
From: Brendan Whyte
Sent: Tuesday, 15 January 2013 5:06 PM
To: Electoral Reform
Subject: Queensland Electoral Reform submission

Dear Sirs,

Herewith my submission on the Queensland Electoral Reform discussion paper.

Part B—Other Options for Improvement and Change

Issue B1 for consultation – Truth in political advertising

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

Yes. There has been too much in the way of false claims and promises in recent elections, which demonstrates that the current regulatory regime does not prevent (or at least detect and punish) untruths.

A penalty for making misleading or inaccurate statements should be introduced (not just in regard to elections, but in all political public statements).

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

Yes. All election promises, particularly those by a party winning the election, should be accountable under truth legislation, so that a party saying it will (or will not) do something if elected, and then not doing it (or doing it, respectively), must be held immediately accountable. It is not enough to have the current vague premise that voters will then not vote for that party in 3 years' time. Parties and candidates must be held accountable for their statements at the time they make them.

Issues B2 for consultation – How-to-vote cards

Should how-to-vote cards be subject to increased regulation? If so, how?

Comment is invited, in particular on:

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

Yes.

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

Yes.

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

Definitely banned. It is very uncomfortable running a gauntlet of 'party workers' handing out such cards. All political advertising materials (posters, billboards, how-to-vote cards, etc) should be banned on election day (as in New Zealand). But if this is not possible for some reason, the Tasmanian ban on how-to-vote cards being given out on election day should be introduced in Queensland.

Issue B3 for consultation – Proof of identity

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

No, because not everyone has a driving licence or passport or other photo ID, thus any requirement to prove identity would lead to the inability of some people to vote, and to arguments in the polling place if staff refuse to accept a voter's ID.

An intermediate option would be to stamp each voter's hand with indelible ink when he have his name crossed off the roll, in order to prevent him voting again (as himself or someone else) at another booth elsewhere. This is not infallible, but is nevertheless done fairly successfully in many Third World countries.

Issue B4 for consultation – Enrolment on polling day

Should voters be permitted to enrol on polling day?

Yes. The new, current regulations allowing enrolment up to polling day should remain.

Issue B7 for consultation – Compulsory voting

Should compulsory voting remain for Queensland State elections?

No. For both local and state elections, voting should be made voluntary, and the Queensland government should press for it to be made voluntary at federal level too (for example, by insisting on a national referendum).

Voting is a right, and it should be considered a duty by all citizens, but this in no way implies that the state should seek out and punish those who did not, or chose not, to vote.

Apart from the cost of hunting down non-voters, the very idea of a government punishing people for not voting is no different from a government punishing people for voting for the 'wrong' party or candidate. No one would countenance the fining or imprisonment of people who voted for the Communist Party, or an anarchist candidate, say. So why do we allow the government to fine and imprison people who decide that none of the candidates are acceptable?

Given that Australia regularly abstains from voting at the UN (for example, in the recent vote on Palestinian membership/status), how can the state or federal governments morally justify seeking out and punishing Australian citizens who choose to abstain from voting? For a government and its MPs to require a citizen to vote, on pain of punishment, but to then allow themselves at state or federal level to abstain from any vote in parliament, or for the government to instruct its officials not to vote in such organs as COAG, the UN, etc, is hypocritical, and immoral.

There is also a potential moral, if not legal justification, for not voting, for which current legislation does not allow. Say there are only 2 candidates for a seat, and a voter is morally opposed to the policies of both. Why should he be required to vote for them at all? If the voter is forced to vote, then the candidate receiving the vote can and will claim a mandate for his own policy, even if that policy is compete anathema to the voter. Compulsory voting thus allows a successful electoral candidate to claim support for a policy where that support not only does not exist, but might be virulently opposed.

Ideally, voluntary voting should be coupled with a requirement for a candidate to gain a majority from the ***entire*** electorate (i.e. a majority of the number of voters on the electoral roll). This would then allow voters potentially to reject all candidates in a given electorate should none of those candidates not be up to the mark. In a single vote first-past-the-post system, this admittedly opens the process up to stalemate when potential voter apathy prevents anyone being elected at all. Under a preferential voting system this stalemate outcome is much less likely. But it does put the onus on the candidates to inform the electorate about their policies, to distinguish themselves from the other candidates, and encourage people to vote. This can only be a good thing. At present, with all voters forced to vote, there is little or no incentive for individual candidates to be proactive, and the 'donkey vote' is very high.

At present, if a single candidate is nominated for a seat, he is automatically elected unopposed, even if 100% of the voters would have chosen anyone else but him. Ideally, all seats, regardless of the number of candidates, should be subjected to a vote, so that even where there is a single candidate only, voters have

an opportunity to decide whether the candidate is a suitable and acceptable representative. This, by necessity, requires voting to be voluntary, so that the candidate would only be elected if at least half of those on the roll did vote (the only option being for him).

Thus, a voluntary voting system would ensure that those who did vote had made a genuine choice, and actively wanted the policies promised by the candidate of their choice. It would eliminate the donkey vote, discourage voting by the uninformed, and encourage candidates (and other voters) to encourage people to vote. There would be a better, and more society-wide, political debate.

The current compulsory system coddles the parties, and discourages real debate or the need or desire by voters to be truly informed and to make real choices for themselves. Compulsory voting favours the big party machines, who can ignore policy debates and simply stick up posters with a candidate's photo and name. In contrast, compulsory voting does nothing for society as a whole, and in fact reduces the desire for a voter to become informed about policies and debates.

I can see no negatives, and only positives, in changing to a voluntary voting system, which would make Queensland's electoral system much more truly democratic, and would respect the right of voters to reject any and all candidates (by not voting), should those candidates not be up to the voter's expectations/requirements/beliefs.

Compulsory voting:

- is a waste of taxpayer's resources following up on non-voters,
- a mockery of democracy,
- a mockery of the right of the electorate to decide who will represent them,
- favours the big parties (who do not need to earn the votes they receive),
- discourages real debate and education among voters,
- forces voters to support candidates whose policies may be completely opposed to the voter's own morals/politics/choice,
- gives elected candidates an invalid sense of mandate for their policies,
- is hypocritical, given government itself regularly abstains in voting situations domestically and internationally.

Finally, I note that when this discussion paper was released it was the politicians who were immediately in the media decrying even the discussion of a switch back to voluntary voting. The fact that so many federal politicians oppose it means it can only be a good thing. Methinks they do protest to much!

It is also a strong case against compulsory voting that none of the other major Westminster-system countries use it, yet their democracies are no less robust, and probably a better representation of the electorate, than Australia's.

Dr Brendan Whyte