

Response to the Electoral Reform Discussion Paper

Presented on behalf of the Queensland Greens Inc.

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Introduction

The Queensland Greens would like to thank The Honourable Jarrod Bleijie MP and the Strategic Policy Unit of the Department of Justice for the opportunity to comment on Electoral Reform measures currently being considered by the Queensland Government (Green paper).

In considering our response to the questions posed by the paper, as well as suggesting some further lines of investigation we considered that fairness and equality in our electoral system to be of key importance. This is also the basis for our democracy policy within the party, but as the questions provided are much more specific, we are happy to elaborate on our meaning

When considering an electoral system to be fair and equitable, we considered the following criteria as important

- That all candidates have a fair and equal chance of nomination and election
- That all voters have a fair opportunity in participating in elections
- That the options presented are clear to all voters with information provided to the electorate is accurate and up to date
- That every voter in the system has an equal say in who will represent them
- That all points of view can be heard, but must be evaluated on their merit and accuracy
- That the role of donations in the system does not lead to inequality in favour of donors over the voting public
- That the count can be monitored independently & a recount of the election should return the same result
- That the votes cast can easily be audited independently

We have endeavoured to explain each of our positions below in detail, focusing on the questions directly asked in the green paper. We have also summarised our positions in the table below.

The Queensland Greens take democracy with the utmost importance, as we are changing the main channel of feedback and control that the public has over its political class. Regardless of the decisions made based on this paper or submissions, we hope that the drafters of any new provisions treat changes made with care.

Summary of Positions

Section	Question	Position Notes
A	Political Donations	<ul style="list-style-type: none"> • Limit donations to people that are enrolled to vote in Queensland • Personal donations to be declared • (failing outright ban) support for an industrial/shareholder vote on donations • Fees at functions to be declared as personal donations/cannot be paid by corporations/must fit under donation cap • Permanent 'trusts' for political parties and candidates controlled and monitored by the ECQ. All accounts of political parties or individual candidates must be registered with ECQ for audit purposes
	Public Funding	<ul style="list-style-type: none"> • Public funding for elections based on vote received up to a spending cap based on the number of seats contested multiplied by an indexed value. • Party administrative funding based on a % proportional by seat value of a central administrative fund to be spent only on ECQ approved administrative spending
	Campaign Expenditures	<ul style="list-style-type: none"> • Continue electoral spending cap with lower spending limits. Possibly using a rate based on diminishing returns based on primary votes received • Oppose aggregation of expenditure across entities • Include all reasonable expenses as part of a campaign (Campaign offices, materials, staff) but cap major expenditures separately (Staff & offices specifically).
B	Truth in political Advertising	<ul style="list-style-type: none"> • The QG would support in principle any moves to better regulate political advertising to be more accurate. Suggest increasing the provisions of the court of disputed returns to consider misleading advertising material • Regulating every political statement is impractical, need cultural change in election behaviour, however effective measure will need further investigation
	HTV Cards	<ul style="list-style-type: none"> • Support publishing HTV to ECQ website • Support allowing ECQ to reject a HTV for being misleading • Code of ethics for volunteers at polling stations is supported but really we have rules about polling stations (electoral act) and public behaviour (criminal code) it's probably unnecessary • QG will support a cost/benefit analysis conducted by the ECQ into the value of HTV cards to voters versus

		<p>the expense incurred in producing them (both in terms of public and party spending)</p> <ul style="list-style-type: none"> • Current support for the posting of HTV in plain formats by the ECQ to manage waste while still being informative to voters
	Proof of Identity	<ul style="list-style-type: none"> • Oppose on the grounds that it's punitive to most while addressing a problem with negligible overall effect
	Enrolment on polling day	<ul style="list-style-type: none"> • Support on the premise that votes made by that person are 'declarative' and only counted once registration is confirmed (outlined in Green Paper)
	Electronic Voting	<ul style="list-style-type: none"> • Support for e-voting for the disabled (visually impaired esp. we signed up to Vision Australia's request for better support at the state election, plus it's just the right thing to do) • Support for e-voting for those unable to attend a polling place in their district • Long term support for e-voting on a broader base but only when the ECQ is confident that it can meet probity, security and privacy concerns
	Postal Voting	<ul style="list-style-type: none"> • Support expansion of reasons for postal voting • In principle support for online applications for postal votes, independent verification of request to replace signature • Support for moving the last day to request a postal vote to 3 days before the election (currently 2).
	Compulsory Voting	<ul style="list-style-type: none"> • Support for compulsory voting
	Voting Systems	<ul style="list-style-type: none"> • Support for compulsory preferences • Addition of 'seek further candidates' option • move to MMP (Explained below)
	All other matters	<ul style="list-style-type: none"> • Introduce MMP to state elections • lower the voting age to 16 • formally separate Executive and Legislative branches of government • Increase spend on voter education (currently \$100k/year and \$2.3m/State Election) • Plebiscite on local councils moving to MMP • Introduce an Independent speaker to the Legislative Assembly

Part A - Political Donations, Public Funding and Election Campaign Expenditure

1. Political Donations

1) Are the existing laws in relation to political donations effective in protecting against the potential for undue influence and corruption?

Donations in political systems like the one we have in Queensland have and will no doubt continue to pose an ongoing issue for democracy and how interactions occur between representative and the electorate. To answer a question as posed by this paper asking if the current laws are effective in protecting against undue influence then we must understand why political systems exist and how they interact with society at large.

For a democratic political system to be successful it must do its most basic job, confer the political will of the residents of a nation (or state as it is here) into a set of policies and actions that enact that political will. In that definition, the relationship that we are defining is that of the people within the electorate and the representative chosen to represent them. Further, the definition of undue influence must be considered to be any force applied to this system that distorts or blocks the communication channel between representative and the people represented. Based on this simple definition we can build a picture of our system and how effective it is at ensuring that people are heard above other interests.

Money has indeed poured into the Queensland Branches of the parties, for the major parties, investments from mining concerns, corporations, unions and wealthy singular donors have dominated the list¹. Minor parties have a slightly different profile, with more donations coming from single-issue campaigns, clubs & incorporated entities, wealthy donors and members. It is true that there is considerable difficulty in linking a specific donation to a specific action by a government, but it does seem with the continuance of the spread of gas exploration and extraction and the lifting of the moratorium on mining uranium, the miners who donated to the major parties have come off slightly better than most. Certainly an argument could be made that these actions may have happened regardless of the donations, but in that case why would a corporate entity, most concerned with the profitability of its operation, take a part of that profit and give it to another party for little or no gain?

Herein lies the problem of corporate donations, we will never know for sure that a corrupt act has occurred unless an action can be directly tied to its benefactor, which happens only very occasionally, as is the case with the ICAC in New South Wales as facts become available, most of the deals that lead to that outcome are already done, with little prospect of a fair outcome for the people in general or those tied up in the original corruption simply by coincidence.

¹ Full Listing of donors from Q1 2012 available at <http://www.ecq.qld.gov.au/financial.aspx?folderid=1173>

Certainly, we have come a long way. Expenditure caps and expense based public funding have brought us some improvements, as the green paper has indicated, spending by minor parties has increased relative to that of major parties², certainly an indication of an improving situation, yet it is still quite easy for major parties to attract large donations from donors who wish to support a new government as they are the most likely to form a new government³.

It is the position of the Queensland Greens that any reform that brings into check the power of money in political communication is indeed an improvement, but to say that the job was done by the 2011 reforms is simply incorrect. There will always be room in our democracy to enhance the voice of the people by removing the influence of money both in where it comes from and how it can be spent.

2) How can the existing laws in relation to political donations be made more effective?

The current laws provide a good framework on which to base further changes to donations so current restrictions around how much a singular donor should be able to donate per campaign per year. We are advocating that political donations for administrative functions be included in caps, and that all expenditure be provided from a central pool of funds for the purposes of administration and campaigning.

A continuation of the situation where corporations and other associated entities can by many multiples, 'outbid' ordinary members and individuals for financial influence must cease, the political system in this country is in place to represent the interests of the voters. A full ban on donations from entities that are not registered on the electoral role would be supported by the Queensland Greens. Failing that, donations restricted in size to the most generous individual donor (in a single donation, to any party) and voting endorsements on donations to political parties by the members or shareholders of the organisation in question must be adopted.

The time of a politician in office should never be subject to cost to a voter, they are the representatives of the people, however money raised to support the actual cost of an event should be allowed to a maximum cap that is indexed to inflation, all incomes raised in such a fashion should be reported along with the attendee list. Members fees should be included within the cap of donations made by an individual and should not constitute more than a quarter of donations made to the party by an individual.

Disclosure should be the centrepiece of any reform of donations, for donations made above membership fees, the name, occupation and suburb of residence of a donor should

² Green Paper, Table 3, pg 14

³ Tham, C, (2006), "Private funding of political parties", in Young, Sally (2006). *Political finance in Australia: a skewed and secret system*. Australian National University, p8-35. Accessed http://arts.anu.edu.au/democraticaudit/papers/focussed_audits/20061121_youngthamfin.pdf

be reported by the ECQ within 7 days of receipt of a donation. If non-electoral donations are still in operation the Name of the company, any associated parent entities, the name of Director/CEO/President and the industry sector in which the organisation operates must be presented and reported by the ECQ within 7 days of the receipt of a donation.

The final reform recommended is that political parties must register a trust with the ECQ into which all donations and payments will be made and monitored. Further any bank accounts operated by parties or individual candidates for the purpose of political action must be directly accessible to the ECQ for the purposes of audit, all non-registered accounts will be considered illegal.

In summary to the questions:

- *whether political donations should continue to be capped in Queensland (option a);*

Donation caps are supported by the Queensland Greens, changes to the caps should be based on how exhaustive the coverage of donations are

- *if so, whether the cap should apply to all donations and not just those intended to be used for campaign purposes (option b);*

Donation caps should apply to all political expenditure.

- *whether political donations should only be able to be made by individuals on the electoral roll (option c);*

The Queensland Greens support limiting donations to registered individuals on the electoral roll.

- *if not, whether there should be additional member/shareholder endorsement requirements for receipt of donations from industrial organisations and corporations (option d);*

If donations are to carry on for entities other than those registered on the electoral roll. The Queensland Greens would in principle support the endorsement of members or shareholders in the approval of political donations to parties. A review of this policy in action should be taken by the ECQ to determine the effectiveness and any system bias caused by such limitations

- *the treatment of fees for attendance at functions and fundraising activities (option e) and membership fees (option f);*

It is the position of the Queensland Greens that fees for fundraisers and membership fees should be subject to the donations cap.

- *whether additional disclosure requirements should be introduced (option g);*

Disclosure of the names, occupation and suburb for individuals and the Company name, parent entities, lead executive and industry sector for non-individuals donating above the membership cost of their party should be disclosed and published within 7 days to the ECQ and the public respectively

- *whether there are any opportunities to streamline the existing administrative arrangements (for example by removing the requirement for dedicated campaign accounts (option h)).*

The Queensland Greens are recommending that a trust in the names of each of the registered parties be created for all donation activity to be administered by the ECQ, all accounts associated with an individual or party for the purpose of political action must also be registered for audit purposes.

2. Public Funding for Elections

1) Are the public funding arrangements in Queensland fair?

Public funding of political parties is always a difficult issue, as most people who pay taxes do not appreciate supporting parties that they do not personally support but also do not support systems that encourage wealthy corporate interests to control politics through financing candidates. Also of concern is the concept of 'fair' which depending on your political allegiances can mean several different things to different people.

This is highlighted in general by the rather fluid arrangements on which public funding is distributed. Thanks to the provisions and decisions made by the last two governments, the rules on public funding have changed both just before and just after an election in reference to the same election, making it near impossible for anyone to plan out an approach to an election based on public funding.

There is also a suggestion that public funding has been largely distributed on a basis that disproportionately favours firstly incumbents, and secondly the other party that traditionally forms government, over other parties. Such a bias in funding in favour of the status quo is not conducive to ensuring a diverse and healthy democracy.

When it comes to administrative funding, there is a major disparity that exists between distributions and political support for parties with most parties (including the Greens) being locked out due to funding being provided only on the basis of parliamentary representation, a further advantage granted on the basis of incumbency.

We are also completely unimpressed by the motivations of the current government in removing administrative funding altogether as it is simply defunding opponents while

enjoying the trappings of office, yet another mechanism designed to create an advantage to incumbency.

The Queensland Greens will support changes to legislation that both increase the equity of funding, the oversight for its use and the stability of funding against opportunistic changes to funding arrangements.

In summary to the questions:

- *whether public funding of political parties and candidates should be on a per vote basis (option (a));*

A per vote based funding model for electoral expenses is at the very least a transparent method of distribution, We would support it on the basis that strong expenditure limits and financial oversight already suggested in previous sections is implemented.

- *whether a limit on public funding should be introduced that is based on the winning party's entitlement (option b);*

The Queensland Greens share the concerns mentioned in the green paper regarding the stability of funding available if each party/individual allocation were to be based on the winning party's expenditure. If you run as a candidate there will be some uncertainty around public funding, but as a general rule we would be trying to minimise the uncertainty.

We are also concerned that the implementation described will handicap smaller parties compared with financially independent and highly entrenched major parties that commonly form government and as was the case in the 2012 election may lead to a major party being unable to fund an alternative view at an election where one party is lopsidedly supported over the other. The below table is each party's primary vote expressed as a percentage of the primary vote of the winning party (in this case the LNP).

Party	Primary Votes Received	% of Winner
Liberal National Party	1,214,553	100.0
Queensland Labor	652,092	53.7
Katter's Australia Party	282,098	23.2
Queensland Greens	184,147	15.1
Family First (QLD)	33,269	2.7

Figures derived from the Green paper (2013) Table 3, pg 14

On these terms, the LNP would receive 1.8 times as much funding as the ALP, even though this is technically proportional, it will make subsequent elections much more difficult. If the aim of any electoral funding model is to provide all parties with an equal chance of presenting their case, then this extreme (but unlikely) outcome is not its greatest advocate.

- *whether a limit on public funding should be introduced that is based on the number of votes received (option c); and*

As described in the green paper, the Queensland greens would not support a system of capping based on votes cast largely for the same reason as above, a cap based on Primary votes would benefit the winning party and close rivals over smaller parties.

There is an argument for implementing a ‘diminishing returns’ capping system, where progressively the amount of extra funding per primary vote is decreased as the vote gets larger, the below table demonstrates how this may work.

PV (% of total votes)	Scaling Factor	Funding (Straight) (Vote * \$2.50)	Funding (Dim. Ret.) (Scale * \$2.50)
4	4.0	\$249,590	\$249,590
10	9.5	\$611,475	\$580,901
20	17.9	\$1,222,950	\$1,094,540
30	25.7	\$1,834,425	\$1,571,490
40	32.9	\$2,445,900	\$2,011,752
50	39.6	\$3,057,375	\$2,421,441

Diminishing Return Formula = $75 * (\sqrt{2 * (i/75) + 1} - 1) + 0.1$ [Where i = primary vote]

- *whether there are any opportunities to streamline the existing administrative arrangements (option d).*

Following on from our earlier suggestion that all funds for political parties and candidates should be held by Trusts administered by the ECQ it would also be the position of the Queensland Greens to distribute those funds through the trusts. In practice all expense based funding for a party should be paid from the trust, and on receipt of an invoice for the work the ECQ will reimburse that money

following the election. Such an arrangement should make the overall auditing process considerably easier and more transparent.

3. Election Campaign Expenditure

1) Are the existing laws relating to electoral expenditure effective in creating a more level playing field?

The current laws on electoral expenditure in Queensland are certainly a step in the right direction, but due to the high limit set by the previous government (Approximately \$5.3 Million) and the indexation of the cap it is unlikely that even campaigns run by the major parties will ever exceed this limit. Experience of the recent election demonstrated that expenditure by the ALP and LNP was not actually constrained.

It also discouraged parties currently not registered (that is with memberships of less than 500) in that their campaign spending was limited to the same as a third party campaign which at its worst could be as little as 10% of the potential spend of a party running in all seats. There was much talk of third-party campaigns but the overall effect was quite muted, the spending limits applied there appear to be having a moderating effect on their influence in an election, though it is questionable that less voices and less information is somehow beneficial to the electoral process.

If we are to improve the range of voices in politics then tightening the spending caps overall is desirable. It may be less desirable to decrease the number of voices in the electorate by grouping like voices together under an aggregate cap as it would lead to a position of having less diverse views and opinions in the public sphere during an election.

There are also concerns about the definition of an electoral expenses, limiting the definition of expenditure to a very limited field of advertising spends tends to favour campaigns that ignore traditional ground campaign methods (electoral offices, town hall meetings, physical advertising, campaign staff) in favour of straight advertising spends. In advertising campaigns it is often minor parties that are under represented once again creating barriers to entry that are difficult for minor parties to overcome.

In summary to the questions:

2) How can the existing laws in relation to electoral expenditure be made more effective?

- *whether electoral expenditure should continue to be capped in Queensland (options a and b);*

The Queensland Greens would support the continuation of capped expenditures and would advocate for lower expenditure caps overall to limit the influence of money in politics. A system similar to the diminishing returns formula as outlined in section above [Section 2. 1) c. (pg. 13)] would represent a considerable step forward, but a proportional cut to all funding would also be desirable.

- *whether the expenditure of a party should be aggregated with the expenditure of its affiliated organisations (option c);*

The Queensland Greens would not support this position on the grounds that it will diminish the number of individual voices in the community and would not improve voter education on the options available to them

- *whether the expenditure of affiliated organisations should be aggregated (option d);*

The Queensland Greens would not support this position on the grounds that it will diminish the number of individual voices in the community and would not improve voter education on the options available to them

- *whether the definition of 'electoral expenditure' should be clarified (option e);*

The Queensland Greens would support a position of further consultation between the parties and the ECQ about what is and is not a reasonable electoral expense based on the experiences in previous elections. In broad terms, we would support expanding the currently defined boundaries of expenses.

- *the treatment of volunteer labour (option f);*

Due to the issues of freedom of association and individual rights, on principle alone we cannot support any tracking and monitoring of time spent by volunteers and in-kind services. It also presents an almost impossible administrative and enforcement challenge, as currently volunteer work is in no way tracked in any government controlled system to a level of detail that would be appropriate for assigning a value to work performed.

- *whether there are any opportunities to streamline the existing administrative arrangements (option g).*

Following on from our earlier suggestion that all funds for political parties and candidates should be held by Trusts administered by the ECQ; it would be a requirement that expenditures for elections be performed either through the trust or in one of the parties' monitored accounts. This should make it easier to audit the actions of parties after the election is complete and allow both parties the ECQ and voters in general to be more confident that the rules are being followed.

Part B - Other Options for Improvement and Change

1. Truth in Political Advertising

Bringing accurate information to voters during an election is a prerequisite for allowing informed choice, and certainly any measures that bring us closer to a more civil and fact based debate on the ability of any politician or group of politicians is a good thing.

The policy of the Greens is to support measures of 'truth in advertising' in political material, as we believe that false information can have a distorting effect on the vote and will lead to outcomes not intended by the voters. There are some reservations about the implementation and enforcement of such laws.

The South Australian experience does provide interesting insight into the operation of a 'truth in advertising system, as noted in the green paper. There are of course parallels with the advertising industry as a whole.

Advertisements are under a regime of mostly self-regulation, with content usually referred to either industry supported Advertising Standards Bureau (ASB) or the Australian Competition and Consumer Commission (ACC) or the Fair trading office run by the states⁴ ⁵. Presentation issues in advertising are referred to the relevant media authority (Australian Press Council for printed material and Australian Communications and Media Authority for broadcast media). Between all of these groups, there are a range of truth in advertising provisions that require best efforts be made to not mislead or deceive through advertising. On a whole, this has improved advertising quality and removed the most obviously deceitful claims, but it is not without flaws.

Lies are by no means the only problem in advertising, the creep of advertising into news programming, product claims based on flawed research, 'weasel' words which promise nothing but imply unfounded benefits and simple obfuscation by omission. These are of course all types of deception (or at least could be) that would not be covered by either the ASB code of practice or, if done in political advertising, be covered in the provisions of the South Australian 'Truth in advertising laws'

The potential to misuse the provision is also quite high, with political parties and independents looking for any edge that they can gain over their opposition, a mechanism by which they can refute claims could easily become a place to air political disagreements rather than careful regulation of content. We also agree with the statement made in the

⁴ <http://www.adstandards.com.au/> Accessed 14/02/2013

⁵ <http://www.accc.gov.au/> Accessed 14/02/2013

green paper that the ECQ must be kept above partisan interests and in turn must not be put in the position where its decision may leave questions of bias on its record⁶.

In summary to the questions:

1) Should truth in political advertising legislation be introduced in Queensland?

The Queensland Greens would support an extension to the provisions for the court of disputed returns to consider content and presentation issues in political adverts. That 'Perverting the course of democracy' be made a crime. The scope of the provision should include all political advertisements by parties, candidates and third-party organisations and would consider:-

- The accuracy of the statements made
- The context of the delivery method (ie. The presentation of political advertising as news)
- The use of wording that is designed to be deceptive or misleading
- The deliberate obfuscation of the truth through the omission of facts
- The imposition of fines on parties and/or candidates for breaches
- The imposition of a penalty of ineligibility to sit in parliament or nominate in elections, and/or jail time for serious breaches

2) If so, should it extend beyond advertisements to other inaccurate and misleading statements?

We do support truth in all political statements, but we are faced with a much larger problem. We had more than 550 candidates in the last election, and many more spokespersons for third-party campaigns, asking them to submit every press release and speech to a central body for approval would be difficult and that doesn't cover "off the cuff" comments made to individual electors. Regulating and punishing offenders is also seriously questionable with spurious claims and difficulty in balancing appropriate punishment with denying choices to the electorate would make it near impossible to enforce effectively

It is something that the Queensland Greens would support, but considerable work would need to be done on the detail of such a plan

2. 'How to Vote' cards

Misleading how to vote material can, as the green paper points out, undermine the results of an election. The Queensland Greens are often on the receiving end of this treatment with major parties often producing HTVs that seek to direct the preferences of Greens voters towards themselves and that are formatted and presented at booths in a way to give the impression of being affiliated with, if not in fact from, the Greens. Another practice that is common is to

⁶ Green Paper (2013), Pg 25

produce material that is very similar to HTV cards that are not technically HTV material to persuade voters to reconsider preferences to or from other parties.

It is on these grounds, and the environmental impact of the production, distribution and disposal of so much of this material that has lead us to support a standardisation, regulation and display position on HTV cards inside polling booths and on the ECQ website.

In summary to the questions:

1) whether how-to-vote cards should be published on the ECQ's website (option a)

The Queensland Greens would support that measure.

2) whether the ECQ should have the power to refuse to register a how-to-vote card that is likely to mislead or deceive a voter in casting their vote (option b)

The Queensland Greens would support this measure.

3) whether the behaviour of workers who hand out how-to-vote cards should be regulated (option c)

The behaviour of volunteers at polling booths is an interesting question, but largely overstated, the vast majority of polling day volunteers are well behaved and do not overstep their authority. Getting volunteers together to support a party or candidate is one of the widest and most accessible political participation that members and supporters will get involved in, over regulating that task may be a further discouragement to political activity.

Polling volunteers are of course not immune from the criminal code when they are handing out material; so obviously physical and verbal violence, obstruction and intimidation are already covered. The candidate/scrutineer handbook also covers a certain amount of behaviour to do with entering and leaving polling places and how close a volunteer can be to a polling place while performing that duty.

Based on the information provided in the green paper, we are unaware of any behaviours that would not fit into either of those categories, but in principle, we are supportive of a code of conduct, but would need more information to be clear on our position.

4) whether how-to-vote cards should be banned (option d).

The Queensland Greens would consider an outright ban on 'How to Vote' material if appropriate evidence and research was produced in terms of the costs (production, waste etc.) and benefits (voter engagement and education)

We would currently support a position where HTV material was presented in a standardised, plain format, indicating to the voter the preferences that each party

believes is best for its own interests. This allows for the flow of information in the most efficient way with the least interference of partisan advertising and minimises paper waste caused by the printing of millions of HTV cards for each party and candidate.

3. Proof of Identity

The Queensland Greens are against any type of voter fraud, including identity fraud designed to cast votes that a person is not entitled to cast. That said, we agree with the green paper's assertion that the risk of voter identification fraud in Queensland is quite low and the practice is not in any way wide spread, while the risk of disenfranchisement of voters through proof of identification provisions is significant⁷.

While the Greens do not have a specific policy to deal with 'proof of identity' provisions, we do however wish to uphold the principle of democracy for everyone. As such, we would be hesitant to support such a move, as the gains made in fraud prevention will likely be outweighed in the disenfranchisement of eligible voters.

In summary to the questions:

1) Should voters be required to produce proof of their identity on polling day?

The Queensland Greens will not support this position without further investigation and development

4. Enrolment on polling day

The Queensland Greens are supporters of the democratic rights of all people in Queensland, and as such would support any measure that allowed eligible people to vote. Enrolment on polling day would fit this criterion well.

The provisions outlined in the green paper, allowing people to register with appropriate proof of identity and allowing a 'declaration voter' to be cast, quarantined until the information provided can be verified, seems an appropriate scheme that will minimise the chance of voter fraud affecting the outcome while enfranchising those who for whatever reason were unable to register before the election. We did have some concerns about the integrity of the electoral role, however if the ECQ are in support of the change we would site no further issues.

In summary to the questions:

1) Should voters be permitted to enrol on polling day?

So long as the process outlined in the Green paper is implemented as stated, the Queensland Greens would support this measure.

5. Electronic Voting

⁷ Green paper (2013) pg 29

Electronic voting options are a sensible idea that overall should be something that is pursued as we move forward. It will streamline the voting process, allow people to vote more at their convenience rather than requiring physical attendance, counting can be automated and results will be known earlier. All of these benefits are quite desirable, however the details of electronic voting make it difficult to support fully⁸.

Our current paper based system has some distinct flaws (mostly to do with reasonable human error), but largely produce reliable and trustworthy results. The introduction of electronic voting can indeed produce similar results, but is often implemented without safeguards key to ensuring these results. There have been many reported cases in elections run with electronic booths or e-voting that have been tampered with to alter the result, and often the process of audit is internal to the device. There are also questions about the accessibility of some machines to different audiences not familiar with the interface though these issues are not insurmountable.

The position that the Queensland Greens supports is that the progressive rollout of electronic methods of voting should not be opposed in itself, but the greatest of care and oversight should be taken to ensure that any such rollout is consistent with the principles of good democracy and probity.

In summary to the questions:

1) whether Queensland should introduce electronically assisted voting for: blind and vision impaired voters; and voters who require assistance voting because of a disability, motor impairment or insufficient literacy (option a);

The Queensland Greens will support any measure that protects the anonymity of voters and improves accessibility to all voters regardless of their disabilities. Therefore we would support a rollout of a system similar to that described in the Green Paper, so long as it met the probity requirements outlined above.

2) whether Queensland should introduce electronically assisted voting to voters who will not throughout the hours of polling on polling day be in Queensland and/or who do not reside within 20 kilometres, by the nearest practical route, of a polling place;

The Queensland Greens will support any measure that improves accessibility to remote communities and makes it easier for people to cast votes if they are for any reason unable to attend a polling place. Therefore we would support a rollout of a system similar to that described in the Green Paper, so long as it met the probity requirements outlined above.

3) whether electronically assisted voting should be introduced for all voters in Queensland.

⁸ Further reading http://www.opendemocracy.net/media-voting/article_2213.jsp

The Queensland Greens would support a long term view of allowing the ECQ to acquire the skills and resources necessary to support an electronically assisted ballot. We would rely on the judgement of the ECQ and an independent auditor to make any decision on moving forward, would like to see any wide-spread e-voting system in action before any ballot is conducted, and would expect that it meets the probity requirements outlined above.

In principle, we would support the measure on those conditions.

6. Postal Voting

The Queensland Greens are supporters of the democratic rights of all people in Queensland, and as such would support any measure that allowed eligible people to vote. Expanding and improving the options for postal voting fit that criteria. So long as the postal voting system can still be trusted to return only 1 valid vote from each elector.

In summary to the questions:

1) whether the grounds upon which a person can apply for a postal vote should be expanded (option a);

The Queensland Greens would support expanding the list of reasons for postal voting to include absence from the electorate on polling day and reasonable fear for personal safety.

2) whether online postal vote applications should be permitted (option b);

In principle the Queensland Greens support allowing postal vote applications to be lodged online, in effect removing the need for signatures, however it would also be good to have an alternate check, with a letter/email sent to the independently confirm the registration of the vote (though that may need further discussion)

3) whether the deadline for lodging a postal vote application should be brought forward by one day (option c).

The Queensland Greens have no specific concerns with this provision, as the status quo effectively ensures that applications lodged by mail on the last day are in effect going to lead to no vote being cast. This would not be true if an electronic system is implemented in the future allowing for voting online or by phone, if the technology were to change, this is an area that should be reviewed

7. Compulsory Voting

As a party that believes both strongly in the freedom of individuals to make up their own mind and in strong participatory democracy, compulsory voting is a challenging issue. Internally the

idea of compelling someone to vote is not the ideal situation, voter apathy, informal and 'donkey' votes are not good outcomes for any democracy.

Changing to optional voting however does not solve the underlying problem of voter apathy, if anything it makes it considerably worse as accountability to everyone in the state becomes less important to those elected, allowing them to focus specifically on their supporters alone.

In the long run, we must move our democracy towards better participation based on the best knowledge and modelling of issues that we can produce. The best that we can do currently is allow representatives interpret evidence produced on our behalf, and if we wish to keep that person to account, then all must be in some agreement on who that person should be. It is on this principle that the Queensland Greens oppose changes to compulsory voting.

In summary to the questions:

1) Should compulsory voting remain for Queensland State elections?

At this point in time the Queensland Greens oppose changes to compulsory voting.

8. Voting System

In any democracy, especially ones that compel people to vote, a range of options is necessary to ensure that voters can express their views for (or against) specific decisions or ideologies. On the surface, a move to compulsory preferences (CPV) would not be consistent with this view, however due to the nature of our political system we have a situation where support for CPV may actually be supportive of individual choice.

The reason for this is the 'spoiler effect', where in contests with parties representing similar but slightly different ideological positions running against each other are disadvantaged against an opposing party that represents an ideological position by itself by splitting the vote between two viable candidates of the similar ideology. It's a feature of 'first past the post' voting systems which tends to exaggerate the effect of minority rule (where a party receives less support than the sum of its rivals), but also tends to be the case in Optional Preferential voting (OPV) systems where strong campaigning against preferencing is done (as has been the case in Queensland).

Preferencing is not about giving votes away to people you don't like, it's about ordering the candidates from the one you would most like to represent you to the least. In that vain however, there may be a serious ideological reason for a voter to not to preference a candidate at all, an option should be in place to allow a voter to indicate that they wish for their vote to exhaust past a certain point, a 'seek further candidate' option. This is superior to OPV as it then becomes an active choice against further candidates rather than a casual one, even though the counting would be the same as it is now. It also makes it easier to track 'a vote of no confidence' in all candidates separately from simply making a mistake on a ballot.

In summary to the questions:

1) Should the voting system used for Queensland State elections be changed?

The Queensland Greens would support Compulsory Preferential Voting with a 'Seek Further Candidates' option to allow voters to indicate that no further choices are acceptable to them.

We also recommend that we move to Mixed Member Proportional elections, which we will discuss in section 9 (as it does not specifically pertain to the CPV/OPV

9. Any Other Matter

9.1 Mixed Member Proportional (MMP)

The Queensland Greens advocate moving to a Mixed Member Proportional (MMP)⁹ electoral system to seek to overcome some of the significant flaws in the current system that undermine democracy in the state. MMP is a unicameral system that retains electorate representation but achieves proportional representation via the use of party lists for selection of half the seats utilising the Sainte-Lague method.

As the last election demonstrated less than a majority of the vote can result in an overwhelming majority of the seats in parliament under the current system. This of course results in significant proportions of the population being underrepresented, and indeed other significant proportions of the population wholly unrepresented. These distortions introduced by the system between the vote and resulting representation in the house are fundamentally undemocratic.

Indeed while the LNP is massively over-represented in the current parliament relative to its vote, every other party is consequently under-represented. That of course includes the Queensland Greens who received the support of 7.53% of Queenslanders, that is 184,147 citizens, who have no representation in the current parliament at all.

Under the current system a change of a few per cent can have radically different outcomes, though generally none of these outcomes reflect the will of the people very accurately. The overwhelming importance of swing seats in the current system, where a few per cent of a few per cent make all the difference, skews campaigns and belittles an alienates the majority of voters, especially those in safe seats who are generally ignored by both the ALP and LNP.

MMP militates against campaigns focussing solely on swing seats and the distortions introduced by varying electorate populations, as the state-wide proportion of the vote will be the main determining factor in the total number of seats a party receives. Elections are therefore more

⁹ Shugart, S. Matthew and Martin P. Wattenberg, (2000), "Mixed-Member Electoral Systems: A Definition and Typology", in Shugart, S. Matthew and Martin P. Wattenberg (2000). *Mixed-Member Electoral Systems: The Best of Both Worlds?* Oxford: Oxford University Press, pp. 9–24.

likely to seek to engage with all voters, and the resulting parliaments are a significantly better reflection of the will of the electorate.

MMP is in use in New Zealand, is commonly used throughout Germany, and in the United Kingdom in the Scottish Parliament, Welsh Assembly and the London Assembly. The Greens of course advocate retaining Compulsory Preferential Voting unlike the first-past-the-post systems that operate for electorates in these jurisdictions.

The Queensland Greens would also suggest the following modifications to MMP:-

- 1 `Best Near Winner' - That the party lists to determine representatives added to the house to achieve proportionality be generated automatically for each party from the unsuccessful candidates for electorates in order of proportion of the vote achieved in their electorates. This would have the advantage of making all seats a contest as candidates that don't win the electorate would still be competing against other members of their party to maximise their vote.
- 2 `Proportional Independents' - That a list be automatically generated for independents in order of proportion of the vote in their electorates. Possibly it might be made possible for independents to register as left, right or centre independents and separate lists for each general political orientation be generated.

9.2 Introduce the vote for those aged 16 and 17

The Queensland Greens advocate for the voting aged to be lowered to sixteen. At sixteen people have very often entered the workforce in a casual capacity and are paying taxes, which is taxation without representation. By 16 people have also generally achieved a level of cognitive development to allow reason sufficient to function as full citizens, at least as much as their older cohorts. As the long term effects of laws made now will generally be endured by the young for longer they have at least as great an interest in determining those who will make the laws.

9.3 Increase spend on electoral education

Electoral education is provided by the ECQ in their schools program, also serving as a way of identifying and enrolling anyone over the age of 17 for pre-enrolment status¹⁰. The ECQ estimated that the cost of providing this service was \$100,000 every year. The only other electoral education spends that the department provides are on advertising that the vote is occurring for elections, with an estimate of the spend at \$2.9m for the two elections held in 2012.

It is a recommendation of the Queensland Greens that further study into how to educate the public on voting from school age and on should be carried out, and that the budget available for explaining the electoral system to voters should be increased to better educate the electorate on

¹⁰ <http://www.ecq.qld.gov.au/education.aspx?id=1902>

how the system interacts, the effects of preferencing on results and alternative systems of election used in this country and other to allow the people of Queensland the best possible advice and information on the system independent of interference of daily political actions

9.4 Separate Executive and Parliament

The Executive should be appointed by and accountable to, but not of, parliament. The principle of separation of powers is effectively undermined when the Executive branch is drawn from parliament.

The idea of a separate Legislative, Judicial and Executive branch is a basic tenet of western democracies, it provides balance of power in government and insures that there are checks exist on key decision making functions. Due to a particular quirk of Queensland government to do with the traditional Westminster system of government to which our current system is based a lack of an upper house mechanism as a review of legislative and executive business.

The combined functions of cabinet and the Legislative assembly have considerable power within government that could under the right conditions be used for purposes not intended by the public or desirable in a modern democracy.

9.5 Independent Speaker

The role of Speaker is supposedly non-partisan, an assertion that is difficult to maintain when the holder of the position is drawn from the members of parliament, almost always the governing party.

The requirement to provide a Speaker is problematic, not only because it leaves the constituents of an electorate effectively unrepresented, but when the numbers in parliament are close it causes instability. It also works against any proportionality of representation.

The Queensland Greens therefore advocate that the Speaker be drawn from the ranks of the judiciary, possibly requiring a higher threshold for appointment, such as two thirds, and possibly having a term lasting for each sitting of parliament.