Speech By

David Lee

MEMBER FOR HERVEY BAY

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ELECTORAL LAWS (RESTORING ELECTORIAL FAIRNESS) AMENDMENT BILL

Second Reading

Mr LEE (Hervey Bay—LNP) (4.21 pm): I rise to speak to the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025. This is a bill to amend the Electoral Act 1992, the Local Government Electoral Act 2011, the Referendum Act 1997 and other legislation identified in schedule 1 to the bill. This bill is great news for democracy in Queensland. It closes a dark history in Labor's shameless manipulation and financial gerrymandering of our political donor system.

Firstly, this bill will remove the existing caps on political donations for state elections. A donation cap period currently means the period between general elections—30 days after polling day for the last general election until 30 days after polling day for the next general election. Clause 14 in the bill amends the meaning of the donation cap period to provide that the donation cap period for a registered political party or candidate in an election is each financial year. The new donation cap period definition will apply retrospectivity to 1 July 2025 pursuant to a new section 456 transitional provision.

Some recipients who donated prior to 1 July 2025 may benefit, effectively renewing the cap, and other recipients may have received less because they could have exhausted their cap before 1 July 2025. These amendments are necessary to implement our policy objectives and address the current inequities within the donor law. The amended donation cap period brings Queensland into alignment with New South Wales, South Australia and is broadly consistent with the Commonwealth where a donation cap period is defined as a calendar year. The bill does not change the monetary limits placed on donations during the amended donation cap period—that is, donors must not make political donations of more than $4,800 to the same registered political party, $7,200 to an independent candidate or a total of $7,200 to candidates endorsed by the same registered political party.

I will now turn to the bill's proposal to remove the ban on political donations from property developers. In 2018 the former Labor government introduced a ban on political donations from property developers for state elections. Labor politically and manipulatively snatched a statement in the introduction to the recommendations on page 14 of *Operation Belcarra: A blueprint for integrity and addressing corruption risk in local governments,* the Belcarra report. It said—

The Queensland Government may consider it appropriate to also adopt these recommendations at the state government level.

The LNP statement of reservation to report No. 7 of the 56th Parliament's Economics and Governance Committee said—

The Crime and Corruption Commission made it clear in their written submission that this bill goes beyond the CCC recommendations and if the government were to consider banning certain donations from state elections a proper review or inquiry would be ideal.

Indeed, the chair of the CCC, Mr Alan MacSporran QC, cautioned against an automatic translation of the property ban without giving it due consideration. He added it needed to be evidence based and proportionate to the identified threat. This sentiment was later echoed in Justice Nettle's dissenting opinion in the High Court case of Spence v Queensland where His Honour said—

No one suggests that big business or the union movement should or could be discriminately prohibited from making political donations. What compelling justification is there for the State of Queensland to treat property developers differently?

Labor shamelessly used the Belcarra report to instigate and manipulate a financial gerrymander. The ban did not apply to their CFMEU or other union mates who substantially fund the Labor Party.

This bill will remove the property developer donations ban from the Electoral Act so that it no longer applies at the state level. This amendment will narrow the scope of the property developer ban to apply to local government only so that it is consistent with recommendation 20 in the Belcarra report. The policy underlying this amendment is to restore electoral fairness by creating equal opportunities for property developers participating in state elections, ensure the property developer donations ban is targeted at local government elections only as contemplated in recommendation 20 of the Belcarra report, and to promote freedom of expression in allowing donations from property developers to be used for state electoral purposes.

Our bill will also reform the loans in relation to electoral expenditure for state elections. Currently the Electoral Act provides that a loan from a financial institution cannot be paid into the state campaign account of a candidate or a registered political party. However, loans from other sources, such as individuals, private or regulated lenders, are permitted. Clause 12 of the bill will amend the definition of loan to allow for loans from a financial institution to be paid into a state campaign account of a registered political party providing it does not contravene the records to be kept about loans in part 11 division 8 subdivision 3 of the Electoral Act. The policy objective in this amendment is to ensure that candidates are not unfairly restricted to private and unregulated lenders and to mitigate the risk in candidates and registered political parties being confined to a narrow source of lenders.

The Hon. Deb Frecklington, Attorney-General, Minister for Justice and Minister for Integrity, said in her explanatory speech that in 2020 the former Labor government allowed a large cohort of criminals to begin voting in elections within prison laws. This was unacceptable and an insult to victims right across our state. The Attorney-General has rightly said lawbreakers should not be choosing our lawmakers and that is why this bill restricts voting by prisoners at state and local elections and referendums to those serving a prison sentence of one year or less. This amendment will bring Queensland law in line with New South Wales and Western Australia.

I now turn to the matter of the independence of political parties in preselection ballots. Clause 8 of the bill will omit part 9 of the Electoral Act and remove the Electoral Commission Queensland oversight requirements for preselection ballots. The purpose of the amendments is to reduce the administrative burden on the ECQ in undertaking audits and inquiries into preselection ballots and allow registered political parties to undertake their preselection ballots pursuant to their constitutions.

In clause 9 of the bill a new section 180A will be inserted to amend the definition of 'election period' to an 'authorisation period' so that it will begin 12 months prior to polling day and end at 6 pm on polling day for ordinary general elections. For any other election, including a by-election, the current meaning of 26 days shall be retained.

The bill also amends sections 181 and 182 in relation to the author of election material and the distribution of how-to-vote cards to provide that an address includes a post-office box. This is to allay privacy and safety concerns about candidates or their agents having to provide a personal residential address in election material.

In closing, the Crisafulli government is taking a methodical and measured approach to electoral reform. Our government made a pre-election commitment to restore fairness and balance in our electoral system after a decade of Labor financially gerrymandering our system. I commend the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 to the House.