

1 March 2013

Electoral Reform
Strategic Policy
Department of Justice and Attorney-General
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Dear Attorney-General

Submission in response to the January 2013 *Electoral Reform* Discussion Paper

The Liberal National Party (LNP) responds to the Attorney-General and Minister for Justice The Hon Jarrod Bleijie MP's invitation to submit views pertaining to a range of electoral issues and options for change to the *Electoral Act* 1992 contained in the January 2013 *Electoral Reform* Discussion Paper (Paper).

1. Introduction

- 1.1 The Paper's electoral issues and the options for change have been considered from the perspective of the LNP's philosophy, policies and views.
- 1.2 The LNP's electoral reform policy is based on the precedent set by the former National Party Government in 1987 with the support of the Queensland Liberal and Labor Parties to establish an independent entity (the Electoral and Administrative Review Commission (EARC)) to review the electoral system and public administration. The *Electoral Act* 1992 was the result of this process and its rules were adopted with major Party support after an extensive consultative process and detailed consideration by the then EARC.
- 1.3 This policy is incorporated in its 2010 "*The LNP Honest, Responsible, and Transparent in Government*" document and reconfirmed at the 2012 State Convention.
- 1.3 The LNP submits the policies and principles that should contribute to the formulation of any amendments to the *Electoral Act* 1992.

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

- 1.1 Political parties are the chief means by which political office is achieved in our Nation. They provide the electorate with defined alternative philosophies and ideas and are the vehicles for participation in electoral politics, parliament and public administration.
- 1.2 Any political funding reform must ensure that political parties continue to perform their individual constitutional responsibilities and functions within the Australian democratic system. Queensland electors and the community must be at the centre of politics – not vested interests.
- 1.3 The electoral funding and disclosure system must be of the calibre that is accountable and transparent with minimal infringement of freedom of speech. The test must be that it is fair and equitable to all participants in the electoral process and prevents any cronyism or corruption.

- 1.5 Fundamental to any political donations regime is an efficient political donation disclosure rules with early disclosure by the donor and the recipient beyond a specified amount. As far as possible, the system should encourage both donors and political parties to observe the law but discourage inventions that circumvent the legislation with the consequence that corruption could be tolerated or concealed.
- 1.6 Ideally there should be national consistency on laws relating to electoral funding, electoral fundraising and expenditure and disclosure procedures, but not when laws seek to favour one political party or otherwise depart from best practice.
- 1.7 Political donations from individuals set at a low level should continue to be tax deductible. This provides equal opportunity to electors and encourages participation in the democratic processes, which in turn contributes to broad political debate.
- 1.8 Members of the public, including businesspersons, trade operators and professionals who attend party events have an expectation to meet with or have an appointment with Leaders, Ministers or Shadow Ministers. These events should not be regulated other than any donations received should be properly declared as required by the disclosure provisions.
- 1.9. A subscription paid to a political party by a person for membership of the party should not be treated as a political donation
- 1.10 The LNP supports the continuation of public funding with the formula reviewed in the context of economic circumstances and the impact of any capping of donations and any consequential reduction in revenue on the ability of political parties to meet their operational expenses. Stable financial arrangements are essential for political parties to participate and compete fairly in the democratic process.
- 1.11 Public funding based on the votes received was the formula applying from the introduction of public funding in 1994 until changed in 2011 by the previous Labor Government. This formula, which applies Federally, should be reinstated.
- 1.12 Any consideration of administrative funding arrangements should provide that political activity should be defined widely, in the context of political parties' holistic responsibilities and functions. It should include electoral expenditure, recurrent operational expenditure of political parties, political organisation (including research and polling), and promotion of policies and outcomes of elections.
- 1.13 The key driver for electoral funding is the need for political parties to raise large sums of money driven by the high cost of campaigning. For this reason other jurisdictions have introduced caps on electoral expenditure by participants in the political process, including third party campaigns, without limiting the freedom to provide monetary and other support to political parties and candidates. The LNP is supportive of this approach.
- 1.14 Persons other than candidates and registered political parties should be prohibited from incurring expenditure on political activity during the election period, other than making a permitted donation to a candidate or registered political party. Any capping of electoral expenditure should include the aggregated expenditure of organisations affiliated with a political party.

Part B – Other Options for Improvement and Change

- 1.1 Advertising by politicians and political parties should be subject to the same laws about misleading and deceptive conduct as apply to every business in the state.

- 1.2 A Code of Conduct to govern the behaviour of party political party workers who hand out how-to-vote cards is unnecessary red tape.
- 1.3 The LNP supports the continuation of the handing out of how-to-vote cards under the current provisions of the *Electoral Act 1992*.
- 1.4 Proof of identity is now common place from engaging with a corporation to entering a building as a worker and should apply to receiving a ballot paper.
- 1.5 The accuracy of the electoral roll is the cornerstone of the electoral system and the integrity of elections depends on the integrity of the electoral roll. The LNP does not support allowing enrolments on polling day other than that permitted under the *Electoral Act 1992*.
- 1.6 Electronic voting should be trialed in specific booths to assess and monitor its strengths, weaknesses and elector support and for the trialing of electronically assisted voting for the blind and vision impaired voters; and voters who require assistance voting due to a disability, motor impairment or insufficient literacy.
- 1.7 Postal voting measures of merit that enhance fair, transparent, unbiased, accountable electoral processes should be considered.
- 1.8 The Supreme Court of Queensland sitting as the Court of Disputed Returns (*Electoral Commissioner and Another (2009)*) recommended the deadline for lodging a postal vote application be brought forward – which would mean moving the cut-off for domestic issue purposes to 6PM on the Wednesday before polling day.
- 1.9 Compulsory voting is LNP policy which was first introduced in 1914 by the Denham Liberal Government and Queensland was the first place in the British Empire to do so.
- 1.10 Optional preferential voting (OPV) was a recommendation of the Electoral and Administrative Review Commission and incorporated in the *Electoral Act 1992* which came into effect from 19 June 1992. The LNP supports OPV as the voting system that best allows electors to express their true intention on who should be their Parliamentary representative.

Conclusion

Thank you for your consideration of the above principles and LNP policy positions on the various matters raised in your Electoral Reform Discussion Paper. I would be pleased to provide further comment on any matters in our submission that may require further clarification or amplification and the LNP reserves the right to further consider any proposed changes to existing donations, funding and expenditure regulation during and subsequent to the electoral reform process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brad Henderson', with a stylized flourish at the end.

Brad Henderson
State Director