

SUBMISSION to DISCUSSION PAPER on ELECTORAL REFORM

Introduction

We in Australia have become very blasé about our democracy, accepting it as though democratic government is the norm throughout the world and assuming it will always be there for us. Nothing could be further from the truth. Of those member countries of the United Nations, there are not many real democracies, regardless of the titles they may bestow on themselves (e.g. the Democratic Republic of Congo). Most are one party states or just simple, unashamed dictatorships.

Of those that, to some extent, practice democracy and are generally regarded as democracies, many are plagued by corruption (e.g. Mexico and Russia). Corruption in government, if not addressed, can be a cancer that destroys confidence in the democratic process, in politicians and in the bureaucracy. History records that once this happens it can be a long road back.

Maurice Newman, writing in *The Australian* 21/02/13 quotes that in a recent Lowy poll, 60% of Australians are indifferent to democracy, while only 39% of 18 to 29 year olds believe that democracy is better than other forms of government. These are alarming statistics and should serve as a warning to politicians of all persuasions that they need to do more than just talk to ensure that democracy is enduring.

As I compile this submission (28/02/13) I read the following headline from Bloomberg online:

“The U.S. Supreme Court cast doubt on the fate of the Voting Rights Act, the landmark 1965 law that opened the polls to millions of Southern black people, in a fast-paced argument that revealed a deep divide among the justices.”

The very fact that this subject is currently under scrutiny in the USA (in the highest court in the land) should be a wakeup call to the free world. Nothing is off limits for those activists who would have us live by their directives.

In Australia, in recent years, we have witnessed many cases of corruption disclosed among our elected representatives. Some come to trial but many remain in the media as no more than unproven allegations. To believe that there is no substance in any of these allegations is, I believe, nothing short of foolhardy. I do not intend to be specific, but the evidence to support my contention is on the public record.

With that in mind, Australian citizens need to remain vigilant in defending their democracy and their democratic rights. The political system should be simple and easy for the average citizen to understand. A lack of understanding will almost certainly give rise to mistrust. It is an unfortunate fact that once legislators begin to place restrictions and limits on a voting system, it becomes more complex and more difficult for the average citizen to understand. Further, it is also tempting for a new government to re-visit the relevant Act and introduce more changes, all of which gives the media much to bleat about and the average citizen cause for confusion and mistrust.

A1 Political Donations

I believe that an individual's right to donate (either in cash or in kind) to a political party and/or a candidate of their choice in an election is fundamental in a democracy. It is a right that should not be removed nor should it be compromised, modified or tinkered with. Anything less has the capacity to be 'the thin end of the wedge' and a starting point for the erosion of democratic rights.

Calls for limits to be placed on political donations typically come from minority interest groups complaining of some perceived disadvantage and a perception that the party or candidate with access to the biggest election budget will succeed at the ballot box. Past experience demonstrates that this is not necessarily the case and a strictly monitored, legislated requirement for disclosure should be all that is necessary to produce the desired transparency.

There can also be a perception that a large donor will receive special privileges. [Ask Clive Palmer if it helped him]. High levels of honesty and integrity should be demanded from our elected representatives. While this cannot be guaranteed transgression can attract severe penalties. Once again, disclosure and a free press have the capacity to control any such potential corruption.

It is indeed telling that in recent history the two governments responsible for legislating the most stringent limitations associated with political donations into the statutes were those most recently ousted from NSW and Queensland. Both Labor governments had, for sound reason, become politically unpopular and both were trying desperately to remain in office under the guise of a "fairer system". If we are seeking to maintain a healthy democracy, this can hardly be a recommendation for Queensland to retain that restrictive legislation.

I believe that that The *Electoral Reform and Accountability Amendment Act 2011* (Qld) (2011 Act) should be repealed in its entirety and limits to donations either abolished or raised significantly. Disclosure above a certain threshold is all that is necessary to ensure probity.

A2 Public Funding of Elections

As a matter of principle, I do not support the public funding of elections. I believe Public Funding to be bordering on incestuous and if a party or an independent candidate has credibility and respect with the voting public then that entity should be able to attract enough support, both cash and in kind to mount an effective election campaign.

Why should public moneys be made available, at the expense of a myriad of alternative options for its better use, just to help politicians fund their election campaigns? Public funding tends to attract hopefuls, often seeking no more than to attract a quantum of votes in excess of the funding threshold. In Federal Senate elections a candidate who fails by a narrow margin to secure a quota can go home with a tidy sum of public funds for his/her troubles. That is wrong.

Public funding can be a very useful tool for an unpopular incumbent government trying to remain in office because it (public funding) induces more people to stand, resulting in a larger field of candidates, scattering the vote. When this is coupled with an optional preferential voting system similar to Queensland's, it allows the 'Just Vote One' strategy to be very effective in exhausting

voters' ballots so that preferences do not flow through. Past Premier, Peter Beattie, used this strategy very effectively to help him remain in office against a disunited opposition.

Public funding can so easily become a toy for politicians – putting it crudely, a veritable trough for the pigs to get their snouts into. During election campaigns, the population generally gets thoroughly sick of the seemingly endless political advertising and hectoring forced upon them whenever they turn on their TVs or radios. When a large part of this is funded by public monies, their money, people naturally become very cynical and disrespectful to politicians and the system. I believe that is undesirable.

A3 Election Campaign Expenditure

Caps are a restriction on electoral freedom and require the creation of a growing bureaucracy to administer the complexities that are created. The present Act in Queensland has caps on campaign expenditure, introduced by the Bligh government as part of its attempt to hold on to power after it was severely discredited. The argument that capping expenditure helps 'create a level playing field' is really a smokescreen.

Anyone who thinks that the Bligh government's legislation was all about making the electoral system fair and creating a level playing field is, figuratively speaking, on another planet. It was designed to create a maximum advantage for 1) the incumbent government and 2) Labor, the latter by restricting both electoral expenditure and donations from individuals and business; yet by giving unions an almost open go as 'registered third parties'. i.e. some twenty four different unions each able to spend \$500,000 on advertising to support Labor.

Why are unions and business, in the form of public companies, treated differently? A union is comprised of members who contribute (often involuntarily) sums of money to the union. Public companies are also comprised of members who have contributed funds to buy a small share of that company. If it is legitimate for a union to support an electoral campaign to the tune of \$500,000, then why not a company to do likewise?

Clearly, in some scenarios an over-regulated electoral system will impair democracy, rather than enhance it. That can only be a very bad outcome for the democratic process.

All of the questions listed for comment on p22 of the discussion paper are relevant to a capped expenditure situation. This sends a very clear message to me – more control requires a bigger bureaucracy, all in the name of "fairness". Where will it end? I would resent my taxes supporting such an unnecessary and burgeoning bureaucracy when I have to drive 600km for satisfactory medical attention.

B1 Truth in Political Advertising

Political advertisements should not portray messages that are blatantly untrue or that cannot be substantiated. It can be difficult enough for unsure voters to make up their minds as to who deserves their support so lies and untruths should not be sanctioned.

Political advertising and voting material should be required by law to clearly display the names of the persons or party responsible for it. Breaches should attract substantial fines.

B2 How to Vote Cards

The distribution of electoral material by supporters is, I believe, a basic freedom that should not be curtailed, but there is a need to ensure that it happens in an orderly and non-threatening manner. I believe that the current laws in Queensland are adequate for this purpose.

B3 Proof of Identity

There are numerous anecdotal accounts of people assuming someone else's identity to fraudulently vote. [A long distance coach driver acquaintance recounted to me how he was once fined for failing to vote in a state election. Incensed, at the next state election he voted three times in different towns as he passed through on the coach. He heard not a thing from the ECQ.] If it is that easy to vote fraudulently some changes are required.

This issue has been raised in previous reviews and the authorities appear to be afraid of the potential for kickbacks, for they always seem to step around it. Forty years ago proof of identity could present some problems for people. Times have changed – proof of identity is now required for almost everything - to board an air flight, to open a bank account, to claim medical or hospital benefits, to obtain a drivers licence and to enter Parliament House. Most older people who could struggle with the requirement have carers or family members to assist in voting. It would be very simple and non-invasive of privacy to require the furnishing of either a drivers licence, Seniors card or Medicare card to support a voters claim of identity.

The discussion paper contains a number of statements including, "...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". Frankly, this point, regardless of its veracity, is not relevant to the issue of people fraudulently voting using the name of another registered voter.

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." I would make the point that it would have been helpful to the debate to know what statistics the ECQ collects on this issue, or perhaps it doesn't bother.

The introduction of a proof of identity requirement would probably be accompanied by some initial confusion and resentment, but would it would soon become accepted. I believe the potential benefits would far outweigh the inconvenience.

B4 Enrolment on Polling Day

For many years the rolls have closed on a certain prescribed day some time before election day. Provided this is well advertised in advance there can be no valid reason to alter it. I oppose enrolment on polling day as the practice could be abused to enrol phantom voters.

In this world people need to take responsibility for their lives. There are numerous reminders encouraging people to enrol.

B5 Electronic Voting

Electronic voting is desirable, but it must be reliable, of unquestionable integrity, and have the confidence of the public before it is introduced for wider use.

B6 Postal Voting

Postal voting and pre-poll voting have been in place for many years and should continue with little alteration. The former is absolutely necessary in rural and remote areas and should be made more user-friendly. There are often tight deadlines for the delivery and return of ballot papers due to mail deliveries in rural and remote areas. Therefore, the opportunity for such citizens to be on a Permanent Postal Roll can be very important if they are not to be disenfranchised. Eligibility for this service could easily be verified during the year leading up to the poll.

Pre-poll voting is an excellent initiative in a mobile society and it should be more widely promoted, for wider usage of pre-poll voting would reduce the queues and heavy workloads on polling day.

B7 Compulsory Voting

It is compulsory to enrol for voting, but the Electoral Commission does nothing about identifying and penalising the thousands of people who do not bother to do so. Once enrolled, it becomes compulsory to vote. This is a rather curious situation and arguments citing a person's right to vote or not to vote do certainly have traction. If citizens involve themselves in the electoral process by enrolling and voting regularly I believe they should more readily accept the resultant government. On the other hand, if they cannot be bothered to take part should they be forced to do so?

B8 Voting System

Queensland's optional preferential voting (OPV) system was introduced on the recommendation of the Electoral and Administrative Review Commission in the early 1990s, purely because Commissioner Tom Sherman believed it was an invasion of a person's democratic right to be forced to select preferences that he/she may know nothing about and not support. There was an alternative to OPV – a first past the post system.

My main objection to OPV is that it can be manipulated by parties calling to 'Just Vote One' which results in the successful candidate being elected by a mixture of first preference votes as well as the second and third preferences of some, but not all, voters.

As the voting system increases in complexity, the understanding by voters falls away to a point where they do not fully understand the consequences of their actions.

Britain, the 'home' of Democracy, has had a first past the post, non-preferential voting system for many years. One of its advantages is that it almost always produces a workable majority. A disadvantage is that a small majority in the total popular vote can produce a very large majority on the floor of the house. However, the upside of this is that the system seldom produces the gridlock and inertia of a hung parliament.

Compare that with Italy where hung parliaments and legislative inertia are almost expected due to a large number of parties contesting the election coupled with an extremely complex electoral system.

The mechanics of Australia's Federal Senate quota system is complex enough such that a large proportion of citizens do not really understand it and can find it quite demanding to lodge a valid vote, if they do not wish to follow party lines.

Even more complex systems such as Hare-Clark system as practiced in Tasmania have little to recommend them as they afford minority parties an over representation in the legislature and I would contend that Tasmania's chronically ill economy is a product of its political system, due to an absence of clear policy direction at the top for many years. Successful governance will not arise from forced consensus.

B9 Other Matters

I believe access to a polling place needs to be reviewed with local circumstances in mind. Some communities are, for reasons unknown, serviced by significantly more polling places per capita than others. At the 2012 State election, Emerald, for example, had three polling places with an average throughput of 1573 voters and Roma, two polling places averaging 1555 votes cast . Compare this with Mt Isa city with nine polling places averaging 779 voters. Clearly, Mt Isa should have at least three polling places closed down. This is a valid comparison as all three centres were experiencing increased commercial activity generated by the resources boom.

Polling places in small rural and remote communities should be retained wherever possible, even with low numbers of votes cast, because those people have little alternative but to register a vote in that place. They could only be equitably reduced if postal voting is made more user-friendly and the time frames for casting a valid postal vote are achievable. As it stands, a significant rain event can disrupt mail services such that people can easily become disenfranchised. In addition there are more older and fewer well-educated people in small remote communities who would be challenged by a change of procedure.

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