



LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Members present:

Mr IM Berry MP (Chair)
Miss VM Barton MP
Mr WS Byrne MP
Mr SK Choat MP
Mr AS Dillaway MP
Mr TJ Watts MP
Mr PW Wellington MP

Staff present:

Mr B Hastie (Research Director)
Ms A Jarro (Principal Research Officer)
Mr G Thomson (Principal Research Officer)

PUBLIC HEARING—ELECTORAL REFORM AMENDMENT BILL 2013

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 6 FEBRUARY 2013

Brisbane

THURSDAY, 6 FEBRUARY 2014

Committee met at 12. 02 pm

COCKS, Mr Kevin AM, Commissioner, Anti-Discrimination Commission Queensland

HOLMES, Ms Neroli, Deputy Commissioner, Anti-Discrimination Commission Queensland

CHAIR: We now move on to the examination of the Electoral Reform Amendment Bill 2013. Today we have in attendance representatives from the following organisations: the Anti-Discrimination Commission Queensland; the Queensland Association of Independent Legal Services Inc.; the Aboriginal and Torres Strait Islander Legal Service Queensland Ltd; Vision Australia; the Queensland Council of Unions; and the Electoral Commission of Queensland. The time that has been allocated is 20 minutes per group. From 12 midday to 12.20 pm we have the Anti-Discrimination Commission. From 12.20 pm to 12.40 pm we have QAILS and ATSILS. From 12.40 pm to 1.00 pm we have Vision Australia. From 1.00 pm to 1.20 pm we have the Queensland Council of Unions. From 1.20 pm to 1.40 pm we have the Electoral Commission of Queensland.

I welcome our first submitters: Mr Kevin Cocks AM, Commissioner, Anti-Discrimination Commission Queensland; and Ms Neroli Holmes, Deputy Commissioner, Anti-Discrimination Commission Queensland. Thank you both so much for being here today. Before I ask whether you wish to make an opening statement, as I am sure you will, I begin by asking whether you mind being filmed or recorded by Hansard and the media? Assuming that you both agree to that, could you confirm that you have read the guide relating to appearing as a witness? Are you happy to be filmed and have you read the guide?

Mr Cocks: Yes.

CHAIR: Would you like to make a short opening statement and then we will ask questions.

Mr Cocks: Thank you very much to the committee for this opportunity to appear before you. We do have a brief opening statement.

CHAIR: Thank you, proceed.

Mr Cocks: The ADCQ appears today to perform one of its most important functions. That is to promote an understanding, acceptance and public discussion on human rights in Queensland. The human right to political participation being the right to participate in political processes, including the right to vote, is a fundamental civil liberty and human right and should be enjoyed by all people without discrimination. Article 25 of the International Covenant on Civil and Political Rights refers to every citizen having the right and the opportunity, without unreasonable restrictions, to vote at genuine, periodic elections which shall be by universal and equal suffrage and held by secret ballot. The convention on racial discrimination and the Convention on the Rights of Persons with Disabilities express the same right to participate in the electoral process in the context of nondiscrimination on the basis of race or disability. All three of these conventions are in force in Australia—the CRPD being the most recent. Australia was among the first signatories to that particular convention under the Howard government in 2007.

All members of the community should have equal access to the political process. However, for a range of reasons, equal access to the political process does not currently exist for all Queenslanders. Disadvantaged groups, including certain people with disabilities, some young people, prisoners, Aboriginal and Torres Strait Islander peoples, people living in rural and remote areas and homeless people, fit that bill.

The ADCQ is very supportive of the electronically assisted voting proposal in the Electoral Reform Amendment Bill if the elector cannot vote without assistance because the elector has an impairment, visual impairment or insufficient level of literacy or the elector cannot vote at a polling booth because of an impairment. This amendment will assist access to secret and independent voting for people with impairment, particularly people who are blind or vision impaired, probably for the first time in their life—and I think this should be recognised as an historic moment in the

Queensland electoral system—voters who require assistance because of a disability, a motor impairment or insufficient literacy. Many of these do not presently have a process whereby they can vote without assistance. Being able to cast a vote independently is a positive development in providing equality and protecting human rights.

However, the ADCQ suggests the committee consider whether greater clarity ought to be given to the definition and meaning of the terms 'impairment', 'electronically assisted vote' and 'cannot' to ensure there is sufficient clarity as to the intent of the amendments. However, we have read the view of the Department of Justice and Attorney-General on this. If the interpretation is very open and there is no potential for disputes then this point may not be as important as we first thought.

In relation to the provision of the bill requiring an elector to provide an issuing officer with proof of the elector's identity in order to cast a vote, the ADCQ has concern. Firstly, very little evidence has been put forward by the Department of Justice and Attorney-General or the Electoral Commission of the lack of integrity of the existing voting system to justify the introduction of this new provision. Indeed the Department of Justice and Attorney-General's January 2013 discussion paper stated that there is no specific evidence of electoral fraud that suggested a need for higher controls or tighter controls and warned that voter ID requirements could be considered disproportionate.

Secondly, though the documents that are proposed to be listed in the regulation to establish a person's identity are broad, some members of the disadvantaged groups I mentioned earlier will have difficulty in providing these identification documents on election day. A much higher percentage of Indigenous people than other voters do not have driver's licences. People from some of these disadvantage groups experience a higher degree of homelessness than the general population and may not have a fixed address at which they receive correspondence and also may have difficulty in maintaining identity documents. For a range of reasons they will not have the necessary documentation to prove their identity at the time they present to vote. These provisions have the potential to make it more difficult for people from these groups to exercise or prevent them from exercising their fundamental human right to participate in the political process.

Thirdly, there is also a potential for voter confusion. If Queensland takes this option up there is no need federally for ID. There could be more inconvenience and delay at the voting booths. Any slight benefit in the new requirements in improving voting integrity we believe is outweighed by the potential for voting disfranchisement, extra administrative costs and inconvenience with regard to the new system. For these reasons we suggest the committee recommend the proof of identity requirement be removed from the bill. Thank you.

CHAIR: Thank you very much for that, Mr Commissioner. Does anybody wish to ask the commissioner a question?

Mr BYRNE: Yes. Your opening address answered the first two or three questions I had. I will not keep going with those. Is the commission aware of any other jurisdiction in Australia where these pieces of voter ID have been brought in? Have you any evidence from overseas jurisdictions where voter ID, similar to what is being proposed here, has been implemented and if you have what are the consequences or thoughts about that?

Ms Holmes: To my knowledge, I do not think similar provisions have been brought in anywhere in Australia yet so I do not think we have any evidence about that. Certainly there has been experience in other jurisdictions with bringing these ID provisions in. Certain cases have had a look of those. A recent decision came down in America, in Pennsylvania, in relation to certain photographic ID provisions that were required. I think it was the Supreme Court in that jurisdiction that said that that was too onerous and an unlawful provision. There has some experience in it. Sometimes the provisions have been brought in and consequently removed by court action. I cannot quote any evidence specifically at the moment, but from my reading the experience is that there has been some level of disfranchisement, particularly with the groups that Commissioner Cocks mentioned—people who have difficulty maintaining identification documents and who are put off from voting because it is an extra requirement. If they do present and have not got the requirements they often feel embarrassed or inconvenienced and do not pursue their right to vote.

Mr WELLINGTON: Commissioner, on the issue of proof of identity, your submission that clause 9 be removed from the bill in its entirety is a powerful statement. So you are adamant that that is your position. The reason I raise it now is so that it is made crystal clear to the government and the Attorney-General that that is your position? It is not an if, but or maybe; it is a pretty definite position. Is that right?

Mr Cocks: That is right, yes.

Mr WELLINGTON: Thank you that is all I wanted.

CHAIR: Perhaps I could put a corollary or reverse position to you. Perhaps there might be some people in Australia who would be offended by knowing that somebody has voted two or three times. Is that undemocratic? A vote is counted for somebody who goes to two or three electoral booths.

Mr Cocks: I think that is possibly very true that people hold a view that there is the potential, but the evidence to date highlights that in Queensland there is very little fraud and that where there has been fraud proven it has had no impact on the outcome of the election. I think the other area is where the fraud is associated often with some of the candidates that are put up before the election.

CHAIR: I could say a similar thing to you. You say that in fact there are people who are disenfranchised but there is no evidence for that though, is there?

Mr Cocks: I think there is anecdotal evidence that people, particularly people who fit into the category of homeless people or Aboriginal and Torres Strait Islander people, feel that there are structural barriers for maintaining or even getting ID sometimes.

CHAIR: What about the Medicare card?

Mr Cocks: It is possible but whether it is retained.

CHAIR: I would be interested to find out whether there are any people out there who have a stake in Australia who do not have a card of some sort. I am just not quite understanding how a person cannot have a card if they are getting a pension or something.

Mr Cocks: It is about maintaining them or keeping them or holding them on their physical persons, which is the issue I think.

CHAIR: Indeed, but the bill has to be taken as a whole. Of course there is now postal voting and prepolling. It is all now unrestricted. I am just wondering whether you would lessen the extent of your stance taking into account that you do not have to be there on the polling day. If you have a Medicare card—and most people would, I would imagine; I cannot think of too many people who would not.

Mr WELLINGTON: Surely, Mr Chairman, there are people who do not have a Medicare card, with respect.

CHAIR: Are there people without Medicare cards or any other form of identification if a Medicare card is not available?

Mr Cocks: I think there are people who do not carry their identification because they lose it.

CHAIR: That is not what the member for Nicklin is saying.

Mr WATTS: Mr Chair, I have a question that is somewhat relevant.

CHAIR: I was going to allow him to answer it.

Ms Holmes: Most people would hopefully have a Medicare card but I think the experience is that homeless people are notorious at not being able to retain documents. I think the other issue is for many people who live in crowded or chaotic housing situations—maybe in remote Queensland with Aboriginal people living in quite difficult circumstances—trying to maintain their documents in an orderly fashion is sometimes very challenging.

I think there is some evidence around already—and the Electoral Commissioner may be able to confirm this when you speak with him—that there is a lower incidence of people voting in Aboriginal communities, firstly, because they do not have birth certificates so they do not even get on the rolls. So that is one challenge that is not really being addressed at all. In these provisions I think that is already a challenge. But even if you do get on the roll, voting can be a challenge for some people. If we put an extra requirement on people that when they turn up on election day they have to have this ID with them or do a declaration vote, it is another impediment to people exercising their human right or civil right to participate in elections.

The more impediments you put on people I think the experience is that for those people who are already slightly left out of the system or disenfranchised it compounds. So unless there is a good reason to add the extra requirement—and there may be good reasons. I do not think the commission would disagree at all with the requirement if there is a good evidence that the electoral system is being defrauded and that this is having a major impact. But without that good evidence this is an impediment that does have an impact on people that are already to some degree disenfranchised from our electoral system. Our submission would be that we want to encourage people to vote rather than discourage people to vote.

CHAIR: That is assuming those people would vote anyway.

Ms Holmes: Yes. Some of them may not be voting now, which is a concern because in Australia we try to have an equal society where everyone has an opportunity to vote and feels encouraged to vote and wants to participate in the electoral system.

CHAIR: That is what I am saying about one vote one value. I call the member for Toowoomba North.

Mr WATTS: That brings me to the question. You have said here that disadvantaged groups experience a degree of homelessness and they have difficulty maintaining their documents and potentially difficulty receiving correspondence. So how would they maintain themselves on the roll in that situation? They need documents to get on the roll. Obviously the roll's integrity is based on which electorate you live in. So if they are not maintaining that and if they are not on the roll anyway, the fact that they have not got ID on election day is going to be immaterial. So surely the integrity of the roll in the first place would be the first and most important part of that.

Mr Cocks: Often people enrol to vote and then they may become homeless after that process. So they are on the electoral roll, but due to whatever circumstances that may occur where they do become homeless they will still be on the roll.

CHAIR: Subject to the Electoral Commissioner telling us, I got the impression that the Electoral Commission were going to send out proof of identity. If you are not in your home, if you are homeless—

Ms Holmes: I think what the member for Toowoomba North has indicated is a serious issue. That is a side issue that also needs addressing, that there are significant people that probably are not on the roll for the reasons that you have mentioned. That is a separate issue I think to the whole issue of voting if you are on the roll.

Mr WATTS: I guess I do not see it quite the same way. If you are no longer a resident at the address you are registered at on the roll then you may in fact be voting in the wrong electorate, in which case you are now corrupting the system anyway.

Ms Holmes: I think that has been addressed. From my reading of what the department sent back to the committee when these questions were first posed from the committee, I think they did address that. Sometimes people do present when they have moved houses and forgot to update their records. There is a contingency available—and I am sure the Electoral Commissioner will be able to clarify this when you speak with the Electoral Commissioner—to allow those votes to be cast if that update has not occurred. I think keeping the roll current must be a big administrative challenge for the Electoral Commission. It is obviously an issue that is of concern to every citizen in Australia, that the electoral roll is kept up to date and that people maintain their current address. I think that is a genuine issue and a concern. But I think what we are talking about here is compounding issues where people may get off the electoral roll or have difficulty in voting by putting another—

Mr WELLINGTON: Hurdle.

Ms Holmes:—hurdle in to jump over. I think this is the concern with the disadvantaged groups that Commissioner Cocks has mentioned. For those groups every impediment that is put into their right to vote disenfranchises people, and that is not something that in Queensland or Australia we would want to have happen.

Mr DILLAWAY: Just on that, I understand, Ms Holmes, that you are referring to that disenfranchisement. But there are triggers from my understanding of our hearing with the department and also some of their responses that, even if somebody did not have their Medicare card on that day or did not have their healthcare card, I think the majority of those people you are talking about in those potential groups would have an opportunity still to exercise a vote through a declaration vote.

Conversely, if somebody turns up and they are homeless or somebody turns up and they are not able to provide their address to the person who is marking off the roll, that happens today now anyway. They still have to undertake a separate vote—and I believe it is a declaration vote; I will check that with the commission later. They still need to do that now anyway. I am also aware that if you are homeless you have the opportunity to still be on the roll but at no fixed address, which again still allows that person, from my perspective, to still exercise their vote.

So on that basis, in relation to your claim that you believe that section 9 should be completely removed, I would like to get your opinion on those triggers and the opportunities for those people to still participate, because we know that there is anecdotal evidence out there—the same as you have anecdotal evidence of the contrary. I have a lot of people who come up to me and say, 'I think Brisbane

it's crazy that we don't have voter identification here in Australia because you can go and vote in one booth and then go and vote in another booth and then go and vote in another booth.' Whilst there may not be, I guess, a great deal of evidence there from my perspective—and I would like to again get your opinion on this—is it not better to have preventative measures to ensure that there is not an opportunity now or in the future for there to be a fraudulent case under the Electoral Commission?

Mr Cocks: I think if electronic voting became widespread then that ought to assist in reducing the opportunity of what people call 'vote early and vote often', because with an electronic database if you register then that should automatically declare that you have voted right across the spectrum. My understanding is that that is where we are potentially heading, to roll out electronic voting right across the board.

CHAIR: It may well be a number of years away, I suspect.

Mr Cocks: Yes. I suppose to me that would be the ultimate safeguard in stopping people voting more than once.

Mr WELLINGTON: Mr Chairman, in terms of the comment made by the member for Bulimba, can I say that I do not believe there is any evidence presented to our committee to substantiate that claim.

CHAIR: Is there a question?

Mr WELLINGTON: No. I just want to put on the record—

CHAIR: No. Sorry, no.

Mr WELLINGTON:—that I do not believe there is evidence to substantiate the basis of the claim that he has put as a question to the commissioner.

CHAIR: Thank you. That ends our session. Thank you very much.

Mr Cocks: Thanks very much.

FARRELL, Mr James, Director, Queensland Association of Independent Legal Services Inc.

SHADBOLT, Mr Greg, Principal Legal Officer, Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd

CHAIR: Gentlemen, welcome. We have in attendance before the committee QAILS and ATSILS. Do you object to being filmed or recorded by Hansard or by the media? You are happy with that. Have you read the guide relating to appearing as a witness?

Mr Farrell: Yes.

Mr Shadbolt: Yes.

CHAIR: I invite you to make an opening statement. Please keep in mind that we have 20 minutes. It is a matter of how you want that time to be divided, but if you can keep it to two or three minutes we would appreciate it, and we will ask you questions based on your submission and what you say.

Mr Farrell: Thank you, Chairman, and thank you and the members of the committee for inviting us to provide evidence today. Between us, community legal centres and the Aboriginal and Torres Strait Islander Legal Service provide legal assistance to well in excess of 100,000 vulnerable Queenslanders a year across this state. We get firsthand experience of how laws impact on marginalised and disadvantaged communities. Based on that, we seek to advocate for fair laws and making sure that the legal systems and structures that impact on the people that we work with, enable them to fully realise their rights.

Given that our expertise does come from that direct experience of working with clients in communities, we have restricted our views in our joint submission to the two points that we think will directly affect those individuals—that is, the provision of electronic voting and the requirement for identification at polling places. Like the commission and others who will be speaking later on, we do support electronic voting, particularly as it will increase accessibility and the enfranchisement of people with disability but also others who might find it particularly difficult to realise their right to vote. In terms of voter identification, like the commission and others, we do not support the inclusion of that provision in the bill. We see no evidence of a requirement that these more onerous requirements are placed on people attending polling places and who wish to vote.

Mr Shadbolt: I might also add my thanks for the invitation to be here today. I would like to commence by acknowledging and paying my respects to the traditional custodians of the land upon which we meet today and to elders, past and present. Like my learned colleague, we certainly endorse the previous comments by the Anti-Discrimination Commission. There were some specific comments by the commissioner in relation to Indigenous Queenslanders which I endorse and do not wish to repeat.

In terms of our joint submission, the key area that is particularly close to our heart relates to the issue of voter identification, because we see firsthand how the lack of ID can impact upon our particular client base with the issue of shaming and a whole raft of other considerations. We see that on a daily basis with clients with no identification whatsoever. That is a particular concern in terms of disenfranchisement of what is already a disadvantaged cohort of voters.

CHAIR: Thank you very much. I might start off. You have probably heard the previous questions and answers, and we may as well cut to the quick. You do not necessarily need identification to vote; you can do a declaration vote. That is the first thing. We know that you can go there and you can vote; it is just a question of what happens from there. There are some people who will never vote, for one reason or another. Can you identify those people who want to vote and yet cannot because of identification and how that is to be remedied?

Mr Shadbolt: There are two issues. Firstly, in terms of those who do not have identification and would like to vote, I am speaking in relation to Indigenous Queenslanders specifically.

CHAIR: Indeed.

Mr Shadbolt: I see the shame factor all the time, even with my own work colleagues who are at ATSILS. If someone knows when they go to the electoral office that they are meant to provide identification and they do not, and when they do not there is a special provision for a declaration vote, the shame factor still kicks in such that they are very likely to not turn up to vote at all. Many of our clients already feel disadvantaged and cut off from the mainstream in many ways. Having to then go through a process of a declaration vote, which is again different from the norm, further

disfranchises them. I know firsthand from dealing with even my own staff that shame factor, I believe, would impact upon people deciding not to turn up because they did not want to be put in the spotlight and feel shamed at the voting booth.

On the other side of the coin, we come across clients all the time who do not have any identification whatsoever, not just those who are homeless but other clients as well. We tend to find the more remote the locality, the greater the problem that is. One of my officers, for example, spends an inordinate amount of time providing letters of identification to clients, past and present, just so they can get their money out of their bank account because the bank does not know who they are. They have no identification. They have lost—

CHAIR: Indeed. A Medicare card?

Mr Shadbolt: No. There are also some cultural issues for that as well. In part, it sheets home the 'what is mine is yours and what is yours is mine' mentality amongst our Indigenous Queenslanders where some banks are quite loathe to give these cards out because another family wants to come along and empty the bank account. All the time on a daily basis we come across Indigenous Queenslanders who have no identification whatsoever. It is a significant issue, in our view.

CHAIR: All I can do is put to you my particular point: the integrity of our voting system is one vote, one person, one value. I will deal with the shame factor first and allow you to comment on this and then I will pass it over. Taking the bill as a whole, we do have unrestricted prepolling and postal voting. Let us assume there are people out there who simply will not vote because of the shame and there are people out there who will not vote anyway who are excluded, what is your feeling about being able to vote up to three weeks before an election?

Mr Shadbolt: The greater the flexibility, the better but a lot of our client base have extreme literacy problems as well. For many of our clients, English may be their third or fourth language. I think that is a consideration as well. We certainly appreciate the rationale behind voter identification. On its face, it makes common sense, but in terms of the swings and roundabouts scenario we see it as a disproportionate response. Yes, there is some voter fraud going on—no doubt. As the commissioner said earlier, there is no evidence to suggest it would in any way, shape or form sway the outcome of any given electoral outcome. However, given that we are dealing here with a cohort that is extremely disadvantaged, to have what we believe would be a new system put in place which would alienate them further from the mainstream system in terms of voting, in terms of a balancing act, our key submission is that the identification requirement should be omitted from the final legislation.

CHAIR: It seems to me, though, that one thing this will do is increase the accuracy of our census data, because those people are unrepresented in our census data, which is even more of a disadvantage. So there is a corollary to it all.

Mr Shadbolt: That is true.

Mr WATTS: My question is similar to the question I asked of the commission. For me it is the fact that to be on the roll you need to have a certain level of identification and proof. I am not suggesting this is a good thing, but if someone is of no fixed abode and has no ID how do they get on the roll and why does that vary to how they cast their ballot on election day?

Mr Farrell: Our experience with assisting people who do not have identification and who might be homeless, Indigenous or face other forms of disadvantage is that you can get yourself on the voter roll at any period of time after you turn 18. The difficulty with the provisions in this bill is that there is a very finite period in which you must have a form of ID that is acceptable on polling day. In terms of the often chaotic personal circumstances of the clients and communities that we are working with, to ensure they have those materials at the time they need them is problematic, whether that be through natural disaster and the floods have washed away all their identification documents, whether they have recently escaped a domestic violence situation and left all of their personal documents behind, or any other of the complex social circumstances in which they find themselves. So, to my mind, as important as the integrity of the electoral roll is and making sure that people are able to register or enrol on the roll it is quite different from ensuring that people have one of five forms of ID on a particular day.

CHAIR: You do not need anything.

Mr WATTS: I guess I would put it to you that that is the reason we have a declaration vote.

Mr Farrell: The difficulty with a declaration vote is the lack of specificity in the bill as it is presented before you in terms of understanding how that will work and how a person is able to demonstrate their ability to the satisfaction of the commission. Maybe the commission could provide

more information on how the declaration vote will work and whether there should be any legislative protections contained to a level of specificity to make sure that those declaration votes are appropriate and are not used as a barrier as a starting point, although acknowledging the particular cultural issues which Mr Shadbolt spoke about earlier in terms of the shaming of Indigenous voters for whom a declaration vote may be entirely inappropriate.

Mr DILLAWAY: From your perspective, if there were more information surrounding the process of a declaration vote from the commission, which we will hear from later on this afternoon, you would feel comfortable as long as that process was there that the voter ID aspects of this legislation would be in a far better position to go forward?

Mr Farrell: It would be an improvement, Mr Dillaway. I do not think it addresses the other concerns, particularly those which Mr Shadbolt was talking about earlier. It would improve the protections but not to an extent to address the disproportionality of the requirement to the perceived problem.

Mr WATTS: I have a follow-on question for Mr Shadbolt. Do you have a recommendation for how the shame factor could be avoided if someone was to sign a declaration vote?

Mr Shadbolt: I suppose, as my colleague has mentioned, it is hard to answer that without knowing what the declaration vote would entail in terms of the logistics et cetera. But simply being singled out for a special form of voting of itself can be quite confronting. You and I would not be shamed in the least bit by that. We would probably think, 'I haven't got any ID. It is very convenient for me to still be able to provide my vote and give a declaration statement,' but the mindset of many Indigenous Queenslanders I come across, including my own staff—highly professional individuals—is very different for cultural reasons that are ingrained.

Mr WATTS: I guess that is what I am trying to understand.

Mr Shadbolt: I do not think there is any way around that shaming factor where they feel they are being singled out. Even though they are not, that is the feeling. 'The white fellow over there is voting normally. I am being taken over to a booth where a curtain is being drawn.' That is the sort of thing that (a) would shame them and make them think twice about ever voting again and (b) when the word gets out we would see a lot of people not turning up to vote at all, and that would be a real concern given issues of penalty provisions for not voting.

Mr CHOAT: Mr Shadbolt, would there be any suggested strategies that your organisation may be able to come up with to assist the Electoral Commission to perhaps communicate knowledge amongst the community? Because I take it there would be a higher instance of issue in remote communities. Are there any strategies you have used in the past in other areas that would assist not only with preparing people for the event of going to the booth but beforehand, giving them the options?

Mr Shadbolt: Education is obviously a powerful tool. I cannot speak for our CEO, but I would imagine that would be an area where, depending on how things eventuate, anything that our organisation can do to assist the process overall would be something we would be happy to do and to work collaboratively where appropriate.

CHAIR: Thank you very much for your time and for your contribution to the hearing.

Mr Shadbolt: Thank you for having us.

JEFFREY, Ms Liz, Advocacy Advisor, Vision Australia

KNIGHT, Ms Karen, General Manager Queensland, Vision Australia

CHAIR: Karen and Liz, thank you very much for attending and assisting us in this inquiry into the Electoral Reform Amendment Bill 2013. Can I begin by asking if you object to being filmed or recorded by Hansard and the media?

Ms Knight: No.

Ms Jeffrey: No.

CHAIR: Can you confirm that you have read or have had read to you the guide 'Appearing as a witness'?

Ms Jeffrey: Yes.

Ms Knight: Yes.

CHAIR: I would ask you to please introduce yourselves, keeping in mind that we have Hansard recording everything that you say. I ask you to speak clearly for Hansard. You are welcome to make a short opening statement if there is anything you wish to add or highlight in your submission. Then we will progress to have the committee ask questions. Karen, I invite you to make an opening statement.

Ms Knight: I do have an opening statement. On behalf of Vision Australia and my colleague Liz Jeffrey, who is our Queensland advocacy officer, I thank the committee for the opportunity to speak directly to you on this critical matter. More than most people, committee members would be aware that voting is a fundamental right in a democracy and so, too, is being able to do it in an independent and secret manner. Apart from using braille ballot paper in a previous Queensland election, I have never been able to vote independently and secretly in any other state election in Queensland because the system is paper based and relies on visual cues to indicate vote preferences.

In many ways, my situation is not so important in that the reforms to Queensland's electoral system that you are now considering should not be about people who are blind or have low vision being provided a special or separate system to enable a secret and independent vote. The reforms should ensure the voting system and process is accessible and relevant to the needs of all members of the population and takes notice and advantage of technological and societal changes that are capable of delivering a range of benefits. The current system does not meet the needs of the population so we welcome the opportunity for change presented by the proposed legislative amendments.

The types of changes and the way in which they are made will be vital to the ultimate success and uptake by the community. We have learnt in the past. For example, the introduction of electronically assisted voting at the federal level in 2007 on a pilot basis largely failed because of the relatively low uptake by the intended cohort, the limited accessible options available and the applied cost attributed to this individual group. Unfortunately, instead of introducing a system that enabled participation by people who are blind or have low vision to vote like anyone else, the story became one of extra costs the community carried to make an exception for people with a disability. We want to avoid this problem in the future, and it does not need to be repeated. We are adamant that changes made to the Queensland system must be made sensibly for the long term and that no individual subgroup receives needless or negative attention along the way—for example, in the cost of a new system or in the uptake by a certain cohort based on their personal situation, such as disability. After all, it is not about being blind; it is about being able to vote.

I used electronically assisted voting at the 2013 federal election, voting by telephone from outside a polling place prior to the election day. I registered first, provided a PIN number and was issued a unique user ID number via email. Later, in order to cast a vote, I spoke with a call centre officer and I gave them my user ID and PIN number. The call centre officer informed me that there was a third person present on the call. The call centre officer read me the ballot paper and I indicated my selections. The process was very quick and simple. However, it could have been equally as well done using a synthesized voice and using a telephone keypad to exercise my voting options independently and in secret.

It is an important point and I want to make a distinction between some of the current accessible voting systems that may be contemplated. Not all of them are equal. First, in terms of telephone voting, a truly accessible and independent system means that it should be fully automated. There should be no requirement to consult with another person while voting. Speaking

to someone at a call centre on election day simply does not cut it. Committee members here will be aware of, and most likely have used, telephone banking—a fully automated process whereby your security, identification and transaction selections are made using the handset and verified by a machine which uses a synthesized voice to let you know your options. Likewise, internet banking is commonplace and occurs without human intervention other than that of the user. Your transactions are your business. You undertake these using your keypad. There is, for all intents and purposes, no third party or human intervention during the process. The telephone and internet options are provided through the New South Wales iVote system, which we view as the benchmark for accessible, independent and secret voting. We urge you to look closely at the features of the iVote system.

Finally, the type and number of users for a system like that should be as broad as possible to maximise the awareness and uptake of the new system that is being introduced. So we are really heartened by the Attorney-General making specific mention of voters outside of Queensland on polling day being an eligible category of voters who can use electronically assisted voting. This will also support uptake and provide benefits to voters and the system. Vision Australia would be more than happy to assist in further development or promotion of any electronically assisted voting in Queensland. We congratulate the Queensland government on this important initiative.

CHAIR: Thank you very much, Karen. I might ask some questions in relation to the iVote system because you have experienced it firsthand. Leaving aside the synthesized voice and the fact that a person is there, how did you find the system in terms of ease of use for you?

Ms Knight: It was very easy to use.

CHAIR: Were you the only person who used that system that day or were there other people in line?

Ms Knight: I actually did it before polling day. I did it from my desk at work because all I needed to do was ring up. I already had my PIN and user ID. There was a time prior to the election—the pre-poll time—when you could do that at any time. I know many, many people who used it. As for when I used it, I just picked a convenient time and rang up.

CHAIR: You said that there was not a great uptake at that federal election as far as you are aware?

Miss BARTON: That was 2007.

CHAIR: Sorry.

Ms Knight: At the 2007 federal election it was not, but I understand that it was much better in 2013. Part of that was that we did a lot of work advertising it and encouraging people to do it. In fact, at Vision Australia we had volunteers who were ringing thousands of our clients to get them to use the system.

CHAIR: Did you need to have an impairment to be able to register?

Ms Knight: At the 2013 I think you did. That is what we like about this system—it makes it much broader because there are many other categories of people who can do it.

CHAIR: I understand there is a pilot system going but I have asked enough questions.

Mr CHOAT: Karen, we have had some evidence put before us by other people we have spoken to today about ID. I am curious because you seem quite chuffed with things that are coming up that give people like yourself better opportunities to get in and do your own thing and be independent whilst making those sorts of important decisions. Did you find it onerous that you had to actually say, 'This is me and, yes, I qualify for this different access to voting'? Or did you think of it as an expectation and that you were happy to take the opportunity?

Ms Knight: All I had to do was ring up and give them my name and my electorate. They would not have known if I was blind or not. There was no proof that I met the category to perform such a way of voting at all. For people who are blind or who have low vision, if it was photographic ID, that would be an issue. Obviously, we do not have a driver's licence and many do not have passports, so other forms of photo ID could be a problem. I think it needs to be thought through carefully. One option that has been discussed is a letter that you get from the Electoral Commission. For people who are blind or who have low vision, letters come and they sit there until you can find someone to read them so it is not reliable to expect that you will have a letter like that on you. I think there are issues that have been raised by other speakers that are quite legitimate and I support that it can be a challenge that needs to be thought through.

Mr CHOAT: Can I follow on. Would you suggest that there might be strategies you could use with people who associate with your organisation to get the communication and knowledge out—like, for example, you guys working with the Electoral Commission?

Ms Knight: Yes. We have partnered with the Electoral Commission in the past to do a number of initiatives—with not only the Electoral Commission of Queensland but the Australian Electoral Commission. I think, yes, certainly there are, but there are many blind and low-vision people who do not have anything to do with Vision Australia, so it needs to be a very broadbrushed population approach. A lot of people who lose their sight are older so we need to keep that in mind as well.

Ms Jeffrey: I have to say that I have already been getting a lot of phone calls from older people with a lot of fear about them not having a driver's licence and how they are going to vote. Even the idea of having ID is actually instilling a lot of fear into the community already.

Mr WATTS: Obviously, people who lose their vision later in life would already be on the roll, but if someone had no vision prior to that, what is the process they go through to get on the electoral roll in the first place?

Ms Knight: Because there is quite a lot of advertising that happens coming up to election time, they are usually by one means or another aware of that sort of information and they would probably ask someone to assist them because there is no way at this stage they could do that completely independently. A lot of people report that people coming around and knocking on their door is a way that they access the pathway to do that, but again there is some assistance that is needed.

Mr WATTS: Thank you.

Mr BYRNE: I like the fact that your evidence has given me a great insight. I was interested in the analogy with banking systems and the automation, independence and privacy associated with that. I was also thinking at the time that to get into a banking system you need 100 points, and there are all the other pieces and filters and security arrangements that are necessary to operate in any of the banking systems either by phone or by other means. This comes back to the capacity to demonstrate your identity I suppose before you even get into those systems. Even I have noticed that I have had trouble finding 100 points on the odd occasion.

Mr WELLINGTON: Haven't we all?

CHAIR: You do only have to do it once.

Mr BYRNE: Do you see any problems? If you are going to go fully electronic—and I accept completely what you are saying and support what you are saying—there has got to be a portal to actually enter the system and the identification piece. Do you have any thoughts about the ease or otherwise of that?

Ms Knight: One of the things about the banks is that you usually have set up accounts and then you do not need any further ID to use the other aspects of it. I accept that in order to get into a portal like that you will need some sort of pathway to do it. I thought the user ID and PIN was a good way of doing it because the PIN was unique to me. I told them what my PIN was; they did not give it out to me. It was only the user ID that they gave me. They also were flexible about the way they gave it to me. They did not necessarily have to send me a letter, although that was an option. They said that I could have it by email, or they could ring me up and tell me or they could send it to me as an SMS. There were a whole range of ways of communicating that with me and it was up to me to choose the way that was going to suit me best, and I chose email. So I think it is about making it secure but having some flexibility about how you do that.

Miss BARTON: Just following on from what Bill was saying, when you were talking about the ability for members of our community to access their bank accounts via the internet and via the phone, my understanding was that you were more making the observation that, if we can do that, why can't we then take advantage of the technology that we have to I guess enfranchise more people with disabilities so that they might vote, rather than making a reflection on the individual system that banks use and necessitating certain types of identification. It was more that we are obviously intelligent enough beings to have this technology so why not take advantage of it. I just wanted to clarify that I fully understood.

Ms Knight: Yes, it is about the fact that the technology is available and we use it now. Really it is the same technology that you would use for something like an iVote system.

Miss BARTON: I would think the really big thing about that for you as well is the lack of human intervention. One of the things that I take pride in—and I am assuming that most people would know that I voted for myself—is that I do not have to tell anyone how I am voting. It is a secret ballot and that is one of the things that is very integral to our system. I would think one of the great things about a system similar to internet and phone banking would be the lack of human intervention which is something you did start to touch on. Just how important is that for you as a person—to know that you can do that on your own and that you are a fully independent person able to do that?

Ms Knight: It is a wonderful thing for me to be able to do that. I value it very highly because I had many voting experiences when I was younger and there was not the technology like there is now and I did have to get someone to do it for me. When I first was just over 18, it was a parent and I generally wanted to vote different to the way they did and I was not sure if I should really let them know that.

CHAIR: You are not sure what they put down, are you?

Ms Knight: That is right. Then I used to get polling officials to assist, but again there is a skill in being able to do it yourself. I did it myself for the very first time at the 2007 federal election. I know in Queensland we only have the one house of parliament, but before then I had never, ever had the concept of voting below the line.

Miss BARTON: It takes a long time, trust me. I do it every year.

Ms Knight: That is right. That is why even in the last federal election when I could do the system I did not vote below the line. Because I thought how horrible to make them read all that to me, and what if I cannot remember? So I think the power that it gives you as an individual and the confidence that you are actually making your own choices is so valuable.

Mr DILLAWAY: Karen, I just want to congratulate Vision Australia, because I know that you guys have been big advocates of this, and you certainly wrote to us on many occasions prior to the 2012 election. I guess from my perspective you are the guinea pigs, so congratulations. I look forward to this spanning out and hopefully encapsulating more of the electorate, so well done.

CHAIR: Thank you very much, Karen and Liz, for giving us your time and making that contribution to the parliamentary process.

MARTIN, Mr John, Research and Policy Officer, Queensland Council of Unions

CHAIR: Thank you for coming along today. Can I begin by asking if you object to being filmed or recorded by Hansard and the media?

Mr Martin: No, I have no objection.

CHAIR: You confirm you read the guide *Appearing as a Witness*?

Mr Martin: Yes, thank you.

CHAIR: Please introduce yourself, speaking clearly for Hansard. Then if you wish to make a short opening statement, please do so.

Mr Martin: My name is John Martin. I am a research and policy officer with the Queensland Council of Unions. Just briefly in terms of the submission that has been made by the QCU, there are probably only two major points of contention, one of which has been the subject of much of what has been discussed today, and that is the potential for disenfranchisement of sectors of the community. Certainly if we did not believe it before the proceedings today, we are well and truly convinced that the weight of public opinion is in favour of the status quo with respect to voter ID.

I do note that government members are advocating for a change to the legislation, and I guess that will be a position that you may well adopt following these proceedings. But I think the way in which Commissioner Cocks expressed it earlier is probably the most accurate, and that is that it would be disproportionate. The lack of evidence of widespread electoral fraud has to be counterbalanced with the removal of a fundamental basic right potentially for some sectors of the community. In light of what has been before you, I would say if you were to be objective you could only come to the conclusion that what is before you will amount to a disenfranchisement of certain groups. We have heard of people with disabilities, we have heard of Indigenous Australians and we have also heard of the aged and youth. There is potential in those areas, so we would urge you not to proceed with that aspect of the bill.

The only other matter that has not been the subject of discussion today goes to the threshold for public funding. Leaving aside any argument about public funding—because I am assuming that there would be support for its continuation—we would only suggest that an increase as is being suggested would again be disproportionate with respect to minor parties in Queensland. Now, I guess with the exception of the member for Nicklin there may be very strong support for a two-party system, but I do not know whether that is shared by the broader community. I would ask you to consider that the increase in the threshold and subsequent reduction in the number of candidates that would be funded could have an adverse effect on those other organisations participating in the democracy. That would be all I would have to say at this stage.

CHAIR: Do you take an absolute position on proof of identity, or is there any area where you would contemplate that could fit in a regime which your Council of Unions could be satisfied with?

Mr Martin: In terms of personal opinion?

CHAIR: You are speaking on behalf of your council, but that is your position?

Mr Martin: Yes, but I would ask you to consider that—

CHAIR: Well, give me your personal opinion.

Mr Martin: To have an informed opinion I would need to seek a mandate. But my personal opinion would be that it would need to be eradicating something that exists, and that is if there was widespread abuse of the current system if there was no other means by which electoral fraud could be addressed. But as we know, if you do vote early and vote often you will get caught. We are not aware of any examples where the actual result of an election has been determined by fraudulent voting, and if all of that was not the case then you might have a point. In my view, there is insufficient evidence for that to be the case. If it was the case that we knew that there were people in this Legislative Assembly who should not be there because of a whole range of people voting on multiple occasions, then that might be something that needs to be addressed. But we know quite clearly that that is not the case.

Mr DILLAWAY: Just touching on that, I guess there has been a lot of anecdotal evidence over the years about 'vote early, vote often'. This particular piece of voter identification does not necessarily stop somebody from going and doing that. What it can potentially stop—and it is the preventative measure of this that I want you to keep in mind, because we have got other

preventative measures across many other things that we do in life to ensure that it may not be widespread but we do not want it to happen. That could be signing a document, it could be your PIN on your bank card; you name it. But there is also the opportunity of voter impersonation where, if you know that there are people that may not be exercising their vote, or they may be overseas, or they may be doing something else—

CHAIR: Died in the last month before the election.

Mr DILLAWAY:—that person could go in there, and there is no way of the Electoral Commission of Queensland knowing that that was necessarily the case because not everybody gets a letter to say 'You did not vote'. Not everybody gets that letter. So if you do not get that letter, then you sort of dismiss it. 'They did not catch me this time.' So there certainly is an aspect there where you have got an opportunity to put in a preventative measure to ensure that the anecdotal comments that are made out there in the general public—because I do dismiss the comments you made before in your opening statement. I think there is an indication today that, with the opportunity of still making a declaration vote, the opportunity of still being on the roll even though you are homeless, the opportunity to still participate in the electoral process, does not necessarily enable voter—

CHAIR: Yes, we need your question. We are running out of time.

Mr DILLAWAY: So maybe if you could just pass comment on those for me?

Mr Martin: I take issue with your suggestion that there has been any evidence that there would be support other than via the government members here.

CHAIR: I think he was saying something different. I think he was going from that to the integrity of the system.

Mr Martin: Again, where is the evidence? That is simply what I would say. Perhaps to consider the suggestion that is being made in this bill in terms of broader government policy, having been at the recent forums for the Queensland Plan, one of the aspects that this government has professed is a reduction in red tape. We can talk about 'what if' until the cows come home. Yes, what if I go through the cemetery and decide who I am going to vote on behalf of? In the absence of any evidence, would not placing another obligation, one that has been described by a range of expert witnesses, not me—this is the people from the Anti-Discrimination Commission and advocates of Indigenous and disadvantaged and disabled groups—those people have suggested this would be onerous. Now, if that is not red tape, then I do not know what is.

Mr WATTS: You spoke earlier about the four per cent increase to 10 per cent. Obviously there is an intent there with the four per cent as it currently stands to take the burden off the taxpayer of people just nominating to earn a few bucks. My question is what threshold would the council see as an appropriate threshold?

Mr Martin: I take the point that yes, if you reduce the number of candidates who get funding then presumably it is going to reduce the level of expenditure. That does not necessarily follow. That might increase the level of public funding that is available for the two parties that are left standing.

CHAIR: I think the estimate is about \$24 million down to about \$19 million or so it will reduce public expenditure.

Mr Martin: This, in the overall scheme of the Queensland government budget, is probably not overly significant. I guess there has to be some threshold, and four per cent seems appropriate. You would have noted the schedule to the submission that we made, and the difference between four per cent and 10 per cent knocks out a fair bit of the Greens and Katter and, if there was Palmer at the last state election, one could presumably suggest the public funding for those parties. So I would think that the perception would be that this is to remove those alternatives to the two major parties as opposed to saving the \$5 million that it would save.

Mr WATTS: I guess using your schedule that you have provided there—and thank you for that—you could look at other thresholds such as eight per cent or seven per cent. That would actually start to incorporate a large number of the people who would not meet the 10 per cent threshold. So I ask do you think four per cent is the appropriate threshold, or is there a seven, or an eight, or a six or any other threshold other than 10 per cent that you think would be suitable.

Mr Martin: Having regard to that particular election, one would consider—and some would hope—that that is not going to be a consistent result in future state elections, in which case you would probably find lesser numbers for a number of those—for the Katter party, I would assume,

particularly with Palmer in the mix. The fact that some of those would meet a higher threshold based on 2012 does not necessarily mean that they would for future elections. So in answering a very simple question in an extremely complicated way, I would advocate no change.

Mr BYRNE: I would like to touch on one area that particularly intrigues me about this batch of legislation: donation caps. I am wondering what the Queensland Council of Unions thinks about this system that I see allows private interests to donate large amounts of money to a political party or candidate and no longer have to declare that relationship or those amounts. Particularly I would like you to couch your commentary in light of the legislation that passed last year where now with this legislation we will see perhaps companies or individuals donate up to \$12,000 or slightly beyond to a political party completely in secret, and yet unions that you represent are prohibited from spending \$10,000 of the organisation's own money to raise important issues in the public arena.

Mr Martin: Yes, I would have to suggest that the two policy propositions are completely inconsistent. That would indicate to me that one or both of them are designed for political partisan purposes.

Mr BYRNE: Thank you, John.

Mr WELLINGTON: Can I get a clarification for the record for the people who may be viewing this hearing. In his original question the member for Toowoomba North was on a roll, and in his questioning of Mr Martin, the Research and Policy Officer of the Queensland Council of Unions, he used words that people may be nominating to 'earn a few bucks'. The records are very clear. Under the current electoral system independent candidates cannot make money; they simply get reimbursed a percentage of the money they have already spent. There is no history of independent candidates in Queensland state elections making money out of nominating to run for parliament.

CHAIR: Is that a question?

Mr WELLINGTON: No, it is a statement of clarification for the record.

CHAIR: We must move to a question now.

Mr WATTS: Thank you for the clarification, member for Nicklin. On the donation disclosure regime—and obviously at a federal level as this legislation that we are proposing at a state level would align the two—I am wondering why there has been no objection to the federal level if this is such a better level. Also, can you comment on what it may mean if it was contested in the High Court as to be more burdensome?

Mr Martin: Taking the first one first, I am not sure whether there has been any objection to the limit that was set at a federal level. So I cannot possibly comment, to answer your question. The suggestion that is being made here is that it be increased and that it be increased to that of the federal. We would have some concern as to that occurring in terms of a detrimental effect on transparency and accountability. In relation to the High Court challenge, I do not think it would be appropriate for me to speculate as to the likelihood of that occurring. If it was that the legislation was overturned then, yes, that would make it easier for unions to make donations. There is no doubt about that.

Miss BARTON: This ties in perfectly with what you were just saying. The change in the donation threshold does not infringe upon your ability or that of member unions of your council whatsoever in terms of donations to any candidate or any political party. What it does do, though, is it allows everyday Australians to participate as freely in the democratic system as unions have been able to do. I wonder what your objection is to a system that allows businesses to donate as freely as a union might be able to. For example, the current legislation as it stands means that unions can have a third-party campaign without needing to register as an official third party—without needing to register that campaign—but other third-party organisations might need to. Surely something like this, which increases the donation limit but also sets a higher declaration limit, means that people can more freely participate in the democratic process and can more freely support the political parties that they choose to, whether it be the Greens, Katter, Palmer, the Labor Party—whatever.

Mr Martin: Firstly, that is not my understanding of the existing legislation. I understand that registered unions have to become registered third parties if they are to avail themselves of the benefits of registration, which is making the higher donation per electorate or across the state. So from that point of view, that is not correct. Unions need to register as a third party if they want the protection of the act.

Secondly, can I say from a purely self-interested point of view, this would benefit unions. If you were to increase the threshold beyond which you were able to make a donation without disclosing it—and that is what you are talking about. What you describe as participating in a

democracy is giving money to a candidate and not wanting anyone to know about it. The concern that we would have is why—why would people not what it known? In fact, as a number of members of the committee would be aware, in terms of expenditure, the level of scrutiny that goes on—union expenditure on anything, let alone political donations—is such that there is nothing to hide and everyone knows about it.

In terms of a purely self-interested point of view, increasing it to \$12,400 would be of benefit to unions. However, that is not the basis upon which your submission was made. The submission was made in terms of concerns as to the possible perception of, even if not in reality, a weakening of the existing safeguards.

CHAIR: Thank you very much for participating and thank you very much for your contribution. It is appreciated. I now call on the Electoral Commissioner.

VAN DER MERWE, Mr Walter, Acting Electoral Commissioner, Electoral Commission of Queensland

ZISCHKE, Ms Yvette, Director Elections Management, Electoral Commission of Queensland

CHAIR: Thank you very much for agreeing to participate in our public hearing today. It has been wide and varied and the essence of what we are attempting to do is to elicit as much of the response and further the submissions that have been made. I thank you both for attending and I look forward to your contribution in particular. I begin by asking if you object to being filmed or recorded by Hansard and the media and that you confirm that you have read the guide for appearing as a witness.

Mr van der Merwe: I have no objection and I have read the guide.

CHAIR: Please introduce yourselves, speaking clearly for Hansard and please make a short opening statement if you wish. We look forward to that.

Mr van der Merwe: For the record my name is Walter van der Merwe. I am the acting Electoral Commissioner for Queensland. I would like to start off by thanking the committee for inviting us here today to provide additional advice and interpretation of how the Electoral Commission actually sees these electoral reforms. What I thought I would briefly do for those present is just outline how the Electoral Commission of Queensland fits into the scheme of things.

We are an independent agency. We are charged with administering and running electoral events associated with the Legislative Assembly of Queensland. We are currently responsible for administering electoral arrangements for local governments and we also run industrial agreements. I wear two hats. I am also the Queensland change commissioner so I look at boundaries, quotas and things like that. I think it is really important for me to make the statement that I do not influence government policy. I am here to administer it and make sure no electors within Queensland, to the best of my ability, are disenfranchised. They are the parameters that I work in.

As a bit of background, the Attorney has been working on these amendments, this reform, for some time. I would like to thank him and his department for the consultation that has taken place to date with the Electoral Commission of Queensland in terms of the proposed policy agenda that the government is running and how I am going to be charged or the commission is to go to be charged with actually administering it and making sure it works and everybody gets a fair go. To date, the cooperation has been extremely enlightening and very rewarding.

Because the legislation has not been passed yet and there is a state election looming sometime in the future, I cannot sit on my hands and wait for everything to happen. So my colleagues and I have been reasonably progressive in terms of community consultation. I set up a consultative process with colleagues like Vision Australia in terms of discussing some of the initiatives that I am proposing to actually implement with regard to the blind and vision impaired and voting. Yes, we will have things like telephone voting. We will also have kiosks where people who are blind or vision impaired can actually present at a polling booth and cast a private, independent and secret vote.

We have also embarked on an awareness program. I have started consultation with our advertising agency. Should the parliament pass this legislation, there are going to be some significant changes which the electors are not familiar with—proof of identity, for example. There will be stuff regarding funding and disclosure and all those sorts of issues which we need to get out there and be upfront about. We need to be on the front foot and let people know what is going on. I would like to state I am not here to influence policy; I am here to administer the process. My first allegiance would be to ensure that none of the voters are disenfranchised.

Mr CHOAT: I have a question. There has been a lot of debate and discussion here today about the identification requirement and about it being onerous, and certain adjectives have been used. I have a question for you. I have 20 polling booths in my electorate. Let us say that at those 20 booths there are three electoral roll books. All have 31,000 plus people in them. When you go in, a person with a pencil checks your name off.

Mr van der Merwe: That is correct.

Mr CHOAT: Are all of those books cross-referenced for every pencil mark after the election?

Mr van der Merwe: The process goes through a very thorough scrutiny. They are all scanned. Any duplicate mark-offs are investigated. Say there are three marks off against your name; that will be investigated. Everything is scanned.

Mr CHOAT: To take that further, in terms of the investigation, how do you investigate a mark on a piece of paper?

Mr van der Merwe: It goes through a scanning machine. Once I get a report which says there have been three attempts against your name which has said that you have been marked, we will contact you to verify which polling booth you actually voted in and then we will go from there. It does not often happen but if it is multiple things, that is a criminal offence and you would be referred to the Queensland Police Service.

Mr CHOAT: Is there any way to associate that mark with a physical human being?

Mr van der Merwe: No.

CHAIR: Following on from that, I have heard about dead people voting. If a voter died in the last month someone may go through the obituaries and start voting for a few people. It will not have a dramatic effect in a particular seat, but let us use it as a hypothetical. I understand the multiples. I understand how it works. Will you pick up a person voting for a non-person?

Mr van der Merwe: It depends on how up to date the electoral roll is. The electoral roll is administered and managed by the Australian Electoral Commission. In relation to people who pass away, there is a process to have them taken off the roll. Sometimes that may take a little while. So you could have an electoral event and they could be on the roll when the event actually takes place.

CHAIR: Is that cross-referenced back? Let us assume you find out the person is dead. Do you actually then cross-reference that back to the previous election?

Mr van der Merwe: If it is brought to our attention that Joe Bloggs has passed away and they are on the electoral roll, we will check to make sure that they have not actually been marked off.

Mr WATTS: There is one Army base in my electorate and there is also one close to the edge of the electorate. I have been told—only third party from people in the Army—that while they were away they voted at a particular booth inside the electorate. Do you have any evidence of people who are either overseas or unable to exercise their vote in their local electorate voting where there are duplicate votes happening like that?

Mr van der Merwe: None have been brought to my attention, no.

Mr WATTS: Thank you.

Mr BYRNE: There is a lot of marginal discussion here, but I will try to get to the essence and not talk about policy. I have always been of the view that elections in Queensland have been run thoroughly and professionally, producing essentially the right outcome with virtually no serious evidence of fraud or misconduct in that process. Am I on the wrong sheet of music here or is there some other unstated problem with our electoral process?

Mr van der Merwe: I do not believe there is a problem with the way that we administer the legislation to run an election. I am on record as stating at the estimates that at the last state election I referred one person to the Queensland Police Service for multivoting. It is very much a policy issue in terms of why you want to bring it in et cetera.

Mr BYRNE: No, I am not going to hold your feet in the flames over that issue. I just want to know about the individual cases. I was in the Army for 20 years and never heard of anybody saying at any point that someone was going looking for deployed soldiers' names to vote for in state elections. I just want to get a genuine sense of any level of voter fraud that has ever been demonstrated in any way. In your role as an independent administerer of the various acts, has there been anything there that has ever given concern that is going to suggest that other measures are necessary to fix the system?

Mr van der Merwe: Like I said, I referred one for the last state election.

Mr BYRNE: How long have you been with the Electoral Commission?

Mr van der Merwe: Five years.

Mr BYRNE: Okay. That is good enough. Thank you.

Miss BARTON: I might just quickly ask a question but make the observation that one person who is frauding the system is one person too many. There was a lot of discussion when QAILS and ATSILS were here talking about the process of a declaration vote and how certain sectors of the

community might feel shamed, and I am sure that if any of us ever made someone feel shamed because they had to take a declaration vote we could feel appalled. I was just wondering if you could take us through the process of a declaration vote, because my understanding—and I am happy to stand corrected—is that a declaration vote occurs when someone's name does not appear on the roll at the polling booth at which they appear but they maintain that they are on the roll and they can fill out a declaration vote and it is then cross-checked at a later date or—

Mr van der Merwe: Scrutinised, yes.

Miss BARTON:—and this might apply particularly at federal elections, if a person is voting out of state or within their own state at a polling booth in a different electorate to that in which they normally reside. Are you able to talk us through the process so that we can perhaps allay some of the earlier fears?

Mr van der Merwe: If the person cannot be identified on the roll, they will be issued a declaration vote. If the amendment comes or the proposal comes that electoral ID is required and they present at a polling booth, I will not send them away; I will issue them with a declaration vote. They have taken the effort to come and vote so they can vote. That declaration will then be scrutinised over the next 10 days or at least until the writ is returned. If they are not found on the roll, we also have up until six o'clock the night before polling day to enrol and vote, so they can actually get on the roll and cast a vote.

Miss BARTON: Having been a scrutineer at a number of recounts, I have seen where you have hardworking electoral officials going through the rolls and they have piles and piles and piles of declaration votes and I cannot imagine that that is an easy task and I do feel for them.

Mr van der Merwe: It is not; it is a burdensome task but it is a task that has to be done because, as I say, I will not disenfranchise anybody for casting a vote.

Miss BARTON: When someone needs to be given a declaration vote at a polling booth and, say, for example, I get in a queue with everyone else and I get up to the person and my name's not there for whatever reason, am I then sent somewhere else to go through the process of getting the envelope and all of that or am I just issued with one then and there?

Mr van der Merwe: The declaration votes are issued at an additional issuing post. It is a very straightforward process. They would say, 'Sorry, Walter, you're not on the electoral roll. What I can offer you is a declaration vote. Would you like to come with me and we'll sort you out?' It is an easy process. It is very polite and respectful.

Mr CHOAT: It is just a separate desk in the same booth.

Mr van der Merwe: That is correct, yes.

Mr DILLAWAY: If I can just touch back once more, if I may, just very quickly, do you believe that there are potential ways to fraud the current electoral system here in Queensland that you are currently not able to pick up but having voter identification would be a preventative measure that would reduce that risk?

Mr van der Merwe: I am not aware of any risks. However, if you want to add rigidity to the process, voter identification is an obvious one. Yes, it will require a little bit more of an effort at the polling booth, but if that is the policy I will make sure it is administered.

Mr DILLAWAY: Thank you.

Mr WELLINGTON: I realise that there are other people in the queue ready to make a presentation to our committee and I think we have five minutes left. I ask the Acting Electoral Commissioner: with our committee's report date to parliament being 24 February, would you be available to come back to our committee before that date to answer further questions if our committee chooses to invite you?

Mr van der Merwe: I would be more than happy to do so, Mr Wellington.

Mr WELLINGTON: I turn to proposed section 421 relating to policy development payment for the financial year ending 30 June 2013. It refers to, assuming the legislation goes through, the financial year ending 30 June 2013 and then it refers to the first instalment for the 2013 financial year that would have been payable on or before 31 July 2013. It goes on that the policy development payment must be paid to each eligible registered political party within 60 days after the assent date. Have you any idea how much money may be caught up in this policy development

payment category to the political parties? I understand the political parties that we are talking about are the Liberal National Party, the Labor Party and I think the Katter party. I do not think the United Australia Party was a registered party at the last election, so we are only talking about three political parties. How much money do you understand is likely to be paid to those parties? Have you done a calculation?

Mr van der Merwe: Off the top of my head, no, but that is some information I can get back to the committee if I can take it on notice.

Mr WELLINGTON: Thank you. I take you to clause 5 which amends section 89 which relates to deposits to accompany nominations. Is it saying that the deposit that the political parties will now have to pay will be 10 per cent; it is going from four per cent to 10 per cent? Have you got any idea what sort of monetary figure that might be?

Mr van der Merwe: I might confer with Ms Zischke.

Ms Zischke: Mr Wellington, my apologies; I do not have a calculated figure in front of me. But as the reforms have proposed, it is going to be on a per vote basis and it is \$2.90 per vote of which the political parties gain. What I can provide for the committee is the effect of the increase from the four per cent to the 10 per cent and the eligible political parties and the candidates who will be affected by that increase.

Mr WELLINGTON: So this is the deposit they have to pay when they nominate, when the party is nominating candidates? Is that what we are talking about?

Ms Zischke: No, sorry; this is the election funding.

Mr WELLINGTON: Sorry; that goes back to my first question. I will take whatever information you can provide.

Ms Zischke: Sure. So in the 2012 general election we had six registered political parties of which five were eligible at the four per cent eligibility rate. If we took that to 10 per cent, only four political parties would be eligible. In terms of candidates in the state election, we had around 430 candidates of which 344 were eligible. If we increase that to 10 per cent, 243 candidates would be eligible.

Mr WELLINGTON: Okay.

Mr WATTS: Just on that note, I have a question to be taken on notice. Would we be able to get the figures for increasing percentages between four and 10?

Ms Zischke: We certainly can. We will come back to you.

Mr WELLINGTON: I realise that we are almost out of time and the member for Rockhampton wants to ask some further questions, but this is my last question to our Acting Electoral Commissioner. Is there any accountability or transparency requirement for where the money goes under the policy development payment fund? I have referred to the New South Wales legislation to which the Attorney-General or the department referred to in an earlier briefing of this committee and I see no accountability requirement. It is called a policy development payment fund, but there is nothing. The money could simply be handover money and be used for whatever purpose, so my question is this: is there any requirement for you as the commissioner required to administer this to actually ask where the money is going, and what is the accountability for that?

Ms Zischke: Mr Wellington, it is our understanding that that is probably a policy decision.

Mr van der Merwe: Which is yet to be determined.

Mr WELLINGTON: And that is the real issue—not before the House, no-one knows, in the hands of the minister and the government.

CHAIR: Are there any further questions?

Mr BYRNE: I have one. I note that part of the material supporting this bill claims that the changes will not require additional resources or funding to implement. Having listened to what I think will be additional declarations and identification processes—I am thinking about the practical implications of running medium sized polling booths, the number of people involved and the potential slowing up of lines at some stage, and you have said that the Electoral Commission is very appreciative of the consultation from the department and the minister, and that is acknowledged—I am just wondering if you have done any analysis or if you have any sense of the impacts that potentially will come from these changes?

Mr van der Merwe: We have looked at that and we are confident within the commission that any increases are not going to be materially significant. With respect to blind and vision-impaired voting—

Mr BYRNE: I accept that that is a new—

Mr van der Merwe: Yes, but I am not going to go to the government and ask them for a bucket of money to do that. I have been reasonably frugal in the last couple of financial years. I have saved them money to do that.

Mr BYRNE: I am more worried about the punters lined up in ever-increasing queues. That is more my issue.

Mr van der Merwe: I honestly do not think it is going to be a huge issue for electors. If you have to identify yourself, how long is that going to take?

Mr BYRNE: One final issue is the declaration vote, and you say it will be scrutinised subsequently. Exactly what does that mean? You sit there with the declaration votes? I assume you go through a variety of rolls looking for the name.

Mr van der Merwe: Correct.

Mr BYRNE: At what point is the decision and are there any of those votes that are disfranchised?

Mr van der Merwe: It is matched to the roll. If we cannot find them on the roll or if they have not enrolled to vote, I cannot admit them to the vote. There will be some sort of—which I am yet to determine—checking mechanism for those who may not have produced an appropriate form of identification. The form of identification has not been determined yet. For every elector on the roll in Queensland I send out a voter information letter. The Attorney is on the record saying if they bring the letter that will certainly be one mechanism of voter identification, but that still has to be determined.

Mr BYRNE: Right. Thank you.

Mr WATTS: I have one quick question that you may also wish to take on notice. Under the proposed legislation in terms of the cost to the taxpayer of policy development and then public funding based on the last election versus the existing legislation as it is with the administrative funding, is there expected to be a lower cost to the taxpayer or an increase to the taxpayer?

Ms Zischke: Mr Watts, we will take that on notice and we can come back to the committee.

CHAIR: If there are no further questions, I take the opportunity of thanking both the Acting Electoral Commissioner and the Director Elections Management for giving your contribution during the process of considering this bill. Thank you again.

Committee adjourned at 1.44 pm