



# Queensland Council of Unions

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QCU Submission in  
Response to Electoral  
Reform Discussion Paper

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## Introduction

The Queensland Council of Unions (QCU) is the peak union body in Queensland and consists of 31 affiliated unions. Some unions affiliated with the QCU are also affiliated with the Australia Labor Party (ALP) and some are not. The QCU itself is not affiliated with the ALP. This submission is in response to the discussion paper issued by the Attorney-General on 3 January 2013.

The Queensland union movement has a proud tradition of representing working people in a variety of forums, including within the political process. Ironically Queensland unions campaigned hard against the sale of assets by the Bligh Labor Government. The current Queensland Government undoubtedly benefited electorally from the campaign against asset sales. It would now appear by some of the less democratic suggestions in the discussion paper that the Newman Government is contemplating electoral reform that would prevent the union movement from effectively campaigning in the future.

It would also be prudent for the current Queensland Government not to make decisions based on the premise that it will continue to enjoy the majority that it currently has in the Queensland Parliament. It is not that long ago that the Liberal Party which now clearly dominates the combined Liberal National Party (LNP) was reduced to three members (Stockwell 2003:159). As the pendulum swung in the 2012 state election, it will swing back the other way. Unless of course it is the intention of the Newman Government to change the law to provide itself with advantages for future elections.

The QCU supports any amendment that would increase the participation of individuals rather than to decrease it. Australia has a proud record of voter participation in elections which adds to our robust and healthy democracy (Allan 2012:37; Hill 2002:452; Hughes 1966:81; Moore 2013; Pringle 2012:432). Accordingly the QCU submission will be in favour of measures designed to increase levels of voter participation rather than reduce them. The QCU also supports notions that are intended to reduce unnecessary expenses associated with elections thereby reducing the perceived or real influence of enormous contributions made to political parties. In combination with sensible caps on expenditure, reducing the expenses associated with elections will overcome suggestions of impropriety in the election process.

The QCU would also counsel the Queensland Government against changes dressed as reforms that are:

- Motivated for partisan political purposes; and/or
- Change for the sake of changing.

## Part A

### 1. Political Donations

There has been a considerable effort on the part of conservative parties around the globe to stifle their political opponents' participation in the electoral system (Slater 2012:489). This includes legislative attempts to hinder unions from being able to make political donations to candidates who undertake not to introduce anti-worker legislation and policies. In an Australian context, the lesson learnt from the Your Rights at Work Campaign is that the Australian trade union movement is very effective in campaigning against unfair legislation (Muir 2008:90). It would also appear that the Liberal Party wants to be able to introduce legislation similar to WorkChoices and at the same time curtail the ability of the union movement to campaign against legislation that attacks workers rights.

The mere notion of removing or curtailing the right of unions to campaign politically favours the affluent and privileged, particularly if such restrictions are coupled with a rule that only allows individuals to make donations. The purpose of a union and the basic human right to organise is so that the voice and resources of many can be pooled to provide a foil to the rich and powerful. Again it is for this reason that conservative parties would introduce legislation that has a façade of being equitable but clearly benefits those parties who represent wealth and privilege. Wealthy individuals are by definition more able to make donations than the less wealthy and organisations such as unions provide the ability for the voice of the less wealthy to be heard on matters of importance.

Unions are democratic organisations by nature and necessity. The respective leaderships of affiliated unions are by law the subject of elections and decisions made by unions are the subject of considerable and increasing scrutiny. Political donations are the subject of a union's own governance obligations and placing further restrictions on the activity of unions could only be perceived as for partisan, political advantage to Governments who seek to attack unions and their members.

There is no justification for any further intrusion into the democratic running of unions, particularly to prevent their capacity to campaign.

### 2. Public Funding

The QCU supports public funding for election campaigns. Public funding along with reasonable caps on expenditure goes a long way to ensuring that undue influence is not exerted over political parties who otherwise might be beholden to wealthy contributors (Hourigan 2006:12; Orr 2006:3; Queensland Parliament 2011:3). The existing arrangements appear to be sufficient.

### 3. Expenditure

As per the previous heading, the existing regime that includes caps on expenditure and public funding of campaigns provides for the best opportunity to reduce a perception of corruption surrounding campaign funding (Orr 2006:104). Accordingly the QCU supports existing public funding and caps on expenditure as complementary policies (Queensland Parliament 2011:1).

The most absurd proposition contained in the issues paper is the suggestion that the expenditure of the ALP and its affiliated unions be aggregated. There is no subtlety to this blatantly partisan suggestion. The traditional structure of the ALP has been to allow for the affiliation of unions thereby giving employees a voice within the party that they would otherwise not have. Additionally individual unions have separate agendas to deal with the professional and technical matters of importance to their specific members. Unions cannot be treated homogeneously with one and other or with the Labor Party. There are numerous examples of where the interests of one affiliated union does not coincide with that of another affiliated union. Moreover it has recently been demonstrated that the interests of unions does not coincide with a Labor Government or the ALP. The most striking example is the previously mentioned decision of the Bligh Government to sell assets (Wardill 2009). Had the aggregation proposition been law, affiliated union campaigning against asset sales would have counted as money spent by the ALP. There is no description for this proposition other than absurd.

The only possible explanations for the proposal to aggregate funding is for the politically partisan purpose of providing a funding advantage of the LNP or alternatively that it is intended to motivate unions to not affiliate with the ALP. In either case it is a thoroughly undemocratic proposal that could only be considered as an attempt to create a one party state in Queensland.

## Part B

### 1. Truth in Political advertising

What some might describe as an oxymoron, truth in political organising is difficult to argue against. It is somewhat surprising and amusing that it would be an issue raised by the Newman Government. Undertakings given by the leader of the LNP before the 2012 State election demonstrate what a galling suggestion 'truth in political advertising' is when made by the Newman Government. It is now apparent that Mr Newman had no intention of keeping the undertakings he made to public sector workers (Quiggin 2012). The undertakings can be found under the heading "What he said before the election" on the following site:

<http://www.howcanwetrustyou.org.au/>

In brief, it is difficult to take this suggestion seriously.

## **2. How to Vote Cards**

The QCU supports the proposition of banning how to vote cards on election day. Considerable expenses are incurred by the major parties, particularly those parties (or more correctly that party) that pay actors to hand out how to vote cards on election day, towards an exercise that in truth probably annoys members of the public more than assists them. It is also suggested that some party workers behave poorly on election day; however examples of such poor behaviour are probably isolated.

An alternative proposition is to allow candidates to place posters on the wall of a polling booth that would enable voters to see how to vote. This proposition has been ignored by the major parties because of a perceived advantage of having greater resources than smaller parties or independent candidates. Consistent with reducing unnecessary expenses associated with elections, the QCU would recommend banning how to vote cards and their replacement with posters on the wall of polling places.

## **3. Proof of Identity**

The QCU is in favour of any proposition that would increase voter participation rather than decrease it. There is no evidence of widespread abuse or identity fraud in relation to elections and there are sufficient checks and balances to identify if fraud has taken place. Any additional restriction on allowing people to vote would be perceived as an attempt to change the law for the sake of changing it without justifying a case for what mischief the proposal is actually seeking to remedy.

## **4. Enrolment on polling day**

As per the last item the QCU would support this proposition as it has the capacity to increase voter participation and not decrease it. There should be sufficient checks and balances available in conjunction with the use of modern technology to ensure that voters are able to enroll on polling day and cast a vote. In considering this question one needs to consider what it is that is trying to be achieved, and again it is reiterated that the QCU supports any move to increase participation rather than to decrease it for pedantic reasons or perceived self-interest.

## **5. Electronic voting**

There is a sense of inevitability about the use of electronic voting that would suggest it needs to be considered. However, the absence of certainty surrounding the existing technology practically prevents its use at this point in time (Simons 2004:20). The requisite levels of security, integrity, transparency and scrutiny that are currently offered by paper voting would need to be conditional upon the use of electronic voting (Buckland and Wen 2012:25; Simons 2004:20). As far as it is understood the high standards set in Australian elections cannot yet be guaranteed by an electronic system (Buckland and Wen 2012:28; Simons 2004:20).

## 6. Postal voting

As per previous issues the QCU urges the Government to take steps to increase voter participation not decrease it. Postal voting has long been an option available to Queensland voters and therefore appears to be no need for any change.

## 7. Compulsory Voting

The Australian idiosyncrasy of compulsory voting is more the subject of debate in academic circles than it is in the rest of the community. The reality is that there is no great opposition to compulsory voting (McAllister 1986:89; Hill 2002:452) and in the main it is viewed by most as no more or less onerous than other civic duties (Hill 2002:442).

However what we do know is that the level of participation in elections in Australia is vastly superior to any of the nations with which Australia is usually compared (Anglo-American) (Allan 2012:38). In Australia voter turnout is consistently 90% and above and this attests to the success of compulsory voting. High voter turnout is a fact of which we should feel proud. It means that the voices of all Australians are taken into consideration and that Governments cannot ignore sectors of the community if they all vote (Allan 2012:38; Fischer 211:38; Hill 2002:438; Hughes 1966:81; Lijphart 1997:1; Machin 2011:101; O’Gorman 2008:673).

Consistent with the theme of removing unnecessary expense from the election process, the removal of compulsory voting would create a new industry for political parties and others interested in the outcome of elections (such as unions) in maximizing the turnout of voters perceived to be their supporters (Allan 2012:391; Lijphart 1997:10; O’Gorman 2008:673). Additionally for Queensland to introduce voluntary voting at a state level whilst compulsory voting remained at a federal level would be a recipe for confusion for voters, in a similar fashion to the confusion that exists around optional preferences (Moore 2013).

Many have speculated that the removal of compulsory voting would favour conservative parties (Lijphart 1997:3; McAllister 186:92; Pacek and Radcliff 1995:138) but the truth is no one really knows (Allan 2012:37). Nonetheless it would be particularly brave of the Newman Government to introduce voluntary voting at the next election having regard to the most recent results, both in terms of turnout and the result of the ballot, in the Enterprise Bargaining Agreement ballots for their own employees. Most of the research surrounding which political party would benefit from voluntary voting indicates that there is correlation between level of education and propensity to turnout (Lijphart 1997:3). Public sector workers are in the main well educated (Slater 2012:489). Over 70% of employees voted down an agreement (PSC 2012) and this would be a fairly accurate gauge of the approval rating of the Government by its own workforce. It could also be presumed that public sector workers, as well as their friends and families, would be motivated to vote if it was optional.

## 8. Voting System

Much has been written and discussed about who is favoured by preferential voting. Many on the Right of Australian politics consider that the ALP is the beneficiary of preferential voting because of the high proportion of Green

preferences currently being allocated by Green voters (Whinnett 2004). This takes a fairly simplistic and present-day-only view of the impact of preferences. It should be remembered that the longest single stretch of conservative Government (1949 – 1972) can be directly related to second preferences coming from Democratic Labor Party voters (Lyons 2008:430; Sharman, Sayers and Miragliotta 2002:549). Historically conservative parties adopted the often (but not always) successful use three-corned contests where the non-Labor vote was maximised by running Liberal candidates and National candidates in the same electorate and swapping preferences (Sharman, Sayers and Miragliotta 2002:548).

There are cogent arguments both ways for optional and compulsory preferences (Hill 2002:450) and the decision should not be made on contemporary expediency. However, it needs to be noted that both Queensland and New South Wales have the highest level of informal voting in federal elections (Moore 2013). High levels of informal votes are attributed to the confusion caused by optional preference in state elections and compulsory preference in federal elections. Some recent Queensland elections might also be considered anomalous. In particular the 2001 election when the Liberal Party was reduced to three seats in South-East Queensland (Stockwell 2003:156) and the most recent 2012 election when the ALP was reduced to seven seats. History will judge whether the size of the majority handed to LNP after the last state election was a good thing for the people of Queensland, nonetheless compulsory preferences may have avoided the extent of these results.

Irrespective of which voting system is adopted, the QCU believes that there should be consistency between state and federal elections.



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