whether the ECQ has undertaken any further analysis of the costs associated with the introduction of this bill and what it may imply for the carriage of elections in Queensland and whether the Attorney-General can give any update in respect of that.

One other aspect which was alluded to by the member for Warrego in her contribution and also by the Attorney-General in her contribution was prisoner voting. This is not in any way a reactionary or ill-considered approach of the opposition in opposing the introduction of prisoner voting. Clause 27 of bill amends section 106 of the Electoral Act to provide that a person who is serving a sentence of imprisonment of three years or longer is not entitled to vote at an election for an electoral district. The current provision provides that no prisoner is entitled to vote. It should be noted that this amendment is outside the government's response to recommendations in the Belcarra report and the independent Soorley report.

The opposition does not support this proposal and is of the view that no prisoner should have the right to vote. This is because the opposition believes that those who break the law should not have the right to participate in deciding who makes the law. A person serving a sentence of imprisonment, no matter the length of sentence, is not a law-abiding citizen. There should be no discretion for those who are serving shorter sentences. The government's justification that this amendment is because of a High Court decision or to bring Queensland into line with other jurisdictions is misleading. That High Court decision was from 12 years ago. This is a policy call by the Labor government, pure and simple, and to pretend otherwise is untrue.

Only two other Australian jurisdictions, Tasmania and the Northern Territory, allow prisoners who are serving a sentence of less than three years to vote. New South Wales and Western Australia only allow prisoners who are serving less than one year to vote whereas Victoria allows prisoners who are serving a sentence of less than five years to vote. This is another example of the wrong priorities of this Labor government and the opposition will be opposing it.

With respect to the Electoral and Other Legislation Amendment Bill amendments that were tabled in the House just an hour ago, I will have to consider them further. The opposition did hold some concerns about the privacy of voters who would be included in analysis of disclosure returns undertaken by the ECQ. It appears that that has been addressed. There has also been clarification that the ECQ is only required to delete the address of a silent elector before publishing disclosure returns if the ECQ is informed of that by the person giving the return. It is pleasing to see that that has been clarified.

As I said at the commencement of my contribution, the Labor government regularly talks about the restoration of faith and transparency. The local government minister has talked repeatedly about that. Let us not forget why this bill, the Belcarra stage 2 bill, is being debated. It is because of a Labor local government. It is because of a Labor mayor. It is because of Labor politicians who lost the trust of the people. It is because of Labor local governments. That is why we are here debating this bill.

The approach of the Labor government in calling on the spirit of Fitzgerald in this House in this post-Fitzgerald era is completely hollow, because they have had 30 years of Labor politicians who have often been corrupt, who have often brought the state into disrepute—Keith Wright, Bill D'Arcy, Gordon Nuttall. There was a specially convened session of parliament—

Mr DEPUTY SPEAKER (Mr McArdle): Pause the clock. Member for Toowoomba South, I think we are straying a little bit from the long title of the bill.

Mr JANETZKI: Thank you, Mr Deputy Speaker. The Belcarra stage 2 bill is another reminder that Labor local governments have not worked. Labor state governments, as we know, have not worked. This bill, the Belcarra bill, would not even be necessary if the Labor local government in Ipswich had done its job, had not lost the faith and the trust of the people. Just when the local government minister was in the House ready to introduce conflict of interest and register of interest provisions, again he has been thwarted by the activities of a Labor politician. Just when he was about to amend the law to make sure that people like Paul Pisasale would not rort the system again, he was thwarted by another Labor politician—the Deputy Premier and Treasurer. Just as he was about to introduce these laws, today he has been forced into a humiliating backdown.

I heard the local government minister reflect on a former local government minister, the member for Broadwater, quite unfavourably, quite unfairly. Let me tell you, Mr Deputy Speaker, when the member for Broadwater was local government minister he did not have anything to do with Paul Pisasale. Instead, we had the member for Bundamba calling on the Labor government in full knowledge of the complaints made about Paul Pisasale and that Labor council—and what did they do? They did nothing. It was the member for Bundamba who stood up for the people of Ipswich. It was the member for Bundamba who stood up and talked openly and courageously about the corruption in Ipswich. It was the member for Bundamba who spoke up. Again, just when the local government minister tried to come in here and make sure that conflicts of interest and registers of interest would be appropriately adhered to in local government, he has his attempts thwarted by another Labor politician.

I reflect on this bill and I wonder again why we are debating it here today. The amendments regarding conflicts of interest, registers of interest and, amazingly, compulsory preferential voting, when the local government minister was in favour of it yesterday, have been removed from this debate. It is a shameful and humiliating backdown from the local government minister. This government should hang its head in shame because once again it has failed to deliver a fair and properly free and independent local government system for Queensland. After a very receptive response from the Premier and local government officials around the state, the local government minister was forced to come in here and back down on all the reforms he had fought so hard for. It is a shameful and humiliating backdown. The opposition condemns the government for it.