[redacted]

From: T. OB [redacted]
Sent: Wednesday, 20 February 2013 3:48 AM
To: Electoral Reform; kawana@parliament.qld.gov.au
Subject: Comments on discussion paper - electoral reform
Attachments: Electoral Reform Discussion paper.docx

Please find attached the discussion paper on electoral reform; on which I have made my comments/discussion as I have read through it. These form my contribution to this review.
Yours sincerely
Tony (A. D.) O'Brien
[redacted]

Electoral Reform - Discussion paper - January 2013

Attorney-General's Foreword

The Queensland Government is committed to ensuring Queensland has an electoral system that meets high standards of integrity and accountability, with fair and effective electoral laws that promote participation in our democracy through political representation and voting.

Against these objectives, the Government has prioritised to review the provisions of the *Electoral Act 1992* governing political donations, public funding for elections and election campaign expenditure.

The Government is concerned that the amendments to the *Electoral Act 1992* in the *Electoral Reform and Accountability Amendment Act 2011* of the former Bligh Government were developed and implemented without adequate forethought and consultation and were designed to benefit political parties in Queensland. The Government acted immediately and legislation has already been passed to abolish the additional administrative funding introduced for political parties and independent members under that Act. Why the need to rush this through so soon!! Seems an unseemly rush before the review!! **Nowin this discussion paper is the term "administrative funding" defined or explained as to its application and limits, in the context of this act.** The remaining 2011 amendments will be reviewed from first principles and alternative approaches will be considered on their merits.

The Government has also raised concerns about the accountability of unions to their members in relation to their political donations. What about equal accountability of companies to their shareholders in relation to their political actions on behalf of and donations to political parties? Small-medium-large companies as well as national and international corporations with shareholders need to be treated the same as unions. Got to be even handed!

Other issues that the Government is interested to explore include:

enhancements to voter enrolment processes;

the current optional preferential voting system;

voting options and requirements (including: whether voting should be compulsory; the postal voting system; electronic voting; and opportunities for minimising voter fraud); and

the laws governing political advertising and how-to-vote cards.

To facilitate public and stakeholder engagement, I am releasing this Discussion Paper on a range of electoral issues and options for change. The results of this consultation will assist the Government in deciding its position on these matters. I encourage Queenslanders to make their views known.

The Honourable Jarrod Bleijie MP Attorney-General and Minister for Justice

Introduction

The *Electoral Act 1992* (Qld) (the Act) governs the conduct of elections in Queensland. In addition to establishing the Electoral Commission of Queensland (ECQ) as an independent and impartial body to run free and democratic elections in Queensland, the Act deals with a range of issues including electoral boundaries, electoral rolls, voter enrolment, registration of political parties, voting, electoral advertising, and election funding and disclosure.

The purpose of this Discussion Paper is to canvass issues and options for improvement and change to Queensland's electoral laws.

Part A of the paper is focused on options for reform in relation to political donations, public funding for elections and election campaign expenditure.

Part B of the paper identifies a range of other issues including the voting system, voter enrolment, postal voting and political advertising.

The options outlined in this paper and the discussion of possible actions or alternatives do not represent Queensland Government policy.

How to make a submission

Written submissions are invited in response to this Discussion Paper.

Interested persons are invited to respond to some or all of the issues raised in the paper. The options outlined in the paper are not intended to be exhaustive. If you think there are other options for improving Queensland's electoral laws, please include these in your response. **The sections of this discussion paper as so interactive and interdependent that the answers to the 'Issues and Options' cannot be dealt with in isolation from the Act as a whole.**

The closing date for submissions is 1 March 2013. Late submissions may not be considered.

Where to send your submission

You may lodge your submission by email or post.

The email address for submissions is: electoralreform@justice.qld.gov.au

Alternatively, you can post your submission to:

Electoral Reform

Strategic Policy

Department of Justice and Attorney-General

GPO Box 149

BRISBANE QLD 4001

Privacy statement

Any personal information you include in your submission will be collected by the Department of Justice and Attorney-General (the Department) for the purpose of undertaking the review of the *Electoral Act 1992* (Qld). The Department may contact you for further consultation regarding the review. Your submission may also be released to other government agencies as part of the consultation process.

Submissions provided to the Department in relation to this paper will be treated as public documents. This only has the effect of intimidating people and limiting submissions! The identity of submitters should be divorced from public scrutiny of their submissions. This means that they may be published on the Department's website, together with the name and suburb of each person or entity making a submission. If you would like your submission, or any part of it, to be treated as confidential, please indicate this clearly in the submission. However, please note that all submissions may be subject to disclosure under the *Right to Information Act 2009*, and access applications for submissions, including those marked confidential, will be determined in accordance with that Act.

Submissions (or information about their content) may also be provided in due course to a parliamentary committee that considers any legislation resulting from this review.

Next steps in the review process

Submissions received in response to this Discussion Paper will be considered in making recommendations to Government on the review of the Act.

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

The sections of this discussion paper as so interactive and interdependent that the answers to the Issues and Options cannot be dealt with in isolation.

The *Electoral Reform and Accountability Amendment Act 2011* (Qld) (2011 Act) introduced significant changes to the system that regulates political donations, public funding for elections and election campaign expenditure in Queensland.

In addition to introducing caps on political donations and changing the formula under which political parties receive public funding, the 2011 Act introduced new burdensome administrative requirements for political parties, candidates and others involved in the political process. Thorough reporting is necessary to "keep the bastards honest"!?!?.

It is timely to consider whether these reforms have been effective and whether there are opportunities to strengthen and enhance public confidence in the system.

Many of the issues raised in this paper will be highly contested and involve questions of balance. Questions of fairness, level playing fields and democracy, should be priorities over 'balance' of political ideology. The challenge for the Queensland Government is to protect against the risk of improper influence while at the same time ensuring that political parties and candidates are able to engage effectively with voters.

1 Political donations

A key element in protecting against the risk of improper influence is the treatment of political donations to political parties, candidates and third parties in the political process.

One suggested method for limiting the potential for improper influence by any one donor or lobby group is to cap the amount of political donations that can be made by a person or class of persons, individually or collectively. Good starting point. It is not only necessary to remove the buying of influence but also remove the perceptions of buying of influence.

There should be no reason for Queensland to be seen to be following other states, or for there to be uniformity between states. **Queensland could lead with a totally different approach to other states.**

The only way to get rid of improper influence is to ban all outside contributions to all political parties and candidates.

Only members of political parties should be allowed to contribute to the parties; -- within limits that do not amount to buying influence.

What buys influence with a member, a minister, a member of the party executive, or parliamentary executive; or indeed a whole party? Certainly a lower limit of $1000 is too high a figure for buying influence with a member!! But peanuts for a Minister! Some differentiation seems appropriate between donations to a candidate and donations to a party.

Companies/corporations/organizations/lobby groups etc, as well as unions, should not be allowed to be members of parties; only individuals. There needs to be even handedness to the issues of union participation.

Members of a party should not be allowed to contribute to the campaign finances, or other finances, of an individual candidate who is a member of that party: except from within that electorate.
Members of the public should not be allowed to contribute to campaign finances, or any other finances, of a candidate who is a member of a political party.

All party membership roles should be freely available to the public and media; along with member's cumulative donations, at any time; not only after an election.

For independent candidates there should be a 'register of associates' that can make donations in cash or kind. These donations should be treated as if they were contributions to a party in terms of size and reporting requirements.

To remove the buying of influence and the perception of buying of influence, it may be necessary to adequately fund all candidates fully and equally, from the public purse; not parties: with no additional funding to candidates from their political party. Capping expenditure within an electorate, by individual candidates would need to include apportioning party advertising to all electorates covered by the media outlet in which the advertising is done.

Besides the public funding of individual candidates, further consideration should be given to putting a compulsory cap on all political advertising by political parties (and independent candidates).

A reduction in total advertising allowed by parties during campaigns certainly would not be amiss! 'Presidential' style campaigns, with individual candidates not being allowed exposure to the media, are an insult to the voters of electorates. We are ***still*** **supposed to be** a country with Westminister style cabinet decision making, **not** executive/ 'presidential' decision making.
For this to happen, Australian voters need to know the individual candidates we are voting for; not just the party parliamentary leaders. More time should be spent by candidates in public campaigning within electorates and increased (*balanced*) media reporting of such public campaigning of individual candidates. The dictates of modern media should not be allowed to twist our parliamentary system.

In the interests of Australian democracy, it would also be necessary to have legal conditions imposed on all media: that they must cover elections fully and equally (not just sensationalizing coverage of the election); must give equal time/space to all candidates in every electorate to express their views, (in all electorates covered by that media outlet); and, equal coverage in all other reporting (without bias). These condition should apply to all elections throughout Queensland, whether state or federal or local government.

This requires stopping all sensationalizing/slanting of news in an effort to sway the election one way or another during unofficial and official campaign periods. Ideally this should be extended throughout the year but may be impossible to police, unless it could be included in some *media regulating code of practice* that makes it easier for public complaint and **quick** adjudication.

The media is the only way candidates and parties can express themselves to their constituents. Biased reporting and nil coverage of candidates/parties is the anthises of the democratic process of letting constituents decide the issues. When the media imposes itself between the ideas and the voter, and when they filter the issues for their commercial purposes, they are being very un-Australian and very undemocratic. Electors deserve a fair go.

To get true Australian democracy, "government of the people, by the people", it is necessary to have all candidates on an equal footing.

1.1 Treatment of political donations before 2011 Act

Before the 2011 Act, there were few limits on political donations in Queensland. Instead, the Act relied on disclosure to promote transparency and accountability (only donations of $1,000 or more were required to be disclosed by political parties, candidates and third parties).

1.2 Current treatment of political donations

The 2011 Act introduced a new governance regime for political donations intended to be used for State election campaign purposes.

Political donations

The Act defines a *political donation* to mean any of the following things made to a registered political party, candidate or third party to be used for campaign purposes:
a gift, including a gift in kind;
the disposition of property from particular donors; and
a gift made to an entity to enable the entity to make a gift.
Seems like a good definition **except** that it is limited to 'for campaign purposes'. It should include all donations to a political party or candidate no matter for what purpose.

Donations to a third party to campaign in an election or leading up to an election, or in an inter-election period, should be banned outright. All such third party election campaigning should be banned in this state, whether for state, commonwealth or local government elections.
Donations by a media company of space/time, excess or biased/one sided reporting, 'free' advertising, or advertorials, etc., *should be considered as political donations under the law and/or illegal third party campaigning*.
If companies are banned from donating to political parties, along with unions; such media company influence immediately becomes third party campaigning which should be covered by a ban.

[1 Section 250 of the Act 2 Section 201 of the Act 3 Section 250 of the Act 4 Section 197 of the Act 5 Part 11, division 3 of the Act]

The term *'gift'* is defined to mean a disposition of property by a person to someone else, other than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration. It does not include a fundraising contribution of $200 or less (or the first $200 of a fundraising contribution that is more than $200), annual subscription fees, volunteer labour or the incidental or ancillary use of a volunteer's vehicle or equipment.
Given that multiple donations of $200 can soon accumulate to influence, all cash donations should be registered and receipted.

The cash value of a 'volunteer's ' vehicle use, or equipment, or materials, or services, should be recorded as a cash donation; at commercial rates. The value of such 'volunteer' donations can easily build up to influence. Such volunteered vehicles, equipment, materials, or services should only come from registered members of the party, [or a registered associate of an independent candidate].

a.. Use of political donations

To qualify as a political donation, the gift or property given must be intended to be used for campaign purposes during the capped expenditure period for an election.
Il donations to a political party (from members or non-members,) should be considered political donations and accounted for to the public, whether supposedly given for campaign purposes or not.

Section 250(6) of the Act defines '*campaign purposes*' to mean:
in connection with promoting or opposing, directly or indirectly, a registered political party or the election of a candidate; or for the purpose of influencing, directly or indirectly, voting at an election.
All 'campaign purposes' should be for 'directly influencing'. All 'indirect influence' should be banned along with third party influence/activity/campaigning.

The '*capped expenditure period*' for an election ends at 6pm on polling day and starts on the earlier of: the day two years after polling day for the last election; or the day the writ is issued for the election.
ALL campaign expenditure should end at midnight on the Wednesday before the Saturday polling day. That is, two full days clear of campaigning to let electors make their decision unhasseled.

All political donations (that are an amount of money) must be paid into a State campaign account.

A '*State campaign account*' is a separate account with a financial institution kept by the agent of a registered political party, candidate, registered third party or an unregistered third party that receives a political donation. All political donations received by the political party, candidate or third party must be paid into this account and all electoral expenditure for an election must be paid out of it.
Need tighter time limits for the donations to be paid into the separate account, for timely public/media access to the information. They should be paid into the appropriate account promptly, within a week of donation!

Again, I say there should be no third party involvement in political campaigns or during inter-campaign periods.

b.. Caps on political donations

The 2011 Act introduced caps on political donations. The caps are indexed annually and were initially set at $5,000 per donor per year to Queensland registered political parties and $2,000 per donor per year to candidates or to third parties. A '*third party*' is defined to mean an entity other than an associated entity, candidate or registered political party.

Table 1 outlines the current caps on political donations in Queensland.

State/Territory	Caps on political donations
Queensland See comments in text.	$5,300 per donor per year to a registered political party; $2,200 per donor per year to a candidate; and enough to be influence peddling $2,200 per donor per year to a third party. exclude The caps apply to donations intended to be used for campaign purposes during the capped expenditure period for an election. Unlimited amounts can be given to registered political parties, candidates and third parties provided they are not intended to be used for campaign purposes during the capped expenditure period. Unlimited amounts must be seen as influence buying. Amounts should only be given to parties by registered members of the party (and to independent candidates by registered associates). ALL Third Parties should be excluded from receiving or giving political donations, or in any way influencing the result of elections.

c.. Disclosure of political donations

The current disclosure requirements in relation to political donations are outlined in **Attachment 2.**

1.3 Interstate comparison

New South Wales and the Australian Capital Territory are the only other jurisdictions in Australia to cap political donations, although there is a review of political donations and spending currently underway in Tasmania.

Table 2 outlines the current caps on political donations in New South Wales and the Australian Capital Territory.

State/Territory	Caps on political donations
New South Wales	$5,300 for political donations to or for the benefit of a registered political party; $5,300 for political donations to or for the benefit of a group; $2,200 for political donations to or for the benefit of an unregistered party; $2,200 for political donations to or for the benefit of a candidate; $2,200 for political donations to or for the benefit of an elected member; and $2,200 for political donations to or for the benefit of a third-party campaigner. The cap applies to all political donations (regardless of whether they will be used for campaign purposes) subject to the following exceptions: It is not unlawful for a person to accept a political donation that exceeds the applicable cap if the donation (or that part that exceeds the applicable cap) is to be paid into an account kept exclusively for the purposes of federal or local government election campaigns. A third-party campaigner may accept a political donation which exceeds the applicable cap if the donation (or the part of the donation that exceeds the cap) is paid into an account other than the third party campaigner's campaign account for an election.
Australian Capital Territory	A donor may give no more than $10,000 in one financial year to an ACT political entity for use on ACT election expenditure. Unlimited amounts can be given to political entities provided no more than $10,000 is deposited in an ACT election account.

As can be seen by the table above, the caps on political donations in Queensland are similar to the caps in New South Wales. The Australian Capital Territory model, which was only recently introduced, sets a higher donor cap that is the same for all recipients.

1.4 Options – Political donations

A key consideration with any law reform in this area is the effect of the Commonwealth Constitution. Laws that limit the size of political donations or the kind of organisations that can make political donations may impinge the implied freedom of

speech and freedom of political communication. Such laws will generally only be valid if they are reasonably appropriate and adapted to serve a legitimate end which is compatible with the maintenance of representative and responsible government.
Restricting donations to members of a political party, does not restrict freedom of speech or political communication; as all members of the community can join any political party they want to support. All individuals can make statements to the media, and social media.
But restricting donations to members of parties does get further away from the obvious influence buying that is anathema to the public, and, the obvious attempts by 'the influential' to influence election results in their favour while hiding in anonimity.

I see no difference between union executives trying to influence the results of an election, and CEOs of major companies, or 'lobby' groups, doing exactly the same. All are third parties that should be excluded from the election process.

The impinging of implied freedom of expression, that is used as an argument against limiting the size of political donations and the type of organization giving a donation, should be tested and clarified as soon as possible.

a.. Remove or change the caps on political donations
Arguments in favour of increased regulation in this area generally focus on concerns about the potential for undue influence in the political process. Needed in a democracy. Caps on political donations may also provide a more level playing field for elections. YES – agree. There are no restrictions on individuals joining political parties. This is the place for making political donations.
However, there is a contrary argument that:
the fairest and most effective way to regulate political donations is through disclosure and that caps on political donations unnecessarily restrict donors from participating in the political process; Yes, disclosure is also needed but caps are also needed in a democracy to avoid undue influence by individuals or companies/organizations/lobby groups/ etc. and concerns about providing a level playing field for elections are more appropriately addressed through caps on electoral expenditure and public funding for elections. Not enough

Arguments against caps on political donations also focus on concerns that caps impinge the implied freedom of speech and of political association under the Commonwealth Constitution. Totally irrelevant, donations are separate from freedom of speech and freedom of association of individuals which is guaranteed in the 'constitution', written and unwritten.

This agruement is another case of 'individual rights' versus the rights of the community. We hear too much about the rights of the individual, but so little about the rights of the community.
With individual rights come individual responsibilities. The responsibilities of the individual are to the community in which they live. The rights of the community should take precedence over supposed implied rights of the individual.
That is why the community places legal limits on the freedoms of individuals to do what they like.
In this case the community needs to place legal limits on what 'individuals' (including organizations/companies) can do to influence the political process

b. Apply the cap on political donations to all donations and not just those which are intended to be used for campaign purposes YES, absolutely also needed.
The caps on political donations in Queensland and the Australian Capital Territory target only those donations intended to be used for campaign purposes during the capped expenditure period for an election. [Expenditure and Disclosures Amendment Bill 2011 (NSW), 12 September 2011
This approach differs to the approach taken in New South Wales. In New South Wales, the caps on political donations to political parties and candidates apply regardless of whether the donation is intended to be used for campaign purposes. Agree with this approach.
At the time the caps were introduced in Queensland, the stated policy objective was to *'limit any potential for undue influence being exercised by any one donor or lobby group in relation to an election campaign – or any perception of such influence'*. Did not stop buying undue influence with the party/individuals that win power.
There is an argument that by targeting only those donations intended to be used for campaign purposes during the capped expenditure period, the cap in Queensland is not effective in meeting its policy objective. Agree Political parties and candidates may accept donations in excess of the cap, provided they are not used for campaign purposes during the capped expenditure period. The extent to which the caps limit the potential for undue influence is, therefore, somewhat reduced. Totally ineffective more likely, and perceived to be totally ineffective.
The constitutional limits outlined above would need to be explored before this option could be pursued. Explore them as a matter of democratic need.

c. Political donations from corporations and other entities Should be banned.
New South Wales recently introduced a ban on donations by corporations and other entities so that political donations may only be made by individuals on the New South Wales electoral roll. Examples of entities captured by the ban include industrial organisations, peak industry groups, religious institutions and community organisations. Very good. But needs

to be extended to smaller companies than just the big corporations. Should be introduced in Queensland.
Should be taken further to ban donations from indivuals that are not members of the political party (or registered associates of an independent candidate).
This ban follows an earlier ban on donations from property developers and tobacco, liquor and gambling industry business entities. Very good. Should be introduced in Queensland.
Under the *Election Funding, Expenditure and Disclosures Act 1981* (NSW), annual or other subscriptions paid to a political party by an entity (such as an industrial organisation) for affiliation with the party are taken to be a gift (and political donation) to the party and as such are captured by the ban. Good. This type of affiliation is undue influence. Really should not allow affiliate memberss, just individual members, of political parties.
According to the New South Wales Government, a complete ban on political donations from corporations and other entities is required to ensure that the public has confidence in the electoral system. Agree. The ban needs to be on donations to political parties and to candidate members.
In a similar move, recent amendments in the Australian Capital Territory mean that only Australian Capital Territory enrolled voters can make donations to political parties and candidates for Australian Capital Territory election purposes. Good.
As is the case in New South Wales, any donations made by entities other than Australian Capital Territory voters (such as companies and businesses) to political parties and candidates must be deposited in a federal election account and can not be used for Australian Capital Territory electoral expenditure. How policed!?!? Obviously this type of regulation needs 'policing'. Need to be banned altogether.
Unlike New South Wales, entities other than Australian Capital Territory voters may still make donations to third party campaigners. Bad.
Third party campaigners are persons and entities (other than political parties, elected members, candidates and groups of candidates) who incur electoral expenditure of more than $1,000 during the disclosure period for an election. Should be at any time, not just during an election period. Donations of 'in-kind' should be included. Should get rid of all third party activity and influence.
Internationally, a number of other countries ban certain categories of donations. For example, in Canada there is a ban on donations from corporations, unions, associations and groups while some states in the United States ban anonymous and overseas donations, and donations from corporations, banks and unions. Doesn't work in the US. Major companies and the financial industry still give the majority of campaign funding to both major parties. Not controlled.
Those in favour of the ban argue that just as voting is confined to individuals, it is appropriate to confine the right to donate to a political party to individuals. OK arguement. But not directly related to making equal playing fields for all candidates. Just part of an overall needed overhaul.
Those against the ban argue that it may offend the implied freedom of political communication under the Commonwealth Constitution. Self interest will always argue for such individual rights against the interest of the community. Limiting donations does not limit freedom of speech which is an individual right.

d. Industrial organisations and corporations wishing to make political donations Ban altogether.
An alternative to banning political donations from corporations and other entities would be to introduce new requirements in relation to the receipt of these donations by parties in the political process. Would need to include all third party activity and in-kind donations.
Requiring industrial organisations and corporations to hold ballots/votes would provide members/shareholders with more information about how their funds are being used, thereby leading to greater transparency and accountability. Great idea. BUT not getting away from undue influence! Only way to get away from the perceptions of influence is to ban all such third parties from any influence.
In the United Kingdom, the *Trade Union and Labour Relations (Consolidation) Act 1992* requires trade unions to conduct regular ballots of trade union members. To establish a political fund and make political donations, trade unions must first conduct a secret ballot of their members to secure consent for the adoption of political objects and rules for a political fund. Trade unions must secure approval for the political objects in a secret ballot every 10 years too long and the political fund rules must contain a right for members to contract out of paying into the political fund at any time needed. Further, payment of the political levy may not be a condition of union membership, and no discrimination may take place as a result of non-payment.
As company funds are ultimately shareholder funds, it would be consistent to implement the same requirement for corporations. Definitely.
BUT, much better if donations were restricted to members of political parties (or registered associates of individual candidates).
Corporations and unions can encourage members/employees to participate in the political process, but members should be secure against coercion, by the separation of membership of a party.
The United Kingdom's *Companies Act 2006* provides that companies incorporated in the United Kingdom must generally obtain shareholder authorisation before incurring political expenditure or before making a political donation to: a political party: another political organisation; or an independent election candidate. The authorisation must be made by resolution that authorises donations or expenditure, up to a specified amount in the period for which the resolution has effect (4 years or a shorter specified period). Prior shareholder authorisation is not required for donations or expenditure under £5,000 (in total) in a given 12 month period. Good idea. BUT it is open to corruption by shareholder 'groups' that do not have to

follow the same procedures: eg. super funds, investment funds, managed funds, etc, have a greater say than individual shareholders.
The operators rather than the members of these funds have the say and do not consult the wishes of the members before acting in any situation.
Therefore it cannot be equated to voting by members of unions as an example of even handed treatment of third party organizations.
Given that the regulation of industrial organisations and corporations is primarily the responsibility of the Commonwealth Government, this option would involve amendments to the Act to prohibit political parties and candidates from accepting donations for Queensland campaign purposes from industrial organisations and corporations without also receiving evidence of a ballot/vote by members/shareholders in relation to the donation. The Act needs many such amendments!
Alternatively Queensland can act to ban donations from any third party not having its principle address/headquarters in Queensland.
Still better to get rid of all such organizations from perceived influence, by limiting donations to those made by individual members of political parties.

e. Fees for attendance at functions and fundraising activities
An additional area of contention relates to political donations made through the payment of fees for attendance at fundraising functions. Such hypocrisy, 'fee' or not, it is still a donation and should be legally counted as such, receipted and registered individually.
Let these donors become members of the political parties and then donate!
Under the Act, a fundraising contribution up to the value of $200 paid by a person to a registered political party, candidate or third party can be deposited into the State campaign account of that entity. Change the act to zero contribution before it counts as a donation. Each should be receipted and registered individually. Multiple $200 donations soon add up to influence.
Any amount in excess of $200 paid by a person as a fundraising contribution will constitute a gift (and therefore a political donation if it is intended to be used for campaign purposes). Many such separate donations soon add up to influence and should be registered cumulatively.
One option for reform would be to prohibit fundraising events due to concerns about 'cash for access'. Good idea.
There is a contrary view that political party fundraisers are not an area of concern provided the donations are properly declared, as required by the existing disclosure provisions. NEED individual donations registered and a cumulative tally of individuals/companies/corporations/lobby groups/organizations, etc; PLUS more immediate registration and more immediate public access for scrutiny. This is currently the approach taken by other Australian jurisdictions. Alternatively, the disclosure requirements could be strengthened as discussed later in this Discussion Paper.

f. Fees
Under the Act, an annual subscription paid to a political party by a person for membership of the party is not treated as a political donation, although not more than $500 of these amounts can be paid into a State campaign account.
This approach differs to the approach taken in New South Wales. Under the *Election Funding, Expenditure and Disclosures Act 1981* (NSW), an annual or other subscription paid to a party by a member of the party is taken to be a gift (and political donation) to the party but is excluded from the cap except to the extent that it exceeds $2,000.20
Like New South Wales, the Australian Capital Territory considers an annual subscription paid to a party by a person for membership of the party a gift (and political donation) but only if the subscription is more than $250. The amount of the subscription that is more than $250 must be included in the cap. Most sensible. Should not be related to a particular campaign fund cap but be included in accounting for the current reporting period and cumulative between elections.

g. Strengthen the existing disclosure requirements to promote transparency and accountability Required
The current disclosure requirements in Queensland are outlined in **Attachment 2.**
The Commonwealth, New South Wales, Queensland, the Australian Capital Territory and the Northern Territory all require some form of disclosure of political donations by both the donor and the recipient. Western Australia requires disclosure by political parties and associated entities.
In Queensland there are special reporting requirements in relation to donations over $100,000. Far too lenient. Too much influence involved!
In implementing disclosure provisions, the need for transparent and accountable process must be balanced against the administrative burden of such a process. If you are in the game you play by the rules.
In today's computerized world software makes any "administration burden" insignificant.
So many accounting/disclosure requirements can be easily linked; that one entry of receipt of a donation can be linked to all future registering/reporting/cumulative/accounting/disclosure requirements. There is too much made of so called "administrative burdens".
Extensive reviews of funding and disclosure requirements have recently been carried out in several jurisdictions, including the Commonwealth, New South Wales and the Australian Capital Territory.
Key features implemented across these jurisdictions, include:
twice-yearly disclosure;

special disclosure requirement for particular amounts from a particular person (i.e. $100,000 in Queensland);
inclusion of individual donor information; and
making disclosure information available to voters within a reasonable timeframe. This one is essential and the 'reasonable' timeframe must be tight to avoid manipulation. Computerisation can link procedures to make the totals instantly available. Multiple donations of individuals (or corporations/organizations) must be tallied by the parties to show cumulative totals.

Increased disclosure requirements to improve transparency and accountability that could be considered without creating an onerous burden on donors, political parties and candidates, include: **What onerous burden??** Software takes the burden out of recording and linking processes to the initial entry of a donation.
continuous disclosure (for example a requirement that all donations must be disclosed within 10 business days); 5 working days no problem with today's software capabilities!
additional reporting requirements during the capped expenditure period Good idea. ; and
timely publication of returns on the website of the ECQ. No reason why cumulative monthly returns could not be done throughout the year. Instantaneous records of expenditure, showing outstanding account s/payments, etc, should be available from the software.

An example of an effective continuous disclosure system is that used by the New York City Campaign Finance Board which provides candidates with a free software package (C-Smart) to progressively report donations via the internet. Candidate submissions are then displayed on the Board's website, almost in real time, for anyone to view. Great idea. Should be adapted to Queensland parties and candidates for all elections: state, federal and local government.

h. Streamline existing administrative arrangements
As noted above, registered political parties, candidates, registered third parties and third parties that receive a political donation must establish dedicated State campaign accounts. All political donations must be paid into these accounts.
It could be argued that the requirement to maintain State campaign accounts is too onerous and that those involved in the political process are already accountable for political donations and electoral expenditure through the existing disclosure regime. Existing disclosure regimes are too slow, are often misused, and there is inadequate examination. Too much is accepted from parties without external checking.
The Government is interested in any other opportunities to streamline the existing administrative arrangements in relation to the disclosure and capping of political donations.

Issues for consultation – Political donations See comments throughout the text above.

1 Are the existing laws in relation to political donations effective in protecting against the potential for undue influence and corruption? Absolutely not.

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

Political donations should ONLY be allowed from members of the political party: membership is a public proclamation of support for that party, (or independent,) rather than hiding behind public anonymity with their support.

ALL donations of cash or 'in kind' should be registered for cash equivalent value and progressively tallied between elections for individual donors/members.

ALL third party influence, donation, ancillary participation/intervention/action, etc should be banned.

Comment is invited, in particular on:

It is not a question of choice between options; there are deficiencies with all options and the need is to integrate across options to make a comprehensive solution.

The body of my comments is in the text above: including some that relate to a particular proposal, if the fundamental approach I propose is not acceptable.

▯ whether political donations should continue to be capped in Queensland Yes

▯ if so, whether the cap should apply to all donations and not just those intended to be used for campaign purposes Yes

▯ whether political donations should only be able to be made by individuals on the electoral roll.
Yes. BUT individual members of the party better (or registered associates of an independent candidate).

▯ if not, whether there should be additional member/shareholder endorsement requirements for receipt of donations from industrial organisations and corporations YES but there are limitations in the independence of shareholder 'groups', that do not have to go through the same processes to establish their voting intention.

▯ the treatment of fees for attendance at functions and fundraising activities must be considered as donations, from zero level and membership fees only considered as donations above a certain reasonable membership cost;

▯ whether additional disclosure requirements should be introduced yes; and

▯ whether there are any opportunities to streamline the existing administrative arrangements (for example by removing the requirement for dedicated campaign accounts Administrative requirements should be strengthened

not diluted. With todays availability of software experts, fulfilling administration and administrative requirements should no longer be a burden..

2 Public funding for elections

The sections of this discussion paper as so interactive and interdependent that the answers to the Issues and Options cannot be dealt with in isolation.

Public funding of election campaigns, which involves subsidising parties and candidates for the cost of contesting elections, is an important part of the current regulatory scheme for campaign financing.
I would argue that the only way to overcome deficiencies in the fairness of the system is to make public funding the only money available to a candidate in their electorate. It should be individual electorate based, not party based. Individual electorate caps on spending should include party advertising as well as candidate advertising in the electorate.
[That would necessitate apportioning state and regional advertising across electorates, to individual electorates where that advertising is seen/heard: including the value of 'free' advertorials as in-kind donations.]

The extent to which political parties and candidates are funded by the taxpayer is a vexed issue.
A cost of having a democracy rather than a party dictatorship! Too often have we seen party dictatorships in so-called democracies around the world, manipulating the system to stay in power. We have to get back to level playing fields.

Looks like major punctuation errors in this paragraph. As is, there are too many illogicalities. Arguments in favour of public funding include that it reduces the potential for undue influence by limiting political parties;' [No logical reason why it should limit the number of political parties if it is applied even handedly. Yes it reduces undue influence if it reduces the extent of reliance of political parties on large outside "donors".]
- reliance on private donations, creates a more level playing field [No. Reliance of public funding creates the level playing field. Reliance on private donations creates the uneven playing field]
- and ensures that political parties/candidates can focus their efforts on issues relevant to the electorate rather than fundraising activities [Yes.]

There is a contrary argument that political parties/candidates should not be prioritised ahead of other legitimate spending initiatives and that taxpayers should not be forced to subsidise political parties/candidates they may oppose.
Again, the interest of the community for true Australian democracy means the need for a level playing field for all candidates, above the self interest of those who think they have a socio-political advantage by denying opportunity to other ideas to be expressed/represented in the electorate. In the long term, the economics of public funding democracy will far outway the distortions of undue influence and self interest.

2.1 Public funding before 2011 Act

Before the 2011 Act, political parties and candidates in Queensland were directly reimbursed for their electoral expenditure up to a maximum amount. Paying a maximum amount and capping expenditure areobviously two different things. The maximum amount was calculated with reference to the number of first preference votes received once the candidate or group had qualified for reimbursement by obtaining at least 4% of the total formal first preference votes cast. In 2011, the amount of funding per vote was set at $1.6445 per vote. This amount would have increased to $1.70342 by the time of the 2012 State General Election.
There should have been a maximum that could be spent by a candidate (CPI indexed!).
This should not have been limited by the number of votes gained. That is a deterrent to even competition. Existing parties are too greatly advantaged over new parties and independents by this process. This reduces the ability of independents to compete. This reduces the public's ability to chastise parties for policies they disagree with and to express their disagreement with the operation all major parties.

While there is a problem with 'stupid' independent candidates standing for all the wrong reasons, isn't 4% first preference votes too high a deterrent in this age of biased media and large electoral populations? If media could be made more even-handed, then maybe 4% is an OK deterrent to the 'irrelevant candidate'. Otherwise, to give everybody a democratic chance to convince the electorate, consideration should be given to lowering this.
For example: One Nation members consider their issues are serious social issues: no matter what we think as individuals. As such, they should be given a level playing field to put their ideas to the public. But the act is stacked against them; as is the media.
It takes time for a good independent candidate to become known under the current media 'service': maybe several electoral cycles. That does not mean the candidate should not be treated seriously and given a level playing field.

2.2 Current public funding arrangements

a.. Electoral funding

Following the 2011 Act, the amount of election funding that a registered political party and candidate are entitled to receive is calculated with reference to their actual electoral expenditure within the capped expenditure amount for the election. Is it capped on an electorate basis? Does the capped amount take into consideration a proportion of State-wide or

Regional advertising by the party, apportioned to the electorate? Is it based on what a candidate & party can spend in an electorate? NO. BUT it should.

Under the current arrangements, a registered political party that receives at least 4% of first preference votes may be reimbursed for:
all of the first 10% of their electoral expenditure;
¾ of the next 80% of their electoral expenditure; and
½ of the remaining 10% of their electoral expenditure.
A candidate that receives at least 4% of first preference votes may be reimbursed for:
all of the first 10% of their electoral expenditure;
½ of the next 80% of their electoral expenditure; and
¼ of the remaining 10% of their electoral expenditure.

This discrimination is totally against having a fair and equitable, democratic election. There should be no discrimination between parties and independents. That is undemocratic.
The capped amount should be on an electorate basis (with proportional costing of party state/regional spending); not on overall vote basis.

Table 3 illustrates the funding that political parties would have received had the previous per vote funding model remained in place for the 2012 State General Election.

Changes to the way in which election campaigns are funded in Queensland have clearly benefited political parties. For the 2012 State General Election, the Australian Labor Party received significantly more in public funding than it would have under the previous arrangements. The LNP, Greens and the Australian Party benefited to a lesser extent. **Table 3**

Party	Number of formal first preference votes	Maximum Entitlement under current funding arrangements	Actual funding	Maximum Funding Entitlement under previous funding arrangements
Australian Labor Party	652,092	$5,340,000	$5,265,588	$1,110,783
LNP	1,214,553	$5,340,000	$4,110	$2,068,888
Greens	184,147	$5,340,000	$695,356	$313,678
Katter's Australian Party	282,098	$4,738,000	$1,037,374	$480,530
Family First	33,269	$2,458,000	$73,717	$56,670
One Nation Party	2,525	Not eligible	Not eligible	$0

b.. Administrative funding ***Definition??***
In addition to public funding for electoral expenditure, the 2011 Act also included provision for administrative funding for registered political parties and independent members of parliament. For 2011-12, a total of $4,158,915 was paid to eligible parties and independent members of parliament for administrative funding. The Queensland Government recently passed legislation to abolish this funding What was counted as administrative funding?
Did this include electorate allowances for running their electorate offices and electorate expenditure in representing their constituents. Do the changes discriminate against minor parties and independents?

Arguments in favour of public administrative funding include that it reduces the potential for undue influence by limiting political parties' reliance on private donations.
Membership should cover costs of general administration of a party. No public appeal of policies, no membership. Insufficient membership, not enough funds to carry on!

2.3 Interstate comparison

The changes to the way election campaigns are publicly funded in Queensland were modelled on the approach taken in New South Wales. Why not some independent Queensland thinking/leadership on electoral reform????

In New South Wales, political parties, groups, candidates and elected members are entitled to apply to the Election Funding Authority for payments from one of the following funds:
the Election Campaigns Fund for electoral communication expenditure at state elections;
the Administration Fund for operation and administration costs of state parties that have members of parliament and for

independent members of parliament; and
the Policy Development Fund for all other state parties that are not entitled to the Administration Fund.

As in Queensland, funding from the Elections Campaign Fund is calculated by reference to a sliding scale based on actual electoral expenditure. Shouldn't be a sliding scale. Should be total expenditure up to a capped total allowable, for each electorate independently.

By way of example, an eligible assembly party in New South Wales that receives at least 4% of first preference votes may recover:
all of the first 0-10% of their electoral expenditure;
¾ of the next 10-90% of their electoral expenditure; and
½ of the last 90-100% of their electoral expenditure.

Similarly, an eligible assembly candidate who receives at least 4% of first preference votes may recover:
all of the first 0-10% of their electoral expenditure;
½ of the next 10-50% for a party candidate (½ of the next 10-80% for an independent candidate) of their electoral expenditure.

Unlike Queensland and New South Wales, the Australian Capital Territory has retained funding on a per vote basis. In the Australian Capital Territory, election funding for parties and non-party candidates who receive at least 4% of formal votes is currently set at $2 per vote. Parties and non-party members of the Legislative Assembly are also entitled to administrative expenditure funding of $5,000 per quarter per member. Totally undemoncratic.

2.4 Options – Public funding for elections

The primary objective of public funding of political parties' and candidates' election expenses is to support the democratic process and, under current arrangements, to compensate for the capping of political donations. Public funding should operate alongside of elimination of political donations outside of party membership: not in compensation for capping it. Capping is good, only if the alternative of having all individuals who want to donate having to be members of a party; is not accepted: along with eliminating all organization/lobby group/corporate/company etc donation.
Capping of donations within party membership to eliminate buying influence is also sensible. But public/media access to records of individual, cumulative donation of cash and in-kind contributions by members; does put some brakes on the perception of buying of influence.

Given that public funding is often used to offset the effect of caps on political donations and electoral expenditure, the level of public funding can not be considered in isolation from the other issues outlined in part A of this paper.

a. Restore funding based on received votes. **Bad idea.**
Under a funding model based on votes received, the amount of funding that a party or candidate is entitled to receive is directly related to their electoral strength. Parties and candidates must make their spending decisions based on an assessment of their prospects of success. Undemocratic.

Under this option, public funding would still be tied to genuine election expenditure. This removes the possibility of 'profiteering', where a party or candidate could be paid more public funding than they actually spent on the election campaign. Pay on actual expenditure, up to the maximum available, which should be the maximum allowed. Elimination of third party spending/political activity is a must with any capping of public funding. Third Party activity in an electorate distorts and other control measures to effect a level playing field.

Public funding based on votes received is used in most other jurisdictions in Australia which provide public funding for elections. Still does not make it democratic!

It alleviates concerns that the current arrangements:
favour those parties and candidates with access to the most funds; funding based on votes received does NOT alleviate concerns that funding arrangement favour parties. and
may allow a block of candidates to use considerable electoral expenditure against another individual candidate. Cannot alter this activity.

b. Introduce a limit on public funding that is based on the winning party's entitlement.
Under this option, the current funding arrangements would be amended so that there is a limit on public funding based on the winning party's or candidate's entitlement. Need a predetermined limit to restrict entrenched vested interests and make a level playing field.

Each registered political party/candidate in Queensland would be entitled to receive the lesser of:
the amount of public funding calculated under the current arrangements; and
the number of votes received by the party/candidate multiplied by the amount of public funding the winning party/candidate received on a per vote basis. So complicated when a simpler alternative of no difference between candidates is available.

This scheme is in effect a hybrid of the current funding arrangements and option a.

The advantage of the hybrid scheme is that it takes account of each party's/candidate's relative electoral strength. This is not a democratic solution.
If funding is on a capped electorate basis, each candidate is on an equal footing. Candidates/parties can spend up to a fixed amount in each electorate. Link this to proportional apportionment of party expenditure on advertising, to each candidates spending limit, and you get somewhat closer to a level playing field.

A possible issue with this option is that the likely public funding of losing parties/candidates will not be known upfront as a basis for decision making given that it will be dependent on the amount spent relative to the votes received by the winning party. This may disadvantage new entrants, particularly if an incumbent member who is successful decides to spend very little or does not claim public funding.

c.. Introduce a limit on public funding that is based on the number of votes received.

Why continue to harp on votes received? This only advantages the two major parties. It reduced the democratic principals of elections. It has been dealt with in the discussion paper already.

Under this option, the current funding arrangements would be amended so that there is a limit on public funding that is based on the number of votes received. Undemocratic.

Each registered political party/candidate in Queensland would be entitled to receive the lesser of:
the amount of public funding that is calculated under the current arrangements; and
the number of votes received by the party/candidate multiplied by a set amount per vote.

As with option b, this scheme is in effect a hybrid of the current funding arrangements and option a. It would therefore alleviate concerns that the current arrangements fail to take account of electoral strength. It would also alleviate concerns about the current arrangements favouring parties and candidates with access to funds. Electoral strength shouldn't be a consideration. Each is a new election and each electorate is a separate identity. Each electorate should be considered separately and a level playing field achieved for all candidates in each electorate.

However, unlike option b, the limit on public funding is based on an objective measure rather than the amount spent and the votes received by the winning party.

d. Streamline existing administrative arrangements. **Should be tightened not loosened!**
The Government is interested in opportunities to streamline the "existing administrative arrangements" in relation to public funding for elections. Nowhere is it clear what the "existing administrative arrangements" covers: no definition of inclusion and limits, or description.

Simplify. Caps on spending in each electorate: funding to these limits for each candidate: inclusion of party spending in each electorate as part of candidates limits: apportion party spending in the state/regions across each electorate.

For example, under section 207 of the Act, a candidate may appoint a person to be their agent for the purposes of the election funding and disclosure requirements in the Act. If a candidate does not appoint an agent, the candidate is taken to be their own agent. Under part 11 of the Act, a claim for election funding must be made by the agent of a candidate.
One option for streamlining the existing administrative arrangements would be to amend part 11 to allow a candidate to make an application for election funding in place of their agent. OK, as long as he/she (candidate) is ultimately responsible no matter who technically applies and who technically does the legwork of managing the accounts.

Issues for consultation – Public funding of elections See my comments through the discussion paper.

Are the public funding arrangements in Queensland fair? NO. See discussions in the body of the discussion paper above. None of the options put up for discussion is fair. The premises on which they are based are flawed.

Comment is invited, in particular on:

- **whether public funding of political parties and candidates should be on a per vote basis (option a);**
  NO. See discussion above.
- **whether a limit on public funding should be introduced that is based on the winning party's entitlement (optionb);**
  NO. Limits should be on an electorate basis. See points made throughout the discussion paper.
- **whether a limit on public funding should be introduced that is based on the number of votes received (option c);**
  No. Undemoncratic. Disincentive to independents to oppose the parties. and
- **whether there are any opportunities to streamline the existing administrative arrangements (option d).**
  YES. There are options discussed above for an alternative combination of actions to make elections and funding fairer for participants and simplify administration of this.

3 Election campaign expenditure

The sections of this discussion paper as so interactive and interdependent that the answers to the Issues and Options cannot be dealt with in isolation.

3.1 Regulation of election campaign expenditure before 2011 Act

Before the 2011 Act, election campaign expenditure was not regulated.

3.2 Current regulation of election campaign expenditure

The 2011 Act introduced caps on the amount political parties, candidates and third parties can spend on state election campaigns during the capped expenditure period. OK in as far as it went. BUT more fundament changes are required to make conditions fair for all candidates. Capping of amounts of expenditure allowed in each electorate would be better. But need to extend the period of expenditure to the whole inter-election period to be realistic. Removal of all third party participation and donations is needed.
See arguments/comments/discussion throughout the discussion paper above.

In addition to capping electoral expenditure, the amendments also introduced new disclosure requirements for candidates, registered political parties and third parties in relation to electoral expenditure incurred during the capped expenditure period. These requirements are outlined in **Attachment 2**. Too slow, too lenient, too limited.

The cap and disclosure requirements apply to '*electoral expenditure*' which is defined in section 199 of the Act to include expenditure on or a gift in kind of:
advertising advocating a vote for or against a candidate or for or against a registered political party, including the cost of producing such an advertisement and particular broadcasting, publishing and display costs; What about advertorial/editorial/slanted reporting, supporting a particular candidate or party? Shouldn't they be costed as in-kind donations/gifts?!?!
the production and distribution of any other material advocating a vote for or against a candidate or for or against a registered political party; Third party expenditure??? Should be eliminated: or counted as cash equivalent of in-kind donations against limits of the assisted political parties or candidates. and
carrying out an opinion poll, or other research, related to the election. Usually used as third party intervention and manipulated by the wording of the questions asked. Independence of opinion polls is becoming more questionable each year

The '*capped expenditure period*' for an election ends at 6pm on polling day and starts on the earlier of: the day two years after polling day for the last election; or the day the writ is issued for the election. Campaign expenditure and all political activity of the candidate and party; **AND** all other election related expenditure and political comment, **should cease on midnight two days before the polling date.** [The only exception should be physically handing out how-to-vote cards at the pollingb booths.] Two days free of campaigning for reflection by the electors.

The caps on electoral expenditure are currently set at:

Table 4 – Queensland	
Candidates Should be equal for all candidates	$52,500 for a candidate endorsed by a political party and $78,800 for an independent candidate.
Registered political parties Should include proportionally under each party candidate's allowance	$84,000 multiplied by the number of seats contested.
Third parties Should be no third part involvement allowed.	Not more than $524,800 across the State or $78,800 for each individual electorate. Unregistered third parties are limited to $10,600 across the State or $2,200 for each individual electorate.33

3.3 Interstate comparison

As with political donations, Queensland, New South Wales and the Australian Capital Territory are the only jurisdictions in Australia which cap election electoral expenditure.

Table 5 – New South Wales caps on electoral expenditure

Candidates	$111,200 for a candidate endorsed by a political party and $166,700 for an independent candidate.
Registered political parties	$111,200 multiplied by the number of seats contested (resulting in an upper limit of $10.3 million). $1,166,600 for smaller parties endorsing candidates in no more than 10 electoral districts.
Third parties	$1,166,600 for registered third parties and $583,300 for unregistered third parties.

Table 6 – Australian Capital Territory caps on electoral expenditure	
Candidates	$100,000 for a candidate endorsed by a political party and $150,000 for an independent candidate.
Registered political parties	$100,000 multiplied by the number of seats contested (resulting in an upper limit of $9.3 million). $1,050,000 for smaller parties endorsing candidates in no more than 10 electoral districts.
Third parties	$1,050,000 for registered third parties and $525,000 for unregistered third parties.

Internationally, Canada, New Zealand, the United Kingdom and the Republic of Ireland all place limits on electoral expenditure.

3.4 Options – Election campaign expenditure

a.. Retain current caps on electoral expenditure.
Those in favour of caps on electoral expenditure argue that they create a level the? playing field for electoral competition and avoid excessive or wasteful expenditure. Restrictions on expenditure, if effective, address the inequalities that exist between parties and candidates because of access to funds and incumbency. Caps on electoral expenditure are an important consideration if the amount political parties can collect from political donations and public funding is restricted. YES. All good points. But need a host of other reforms to go with this, based on electorates: as discussed through the paper.

b.. Remove the caps on electoral expenditure.
Those in favour of removing caps would argue that they are a restriction on political freedom. NOT so.

c. Aggregate the expenditure of a party with that of its affiliated organizations.
Under this option, and consistent with recent amendments in New South Wales, even if a registered political party spends less than or equal to its applicable electoral expenditure cap, its expenditure would be treated as exceeding the cap if the combined expenditure by the party and its affiliated organisations exceeds the cap. YES. But better to eliminate affiliate all together; along with all third party influences.

An affiliated organisation is defined in New South Wales to mean a body that, under the rules of the party, can appoint delegates to the party's governing body and/or has a role in the pre-selection of candidates for that party. It may be incorporated or unincorporated. Best to ban affiliated organizations, along with corporate/company/organization/lobby group/etc influence on political parties.
ALLThird Party expenditure should also be included in party expenditure, if not banned altogether.

In contrast, affiliated organisations in Queensland, such as registered industrial organisations, can currently each incur electoral expenditure up to the capped amount of $500,000. Eliminate along with corporate expenditure in an even handed approach.

Under the Act, only expenditure by an '*associated entity*' is aggregated with the expenditure of the relevant political party. The term '*associated entity*' is defined quite narrowly in section 197 of the Act to mean an entity that:
is controlled by 1 or more registered political parties; or
operates wholly or to a significant extent for the benefit of 1 or more registered political parties.
Third party groups' actions during an election can be for the benefit of a party, but be outside the control of the party during the election or altogether. These should be included in party expenditure to be even handed in dealing with this issue.

It may be argued that the definition of associated entity creates an unfair loophole which undermines the integrity of the caps on electoral expenditure. The alternative view is that, although affiliated, such organisations have a legitimate separate constituency and interests which they should have the political freedom to represent. OK. BUT not by interfering in an election. They can represent the interests of their members outside of the election discussion; at other times.

d. Aggregate the expenditure of affiliated organizations. Getting more complicated!
Along with aggregating the expenditure of a party with that of its affiliated organisations, another option would be to aggregate the expenditure of affiliated organisations.

While section 205 the Act specifically provides that related corporations are to be treated as one entity for the purposes of the caps on political donations and electoral expenditure, other related organisations in Queensland, such as registered industrial organisations, are currently treated as separate entities.

It is arguable that the failure to group related organisations undermines the integrity of the scheme.

As above, the alternative view is that, although affiliated, such organisations have a legitimate separate constituency and interests which they should have the political freedom to represent. No third party has a legitimate argument to interfere in the interaction between candidates in an election.

e. Address issues relating to the definition of electoral expenditure.
As noted above, the Act includes caps on electoral expenditure.

Central to the operation of the caps on electoral expenditure is the definition of electoral expenditure.

The term '*electoral expenditure*' is defined in section 199 of the Act. In summary, electoral expenditure is that which advocates a vote for or against a candidate or for or against a registered political party. For the most part, it covers expenditure on advertising in the electronic and print media. It also includes expenditure on carrying out opinion polling and other research relating to an election. Too limited and too flawed: see multiple comments/discussion above.

The ECQ considers that the following items are not electoral expenditure: Why not!! Is all expenditure undertaken for the purpose of participating in the election: 9except for duties once elected).
the cost of a campaign director (unless there is a robust and defendable link to the production and distribution of the items listed in section 199);
expenditure on goods or services which falls under the definition of administration expenditure for independent members;
the cost of nominating as a candidate in an election;
expenditure incurred for the preparation and audit of disclosure returns or claims for funding, as prescribed under the Act;
expenditure incurred for factual advertising in relation to party or parliamentary administration (e.g. meetings or conferences),
or expenditure incurred by a member of parliament for duties directly related to position of office; and
expenditure on novelty items such as car stickers, t-shirts, lapel badges or buttons, pens, pencils, balloons or items of a similar nature.

Unlike the Act, the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) includes staff and accommodation costs in the definition of electoral expenditure. Under section 87(2) of this Act, the cap applies to:
expenditure on advertisements in radio, television, the internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards and other election material;
expenditure on the production and distribution of election material;
expenditure on the internet, telecommunications, stationery and postage;
expenditure incurred in employing staff engaged in election campaigns;
expenditure incurred for office accommodation for any such staff and candidates (other than for the campaign headquarters of a party or for the electorate office of an elected member); and
such other expenditure as may be prescribed by the regulation. More realistic.

One option for reform would be to clarify the definition of electoral expenditure in the Act. Obviously needed.

A further area of concern relates to the application of the caps to organisations which conduct polling activities and research activities. If done for a political party or knowingly for the advantage of a political party, they are obviously donations. Best not to allow any polls to be conducted where the results will be given during the period of an election campaign; as it is obviously hard to pin down 'knowingly for the advantage of a political party'. Given the slippage in the ethics of some so called independent polling organizations, it is best to put a blanket ban, or alternatively call it a political donation to the political party it advantages. "Research" is in the same boat; with results skewed by the wording of questions, what is put in and what is left out, preambles to questions, etc. So much is unethical as 'independent' research that is better to call all of it as donation to the political party it advantages.

As currently drafted, section 199 of the Act would capture opinion polling conducted and research undertaken by people, groups and organisations not actually intending to influence the outcome of an election. By way of example, a newspaper conducting opinion polling would currently be subject to the cap and disclosure requirements. Likewise, the cap and disclosure requirements would apply to market research companies and academics. Given that all polls and 'research' conducted during an election are designed to influence the outcome of an election; it is reasonable that they all come under cap and disclosure requirements. One might also argue that the wording of all polls and research conducted during the inter-election period are designed to influence the political opinions of the electorate (unless specifically commissioned for internal part use); and therefore come under the category of in-kind donation to a party.

One option for addressing this issue would be to insert a provision along the lines of section 87(4) of the *Election Funding, Expenditure and Disclosures Act 1981* (NSW). Under this section, electoral expenditure includes only expenditure that is for the dominant purpose of promoting or opposing a party or candidate or influencing voting at an election. Very hard to manage/administer.

f. Address a potential loophole in relation to volunteer labour.
Another issue relates to the potential for volunteer labour and other in-kind support to be used to circumvent the caps on electoral expenditure.

Under the Act, volunteer labour is not considered an in-kind donation and is not counted in the overall amount of expenditure a person can spend on their campaign. Volunteers perform a range of vital functions such as delivering election material, door knocking, assisting in campaign offices or maintaining campaign accounts, and staffing election booths on polling day. This is quite reasonable, when volunteers are members of a political party (or registered interested parties/associates of an independent candidate). It is all part of establishing the political appeal of the message of the candidates and of the candidates themselves. Otherwise it could be considered in-kind donation, that has to be costed at casual labour rates. I am more inclined to say such independent volunteer labour is all part of establishing the appeal of the candidate and as such should not be costed; when done in the electorate or by members of a party.

Currently the work carried out by officials of an affiliated organisation during election campaigns is considered to be volunteer labour for the purposes of the Act. This option would provide that volunteer labour does not include time spent by an official of an organisation working for a political party with which the organisation is affiliated. To be even handed, employees of any company, or corporation, or public organization, or lobby group, etc; would have to be treated in the same way as volunteers from any affiliate of any political party, including officials. These employees and officials could be in-kind donations or classified as third party.

The alternative view is that it is unconstitutional to discriminate against a class of people from working in their own time and a contravention of an individual's rights to freedom of association.

g. Streamline existing administrative arrangements.
The Government is interested in any opportunities to streamline the existing administrative arrangements in relation to the disclosure and capping of electoral expenditure. Don't be too anxious about streamlining and allowing rorting of the system without independent checks.

Issues for consultation – Election campaign expenditure

1 Are the existing laws relating to electoral expenditure effective in creating a more level playing field? NO.
2 How can the existing laws in relation to electoral expenditure be made more effective?
See comments throughout the discussion paper.

Comment is invited, in particular on:

- **whether electoral expenditure should continue to be capped in Queensland (options a and b); Yes but more evenhandedly.**
- **whether the expenditure of a party should be aggregated with the expenditure of its affiliated organisations (option c); Yes, but better to get rid of affiliated organizations/etc from all parties and only need to make regulations around indivual members of political parties.**
- **whether the expenditure of affiliated organisations should be aggregated (option d); Aggregate with the party but show all donations and costed in-kind donations independently and cumulatively. Don't allow them to be aggregated into the party records without record of the size of the contribution.**
- **whether the definition of 'electoral expenditure' should be clarified (option e); Yes.**
- **the treatment of volunteer labour (option f); clarify, yes and**
- **whether there are any opportunities to streamline the existing administrative arrangements (option g). Be careful about streamlining!!**

Part B—Other Options for Improvement and Change

1 Truth in political advertising

False and misleading electoral advertisements and other statements have the potential to undermine the conduct of fair elections in Queensland. How very true. And nothing is done about it!

1.1 Option – Introduce truth in political advertising legislation YES. AND truth in political statements. Needs to be swift adjudication during a political campaign – within 24hours. Not long drawn out court cases!

Although truth in political advertising is not specifically regulated in Queensland, the issue is raised from time to time and has been the subject of a number of inquiries.
Truth in political advertising legislation generally involves the introduction of a new offence. Should be no problem with this. One option that has previously been considered would be to amend the Act to create a new offence along the lines of section 113 of the *Electoral Act 1985* (SA). In order to establish that an offence has been committed under section 113 of that Act, the prosecution must show that the statement was: Seems like a good precedence.
contained in an advertisement that was calculated to affect the result of an election;
intended to be a statement of fact and not a statement of opinion;
inaccurate to a material extent; and
misleading to a material extent.

For example, the Supreme Court of South Australia41 considered a political advertisement by the Australian Labor Party which contained the following statement: '*The fact is the [Dean] Brown Liberals have stated that any school with less than three hundred students will be subject to closure*'. The court found that this statement was inaccurate and misleading as the Brown Liberals had in fact stated that although they would continue a small program of school closures, they would not look at closing schools with less than 300 students.
Similarly, the Supreme Court of South Australia42 held that a Liberal Party advertisement containing a statement that '*a vote for an Independent was a vote for the Labor Party*' had breached section 113 of the *Electoral Act 1985* (SA).
South Australia is the only jurisdiction in Australia to enact legislation that attempts to regulate truth in political advertising.
Opinion is divided on whether legislation is the most appropriate mechanism for regulating electoral advertising.
Those in favour of truth in political advertising legislation consider that it would advance political standards, promote fairness, improve accountability and restore trust in politicians.
Those against truth it generally raise concerns about enforceability. Other potential issues with an offence relating to truth in political advertising include:
it should be up to voters to judge the veracity of claims made in political advertising, just as they judge the veracity of claims made in commercial advertising; Commercial advertising is covered by truth in advertising laws in any reasonable jurisdiction! So the public relies on watchdogs.
regulation may lead to an increase in nuisance claims by voters or candidates seeking to prevent the publication of an opposition advertisement; Swift adjudication can prevent this. False claims against an ad can be punished along with punishment of perpetrators.
the neutrality and impartiality of the ECQ could be compromised if it is required to rule on what will be a highly vexed and publicised political issue; Need independent experienced legal adjudicators. and
it would be difficult to provide a prompt response to complaints, particularly on polling day. Good reason to stop all advertising two days before.

For example, in 2002, the Senate Finance and Public Administration Committee (SFPAC) examined the South Australian model in depth and recommended against the introduction of legislation prohibiting misleading statements, citing the '*difficulties in ensuring a prompt response to complaints and preventing misuse of the legislation to score political advantage*'. As part of its deliberations, SFPAC heard evidence from a former South Australian Electoral Commissioner that in his opinion the provision had not changed the political culture of the State to any great extent and instead offered opportunities for political parties to disrupt the process. Always ways to prevent/punish this kind of disruption!
Similarly, in February 2010, the Electoral Matters Committee in Victoria released a report in relation to its inquiry into the provisions of the *Electoral Act 2002* (Vic) relating to misleading or deceptive political advertising. As part of its report, the committee expressed concern that measures to regulate misleading or deceptive political advertising would have implementation difficulties, would be potentially unworkable, could increase the risk of a more litigious approach to elections and electoral law and could have unintended consequences, including the potential for '*a chilling effect on robust political discourse*'. That kind of childish political discourse we can do without.
Should truth in political advertising legislation be considered for introduction in Queensland, one issue that would need to be resolved is the extent to which the legislation should extend beyond advertisements to other inaccurate and misleading statements (for example statements made in the media). Of course all political statements, whether by candidates or others, in the media, in fliers, or stated in public; should be subject to proving the truth of them, be not misleading or inaccurate..
While election campaigns in Queensland have traditionally focused on newspaper advertisements and printed leaflets and flyers, media appearances and televised public forums are now widely regarded as an important campaign instrument.
As such, the extent to which a truth in political advertising offence that is restricted to advertisements would prevent deliberately false and misleading electoral material from being distributed to the community is questionable. Of course it would have to be all inclusive.
The contrary view is that a truth in political advertising offence that applies to statements whenever and wherever made would be unworkable and difficult to detect, prosecute and punish. It is not hard to detect, it is up to the opposition to object and an immediate adjudication to settle and punish. To be effective there has to be no long drawn out process in an election campaign .
There is also an argument that defamation laws provide adequate protection in this area. Ha ha. If these were appropriate why are they not used. The law takes too long and is ineffective at election time.

Issue for consultation – Truth in political advertising

1 Should truth in political advertising legislation be introduced in Queensland? YES
2 If so, should it extend beyond advertisements to other inaccurate and misleading statements? YES

2 How-to-vote cards

How-to-vote cards are a prominent feature of election days in Queensland.
In the same way that false and misleading electoral advertisements have the potential to undermine the conduct of fair elections in Queensland, so do misleading how-to-vote cards.

Under the Act, how-to-vote cards are a form of electoral advertising and as such must be authorised. The authoriser's name and address and the party's or candidate's name must be included prominently and legibly at the end of each card (section 182 of the Act).
In addition, section 185(1) of the Act makes it an offence for a person to, during the election period for an election, print, publish, distribute or broadcast anything that is intended or likely to mislead a voter in relation to the way of voting at the election. The maximum penalty is 40 penalty units??
Section 185(1) has been afforded a very narrow interpretation by the courts. In 1981 the High Court held that section 185(1) applies only to misleading or incorrect material that is intended or likely to affect a voter when he/she seeks to record and give effect to the judgment which he/she has formed. Notwithstanding the narrow interpretation of section 185(1), it is likely that a misleading how-to-vote card (for example, a how-to-vote card that is authorised by one party but disguised to look like it has been authorised by a different party) would be found to offend the section.

2.1 Options – Increased regulation of how-to-vote cards

a. Introduce a requirement for how-to-vote cards to be published on ECQ website. Good
In 2010, Victoria passed amendments which require the Victorian Electoral Commission to publish a copy of how-to-vote cards on their website. Publishing how-to-vote cards in this way facilitates greater scrutiny of the cards before polling day and also provides postal voters with access to how-to-vote guidance.

This option would also meet the community expectation that information that is available should be available electronically where possible. Would that extend to 'manifestos' of candidates in each electorate being available electronically on ECQ website?

b. Introduce a requirement for the ECQ to refuse to register a how-to-vote card if it is satisfied that the card is likely to mislead or deceive a voter in casting their vote. Good
Section 183 of the Act requires all how-to-vote cards to be lodged with the ECQ seven days before an election.

Although the Act permits the ECQ to reject a how-to-vote card that has not been properly authorised, there is no express provision in the Act which allows the ECQ to reject a misleading or deceptive how-to-vote card.
By way of comparison, section 79(2) of the *Electoral Act 2002* (Vic) expressly provides that the Victorian Electoral Commission must refuse to register a how-to-vote card that is likely to mislead or deceive a voter in casting their vote.
Given the subjective nature of the issue, there is an argument that a provision along the lines of section 79(2) of the *Electoral Act 2002* (Vic) may compromise the neutrality and impartiality of the ECQ.

It would not be a problem if there was no distribution or other use of how to vote cards allowed before election day; except for availability to postal voters.

c. Regulate the behaviour of political party workers who hand out how-to-vote cards.
There is currently no legislation in Australia which regulates political party workers who hand out how-to-vote cards on polling day.

The Joint Standing Committee on Electoral Matters suggested that the Australian Electoral Commission (the AEC) develop a code of conduct to be signed and agreed by all party workers at polling places on election day.

I haven't personally experienced misconduct that would support the need for this code of conduct. But I have seen on many occasions that how to vote stands and volunteers infringe the regulations on distance from the entrance to a polling booth; and, arguments between supporters of candidates over positioning near entrances. The laws, if any in Queensland, seem an unknown quantity with regard to these matters. Candidates should be made aware of the law and be responsible for the actions of their volunteers.

d. Ban how-to-vote cards.
At most polling booths, political party workers hand out how-to-vote cards that have been registered with the ECQ.

In Queensland, there is a prohibition on handing out how-to-vote cards within 6 metres of a polling booth. Too close from the practical point of allowing all parties to access all voters. Maybe 10-12 metres would be more practical and avoid conflicts.
The Australian Capital Territory has a prohibition on handing out how-to-vote cards within 100 metres of a polling booth, while in Tasmania there is a blanket prohibition on handing out how-to-vote cards on polling day.
A concern in banning how-to-vote cards in Queensland is that it could increase the number of informal votes cast at an election. Given that a ban on how-to-vote cards would limit the ability of candidates and their supporters to provide material to voters, it is also possible that a ban may breach the implied freedom of political communication.
There is a contrary view that banning how-to-vote cards may reduce voter intimidation, encourage voters to put more thought into the choices they make on polling day and encourage candidates to be more pro-active in their electorate in the run up to polling day. It would also limit the environmental impact of the cards. Given that each voter can be given multiple how-to-vote cards, the amount of paper used in this process is high.

Alternatives to banning the cards on polling day would be to place how-to-vote cards on corflutes? at each entry to a polling centre or display the cards in each polling booth.
Sensible to be displayed in each stand where you write your vote, not just within the polling booth.
Of course, the officer in charge of each booth would have to regularly check each stand to see all how to vote cards were still there!! Need destruction proof! Covered with clear protection.
Given that voters have made up their minds who they want to vote for, before they arrive at the booth, they only need a memory jogger in the stand where they write their vote; not the melee out the front.

Issues for consultation – How-to-vote cards

Should how-to-vote cards be subject to increased regulation? Yes If so, how? Options a, b, &d, with modification as discussed above

Comment is invited, in particular on:

- **whether how-to-vote cards should be published on the ECQ's website (option a); Good idea.**
- **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); Good idea: with modification on when it is legal to distribute how to vote cards**
- **whether the behaviour of workers who hand out how-to-vote cards should be regulated (option c); candidate responsibility and**
- **whether how-to-vote cards should be banned (option d). Could be a good idea if displayed in booths and is properly organized.**

3 Proof of identity

There is currently no requirement in Queensland or any other jurisdiction in Australia for a voter on the electoral roll to produce proof of their identity at the polling station in order to be allowed to vote.
The introduction of a requirement for proof of identity at polling stations has previously been considered on a number of occasions, including by the Joint Standing Committee on Electoral Matters (in reports published in 2011 on the conduct of the 2010 federal election and in 2009 on the conduct of the 2007 federal election). The issue was also canvassed in a 2009 Green Paper on electoral reform released by the Australian Government (Green Paper). Each elector is issued with a 'card' from the electoral office that they are asked to take to the election as ID. Nobody ever asks.
Multiple voting has often been organized in the past; with dead 'men' voting in tight elections or electorates. Or a supposed voter voting at multiple poling booths. But false identities can also be made by such organizers!
How big a problem has it ever been, and, in how many elections is it thought to have possibly made a difference? Is it an issue these days? Could it be an issue?

3.1 Option – Introduce proof of identity requirements

The Green Paper included a comprehensive list of the arguments both for and against a requirement for voters to provide identification at polling booths.
In support of the introduction of proof of identity requirements, the Green Paper noted that the requirements could:
provide greater protection against voter impersonation, as voters could be visually checked against their photographic identification and against the electoral roll; and
ensure greater confidence in the electoral process and the integrity of the results.

On the other hand, the 2009 Green Paper noted that:
it is at the enrolment stage that issues surrounding a person's entitlement to vote should be resolved, which enables the polling process to proceed smoothly as the certified lists can be taken as 'conclusive of a person's right to vote';
a requirement to produce a photographic identity card or passport might operate in a discriminatory way against persons who do not have any photographic identity;
an extensive public education campaign would be required to educate voters on the specific documents that would be accepted as proof of identity on election day;
even with a substantial publicity campaign, it would be possible that a number of voters would be unable to, or would forget to, bring the appropriate documents with them, which would be likely to lead to a further increase in declaration voting; and additional polling staff would be required to check voter identities in order to reduce delays at polling places.

Given that Queensland would be the only jurisdiction to require proof of identity on polling day, there is a risk that the requirement would lead to voter confusion. Also, as there is no specific evidence of electoral fraud in this area, introduction of proof of identity requirements could be considered a disproportionate response to the risk.
Experiences in countries where voter identification is required vary. In the United States of America, for example, it has been noted that the requirement for identification has the potential to sway election results in some swing states. On 5 August 2012, the Financial Times reported that in Pennsylvania, for example, more than 750,000 registered voters did not have the required forms of identification and President Obama won Pennsylvania by only 600,000 votes.

Voter identification laws in Canada and various European countries appear to be well established, although many of these countries already have a national identification scheme.

Issue for consultation – Proof of identity
Should voters be required to produce proof of their identity on polling day?

4 Enrolment on polling day

The 2011 Act changed the close of roll process for State general elections.
For the first time in Queensland, eligible voters for the 2012 State General Election were allowed to enrol or update their details after the writs for the election had been issued and up to the day before polling day. According to the ECQ, 18,908 new additions and 45,710 changes were made to the electoral roll during this period.

4.1 Option – Allow enrolment on polling day NO. Disagree with this. Do more to ensure compulsory registration when turn 18, when change address, etc. Use computer cross matching of: school records, centrelink, taxation, bank records, etc; to check enrolments before elections are due. There is more than adequate publicity now about enrollment when elections are approaching. The published roll should be the official record for entitlement, without exception.

Enrolment up to and including polling day would allow a person who claims to be entitled to vote but whose name is not on, or can not be found on, the electoral roll, to enrol and cast a provisional vote (in the form of a declaration vote) on polling day.
To protect the security and integrity of the electoral roll, polling day enrolment would be subject to proof of identity and address requirements. A vote cast by a voter enrolled on polling day would be counted only if the identity of the voter was later verified by the ECQ.
The Commonwealth, New South Wales and Victoria permit enrolment on polling day. Other jurisdictions, including Canada and nine states in the United States of America currently have some form of polling day registration. In New Zealand, voters can enrol up to the day before polling day.
Arguments against allowing enrolment on polling day include that it:
exposes the electoral roll to fraudulent enrolments;
is impossible to know in advance the number of eligible voters who may be affected;
has the potential to cause voters significant delays on polling day, particularly during peak voting times;
could put pressure on election officials at voting centres and on electoral commission staff afterwards; and
could inadvertently provide an incentive for people to not comply with existing requirements to enrol or update their election details when they move residence.

The ECQ has previously supported enrolment on polling day.
Proof of identity requirements and quarantining the votes until proof of identity is verified should address concerns about voter fraud. The extension of the enrolment to polling day will ensure that persons are able to vote in the correct electorate (as long as they have lived there for the last month as required by section 64 of the Act).

Issue for consultation – Enrolment on polling day
Should voters be permitted to enrol on polling day? NO

5 Electronic voting

Electronic voting refers to any system by which voters cast their votes using an online system such as the internet or touch-tone phone. It includes both remote voting and electronically assisted voting. Generally against.
Most Australian jurisdictions offer some type of electronic voting, although for the most part it has been restricted to blind and vision impaired voters and voters who need assistance voting because of a disability, motor impairment or insufficient literacy. Sensible exceptions, provided certified by an ECQ official. Should not be remote voting.
To date, Queensland has not offered electronic voting for state or local government elections

5.1 Options – Electronic voting

a.. 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.
Yes. Assisted voting should be supervised, by an ECQ official.
Facilities at an ECQ office? Then a paper vote is just as easy.
In Queensland, voters with a disability who require assistance in completing a ballot paper are not able to vote in secret or independently. Instead, the voter must select a person to help them vote. Although Braille ballot papers were available for

the 2009 and 2012 Queensland State General Elections, their application was limited (in part because many blind and vision-impaired voters are unable to read Braille).

Limiting electronic voting to blind/disabled voters is consistent with the approach taken in Victoria. In Victoria, legislative amendments were passed in 2006 to facilitate a trial of electronically assisted voting for voters who are blind or have low vision. Further amendments were made in 2010 to widen the availability of electronic voting to voters who cannot vote without assistance because of motor impairment or insufficient literacy skills (whether in the English language or in their primary spoken language). In the 2010 Victorian State General Election, electronically assisted voting by kiosk or telephone was offered at every early voting centre.

b.. 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. Postal voting is readily available for these eventualities. With freedoms come responsibility. It is the responsibility of all Australians to vote.
The problem arises with those who need an assisted vote and are unable to get to a ECQ office to have that assisted vote certified.
Extending electronic 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 is consistent with the approach taken in New South Wales. In New South Wales, 'iVote' is available where:
the voter's vision is so impaired, or the voter is otherwise so physically incapacitated or so illiterate, that he or she is unable to vote without assistance;
the voter has a disability and because of that disability he or she has difficulty voting at a polling place or is unable to vote without assistance;
the voter's real place of living is not within 20 kilometres, by the nearest practical route, of a polling place; or the voter will not throughout the hours of polling on polling day be within New South Wales.

In the 2011 New South Wales State General Election, 46,864 voters cast their vote using iVote. These voters were predominantly those who were outside the State on polling day.
It is possible that the system currently used in New South Wales could be readily adapted and applied to Queensland.

c. Introduce electronically assisted voting for all voters in Queensland. **Against**
As noted above, electronically assisted voting in Australia has generally been restricted to particular classes of voters.

Key issues with the introduction of electronic voting for all voters in Queensland include:
difficulties with providing voters with a unique identifier due to there being no national citizens identification system in Australia;
the risk of interception of voting information/passwords in bulk mail outs;
internet stability and security; and
cost. PLUS fraud, with fixing of machines software. It is far too easy to rig electronic voting machines &/or for the machines to malfunction.

Internationally, approximately 20 countries have introduced electronic voting in some form, although Westminster-style political systems such as New Zealand, Canada and the United Kingdom have generally adopted a more conservative approach. Most countries that have introduced electronic voting (such as Brazil and India) have done so via electronic voting machines at polling places rather than taking up remote access internet voting.

Where internet voting has been used, it has often remained at the trial stage or has been used to supplement existing methods of voting. Estonia and Switzerland are examples of countries where the legitimacy of internet voting is widely accepted.
In Australia, the Australian Capital Territory uses standard personal computers as voting terminals, with voters using a barcode to authenticate their votes. Voting terminals are linked to a server in each polling location using a secure local area network. No votes are taken or transmitted over the internet for the reasons outlined above (i.e. internet security concerns and the difficulty of providing electors with unique identifiers). This system may not be readily adaptable to larger jurisdictions such as Queensland.

Issues for consultation – Electronic voting

Should electronic voting be introduced in Queensland? Qualified yes

Comment is invited, in particular on:

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);Yes. Could. But the assisted vote needs to be certified by a third party. In that case a postal vote may be more easily organized.

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; No. Postal votes or pre-polling votes as easy to organize. or
▯ whether electronically assisted voting should be introduced for all voters in Queensland. NO. There is no paper record of voting intention to dispute in a recount situation. Machines are unreliable and software can be tampered with.

6 Postal voting

With continuous economic and social changes and the increasing numbers of Australians becoming frail or aged, voters are increasingly taking advantage of the more convenient voting options, including postal voting.
In the 2012 State General Election, a total of 211,619 voters elected to vote by post, a 17.9% increase from the 2009 State General Election.
Postal voting is one of two ways a voter can cast an early vote, pre-poll voting being the other. Under the Act, any elector can cast a pre-poll vote and pre-poll voting in person is regarded as an ordinary vote if cast within the voter's district.
To be eligible to cast a postal vote, a person must satisfy one of a number of grounds specified in section 114 of the Act. These grounds include where the voter:
will not, throughout ordinary voting hours on polling day, be within 8 kilometres, by the nearest practicable route, from a polling booth; 8km is ridiculously close. This looks like a 19C figure!
will, throughout ordinary voting hours on polling day, be working or travelling under conditions that prevent voting at a polling booth;
will, because of illness, disability or advanced pregnancy, be prevented from voting at a polling booth;
will be prevented from voting at a polling booth for religious reasons; or
has a written doctor's certificate stating they are so physically incapacitated they are incapable of signing their name.

Postal voting is a two-stage process (application to make a postal vote and voting) and requires a declaration vote. The postal vote application must be in the approved form, be signed by the voter and returned to the ECQ or the returning officer for the electoral district for which the voter is enrolled. The application must be lodged by 6pm on the Thursday before polling day.

6.1 Options – Changes to postal voting requirements

a.. Expand the grounds on which a person may apply for a postal vote. No
The grounds on which a person may apply for a postal vote in Queensland are generally more restrictive than other jurisdictions. Wide enough

In 2010, amendments were made to Commonwealth legislation to expand the grounds on which a person could apply for a postal vote to include:
the voter being absent, throughout polling day hours, from their enrolled division; Have a responsibility to vote and make sure they can do it. and
the voter being unable to attend a polling booth on polling day because of a reasonable fear for, or a reasonable apprehension about, his or her personal wellbeing or safety. Rubbish in Australia

In Victoria, the Australian Capital Territory and Tasmania the approach to postal votes is less restrictive again. In Victoria, a person may apply for a postal vote if they 'will be unable to attend an election day voting centre during the hours of voting on election day' while, in Tasmania and the Australian Capital Territory, a person may apply for a postal vote if they merely 'expect to be unable to attend' on polling day.
Those in favour of expanding the grounds on which a postal vote can be obtained argue that it would encourage greater voter participation and make participation as easy as possible. Many proponents go further and argue that the eligibility criteria to apply to cast a postal vote should be removed, so that any eligible voter may exercise their right to vote in this way. This would be consistent with pre-poll voting requirements.

b. Facilitate online postal vote applications by removing the requirement for postal vote applications to be signed by voter. OK
Section 119 of the Act provides that a voter who is an ordinary postal voter may request a ballot paper and declaration envelope. This request must be in writing, signed by the voter and posted, faxed or delivered by the voter or someone else to the Commissioner or returning officer for the electoral district for which the voter is enrolled. There is no provision for applications for postal votes to be made online (although a scanned application form can be emailed to the ECQ).

Removal of the requirement for postal vote applications to be signed by voters would reduce delays in delivery of postal vote applications. Postal vote applications may be made online at the Commonwealth level. More flexible online arrangements for applications for postal votes also exist in some other states and territories, including New South Wales, Victoria and the Australian Capital Territory. Applications may be made over the telephone in the Australian Capital Territory.

c. Bring forward the deadline for lodging a postal vote application by one day. Yes. By TWO days. Necessary for application to be processed, posted, and arrive on the Friday, in many regional areas. Two days frequently necessary for post in many areas. Mail delivery to out of town areas is an extra consideration for applicants.
Section 119(3) of the Act allows voters to lodge an application for a postal vote before 6pm on the Thursday before polling day (the last allowable day). Section 125(2)(b) of the Act requires the ballot paper to be completed and signed by the voter no later than 6pm on polling day.

Bringing the deadline forward was a recommendation of the Supreme Court, sitting as the Court of Disputed Returns.
If the ECQ receives an application for a postal vote on the Thursday before polling day, the ballot paper might not be posted or sent to the voter until Friday morning meaning the earliest the ballot paper could be received by the voter through the ordinary mail is the Monday after polling day. The consequence of this is that the voter will not be able to vote by 6pm on polling day.
The Joint Standing Committee on Electoral Matters recommended that the *Commonwealth Electoral Act 1918* be amended to provide that the deadline for the receipt of postal vote applications be brought forward to the 6pm on the Wednesday, three days before polling day. This is consistent with New South Wales.
The AEC also supports moving the cut-off for domestic issuing purposes to 6pm on the Wednesday before polling day.
Bringing the deadline forward would increase the chances of a voter who applies for a postal vote on the last allowable day receiving their ballot material in time to cast a valid vote.

Issues for consultation – Postal voting

Are there any opportunities to improve the postal voting system? Yes

Comment is invited, in particular on:

- **whether the grounds upon which a person can apply for a postal vote should be expanded (option a);** No
- **whether online postal vote applications should be permitted (option b);** Yes
- **whether the deadline for lodging a postal vote application should be brought forward by one day (option c).** No. Brought forward by two days is necessary

7 Compulsory voting

Compulsory voting for state elections was introduced in Queensland in 1915 and was introduced by the Commonwealth for federal elections in 1924. Victoria introduced compulsory voting in 1926, New South Wales and Tasmania in 1928, Western Australia in 1936 and South Australia in 1942.
One of the main reasons for introducing compulsory voting in Australia was to improve the turnout at elections. Since the introduction of compulsory voting for federal elections, the turnout has never fallen below 90%. At the recent 2012 State General Election, 91% of total eligible voters actually voted.
On its website, the AEC provides a list of the commonly used arguments both for and against compulsory voting.
Arguments in favour of compulsory voting include:
voting is a civic duty comparable to other duties citizens perform e.g. taxation, compulsory education, jury duty;
it teaches the benefits of political participation;
parliament reflects more accurately the "will of the electorate";
governments must consider the total electorate in policy formulation and management;
candidates can concentrate their campaigning energies on issues rather than encouraging voters to attend the poll; and
the voter isn't actually compelled to vote for anyone because voting is by secret ballot.

Arguments against compulsory voting include:
it is undemocratic to force people to vote – in democracies such as the United States, Britain, Canada and New Zealand, voters have the choice;
the ill-informed and those with little interest in politics are forced to the polls;
it may increase both the number of informal votes and "donkey votes";
it increases the number of safe, single-member electorates HOW? – political parties then concentrate on the more marginal electorates; and
resources must be allocated to determine whether those who failed to vote have "valid and sufficient" reasons.

The Joint Standing Committee on Electoral Matters in its report on the conduct of the 1996 federal election recommended that 'if Australia is to consider itself a mature democracy' compulsory voting should be abolished' What stupidity is there in such an arguement. It argued that voting could not truly be considered a 'right' if people could not exercise a 'right' not to vote. Lawyers!! The committee did not make this recommendation in its reports on subsequent federal elections.

Removing the requirement for compulsory voting in state elections has the potential to cause voter confusion as voting in federal and local government elections would still be compulsory.
This option would mean amending section 186 of the Act to remove the offence for failing to vote.

Issue for consultation – Compulsory voting

Should compulsory voting remain for Queensland State elections? YES. Voters have responsibilities/obligations that come with the benefits of democracy.

8 Voting system

In Australia, preferential voting systems are majority systems where candidates must receive an absolute majority—50% plus 1 of the total formal votes cast to be elected.
Queensland uses optional preferential voting (OPV), meaning a voter only has to indicate his or her first preference, with all subsequent preferences optional. Federal House of Representatives elections uses full preferential voting (FPV), meaning the voter must show a preference for all candidates listed on the ballot paper by consecutively numbering in order of preference.
The major benefit of OPV is the potential for reduction of error-induced informal voting. It is the simplest form of preferential voting and therefore least likely to lead the voter to invalidate his or her vote through numbering error.
For example, in the 2012 Queensland State Election, only 2.15% of votes were found to be informal. In the 2001, 2004, 2006 and 2009 elections, the informality rate was 2.27%, 1.99%, 2.08% and 1.94% respectively. This can be contrasted to Victoria which has a full preferential voting system for Legislative Assembly elections. At the 2010 Victorian State Election, the informal voting rate for the Legislative Assembly was 4.96%, up from 4.5% at the 2006 state election and 3.42% at the 2002 state election.
Other advantages of OPV include:
the simplification in preferential voting increases participation in the electoral system by allowing people to express their true intentions;
it captures only those preferences people actually hold, rather than requiring them to express preferences for candidates about whom they know nothing—in this regard, OPV may empower the voter;
while it can result in a candidate without majority support being elected, the same is possible under a full preferential system—this is because the party that is ranked third in an electorate is in a position to arrange a preference deal resulting in the candidate with the lower primary vote being elected;
removal of the need to decide preference distribution;
a lesser need for electoral staff to educate voters on how to vote;
easier scrutineering and counting of votes; and
it saves voters' time.

Where is the opposing argument in favour of full preferential voting!? Balance in presentation of section???

A key issue with OPV is that it has the potential to become a de facto 'first past the post' system. Preferences can be quickly exhausted where a large number of voters choose to vote '1' only. This is particularly problematic where a large number of candidates are contesting a seat. In such a circumstance, it would be possible for a candidate to be elected with only a small proportion of the vote, which could leave the majority of the population unrepresented.
As part of its analysis of a survey of ballot papers from the 2009 state election, the ECQ found that approximately 63.03% of ballot papers were marked '1' only. At the 2006 election, 62.15% of surveyed ballot papers fell into this category. Up until the 2001 election, the number of ballot papers marked '1' only had been significantly lower (20.7% in the 1995 election).

8.1 Option – Move to full preferential voting YES

Advantages of FPV include:
it elects candidates most preferred by voters, due to the allocation of preferences; Yes
it is reasonable to expect voters to express a full ordering of preferences, even when they have a philosophical or intellectual inability to differentiate between candidates; Yes. If intellectually unable to differentiate their vote will be a 'donkey vote' anyway.
it allows parties that are allied, or in coalition, to run against each other without necessarily affecting the electoral prospects of either party; good
it allows minor parties to have an influence on the election process through the allocation of preferences; Good and
it eliminates the potential OPV has to undermine democracy by voters simply following party instructions to vote for one candidate and not allocating preferences out of ignorance or unfamiliarity. Good

It is the duty of every elector to assess all the candidates fairly, and pick candidates on their suitability for the electorate. Not just following party direction and electing yes men who do not relate to the electorate.

In the 2010 federal election the highest proportions of ballots with incomplete numbering were in New South Wales (35.1% of all informal ballots) and Queensland (34.7%). Analysis carried out by the AEC for previous House of Representatives elections indicates there may be a relationship between these relatively high proportions of informal ballots with incomplete numbering and the optional preferential voting systems in these states (AEC 2005; AEC 2009).

A move to full preferential voting for Queensland state elections would remove the potential for voter confusion in having to use different voting systems for different levels of government—though this benefit would be somewhat diminished because Queensland local government elections use OPV or first past the post systems, depending on the electorate. Change it!!
A key issue to be considered if full preferential voting is introduced in Queensland is whether a savings provision should be introduced.
As part of its *Report on the Conduct of the 2007 Federal Election and Matters Related Thereto*, the Joint Standing Committee on Electoral Matters recently recommended the reintroduction of the savings provisions that existed in the Commonwealth Electoral Act between the 1984 and 1996 elections.
These provisions allow ballot papers with non-consecutive numbering errors to be included in the count up to the point at which the numbering error began. Reasonable. Voting intention is established. ALSO. If numbering against all candidates is completed, then intention is also satisfied for the full ordering of the preferential vote and should also be accepted, whether sequence of numbers is in error or not.
All votes where the intention of the voter is clear should be accepted no matter what technical error has been made.
While the Joint Standing Committee acknowledged concerns that a savings provision may result in 'the re-emergence of campaigns advocating for optional preferential voting', it considered that *'these concerns do not justify the exclusion of up to 90,000 votes where electors have expressed clear preferences for a number of candidates but may have made mistakes in numbering their ballot paper'.*

Issue for consultation – Voting system

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

9 Any other matter

The options outlined in the paper are not intended to be exhaustive. If you think there are other options for improving Queensland's electoral laws, please include these in your submission.

ATTACHMENT 1 Capping of political donations and electoral expenditure

The ***capped expenditure period*** for an election ends at 6pm on polling day and starts on the earlier of the day two years after polling day for the last election ***or*** the day the writ is issued for the current election.
A ***political donation*** is a gift (including a gift in kind) or property given and intended for use for campaign purposes during the *capped expenditure period.* A gift does not include a fundraising contribution of $200 or less (or the first $200 of a fundraising contribution that is more than that), annual subscription fees, volunteer labour or the incidental or ancillary use of vehicles, equipment etc.
Caps on *political donations* (to candidates, political parties and third parties) are derived using a formula (s 252) and are currently capped as follows:
$5,300 per donor per year to a registered political party
$2,200 per donor per year to a candidate
$2,200 per donor per year to a third party.
All political donations (that are an amount of money) must be paid into a State campaign account.
Electoral expenditure (technically campaign expenditure) is expenditure incurred on ? (whether or not incurred during the *capped expenditure period*), or a gift in kind given, consisting of the following during the *capped expenditure period*:
advertising for or against a candidate or registered political party, including production costs and particular broadcasting, publishing and display costs;
the production and distribution of any other material advocating a vote for or against a candidate or registered political party;
carrying out an opinion poll, or other research, related to the election.
The caps on electoral expenditure (s 274) are currently set at:

Candidates Should be equal for each candidate.	$52,500 for a candidate endorsed by a political party and $78,800 for an independent candidate
Registered political parties Should be included within cap for each electorate/each candidate	$84,000 multiplied by the number of seats contested

Third parties SHOULD ELIMINATE for all registered or unregistered third parties.	individual electorate. Unregistered third parties are limited to $10,600 across the State or $2,200 for each individual electorate

All electoral expenditure must be paid from the State campaign account.

Note: Under existing arrangements there is no cap on donations not intended for campaign purposes. There are some disclosure requirements for these donations and other gifts (see required disclosure to ECQ).

ATTACHMENT 2 Required disclosure to ECQ

A ***reporting period*** is the first 6 months of the financial year (July–December) and the full financial year (July–June). Reporting periods should be more frequent and contributions reported should be individual and cumulative for individuals/ organizations/ corporations/ companies/ lobby groups, etc. Reports should be on an electorate basis and be the responsibility of the candidate; and include apportionment of party election expenditure for the whole state or regions.
The ***disclosure period*** for an election starts 30 days after the last polling day and ends 30 days after the current polling day. The disclosure of expenditure should be continuously available, with maximum five working days lag; especially during the election period; with reconciliation of expenditure and payments completed and fully reported within ten working days of the close of polling.

[These are not impractical requirements with modern software. They should be just a normal part of administrating an electoral campaign, which includes the paperwork! Candidates need to get used to doing things in a business like manner].

The disclosure of having kept within the guidelines/limits could be made compulsory before the declaration of the poll !!!

The policing of the limits/cap needs reinforcing: with some investigation other than relying on the statement of candidates.

Registered political parties These limits are far too lenient	
Within 15 weeks after polling day, report stating:	details of all *electoral expenditure* for the *capped expenditure period* for the election **[s 283(1)]**
Within 8 weeks of the end of each reporting period, report stating:	the total amount received by or for the party during the reporting period together with particulars of sums of $1,000 or more **[s 290]**
	the total amount of political donations received by the party during the reporting period together with particulars of sums of $1,000 or more **[s 290]**
	the total amount paid by or for the party during the reporting eriod together with particulars of sums of $1,000 or more **[s 290]**
	the total outstanding amount at the end of the reporting period of all debts incurred by or for the party together with particulars of sums of $1,000 or more **[s 290]**
Within 14 days after each special reporting event occurs, a report stating:	gifts of, or accumulating to, $100,000 or more during the reporting period together with particulars of sums **[s 266] Anonymous donations should be illegal!!**
Associated entities	
Within 8 weeks of the end of each reporting period, report	the total amount received by or for the entity during the reporting period together with particulars of sums of $1,000 or more **[s 294]**

stating:	the total amount paid by or for the entity during the reporting period together with particulars of sums of $1,000 or more **[s 94]**
	the total outstanding amount at the end of the reporting period of all debts incurred by or for the entity together with particulars of sums of $1,000 or more **[s 294]**
Within 14 days after each special reporting event occurs, a report stating:	gifts of, or accumulating to, $100,000 or more during the reporting period together with particulars of sums **[s 266]**
Donors	
Within 8 weeks of the end of each reporting period, report stating:	political donations or other gifts totalling $1,000 or more to the same registered political party (including associated entities and related political parties) made during the reporting period **[s 265]**
Within 14 days after each special reporting event occurs, a report stating:	gifts of, or accumulating to, $100,000 or more made to a registered political party during the reporting period together with particulars of sums **[s 266]**