




Speech By
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MEMBER FOR TOOWOOMBA SOUTH

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ELECTORAL (VOTER'S CHOICE) AMENDMENT BILL

Introduction

 **Mr JANETZKI** (Toowoomba South—LNP) (12.30 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 (Voter's Choice) Amendment Bill 2019 [[1505](#)].

Tabled paper: Electoral (Voter's Choice) Amendment Bill 2019, explanatory notes [[1506](#)].

Public confidence and consistency in our electoral system is fundamental to our democracy. This great state relies on electoral integrity to enhance public confidence in the governments that are formed and, by corollary, the decisions that a chosen government makes.

This bill that is being presented today has been quite deliberately named the Electoral (Voter's Choice) Amendment Bill 2019. A government is chosen by the people, and there is no process more fundamental to the solemn responsibility of good government than the way people choose who represents them and their interests. This bill recognises the importance of a democratic voting system—which is why the bill seeks to reintroduce optional preferential voting.

The bill is straightforward. It simply replicates provisions that were infamously and shamefully removed by the Palaszczuk Labor government with 18 minutes notice in April 2016. The policy objectives of the bill will be achieved by making changes to the requirements for the supply of ballot papers and electoral rolls, as well as how an elector may vote by writing on a ballot paper.

The amendments require only that voters register a first preference on their ballot papers for their votes to be counted. Voters who wish to register one or more additional preferences among the remaining candidates are able to do so in the normal way, using consecutive numbers.

Specifically, clause 5 amends section 122(2) of the Electoral Act which specifies how an elector must vote. Subsection (2), which currently requires the elector to vote by writing the number 1 for the elector's first preference and the numbers 2, 3 and so on to indicate the order of the elector's preference for them, is omitted and replaced with new instructions on how to vote.

Clause 6 is amended to provide that the ballot paper must contain writing that is in accordance with section 122 or other writing or marks that indicate the voter's intended preference or order of preferences. New subsection (2A) provides for the circumstances in which a ballot paper is to be disregarded.

This bill is not about introducing a new way of voting for Queenslanders, rather it is about the reintroduction of a longstanding voting system which has long been a part of Queensland's electoral system—specifically since 1992—but with a far more significant history. A form of optional preferential voting was adopted for Queensland elections as early as 1892. By 1942, simple majority or first-past-the-post voting had been adopted. Compulsory preferential voting was then in force for elections between 1962 and 1989.

It seems appropriate that we are introducing these reforms on this the 30th anniversary since the report of a Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, the Fitzgerald inquiry, was handed down. That report noted—

A Government in our political system which achieves office by means other than free and fair elections lacks legitimate political authority over that system.

The Fitzgerald report recommended, among other things, the establishment of a properly authorised and satisfactorily resourced Electoral and Administrative Review Commission, EARC, which reported directly to a parliamentary select committee. An electoral and administrative review was established by legislation to provide an independent and comprehensive review of administrative and electoral laws and processes. EARC was established in October 1989 and issued the relevant report, a *Report on Queensland Legislative Assembly electoral system*, in November 1990. It remains the most comprehensive review of Queensland's electoral system in our history.

Submitters during that review were clear: those in favour of optional preferential voting stressed its simplicity and the speed with which election results could be delivered. Most importantly, submitters argued that optional preferential voting would give choice to voters when indicating their preferences and lower the incidence of unintended informal voting.

Had the Attorney-General bothered to consider the seriousness and rigour with which Queensland's optional preferential voting electoral system was constructed post Fitzgerald during that shameful 18 minutes in April 2016, she would have surely known that submitters across the board had supported it. Consider some of the submissions made to the commission at the time. The University of Queensland stated—

Voters should not be compelled to vote for a candidate they do not want. As all preferences are weighted equally, many, under optional preferential voting, will be forced to favour candidates they do not support.

Professor Weller and Dr Wanna stated—

While we accept the value of preferential voting, we believe the casting of preferences should be optional. At present voters get the government or coalition that they least object to, not the government that they want the most. Optional preferential voting allows voters in a sense to weight their votes, to decide how much they want their preference and none other. Optional preferential voting allows the voter to make these choices and has the benefit of being a relatively simple system for voters to understand.

The Trades and Labor Council stated—

The TLC has considered material on the voting system and favours an optional preferential voting system. This system ensures that Parliamentarians are not elected on a minority of votes cast. On the other hand, optional preferential voting allows individual electors to prevent their vote going, after the distribution of preferences, to a candidate they do not support.

That is from the submitters, but look at the analysis of the commission itself. The commission stated their concern that electors were required to support views they may not have by ranking in order of preference all candidates offering themselves for election in their electoral district. The commission at the time said—

If they do not have a complete set of preferences they either have to invent preferences, or arbitrarily assign rankings to candidates about whom they know nothing and care less or accept that their ballot paper will be excluded from the scrutiny.

The commission went on to say—

The Commission believes it is not unreasonable or oppressive to require every adult citizen to play a meaningful part in the choice of their government. But having required that duty be discharged, it is inappropriate for the electoral system to corral votes on behalf of candidates or parties who electors do not wish to support but merely consider less objectionable than the others on the ballot paper.

The commission commented favourably on the operation of optional preferential voting in New South Wales—which still stands as our most populous state's electoral system today—before they went on to recommend that the same system be adopted in Queensland.

There was no doubt that optional preferential voting was increasingly utilised by voters across elections. We will never understand the full extent of the utilisation as we do not have access to the breakdown of the final two contenders on a ballot paper. Initially, optional preferential voting exerted little influence on voting behaviour. In 1992, the highest rate of voting for just one candidate was in the electorate of Warrego at 10.4 per cent. Generally speaking, for those elections held between 1992 and 1998, the major parties tended to ignore it and encouraged their voters to allocate a full set of preferences on their how-to-vote card.

By 2001 the Beattie government advocated a 'just vote 1' strategy, which saw nearly 60 per cent of voters across Queensland voting for just one candidate. Of course, only the votes of those voting for losing candidates who came, for example, third or fourth were technically exhausted. By 2009, 63 per cent of ballot papers were marked '1' only.

Together with delivering choice to the Queensland voter, Queensland had very low informality rates under optional preferential voting. At the last optional preferential voting general election in 2015 the informality rate was only 2.11 per cent. By the next general election in 2017, the first under compulsory preferential voting, the informality rate had more than doubled to 4.34 per cent. All of this occurred after the Labor government argued vociferously in April 2016 that compulsory preferential voting would reduce informality rates—but, Madam Deputy Speaker, they knew that it would not. Only the optional preferential voting system will reduce the presence of invalid votes. This is due to the straightforward nature of the voting system that will least likely lead the voter to invalidate his or her vote through numbering error.

In April 2016 the then leader of the House, the member for Sandgate, the Attorney-General and the Premier thought they were very clever, but history will harshly judge their actions. In particular, it will forever stain the Attorney-General's time as Queensland's first legal officer: she was the one who jammed through compulsory preferential voting with no consultation, no cabinet consideration and no referral to a parliamentary committee. This was simply desperate politics from a desperate Palaszczuk Labor government. They needed to lock in Green preferences at the 2017 state election and beyond, and they did not blink at dumping Fitzgerald era reforms to ensure they would get them.

That is why the opposition today introduces the Electoral (Voter's Choice) Amendment Bill 2019, because it will enshrine in law the voter's choice. It brings back from the dead the spirit of the Fitzgerald era reforms and will pave the way to a fairer and more democratic electoral system which voters can have complete faith in. If you want more people to have their votes counted the way they really want, then you will support the bill. If you want to hear less talk about back room bargains and preference whispering, you will support the bill. If you want to return choice—real choice—to the people of Queensland by empowering them to express their true voting intention, you will support the bill. That is why I commend the bill to the House.

First Reading

Mr JANETZKI (Toowoomba South—LNP) (12.42 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 Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Ms Pugh): In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.