



Queensland Teachers' Union

Submission to

Electoral Reform

Discussion Paper

February 2013

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INTRODUCTION

Established in 1889, the QTU has chalked up over a century of achievement in serving teachers throughout Queensland. In 2013 the QTU is the voice of 44,000 teachers in the Queensland Government's primary schools, secondary schools, special schools, senior colleges, TAFE colleges and other educational facilities.

The QTU is not affiliated with any political party, nor does it donate funds to any political parties.

The QTU is affiliated with the Australian Council of Trade Unions (ACTU) and the Queensland Council of Unions (QCU), the peak Australian and Queensland Union bodies. Neither of the bodies is affiliated with, or donates funds to, any political party.

PART A

Section 1 Political donations

The QTU is committed to democratic principles of one vote, one value and it is our belief that the present caps placed on political donations maintain this level playing field. The QTU is opposed to funding models that remove caps on political donations that allow dominant voices to unfairly influence the political process. In short, the removal of caps on political donations allows power to be concentrated in the hands of the wealthy while further alienating the voice of those in our community who are already marginalised. Moreover it is a matter of public interest that political donations are publicly disclosed and clearly identified as being on behalf of lobby groups, industry groups, special interest groups, individuals and trade unions.

The QTU does not make political donations to any candidate or political party. Any campaign action that the QTU does conduct is always in the interest of promoting public education and improving the working conditions of our members. Section 3 will highlight increased complexities around QTU campaign activities that hinder democratic participation of members.

As a grass-root, member-based organisation, the *QTU's Constitution and Rules (2012)* identify transparent processes for conducting ballots and actioning the views of the membership. The branch structure of the QTU promotes active participation in decision making and provides a clear platform that directs the actions of the union. The State Council of the QTU consists of representatives from every branch of every corner across the state and delegates are representative of primary schools, secondary schools, special schools, senior colleges, and TAFE colleges. Campaign actions, described in Section 250 (6) of the Act, and cited on page 6 of the *Electoral Reform Discussion Paper*, are undertaken by the QTU with the complete endorsement of the democratically elected members of State Council. Moreover, State Council receives reports from Senior Officers or other grass-roots members following campaign actions.

With a demonstrated commitment to democratic principles already in place the QTU opposes any requirement to conduct additional ballots regarding campaign actions. The additional administrative and financial costs of conducting ballots and reporting the results unnecessarily add an additional level of bureaucracy. Far from promoting democratic participation, the *UK Trade Union and Labour Relations (Consolidation) Act 1992* becomes unworkable and denies participation in the democratic processes. This is particularly the case where the cost of conducting a ballot is equal to or greater than the proposed donation that a trade union sought to make to a candidate or party.

Summary.

The QTU believes that:

- ✓ Caps on political donations should remain;
- ✓ In the interest of transparency individuals and organisations should be required to publicly disclose their financial contributions to candidates or parties;
- ✓ Industrial organisations like the QTU have processes in place to action the views of their membership and report back to their members. There is no requirement for laws to be changed that would create unnecessary and additional levels of bureaucracy;

Section 2 Public Funding

The QTU supports public funding for elections at all levels of government. Public funding of elections promotes a level playing field that allows all members of our community to participate,

including those community members who may be pushed to the margins and disempowered. The QTU acknowledges public funding of elections diminishes the resources that could otherwise be allocated to important public institutions like TAFE and schools; however the QTU also values investment that supports inclusivity of all members of the community.

The QTU notes that the discussion on Section 2.2 is limited by the incomplete data that is published in Table 3. Nine months passed between the 2012 election and the publication of the Discussion Paper yet the LNP data in Table 3 is based on an Interim Payment only, although the QTU acknowledges that arriving at a final payment may have been complicated by the movement of some LNP MPs to the cross-benches and delays of new or inexperienced candidates in meeting their reporting timelines.

The QTU believes that the present funding formula is appropriate and notes the similarities in the formula with NSW and ACT. However the QTU is alarmed by other comparisons in Section 3: Election Campaign Expenditure that cap expenses at \$111,200 (NSW) and \$100,000 (ACT) for a candidate endorsed by a political party, and then \$166,700 (NSW) and \$150,000 (ACT) for an independent candidate. Queensland's present funding formula reimburses candidates and political parties based on a percentage of their election campaign expenditure. Thus the greater the campaign expenditure, the greater the level of reimbursement.

The QTU rejects raising the electoral expenditure cap.

Increasing the Queensland electoral expenditure cap to NSW levels would amount to an increase of 112% (rounded) for both a candidate endorsed by a political party and an independent candidate.

Increasing the Queensland electoral expenditure cap to ACT levels would amount to an increase of 90% (rounded) for both a candidate endorsed by a political party and an independent candidate.

In both cases this would result in an additional cost to the taxpayer and diminish the level of funds available to invest in public education.

Summary.

The QTU believes that:

- ✓ Queensland's present public funding formula (identified as option a) is appropriate;
- ✓ Electoral expenditure should continue to be capped at present Queensland levels.

Section 3 Election Campaign Expenditure

The previous section stated the QTU's opposition to raising expenditure caps. Further, the QTU expresses concern around Section 3.4(f) and the complexities that may arise for QTU members as they exercise their democratic rights to campaign on public education issues. The QTU acknowledges other public sector employees like nurses, emergency service personnel, clerical staff; and others may similarly have their participation in the democratic process hindered by overly complicated definitions of 'campaign activities' and 'volunteer labour'.

The following case studies highlight some recent QTU campaign activities. The QTU is concerned that complicated definitions of 'campaign activities' and 'volunteer labour' will become murky and open to misinterpretation by incumbent governments of either persuasion. The QTU opposes changes to the Act around 'volunteer labour' because such changes create barriers to democratic participation, rather than promote democratic participation.

Case Study 1.

The QTU is proud of its history of supporting rank and file members who attend meetings with their local state MP to advance the cause of public education. In many cases QTU members have fostered strong working relationships with MPs across the political spectrum, including independent MPs, and many state members appreciate the QTU efforts to keep them informed about local education issues that matter to their electorate.

In 2012 a delegation of rank and file QTU members, who as teachers are also members of the public service, visited an LNP state member. The delegation sought to draw to the attention of the MP the impact that staffing cuts would have on teaching and learning in their school.

The actions of the QTU members could be deemed ‘volunteer labour’. Moreover, they were attempting to influence government policy as it relates to the provision of service in their school. This amounts to a ‘campaign activity’.

The QTU does not accept any changes to the Act that would hinder QTU members working with their local MP.

The QTU notes concern with the use of the language ‘potential loophole’ that appears in the *Discussion Paper*. The QTU believes that in a free and democratic society, individuals and members of an organisation should be able to campaign on issues that matter to them.

Case Study 2.

The QTU is proud to work on behalf of our members to promote health and safety in workplaces and safe and secure teacher accommodation in some regional and remote locations. In 2010 the QTU called on the then Bligh Government and local state MPs to ensure that members of the QTU were provided with accommodation that met minimum health and safety standards. This campaign action involved direct action with state MPs but was not a campaign aimed at influencing voting intention.

Had this action occurred during a state election campaign, under the proposed changes around closing ‘potential loopholes’ QTU members may have been faced with the absurdity of having to report their campaign for a safe home as a ‘campaign activity’.

The QTU is opposed to the introduction of concepts such as ‘volunteer labour’ into the Act. The QTU believes that such an introduction would deny individuals the opportunity to participate in democratic processes which is in contrast to the stated commitment of the Queensland Government in the Attorney-General’s foreword to the *Discussion Paper*.

Case Study 3.

The QTU is proud of its history of working to keep the wider community informed about matters related to public education. The QTU engages the community via attendance at P&C meetings, distributing authorised and published material to parents, and authorised and paid advertising in a range of media.

In the interest of public education, the State Council of the QTU authorised an analysis of the education policies of the LNP, ALP, Greens and KAP in the lead up to the 2012 state election. A report was produced comparing the public education policies of the parties and was distributed to the wider community. The QTU agrees that this action fits the definition of a campaign activity.

However the action followed a transparent process including endorsement of State Council, authorisation by the General Secretary, and reporting as an expense in accordance with the Act.

The QTU does not accept any changes to the Act that would hinder the organisation or individual members raising important matters, like education, with the community that they live and/or work in.

Again, the QTU believes that in a free and democratic society, individuals and members of an organisation should be able to campaign on issues that matter to them. Rank and file members of the QTU and paid officers of the QTU should be able to freely volunteer their time to work on campaigns without that time being debited against a campaign account.

Summary.

The QTU believes:

- ✓ Existing laws relating to electoral expenditure are effective in creating a level playing field;
- ✓ Electoral expenditure should continue to be capped at present Queensland levels;
- ✓ There is no 'loophole' in relation to 'volunteer labour'.
- ✓ Moves to address any perceived 'loophole' will adversely affect the important dialogues that occur between state members and stakeholders in their electorates. The QTU strongly opposes any changes to the Act in relation to 'volunteer labour'.

PART B

Section 1 Truth in political advertising

The QTU supports processes that promote participation in our democracy. The *Discussion Paper* notes the traditional modes of campaign advertising (p. 25) but appears to not consider new modes of campaigning such as social media sites. The QTU supports truth in political advertising legislation in principle, however notes concern that such legislation would need to include social media. This would potentially stifle online debates that promote participation in our democracy particularly amongst young people.

The QTU expresses frustration at the double standards raised by this section of the discussion paper. Throughout the 2012 election campaign the Premier stated that LNP election commitments were fully costed and would be implemented regardless of the state of the books. The LNP election commitments included *The CanDo Plan to get Queensland Back on Track*. Point 4 of this plan pledged to revitalise frontline services and deliver quality services in ‘health, transport, police and education.’

Instead of revitalising and delivering quality service, the LNP government has cut 569 full-time equivalent teachers for state schools in Queensland. Many of these teachers worked in special education and student support programs, delivering quality frontline service to students who need it most.

Summary

The QTU believes:

- ✓ Processes that engage the wider community in a robust, issue-based debate should not be stifled;
- ✓ Legislation that promotes truth in political advertising should be considered including redressing inaccurate or misleading statements.

Section 2 How to vote cards

The QTU values integrity in public office and fairness throughout society. The QTU also notes the amount of environmental waste that is generated by how-to-vote cards as well as the burden of disposal that how-to-vote cards place on schools that have been polling booths.

Voters should be able to access information that they need to be able to cast a secret vote in a manner that they see fit. The QTU supports option d that bans the distribution of how-to-vote cards at polling booths, however copies of candidates’ how-to-vote cards should be clearly visible for voters inside of polling booths as they mark their ballot and ECQ presiding officers should be able to provide written material to support voters wishing to cast an absentee ballot. Furthermore voters should be entitled to download, print, and carry their own copy of a how-to-vote card into a polling booth so long as they do not disturb other voters or ECQ officers.

Summary.

The QTU believes:

- ✓ How-to-vote cards should be registered with the ECQ and that the ECQ should be empowered to refuse to register how-to-vote cards; and
- ✓ Distribution of how-to-vote cards on polling day should be banned.

Section 3 Proof of identity

The *Discussion Paper* (p. 29) does not provide evidence of a problem of voter fraud in Queensland and the QTU cannot see that there is a case for change. On the contrary, the introduction of proof of identity requirements in Queensland only risks alienating voters and denying them their democratic right to cast a ballot.

The QTU is committed supporting mechanisms that build inclusivity in our society. Voters without photo identification are typically marginalised groups such as indigenous, seniors, or youth. Democratically elected governments should work to promote participation of marginalised groups in our democracy, not create additional barriers to their participation.

Summary.

The QTU believes:

- ✓ There is no demonstrated voter fraud problem in Queensland and therefore there is no need to add an additional burden on voters to produce proof of identity on polling day.

Section 4 Enrolment on polling day

The Queensland Government has generated this *Discussion Paper* with the underpinning belief in creating ‘fair and effective electoral laws that promote participation in our democracy through political representation and voting’ (p. 2) The QTU celebrates the data supplied in the *Discussion Paper* (p. 29) that 18,908 people were added to the electoral roll after the writs had been issued in 2012. This means that nearly 19,000 Queenslanders made the choice to have their say on polling day.

The QTU notes that the *Discussion Paper* then cites arguments against introducing provisions that would allow people to enrol to vote on polling day that include concerns of voter fraud. This submission noted in the previous section that the *Discussion Paper* has provided no evidence to suggest that voter fraud is a problem in Queensland. This includes the case of the 2012 Queensland election, when an additional 18,908 voters were added to the electoral roll.

Summary.

The QTU believes:

- ✓ Australian citizens should be able to enrol to vote on polling day.

Section 5 Electronic voting

The QTU represents 44,000 teachers throughout Queensland, including remote and regional communities and the Torres Strait Islands. The QTU is aware of the challenges of living in isolated communities, and acknowledges the part that technology can play in connecting Queenslanders who are otherwise disadvantaged. The QTU is acutely aware of the barriers that disability can place to young Queenslanders and our own members’ participation in society and again notes the opportunities that technology offers to Queenslanders who are visually impaired or who have motor impairment.

The QTU supports continued investigation of technology that would support isolated communities and Queenslanders with a disability to more efficiently participate in our state’s democratic

processes. However the QTU also notes that electronic voting technology remains in its infancy and does not support the use of such technology until there is evidence that it has been rigorously tested.

Summary.

The QTU believes:

- ✓ Voting systems, such as electronic voting, that increase inclusivity for Queenslanders with a disability and Queenslanders who are geographically disadvantaged should be investigated; and
- ✓ Full implementation of voting systems should not occur until they have been rigorously and thoroughly tested.

Section 6 Postal voting

Section 5 of this submission noted the diverse geographical locations of some of the QTU's 44,000 members and it is for this reason that the QTU supports expansion of the grounds on which a person may apply for a postal vote. Furthermore, many QTU members find that they are engaged on polling day in duties related to their employment, even though this is outside of their normal rostered duty time. QTU members plan work, assess and report, work in collegial communities, and support their students' sporting or cultural endeavours outside of rostered duty time.

Summary.

The QTU believes:

- ✓ The grounds on which a person may apply for a postal vote should be expanded;
- ✓ Postal vote applicants should be able to apply for a ballot online; and
- ✓ That as a matter of practicality the deadline for lodging a postal vote application should be moved forward one day.

Section 7 Compulsory voting

Throughout this submission the QTU has argued in favour of systems that promote participation in our democracy, and noted that systems need to be inclusive and give a voice to those marginalised members of our community whose voices are often unheard or deliberately silenced. Compulsory voting engages those marginalised members of our community by calling on them to participate. Moreover, because their ballot gives them a voice, candidates are more likely to listen to issues that matter to them.

In short, compulsory voting is one of the most effective mechanisms to promote inclusivity in our society.

Summary.

The QTU believes:

- ✓ That compulsory voting should remain in Queensland.

Section 8 Voting system

As a democratic organisation committed to actioning the views of its membership, the QTU conducts regular ballots to elect QTU delegates to representative positions as well as to determine QTU policy. Section 6.6 (d) of the QTU Constitution states the voting instructions for conducting ballots.

Mark your vote by placing the number “1” in the square opposite the name of the candidate for whom you vote as your first preference. You may give your remaining votes for any or all of the remaining candidates by placing the number “2”, “3”, “4” etc. (and so on the case requires) opposite their names so as to indicate your preference for them.

QTU Constitution and Rules 2012

The QTU believes that optional preferential voting empowers voters by giving them the choice to support the candidates who best represent the voter’s views without being forced to allocate a vote for candidates with whom the voter either knows little about or whom the voter disagrees.

Summary.

The QTU believes:

- ✓ That optional preferential voting should remain in Queensland.