



# ***FINANCE AND ADMINISTRATION COMMITTEE***

**Members present:**

Ms DE Farmer MP (Chair)  
Miss VM Barton MP  
Mr MJ Crandon MP  
Mr CD Crawford MP  
Mr DA Pegg MP  
Mr PT Weir MP

**Staff present:**

Ms D Jeffrey (Research Director)  
Mrs M Johns (Principal Research Officer)  
Ms C Andrews (Executive Assistant)

## **PUBLIC HEARING—INQUIRY INTO THE INTRODUCTION OF FOUR YEAR TERMS FOR THE QUEENSLAND PARLIAMENT**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 28 OCTOBER 2015**

**Brisbane**

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**Committee met at 9.37 am**

### **WALKER, Mr Ian, Member for Mansfield, Queensland Parliament**

**CHAIR:** Good morning, ladies and gentlemen. I declare open this public briefing of the Finance and Administration Committee's inquiries into possible changes to Queensland parliamentary terms. I am Di Farmer, the chair of the committee and the member for Bulimba. Ian, I know that you know the other members of the committee, but I will formally introduce everybody.

**Mr Walker:** Thank you, Chair.

**CHAIR:** We have Mr Michael Crandon, the deputy chair and member for Coomera; Miss Verity Barton, the member for Broadwater; this morning Mr Peter Russo is standing in for Mr Duncan Pegg, who will be here shortly; Mr Craig Crawford, the member for Barron River; and Mr Pat Weir, the member for Condamine.

The committee has been referred two separate inquiries, which we are considering as a single process, as you know. Firstly, we have been asked to conduct a general inquiry into the introduction of four-year terms for the Queensland parliament. Under the terms of reference for this, the committee has been asked to consider a number of aspects, including a comparison with other jurisdictions, the advantages and disadvantages of four-year terms and determining when and how a referendum question might be put to the Queensland people. The second, of course, is consideration of the two private member's bills that you introduced into parliament and that are related in intent to the general inquiry I just referred to. The purpose of this hearing is to receive additional information to assist us in our examination of the two private member's bills. I welcome you here today as the member for Mansfield and the shadow Attorney-General and shadow minister for justice, industrial relations and the arts. Thank you very much for your help.

This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence. Hansard will record the proceedings and you will be provided with the transcript and the hearing will also be broadcast. I request that all mobile phones be turned off or switched to silent mode. I remind everyone that no calls can be taken in the hearing room.

Ian, would you like to make an opening statement? Obviously, you have seen the *Hansard* transcripts of the public forums that we have had and seen the submissions that have come through, so you may have some additional comments on top of your statements about the bills themselves.

**Mr Walker:** Thank you, Chair, for the opportunity of addressing the committee. I very much appreciate it. I suppose the important thing is to get the context right in respect of the submission of my bills. For some months the Liberal National Party has been consulting with members of the community about this issue. It has been our party policy for some time and, after the last election, we determined that we would consult with Queenslanders about the possibility of introducing bills in this parliament. I had prepared these bills on the process of them being effectively discussion drafts and, to some extent, they are still in that form. I want to make that point because, clearly, with the issue in which we are debating and the process with which we will need to move forward, that is, a referendum of the people of Queensland, whatever form of bill we come to has little chance of success out in the great electorate of Queensland unless, I suppose, firstly there is the unanimous or near-unanimous view of this committee and then the near-unanimous view of the House. While they have been submitted in the normal course of parliamentary debate, I suppose the bills are in that sort of form as we realise that they need to be open for discussion still. The final bill that goes to the House will need to have pretty clear support if it is to stand any chance at a referendum. History has shown that and that seems to be the way in which we need to proceed.

On that basis, I thought in my opening statement, Chair, what I might do is really just concentrate on my bill and on the particular operative provisions that may be of concern to the committee or which may be, after the broad issues have been debated—and I do not know that I

need to add to those too much; you have had plenty of discussion on those. I will look, more importantly, at what my bill contains and the issues that it might throw up as you look in more detail, should you accept the proposal that would allow us to go forward.

The first provision is clause 6 of my bill and the new section 19B, which would effectively put a fixed four-year term in place. That is the key operative provision of the bill. Section 19C would then provide for a general election to be held on the second Saturday in March in the four-year cycle. We chose that because, once you start eliminating public holidays and school holidays, when you look at when Queenslanders are used to going to the polls—and they are used to going to the polls in March for their local government elections—the purpose of picking that month was that it is a month that generally avoids those, although sometimes Easter does fall in March as it does next year and the council election needs to be amended accordingly. The second Saturday in March seemed to be as good a date as any to take as the fixed position.

Section 19D, however, does allow for a postponement of that date and we thought that was necessary because all sorts of things can happen that mean that a fixed date becomes problematic, for example, a cyclone hits Queensland two weeks out and it is impractical to hold an election. Another example might be that the federal election is called for the same day and you might think that there is a practical need to move from the fixed day. My bill provides for that and section 19D(1) allows the Governor to move the day not more than 35 days after its normal day, so roughly within a month. But that has to be on the recommendation of the Premier and the agreement of the Leader of the Opposition. It really would be an exceptional circumstance in which both sides of politics agreed that it was impractical to proceed on the normal day. But we do need that pressure-relief valve in case it is not possible to hold the election on the scheduled day.

The next key thing that we need to move to is section 19A of my bill, which still has to deal with the prospect of an early dissolution of the Assembly. There are circumstances where, clearly, we need to go to an election and the people of Queensland need to decide things if it is patently obvious that the parliament that has been elected cannot decide them. My bill contains the classic areas where you would expect a Governor would have the power to send the House back to the people. So, firstly, if a motion of no confidence has been passed in the government, or a confidence motion has been defeated, then the Governor has the power to send the parliament back, if no other format can be arranged, to the people for them to decide. If the Governor considers that no government can be formed which has the confidence of the majority of the Legislative Assembly, that, of course, was a possibility after the last election when no single party won a majority. There was always the prospect that it would not be able to have a government formed on the floor. In fact, in the recent past, that did occur and a government was able to be formed but there are, of course, circumstances where that just simply may not be possible. When the Governor is left with that deadlock, again, that should be a trigger in which he can say, 'Let's go back to the people and let them make the decision.' The Legislative Assembly rejecting or failing to pass the budget, again, is a trigger that would normally be regarded as one that would allow the Governor to send the House back to the people for them to sort out that issue.

I have included—and this may be the subject of some reasonable debate—a further provision that says that the Governor can still dissolve the Legislative Assembly in accordance with established constitutional conventions. The reason I have done that is that what we are trying to fix is the short election cycle of three years. We are also trying to fix the natural advantage that a Premier has by being able to call an election on a surprise date, which is seen to skew the election outcome more favourably towards one side. We are not trying to take away any other provision of the right of the Governor to say, 'The parliament has got to a position where the people should decide.' I am concerned that, if we do not have a provision like this in, we may have missed something in trying to list those exceptional circumstances when the House has to go back to the electorate.

Let us say there is a minority government and that it is supported by crossbenchers and there is no willingness to move no confidence in that government. There is no willingness to defeat its budget, or its budget has just been passed. But, for example, key elements of its legislation just gets stuck in the chain. It gets to a point where there is a stand-off. They cannot get their legislation through. The opposition on the other hand cannot get support for its position. That may be a situation that, after three, or six, or nine months, the Governor says, 'The government has not lost the confidence of the House. It has got its budget through. But simply the parliament is not working and we need to go back to the people to resolve that.' That is an example that comes to mind.

Another example may be if there is a level of corruption found within government. Again, let us say that a number of government ministers are before the courts on corruption matters but have not resigned and the government grinds to a halt, or is under a significant shadow because of that. They

are the sorts of things. You cannot list them all. There are numerous possibilities where the Governor in his or her reserve discretion feels that the best way to resolve a particular problem that has come up is to send the House back to the people.

That power exists now. I do not think we intend to take that power away. It is preserved in my bill. But I can understand that that may be a matter of lively discussion—as to whether that is a wise thing or not. But for the purposes of my discussion draft I put it in there. I support it myself, but I can understand that others may have different views about that. If we are to reach a consensus on the way we should proceed, then that is the best way to go—to put it in there to trigger that discussion.

The final point that I wanted to raise with the committee was my new part 3 of the bill concerning the transitional provisions, which put the effect of the amended four-year-term provisions into the parliament after the next parliament. Professor Coaldrake covered that issue when he just spoke to you about other matters. I think that helps, we are to take it to the people, to get away from an argument that could be levelled, 'You're really just trying to give yourself another four years.' This removes that one level and takes a bit of that heat out of the debate that this is really about politicians feathering their own nests.

It means that we have to be more patient if we think that four-year terms is a good idea. Again, it is put in there for the purpose of triggering discussion on that point—if we are to go to the people with a provision, whether the people would feel more comfortable if it were one parliament removed from the parliament that passed this provision.

That is a summary of what I would regard as the key points of my bill. I am happy to take questions from the committee on that, or any other matter.

**CHAIR:** Thank you very much for that very comprehensive statement, Ian. As a committee, notwithstanding our own personal views, we have been completely neutral about our views on this.

**Mr Walker:** Of course.

**CHAIR:** But we have received via a survey and via our 11 public forums quite a bit of input from people. One of the things that sits at the back of that for me, and I think really for all of the committee members, is that making constitutional change is an enormous responsibility. When you look back to the beginning of the last century and the abolition of the upper house and the enshrining of the three-year terms—that one was contingent on the other for the reasons that, if we were not going to have that check and balance, so to speak, of the upper house then the Queensland people needed to be able to go back on at least a three-yearly basis so that they could pass judgement—as a committee, that is an enormous responsibility when we look at the decisions that were made there and how strong that principle was espoused. What are your views on that and the fact that we do not have an upper house in Queensland? Obviously, we have our committee system, we have the budget estimates process. If we went to four-year terms, particularly fixed terms, what are your views that we do not have the check and balance that is currently available in the other jurisdictions?

**Mr Walker:** I think it is a real point to debate and to come to grips with. My own view is that there has been a significant strengthening of the committee system since the days of the enshrining of the three-year term. That does not mean that we cannot do better with the committee system. It does not mean that we cannot do better with a lot of our parliamentary processes. But I think the pressure on the other side, particularly from someone who has been a minister in a government, is to realise how short three years is. Really, the first year you are getting your mind around where you have to go and trying to get on top of issues and resolving matters and getting them into the parliament and getting them through that process. Then the last year you tend to be cautious because of the fact that an election is coming up. You are not bold in what you might do. I do not think that is giving any secrets away. I think every minister feels the same, every government feels the same. Therefore, I think the move to a four-year term has significant advantages. It does not play into any one particular political party's interests. The dice would fall evenly.

I think the particular provision that I pointed out in my bill, allowing the reserve power of the Governor still to step in should there be a constitutional need to do so, allays the fears of some of those who say, 'Wow, they've been given four years. They'll now create merry hell or they'll come to a grinding halt and we can't do anything about it.' That was the reason that I put that provision in. The LNP's position would be that it is well worth thinking about that in that, as I said in my main presentation, the real thing we are trying to do in this bill is not to remove any of the existing reserve powers. It is really to get away from the three-year cycle and get away from the surprise election. I think if we can do that but still preserve those other provisions, that would give people some confidence that the fixed four-year term would not and could not be abused.

**CHAIR:** So in your view, to address that issue around accountability, it is those additional reserve powers of the Governor rather than perhaps strengthening system that we currently have or, in fact, making the decision that, in fact, the current system is fine, with the committees and budget estimates?

**Mr Walker:** Yes. I think when you use the words 'additional reserve powers', I am not adding any powers, of course, of the Governor; I am preserving the powers that the Governor may presently have. I think they should be preserved and I think that is one element of giving people confidence in the system. I do not think that takes away from the obligation that the committee has to look at our broad committee system and our other parliamentary procedures to see whether any of that also needs attention to marry with a four-year term. I think that would be a sensible thing for the committee to do.

I think the general trend of where the parliament has come from in the last 20, 30 years has been to improve accountability during the term of any parliament. Obviously, that is not perfect and never will be perfect and we can always do better. I think it would be wise for the committee to look at those issues, but I do not think they are sufficient to take away from the important advantages that we would get from moving to a four-year term.

**CHAIR:** Okay, thank you.

**Mr CRANDON:** Ian, there are a couple of parts to the question. I have just been scribbling this down about the 'when' of the term that you are talking about and the election after next, as Professor Coaldrake mentioned as well.

**Mr Walker:** Yes.

**Mr CRANDON:** There are a couple of parts to it. First of all, we have this system at the moment where we look at redistributions every seven years or after so many elections. Once you get into four-year terms, you look at a redistribution pretty much every term after every term. So you have your four-year term, there is another four years to go. Therefore, you are going to have a redistribution and so it goes on. So we are looking at redistributions every second year. Have you given any thought to that?

The second part of my question is, once again, in regard to the 'when'—and I think this is technically important to occur. What if it were to occur that the next election would fall in the same year as council elections? I think, mathematically, it is possible for that to occur under what you suggest. Could you answer those two?

**Mr Walker:** Yes. In relation to the first question, Michael, unsurprisingly, I have been given some attention to redistributions lately, particularly when I got up early this morning and prepared my notes for this evening's debate. I must say that I had not given much thought as to how it fitted in with four-year term issues. I think it is a practical issue that needs to be dealt with. I think it can be dealt with. You either turn the redistribution into a slightly longer period or a slightly shorter period—whichever—to match the four-year terms. It is a practical matter that you need to deal with, but I do not think it impacts upon the desirability or otherwise of my bill. In respect to the second issue, which was—

**Mr CRANDON:** It was to do with—

**Mr Walker:** The timing.

**Mr CRANDON:** We have the upcoming election. I think it is mathematically possible, if we went with your March suggestion, that we would be clashing with that.

**Mr Walker:** Yes. That would be undesirable. The ideal would be to at least start off with the council election as it is coming up in 2016 and then the state election in 2018 and then they would fall in the off years. It would be like the Commonwealth and the Olympic Games. That would be the ideal. So I think you would certainly want to look at a provision that may ensure that, whenever the starting point was, it fell in a non-council year. The trouble is, of course, that you could you not guarantee to keep that all the time, because it is possible that the cycle could be disturbed.

**Mr CRANDON:** Thank you.

**Miss BARTON:** One of the things that came up a couple of times when we were travelling around is that, if the Governor were to use their reserve powers or there was a lack of confidence or supply and an election was held part-way through the term, there was some debate about whether the new government's term is truncated and you make sure that you stay on cycle within the cycle or whether you start the four-year term then. I am making an assumption about what your view would be.

**Mr Walker:** Yes. I think you would stay on a new cycle. I do not think the cycle should dominate the balance of the term. So you would then be electing a government for potentially a very short period of time. I must admit that I had not thought it through. That is my initial reaction. I would favour the four-year terms starting again rather than the new government just fulfilling the balance of the four-year term of the disturbed government.

**Miss BARTON:** Obviously, one of the things that has come up with your proposal is that elections would be held in March. That is another question about whether you would be open to a different month. You then potentially have September to September.

**Mr Walker:** Yes. I think that is a risk. Nevertheless, I think the dominant thing would be giving the government a fair time to run rather than being handcuffed by a March date.

**Miss BARTON:** Yes. Thank you.

**CHAIR:** I thank the member for Sunnybank for filling in this morning, and I welcome the member for Stretton.

**Mr CRAWFORD:** I want to clarify the exceptional circumstances part. I understand the bit about on agreement between the Premier and the Leader of the Opposition. Is it exceptional circumstances and agreement between the two or is it exceptional circumstances or agreement between the two? The only reason I mention that is that exceptional circumstances is a very subjective term and one Premier might deem that a cyclone triggers it and another one might deem that a flood down the end of the street triggers it.

**Mr Walker:** It is an 'and'. So there have to be exceptional circumstances. Exceptional circumstances are not defined in my bill, but examples are given and they were the examples that I referred to. There has to be then those exceptional circumstances and that could be challenged in a court. Let's say an elector said, 'This is rubbish. They are cooking this up. There aren't exceptional circumstances.' That could be challenged and the court could say no reasonable Premier or Leader of the Opposition could come to the view that these are exceptional circumstances. It is not free from challenge. There is a tension in the system that means that people would need to act fairly and honestly. Firstly, there have to be exceptional circumstances. Secondly, both Premier and Leader of the Opposition have to agree.

I think that is a fairly tight provision to stop it being used recklessly. You could not have something like that. If you said, 'Come what may it is going to be the second Saturday in March,' and all hell breaks loose with a cyclone on that day, clearly that would be silly. So you need to have something. That is what our party thought was the best solution. But, again, all of these things are there to trigger the discussion and, if there is a more practical or better way of doing it, I am sure our side of the House is open to looking at whatever suggestions the committee makes.

**Mr CRAWFORD:** Why the 35 days? Is there any science behind that?

**Mr Walker:** I must say that I cannot recall that. I had certainly in instructions to the draftsman asked for a period of time that was not too long and not too short. Clearly you would not want the power to postpone to be three months or six months. That is out of the norm. But 35 days I expect allows a number of extra weekends, sufficient weekends, that would be regarded as a reasonable time to postpone without it being interpreted as the government trying to claw more time in office.

**Mr WEIR:** My question was on the 35 days as well. I think in time there will be a clash, whether it is with a federal election or a council election or an early dissolution of the state parliament. If that were 60 days, for example, to give that extra time, because if you have just taken all the voters to a poll and you tell them in 30 days you are going to do this all again—

**Mr Walker:** It is a difficult one to balance. On the other hand, what would people think if there has been a clash of election dates and therefore a government which they might not happen to like gets an extra two months in office? They might not be too happy about that either. I think the committee has to balance that. All of the factors you mention have to be taken into account. Thirty-five days was where we landed.

**Mr CRANDON:** Ian, you are talking about if there was a calamity—and I use that term; you did not use that term—on the day or leading up to the day. Are you suggesting that if partway through the election process—in other words, the election has been called, we are 2½ weeks into it and there is a cyclone—you would push it out 35 days beyond the election date that was declared, so that it was an extra-long—

**Mr Walker:** Nearly but not quite, Michael. My proposal does allow the government to do that at any time. So, yes, it could be three weeks or two weeks or a week before the election. I think we need that flexibility because we just do not know what might be around the corner. But the 35 days is a 'not more than'; it is not a fixed time. It is there to stop governments hanging on to office forever and

postponing an election forever. It is thought to be a time that within that you could get away from the cyclone or whatever. If it were a federal election, for example, you might say the election is postponed for a week. If it were a cyclone and there was a massive clean-up operation going on, you might need to postpone it for a month. Our view was that the 35 days was a figure that would give some flexibility without allowing for abuse.

**CHAIR:** Ian, our time has unfortunately expired. If the committee wants to ask further questions, we will come back to you in writing. Thank you again for taking the time to appear before us this morning. We appreciate your help.

**Proceedings suspended from 10.05 am to 10.15 am**

**CHAIR:** Good morning ladies and gentlemen. I declare this public hearing of the Finance and Administration Committee's inquiry into possible changes to the Queensland parliamentary terms open. I am Di Farmer, the chair of the committee and member for Bulimba. The other members of the committee are: Mr Michael Crandon, our deputy chair and member for Coomera; Miss Verity Barton, the member for Broadwater; Mr Duncan Pegg, the member for Stretton; Mr Craig Crawford, the member for Barron River; and Mr Pat Weir, the member for Condamine.

The committee has been referred two separate inquiries which we are considering as a single process. Firstly, the parliament has asked the committee to conduct a general inquiry into the introduction of four-year terms for the Queensland parliament. Under the terms of reference for this inquiry the committee has been asked to consider a number of aspects, including a comparison with other jurisdictions, the advantages and disadvantages of four-year terms and when and how a referendum question might be put to the Queensland people.

The second aspect of this inquiry is consideration of two private member's bill which were introduced by Mr Ian Walker MP, the member for Mansfield, which are related in their intent to the general inquiry I just mentioned. The Constitution (Fixed Term Parliament) Amendment Bill 2015 seeks to establish four-year terms with a general election to be held on the second Saturday in March every four years. The Constitution (Fixed Term Parliament) Referendum Bill 2015 seeks to facilitate the necessary referendum to introduce four-year terms if approved by the parliament.

The purpose of this hearing is to receive additional information to assist us with our inquiry. We are running this hearing as a roundtable forum to facilitate discussion. However, only members of the committee can put questions to witnesses. If you wish to raise issues for discussion, I ask you to direct your comments through me.

This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence.

The committee has invited a number of academics with backgrounds in constitutional law and parliamentary procedures to attend. We do have an apology from Professor Ken Wiltshire.

**LAURIE, Mr Neil, Clerk of the Parliament, Queensland Parliament**

**ORR, Professor Graeme, Professor of Law, University of Queensland**

**TWOMEY, Professor Anne, Professor of Constitutional Law, Sydney Law School, University of Sydney (via videoconference)**

**CHAIR:** Thank you for your attendance here today. The committee appreciates your assistance. Hansard will record the proceedings and you will be provided with a transcript. This hearing will also be broadcast.

I remind all those in attendance at the hearing today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee. I also request that mobile phones be switched off or turned to silent mode. I remind you that no calls can be taken in the hearing room.

The committee does have a number of questions to ask. However, I would like to ask each of the participants if they would like to make a brief opening statement or a comment on matters before the committee relevant to the inquiry. I would ask Neil Laurie, the Clerk of the Parliament, if he would like to make an opening statement.

**Mr Laurie:** Thank you, Madam Chair. I have provided the committee with a late submission. I apologise for its lateness. I have said that I am a slow convert to four-year terms. My basic opposition to four-year terms in the past has been based upon the fact that three-year terms were one of the few safeguards within the Queensland Constitution. Being a unicameral parliament without an upper house I felt that four-year terms was a bridge too far.

I am a convert to four-year terms, however. After being here for over 20 years I can see that three years is insufficient time for governments to come into power, plan, implement policies et cetera. What I see is that at the beginning of every term of parliament, whether or not there is a change of government, there is a change of characters. The beginning of the parliament is very much about people settling in. Then we start getting into the business. Towards the two-year mark everyone is focused only on the election process. I do think a four-year term would give us a more sensible program for basically each parliament to operate within. However, I also say that if we are going to go to four-year terms we do need to enhance our safeguards and enhance our accountability.

I think we have made a lot of strides towards improving the operation of this parliament over the last two decades. I point to things like the introduction of the estimates process in 1996. I point to the slow development of the committee system, in particular the new committee system that has been in operation since 2011. But I emphasise that I do not think we should be deluded that they are absolute safeguards.

All of the mechanism that we have now that improve accountability can basically be disposed of by resolution of the House, an amendment of the standing orders or a simple act of parliament that does not need a referendum. Tomorrow we could have a government—and we should be thinking about tomorrow in a futuristic sense; in 10 years time, in 20 years time, in 50 years time—that in its first week abolishes the committee system by a simple act of parliament, abolishes estimates, abolishes basically most of our procedures or implements other procedures that everyone is totally against or simply truncates accountability by not sending legislation through.

I think we have to really think about the worst case scenario. All of a sudden we have fixed four-year terms and we have a government that is going to be there for four years rather than three years. I know that people might say that a government would not do that. Look at our history. From 1922 through to 1988 we did not have a committee system. In 1922 the upper house was abolished despite the fact that the abolition of the House had been put to a referendum and people rejected the abolition of the House. In history governments do bad things. Under our existing portfolio system—and I have included in my submission some research that has been undertaken about the passage of bills through the House—our urgency proceedings are not used as I think they should be. Bills are being declared urgent and therefore passed by the House without the proper scrutiny that they should have and without the scrutiny that would occur if we had an upper house. We are also sending bills and references to committees without the requisite time periods. We are giving committees unreasonable times for consideration so the scrutiny is truncated in that way as well. I believe that we should be looking at some safeguards the same as we are looking at the four-year terms.

As a general comment, it is unfortunate that we are looking at one issue here. That issue is four-year terms. I think we should be looking at a greater variety of matters and constitutional issues, and not just isolating four-year terms but looking at our system of government generally. My personal belief is that EARC voted itself out of existence too early. It should have been a continuing commission so there was constant constitutional review of our system.

In relation to specific issues before the committee, as I said I am a slow convert to four-year terms. I think there should be other safeguards. I think fixed four-year terms is imperative. My thinking is that unless you fix the term it will actually just be three-year terms or three-year plus terms. We have not reached three years for a long time. We had elections at two years and four months and two year and six months. If you want to go to four-year terms then make them fixed. Unfortunately, by making them fixed it complicates the legislation. If it was just a change to three-year terms it would just be changing the word three to four but by fixing the terms it does mean that the legislation has to be slightly more complicated.

In terms of the timing, I attended some of the committee forums and I heard a lot of interesting discussion about the timing. Weather seems to be a dominant topic. I have to say that I have changed my mind on this matter in recent times. I believe I was part of the group who thought March was a pretty good time. I have been converted on the road to Damascus, shall we say, and after some consideration I have actually come to the conclusion that the best is actually early September, which is probably swimming against the stream.

My reason for that is that having just been through two parliaments where there has been a change of government at each election—and everyone has to appreciate this—that new governments in particular need considerable time to bed down the business of government, get things normalised, appoint people and all of those sorts of things. Therefore, there is a hiatus.

I think the advantage with September is that presumably the annual appropriation has been passed. If there is a change of government, that incoming government has a considerable period until the next budget period to consider matters. Otherwise what happens the budget tends to be pushed off to a later period. I think for the last two cycles we have had the budget in September. If we are talking about business confidence and the disruption of elections and things of that nature, I think there is less likely to be disruption if the election is held in September.

I think March might be a favoured date by people simply because the local government elections are in March. It is a bit of group think in operation. I also think there is a danger that at some stage, for whatever reason, we will coincide with the local government elections that are held in March. Having it another time of the year is preferable so that if there is an early dissolution there is no risk of that. September is not bad weather, I would have thought, in most places in Queensland. September, in my view, ticks pretty well all the boxes.

In terms of the bills that are currently before the House, I am a little bit concerned. I think some of the provisions that relate to the incidental amendments to the Electoral Act should be severed from the fixed-four-year-term bill. I do not know how practically the referendum is going to work, but I think the more complicated the bill the more likely people will vote against it. I think the provisions dealing with the Electoral Act could be put into a separate bill. We have procedures for splitting bills.

The commencement provision can commence at a time after the referendum that is stated. I struggle a bit with the commencement provision in the bill. I actually think what we should have in the bill is a set commencement date. So we should say, 'This bill will commence six months after the bill is approved by referendum or it will commence on 1 January 2017,' or whatever the case may be. I think we should have a fixed commencement date that is clear in the bill.

In terms of the issue of stating in the bill a vote of no confidence or a vote of confidence, I prefer the UK model whereby the actual words of the no-confidence motion or the motion of confidence is spelt out in the bill. In parliamentary terms, what is a vote of confidence and what is not is sometimes an area of some dispute and conjecture. I think it is best to set out in the legislation the actual words that have to be passed by the assembly. At one of the public forums I know there was doubt about whether or not the fixed-term provisions would be entrenched. My reading of it is that they are entrenched and doubly entrenched. I have nothing else to say.

**CHAIR:** Thank you very much for that. Professor Twomey would you like to make an opening statement?

**Prof. Twomey:** I would like to say just a couple of things. My expertise in this is obviously in relation to the New South Wales equivalent, so hopefully that will be useful to you, and also as a public servant as well as an academic in relation to the operation of that provision. From that point of

view I have to say I am generally in favour of fixed four-year terms. I think they work relatively well in New South Wales, despite the high degree of controversy there was when there did turn out to be a government that people lost, shall we say, public confidence in fairly soon after its was elected, and that caused a bit of a kerfuffle for a while. But overall I think the benefits outweigh the disadvantages.

Although I know you are all aware of the general advantages and disadvantages—and I will not go through them—I can point out, however, that from a public servant point of view one of the great things about fixed-term elections is that you know when you are going into caretaker government. Being able to know that date in advance makes a really big difference when it comes to planning so that you can make sure that contracts and various important things do not arise during big caretaker periods. So from a planning point of view it makes life an awful lot easier, rather than having to deal with constant speculation about when you may or may not be having an election.

The other useful thing about fixed four-year terms as well as knowing the date of the election is that it is very helpful when you have legislation concerning things like political donation reform. If you have, for example, caps on expenditure, you can date those caps on expenditure so you can deal with the period of six months before the election or whatever you want because you know exactly when the election is going to be. So it does make it a lot easier to make those sorts of reforms as well.

From a constitutional point of view, my main concern, particularly with the draft bill, is section 19E where you have the provisions for an early election. The draft provisions there pick up a New South Wales provision dealing with the Governor-General and attempting to preserve the reserve powers. That was a complete stuff-up in the New South Wales Constitution. It is just wrong and it does not work in the New South Wales Constitution. So I would highly recommend Queensland learning from New South Wales's mistakes and not replicating them. I am happy to talk about that more later.

The other thing I want to say is that I agree very much with the Clerk about the reference to no-confidence motions and confidence motions. I think it is important that it is quite clear in the legislation what a no-confidence motion is for these purposes. Saying it is no confidence in the government is probably enough. I was more concerned about where it says 'or a motion of confidence in government has been defeated' because that could be interpreted as being something like the defeat of an important government bill. If government puts up a bill and says, 'This is very important to us,' defeat in that might be taken as a vote of no confidence in the government. Because of the ambiguity about that, I think it is dangerous.

The other important aspect there is that in New South Wales, and I think most other states, in order to have one of these resolutions of no confidence, for constitutional purposes you need to give three days notice. The reason for that in the other states is (a) so that everybody knows that this is one of those bills that is going to count for the purposes of the Constitution and (b) that the notice makes sure that the government is able to bring in all its members if they happen to be overseas or the pairing system has broken down, or whatever it is, so that you are sure you have all the people on the ground before you have a vote. Again, I would very much recommend that you have some kind of a mechanism like that to ensure that people are (a) absolutely sure when you have having a no-confidence motion that counts for constitutional purposes and (b) the parties are able to make sure that they have all their people on the ground before that happens. That is all I want to say at a preliminary stage but feel free to ask questions on those things. I am happy to discuss them further.

**CHAIR:** Thank you, Professor Twomey. I might go to Professor Orr now.

**Prof. Orr:** Thank you for the invitation to be here. I will not apologise for a late submission because I did not put in a submission.

**CHAIR:** That is fine. It is good to have you here today.

**Prof. Orr:** I would agree with the Clerk. You should not see these things in isolation. We are talking about an organic whole system. Can I nuance that by saying you are not looking at one issue here; you are looking at two issues, albeit they have been linked in the bills. The two issues are firstly the length of the term of parliament and hence indirectly the length of the executive government or administration and, secondly, the fixity of the term of parliament and hence indirectly the executive government's tenure. I have profound issues with extending to a four-year term in Queensland and especially with entrenching this extension.

Queensland and the Northern Territory, because it has essentially the same system if we move to a four-year term, are vast diverse jurisdictions. They have no proportional representation—quite crude majority rules voting systems. They have no upper house. They have no bill of rights strongly

entrenched, although we may get a weak statutory bill of rights. But I am not a fan of bill of rights. So we should be thinking of the political constitution, as scholars, call it in Queensland. So we have no PR, no upper house and a vast diverse jurisdiction. We need things to check the great licence of the executive in this state. Queensland's history is littered with this concern and question. You also have to think about the media environment in Queensland which is quite lame and it is particularly so with the declining interest in state level issues in the media generally.

I think it is naive to think that just by changing to four-year terms you are going to change necessarily the culture of executive government. The permanent campaign—government advertising is an example of that—is going to continue. Queensland's history is a history of strong men—and I stress 'men' here—populist premiers. So we are heading potentially down a dangerous path. Essentially I am with the Chartists in saying more elections, not fewer elections. Business groups have some reason, I think, to like the idea of efficiency in government and government planning, but there is a complete furphy around that consumer confidence somehow drops and people stop spending money during long election seasons. There is no evidence of that at all. What there is evidence of is that certain industries might suffer if governments are putting off planning decisions.

Can I suggest a compromise, a compromise that will not require a referendum? Fix your three-year terms, suck that and see, and let's then move on in future, if you want to, to consider fixed four-year terms. Fixing a three-year term will give many of the benefits we have talked about today—the benefits of certainty and planning that Anne mentioned in terms of the Public Service. It will also reduce the incumbency benefit, which is one of the concerns with the Westminster system where the Premier can just drive up to Paddington and call an election for almost any reason early and catch the opposition and crossbenchers on the wrong foot. As I say, you could fix three-year terms without having to have a referendum. You will not be entrenching the fixed three-year terms, but you would be setting up, British style, the idea of three years—'This is the game. Let the clock commence'—and, unless there is some sort of collapse in support for the government in the lower house in a hung parliament, we would have that planning and certainty that fixity can bring.

**CHAIR:** Thank you to the three of you. They have been really excellent statements and very useful to us. I think we will have a range of questions. Professor Twomey, when you first started speaking I was going to ask you about what hiccups there might have been in the New South Wales system, but I think you went so far as to refer to a stuff-up in constitutional terms. Could you elaborate on that stuff-up you were talking about and also on whether there have been any other matters of note around the four-year fixed terms in New South Wales which you think would be useful for us to know about?

**Prof. Twomey:** In terms of the stuff-up, just for those of you who are writing reports later, it is discussed in some detail in my book on the Constitution of New South Wales, if any of you have it there. At pages 656 to 659 it is discussed in detail. The problem is essentially this: the provision which seeks to preserve the Governor's reserve powers says that the Governor may, despite the advice of the Premier or Executive Council, dissolve the Legislative Assembly and issue a writ for the election if the Governor could do so in accordance with established constitutional conventions. Here is the problem: the established constitutional conventions do not actually allow the Governor unilaterally to dissolve the parliament. The established constitutional conventions are that, if the Governor for some reason really, really wants an election, what they do is dismiss the government, appoint a new Premier and then that Premier advises the dissolution of parliament and the issue of the writ for the election. So the examples are the dismissal of the Lang government in 1932 in New South Wales and the dismissal of the Whitlam government in 1975 by the Governor-General. An election was held in each case, but the election was always held on the advice of the Premier or the Prime Minister and that advice was given by a new Premier or Prime Minister after the dismissal of the previous one.

In the Westminster system generally, so just talking of the main Westminster countries—Canada, New Zealand, United Kingdom et cetera—we do not have a history of Governors-General themselves unilaterally dissolving parliament without advice. That is the essential problem. There has been a bit of history in places like Pakistan and sometimes in small countries in the South Pacific. But they are in more unusual circumstances, shall we say, particularly because of certain aspects of written constitutions. But, as a general principle, if you are looking at what the Constitution refers to as established constitutional conventions, we just do not have one that says that the Governor can themselves dissolve the parliament without advice. The consequence of that is that this provision in the New South Wales Constitution just does not work. It is ineffective.

The real problem you have is that if you do end up in circumstances where the Governor, for one reason or another, wants to dismiss the government—perhaps it has been behaving illegally persistently for a long time or whatever—the problem is that you cannot immediately have an election.

What you could do is appoint the new person as Premier and then, if that new person as Premier does not have the confidence of the lower house, you would have to wait for the lower house to decide to move for a vote of no confidence. You would need your three days notice. You have your vote of no confidence and then after that there is also an eight-day period in which it can be reversed. It means that your constitutional crisis continues on for a much longer period until you get to that moment of resolution where it goes back to the people to decide in an election. So the problem with the provisions are that, if you ever do have to exercise a reserve power, it strings out the crisis for a good couple of weeks until you get that moment of turning it back to the people.

The other possibility is that when the new Premier has been appointed what if the opposition decides that they can play merry hell by defeating all of their legislation in the parliament but not yet calling for a vote of no confidence and they just keep stringing the government along, making it more and more chaotic so that the tide might turn in their favour at an election? Potentially you could end up with a situation like that where you have a government in government but with no power to get anything passed in the parliament and the opposition, with the majority, being able to make the decision as to when the vote of no confidence is held. All up it becomes very, very messy.

Admittedly this would only happen in extremely rare circumstances where a dismissal of a government was involved. The prospect of it happening is highly unlikely. But if I were having a go at this I would not use the New South Wales provision. Instead, I would have some kind of provision that said that, if the Governor exercises his or her reserve power to dismiss a government, then that is another reason that an election has to be held, and that would solve your problem.

**CHAIR:** Thank you. Professor Orr wanted to make a comment on that.

**Prof. Orr:** This is probably more a matter for Anne, given that she is a guru of the Crown and its history. Section 19E(2) picks up, without codifying, this idea of established constitutional principles. It does not use the word 'prerogatives'. Does this in any way open such a dismissal to court action given that it says earlier that part 2A is the only source of the Governor's power, and whether that is necessarily a bad thing? I do not know?

**CHAIR:** Is that something you would like to comment on, Professor Twomey?

**Prof. Twomey:** Yes, that is an issue. Again, there is a little bit in my book on the Constitution of New South Wales talking about the justiciability of it. There is a risk that you would make this issue justiciable by declaring in the Constitution a reference to established constitutional conventions. Probably a court would not intervene in terms of assessing the Governor's judgement as to whether or not the circumstances met those conventions, but it probably would feel it was at least justiciable in terms of declaring what the conventions are and the scope of them. That has happened in Canada where the courts have discussed the extent of the constitutional conventions, rather than dealing with whether or not in the particular circumstances the judgement of the relevant Lieutenant Governor or Governor is correct. So it would, to some extent, potentially make it justiciable as well.

All up it is something to be wary of. I would be very, very careful before I replicated the New South Wales provision. Indeed, none of the other states have as far as I know. Victoria avoided it like the plague, as did South Australia. Western Australia, by the way, have quite peculiar fixed-term provisions in that they are not really fixed because they did not want to have a referendum. So they have only pseudo ones over here. They do not actually work. Nobody else has gone the New South Wales route, and I think New South Wales people would generally say, 'Avoid it like the plague.'

**CHAIR:** Thank you.

**Prof. Orr:** Can I suggest that there may be a work-around here. If you want to clearly keep the courts out, it may be possible to try an ouster of jurisdiction but also to say that part 2A is not the only source and still refer to the Governor having this power to unilaterally dismiss and call an election. I do not know; it would be something for Professor Twomey, or Gerard Carney, or crown law to advise on a work-around.

**CHAIR:** Thank you. Thank you for raising that.

**Mr CRANDON:** Thank you, Madam Chair. I take the point of those technical terms 'stuff-up' and 'avoid it like the plague'. That brings me to the Clerk of the Parliament and his concerns around the committee system not being entrenched. There are two parts to my question. The first is: are you familiar with the New Zealand system and would that potentially work here if it were adopted in total if you do know about it? The second one is: how could you resolve the issue of the nonentrenchment of the committee system? Could you change legislation so that it required a 75 per cent majority of the House? What are your thoughts around how you could resolve those things?

**Mr Laurie:** I will start with the New Zealand system. The New Zealand system is different because, as Professor Orr touched upon earlier, it is the voting system in New Zealand that makes the whole political dynamic different. So you have the multiparty mixed representational system. I would suggest that you have a look at my submissions to another committee on the redistribution bill that is currently before the House where I talk about the fact that—and I apologise, members, you might not like it—the Queensland parliament is not a representatively elected party. It does not reflect the vote of the people in many instances because of single-member constituencies and the voting system.

The committee system in New Zealand is one of the best in the world, in my opinion, but it is predicated upon a different political system. Our committee system largely, in many respects with a Queensland integrity, is looking more like the New Zealand committee system now, although bills are amended in committee rather than in the House. I do not necessarily think that is such a bad thing. I think fundamentally what our committee system does is bring legislation under scrutiny and review, such as what we are having here today where we have experts and people talking about provisions in the legislation. That never occurred before and all of you who have been here for long enough know that. Bills used to sit on the table and everyone used to debate them and they did not know what was in them.

So the committee system is far better. But what I am trying to say is that there is no reason the next government just cannot get rid of it overnight. It is not entrenched. I do not foresee us having a different political system like in New Zealand. Therefore, in my view, we have to have a different provision. What I have put forward in my submission is that in the same bill that seeks to remove the three-year terms and move to a fixed four-year term we should be entrenching the fact that legislation has to be reviewed by committee. It would be a manner and form provision. You could entrench it.

I am suggesting that bills should go to committees in the entrenched provisions and be scrutinised by those committees for no less than six weeks unless there is a special majority decision of the House. In other words, your urgent legislation—and the truly urgent legislation that we have passed in the last decade you can count on one hand: things like, for example, the Magistrates Act that we had earlier this term. That was a truly urgent piece of legislation. I remember that there was also another act in a previous one about body corporate legislation. That was truly urgent legislation. But for truly urgent legislation where there is a public interest in getting it urgently dealt with, you are not going to have a problem in getting a requisite majority in the House. But let us be blunt: all of our other urgent legislation is really about political expediency.

In my view, the parliament needs to go to the public with clean hands and say, 'We want fixed four-year terms and the trade-off is we are going to increase our own accountability and how we are going to do that is that we are going to entrench our committee system so it cannot just be disposed of by the next government. Every bill will go to that committee system for a minimum of six weeks unless there is a special majority.' In that way accountability is not diminished; it is actually increased.

**Mr CRANDON:** Just to follow up on that, can you explain the term 'special majority'? Is that the term you used?

**Mr Laurie:** A special majority in my view should be something that includes members of the non-governing parties, not too dissimilar to the sorts of provisions we have in the PCCC committee, or whatever it is called this week, that is, it is a majority that includes some members of the non-government parties. I have said that it should be like a 65 per cent majority plus one, that is, at least one of the members of that 65 have to be non-government.

**Mr CRANDON:** Would there be crossbenchers included in that?

**Mr Laurie:** Yes. At the end of the day, I do not think that genuinely urgent legislation would be denied by the House. I just do not see that. I think that with legislation that the government is trying to implement its political agenda that it went to election with, that is fine. Even legislation that seeks to implement the government's election mandate should be subject to scrutiny, because it is the devil that is in the detail.

**Miss BARTON:** This is perhaps a question more for Professors Orr and Twomey. In terms of putting the question, I wondered whether you both had an opinion on how the question should be worded? Obviously I do not expect you to give me an exact phrase, but we have to put our mind to how we put the question to the people. There are potentially various forms of doing that—whether you put it as multiple questions in the one referendum or not—

**CHAIR:** If we put the question.

**Miss BARTON:** I just wondered whether you had a view on that.

**Prof. Orr:** The one thing that is denied except through referendum is extending the period of three years. If you reject my compromise, you need to go and ask the people to extend the period. It depends on what you want to entrench into the future as well. The most neutral question would simply be, 'Do you approve of the bill that has been passed?' Mr Laurie has said that there are some issues about including electoral matters in there. But he wants to include extra matters. If you really just want to focus attention on the question of the length of the term as well as its fixity, then I think you could come up with neutral words for that. But there is always, obviously, in any market research, or survey, or referendum the assertion that the question can be loaded or framed in a certain way unintentionally have an effect. But I do not see that this is necessarily the kind of issue where that is going to be a problem if you want to have a more narrative question referring to four-year terms and fixity. It might be a problem in some social issues.

**Mr Laurie:** Madam Chair, can I just mention, with your leave, that you do not need a referendum to approve additional safeguards. For example, you do not need a referendum to entrench the committee system.

**CHAIR:** I was going to ask that.

**Mr Laurie:** You can do that by complementary legislation. So you could have the entrenchment of the committee system together with all of that consequential Electoral Act amendments in another bill that comes into operation only upon the conclusion of the referendum.

**CHAIR:** So that leaves us less vulnerable if we were just passing legislation next week about the committee system? Can you just elaborate on that a bit?

**Mr Laurie:** Tomorrow we could put in a bill that removes that part of the Parliament of Queensland Act that sets up the portfolio committee system. That bill could be passed through all stages and I could be at the Governor's tomorrow night getting assent and the committee system is gone. That is the reality of the situation.

**CHAIR:** Yes, but what you are describing, in fact, because it is linked to entrenched—

**Mr Laurie:** But you could provide, in a general sense, that there will be 'X' number of committees established by the Assembly every term and that legislation, after being introduced into the House, will be sent to those committees for a period of not less than six weeks before it can be passed by the House. You can entrench that without referendum.

**CHAIR:** Just so that I am really clear then, if you entrench that without referendum, that particular piece of legislation is less vulnerable to political vagaries than if we tomorrow decided that we were going to change the parliament?

**Mr Laurie:** Yes, because what would happen is that any future government or parliament that wanted to abolish the committee system would have to go to a referendum and get approval.

**CHAIR:** Because it is linked. I know that, but I will just let Professor Orr comment.

**Prof. Orr:** As I said before, I can see merits in potentially entrenching a committee system. Remember, what you are giving up is the flexibility of having an unentrenched system and whether you would necessarily want to include too much detail in the committee system and make it inflexible and then ask the people to have to go to a referendum. The procedures of parliament are not top of mind for the average Queenslanders. On the other hand, there are other ways of entrenching that may involve not going to a referendum but special majorities for a future parliament to change or undo it. So think about that if you want to go down that path—that rabbit hole—about flexibility into the future and not binding future parliaments with too much of the detail of the committees system that needs to evolve.

**Miss BARTON:** In terms of not binding future parliaments, Professor, your view would be potentially that, if we were to adopt Neil's approach, you would entrench a minimum number of committees without prescribing what they would consider and allow the government of the day to define them? Forgive any naivety, I am just trying to grasp the best way to do it without becoming too prescriptive but without also enshrining the protections.

**Prof. Orr:** Sure. There are two issues here. One, we are talking about the issues of the parliament's committee system and its slow growth from the swamps of past days. It is not something that I am briefed about today, but if you want to entrench a committee system it might be able to be done relatively simply. Whether you want to entrench it with a future referendum, or whether you want to entrench it with a special majority, given that our electoral system can give Mr Newman or Ms Bligh ridiculous majorities on the vagaries of the optional preferential voting system, I think we should be thinking more broadly. If you are really going to go down the four-year-term path, we need something else in this state to rein in executive power than simply the better-than-we-used-to-have committee system that we have currently.

**Mr CRANDON:** Are you saying, Mr Clerk, putting aside this four-year-term thing, we could do this now?

**Mr Laurie:** Yes.

**Mr CRANDON:** We could entrench now?

**Mr Laurie:** Yes, and I think you could do it in such a way as to not limit your flexibility in the sense of I do not think you have to be overly prescriptive. I would argue that you would not be overly prescriptive. Essentially, what we are trying to do and what we have to recognise is this: we do not have an upper house. We have one chamber of parliament. In 1922, we got rid of the upper house. In 1932 or 1934 when it was entrenched that we would not bring back an upper house it was also entrenched that we would also have three-year terms. My view is that I am convinced on the four-year argument. I am convinced that we need four-year terms. But I am also convinced that we need some other blockage on the power of government. People underestimate how powerful government is. In my view, the trade-off is that we do not need to have a reintroduction of the upper house; we just need to entrench that we have another system of review. We have a committee system now but, as percentages and the information in my submission demonstrate to the committee, the problem is that we are getting large percentages of bills that just are not going to a committee or are being truncated in committee.

From 2006 to 2009, before we had the committee system, 16 per cent of bills went through urgently. After the committee system was introduced, so last term, we had almost 11 per cent of bills. This term—and I do not want to be overly bad on this term because we are only at the commencement—but it was 22 per cent of bills. I think a resolution of the House declaring bills urgent should have a higher bar, because I do not believe that they are all that urgent. Do you know why I know that? Because they go to committees for a short time. They truncate the time before committees and then they sit on the table of the House for days or weeks after. How many of you have been on committees that have been working to ridiculously short timetables on review, only to see those same bills that you have reported on sitting on the table months later?

**CHAIR:** Thank you. I will go to the member for Barron River.

**Prof. Twomey:** Can I make one technical comment on that first, before you move on? Is that possible?

**CHAIR:** Yes, thank you.

**Prof. Twomey:** Just from a legal point of view, you might want to get crown law advice on whether you can actually now entrench things without yourself going to a referendum first, because I think that some changes that were made back in the Bjelke-Petersen period accidentally, at least arguably, changed the system so that you cannot actually do future entrenchment without doing a referendum. Certainly there is an argument in that regard. Although I could not give you chapter and verse at the moment, I would just be very careful about that proposition that you can entrench by using ordinary legislation now. Certainly you used to be able to do that, but since some changes to section 2 of the 1867 act, I think you cannot do that anymore. You might have to hold a referendum to do that.

**CHAIR:** Thank you for that. We might interrogate that outside of this hearing, because we have a couple of other matters that we want to canvass.

**Mr CRAWFORD:** The bill that is before us proposes provisions that allow for a general election to be postponed by no more than 35 days in the event of an exceptional circumstance where the Premier and the Leader of the Opposition at the time agree. For example, let us say we are on a three- or a four-year fixed—either/or. It is set for a particular weekend in March. Two weeks before that weekend, we have a major event in the state—a cyclone, terrorists or something like that. The Premier of the day decides that they are going to postpone by a given number of days. They seek permission from the opposition leader and it is agreed. From your perspectives, is that something that will actually work in practical terms?

**Prof. Orr:** It reinforces existing provisions about the Governor, who acts on the advice of the Premier, being able to adjourn polling. It seems to me it adds to that and augments that possibility. I cannot remember the last time in history in Australia where we had an issue in relation to an election needing to be postponed. Sometimes polling in particular areas on particular days needs to be postponed, but this is to say that the whole general election can be extended. I guess one related question to think about with this bill, with the detail that Neil mentioned and some of the electoral stuff in it, if it is going to be entrenching a 26-day campaign period, is that locking in future parliaments to what is a relatively short sharp period for deliberation?

**CHAIR:** Thank you. Anything else on that?

**Mr WEIR:** I would like to ask about the Governor's role. We touched on what constitutes a constitutional crisis earlier. We talked about the Governor having to take advice. Who does the Governor take advice from? How governed is he by that advice? Can he have a bad day and say, 'Tomorrow, I'm going to go and sack the government'?

**Mr Laurie:** We have an unusual provision in our constitution, which I do not think Anne would have seen in New South Wales. We actually have a provision in our constitution that provides that the Governor can seek advice outside of the government of the day. That was introduced post the Whitlam dismissal by the Bjelke-Petersen government. Anne will correct me if I am wrong here, but my recollection is that one of the issues that arose after the dismissal was who the Governor-General had been taking advice from. We actually had a provision put in our constitution by the then Bjelke-Petersen government that actually said that the Governor may take advice from others apart from the ministers or the Premier. This is all convention, if you like. One of the things about convention is that basically it is nothing more than a list of precedents of the past and different circumstances arise over different issues. The traditional view is that the Governor takes the advice of the Premier and the ministers. That is the traditional view. Some aspects of this bill do play around with that. For example, the delay of the election for a reason, on my reading of it, can only occur if the Premier and the Leader of the Opposition agree to that. Straightaway, you are almost basically saying that, in this instance, there has to be the advice of two people or at least the consent of two.

**CHAIR:** Unfortunately, the time for this hearing has expired. Professor Orr and Professor Twomey—I do not ask the Clerk, because we have him here available to us all the time—would you be willing, if we have some other questions, for us to put those to you in writing or talk to you further about those?

**Prof. Orr:** I have two very small things I wanted to raise. I was asked to think about unintended consequences or other issues. I did not have time this morning to look at it, but you may want to look in the Referendums Act and to clarify the term 'majority of electors voting' to approve the bill. There is legal advice out there and some people, constitutional conservatives, want to say that people voting informally are voting but are not approving and, in effect, get put in the 'no' column. I think that is something that could be easily clarified in favour of the better principle, which is that informal votes are not people voting and choosing between the options. We do know that informal voting, at least at elections, is now peaking at four or five per cent.

The other thing is in relation to the hung parliaments, which we are getting once at every least 15 to 20 years in this and other states. This legislation will invert the incumbency benefit, because the incumbent Premier will not be able to call an election at a time that suits her, but it will preserve and entrench the idea that the crossbenchers and the opposition can force the government to an early election. It affects the dynamics.

**CHAIR:** Thank you. Professor Twomey, if we have some other questions, would you be willing for us to come back to you?

**Prof. Twomey:** Yes, absolutely. No problem.

**CHAIR:** Thank you very much to the three of you who have appeared before us today. That is exceptionally helpful. It has been a very good discussion. Thank you very much for your assistance.

**HOFFMAN, Mr Greg, General Manager, Advocacy, Local Government Association of Queensland**

**LOVEJOY, Ms Kirsten, Queensland Greens**

**O'KEEFE, Mr Joshua, Team Leader, Intergovernmental Relations, Local Government Association of Queensland**

**PINK, Mr Anthony, Queensland Greens**

**STOKER, Ms Amanda, Policy Chair, Liberal National Party**

**WILLIAMS, Mr Richard, Member of State Executive, Liberal National Party**

**CHAIR:** Good morning, ladies and gentlemen. I declare open this public briefing of the Finance and Administration Committee's inquiries into possible changes to Queensland parliamentary terms. I am Di Farmer, the chair of the committee and the member for Bulimba. The other members of the committee are Mr Michael Crandon, our deputy chair and member for Coomera; Miss Verity Barton, the member for Broadwater; Mr Duncan Pegg, the member for Stretton; Mr Craig Crawford, the member for Barron River; and Mr Pat Weir, the member for Condamine.

The committee has been referred two separate inquiries, which we are considering as a single process. Firstly, the parliament has asked the committee to conduct a general inquiry into the introduction of four-year terms for the Queensland parliament. Under the terms of reference for this inquiry, we have been asked to consider a number of aspects, including a comparison with other jurisdictions, the advantages and disadvantages of four-year terms, and determining when and how a referendum question might be put to the Queensland people.

The second aspect of this inquiry is consideration of two private member's bills introduced by Mr Ian Walker, the member for Mansfield, which are related in their intent to the general inquiry I just mentioned. The Constitution (Fixed Term Parliament) Amendment Bill 2015 seeks to establish fixed four-year terms, with a general election to be held on the second Saturday in March every four years. The Constitution (Fixed Term Parliament) Referendum Bill 2015 seeks to facilitate the necessary referendum to introduce four-year terms if approved by parliament.

The purpose of this hearing is to receive additional information to assist the committee with its inquiry. We are running this hearing as a round-table forum to facilitate discussion. However, only members of the committee may put questions to witnesses. If you wish to raise issues for discussion, I ask you to direct your comments through me. This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath. However, I do remind you that intentionally misleading the committee is a serious offence.

Thank you very much for your attendance here today. We appreciate your assistance. Hansard will record the proceedings and you will be provided with a transcript. The hearing will also be broadcast. I remind witnesses to speak into the microphones and to state your names before speaking. I remind all of those in attendance at the hearing today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard, I remind members of the public that, under the standing orders, the public may be admitted to or excluded from the hearing at the discretion of the committee. I also request that mobile phones be turned off or switched to silent mode. I remind you that no calls can be taken in the hearing room.

I invite representatives to make a brief three-minute statement—we would appreciate that, because we certainly have a lot of questions to ask you—or comment on matters that are relevant to the inquiry. I will ask a representative from the LNP, which I assume is you, Richard?

**Mr Williams:** Thanks very much, Madam Chair. I will read a short statement. On behalf of the LNP, I would like to express our appreciation for the opportunity to provide a brief statement to the committee in support of its consideration of a four-year parliamentary term for the state. This issue has been considered within the party and, in March 2014, it passed a resolution by its members that it would seek action by the government to implement a four-year term. This resolution represents the view of the 14,000 members of the LNP. The organisation supports the identification of a specific date for the election, with some flexibility in variation to cater for unforeseen events.

As various submissions have noted, the Commonwealth and this state are alone in Australia in continuing with a three-year term. On a world basis, this puts us into a group of about 13 countries that run three-year terms as opposed to over 140 countries that have either four- or five-year terms. The worst term is a two-year term in the US for the House of Representatives.

In Queensland, the time has come to synchronise ourselves with the other states. It is an easier task for us with our unicameral system to do this smoothly. The benefits of a four-year term have been well canvassed. They include certainty for business, for both the private and public sectors, a better time frame for government to develop and implement their policy imperatives, relief for the voting public in providing a longer time frame between elections and cost savings as elections are both expensive and disruptive.

There are no particular negatives to extending the period to four years. It is argued that some governments need a three-year period to allow a greater scrutiny of their performance. This case could also be made about local government, but I do not think anyone would disagree that our local government system in Queensland is world class and it operates on a four-year cycle.

From my brief research of the Electoral Commission of Queensland, it is estimated that the 2012 election cost the state nearly \$20 million. This was a cost blowout of nearly \$4 million on the funds budgeted. The blowout was largely due to uncertainty of the timing of the election, increasing costs. In fact, just doing some calculations off the top of my head, over a 20-year period, if you had five elections under a four-year frame as opposed to the current situation where we could potentially have seven to eight elections in that period, that comes at a cost to the budget in present value terms of between \$60 and \$100 million. I have not seen that cost consequence canvassed anywhere. The cost to individuals and businesses is unmeasured, but must be considerable.

On top of the costs of the ECQ operation is the funding of political parties. In 2012, this amounted to a further \$14 million. A four-year electoral cycle has nothing but benefits and I commend the committee for its positive consideration of this process. Thank you.

**CHAIR:** Thank you very much. Greg, could I go to you?

**Mr Hoffman:** At the time the committee called for submissions on the issue of four-year electoral terms at the parliamentary level the association did not make a submission because it did not have a formal position. At a policy executive meeting of the association on 18 October, the association adopted a position of support for four-year fixed terms of state parliament, but with a proviso that the state election not be held within 12 months of the quadrennial local government election for the obvious reasons of impacts on voters and confusion between the issues at both state and local government elections. I can elaborate more on that timing later, if you wish.

The question put to us specifically, though, was the impact on local government from its four-year terms. Four-year terms have been in place for local governments since the 2000 local government election and there has certainly been no public commentary in terms of the issue of the concerns in relation to that four-year term, nor have there been any issues raised by councils in relation to the four-year terms.

Surveying done at the time of the proposal to introduce four-year terms done by the association by a market research company showed that 57 per cent of Queenslanders supported the change to four-year terms for councils. The reasons given were the stability of governance, longer terms to implement plans and policies as well as a reduction in the cost of elections, which for local government now are in excess of \$12 million for each election.

I should mention that, in relation to the question of long-term planning, under the Local Government Act and regulations councils have a number of statutory requirements in relation to planning: a long-term financial forecast of 10 years, a long-term asset management plan of 10 years, a corporate plan of five years and within the infrastructure area a requirement to develop planning for priority infrastructure, which runs for 10 to 15 years, and a local government infrastructure plan that has to be reviewed every five years. All of that is focused on the longer term and obviously running in parallel with that the longer term enables those plans to be constructed, implemented and efficiencies to be achieved.

Our assessment is that the four-year term has had no impact on the nominations for local government elections. That was one of the concerns at the time. I can provide you with specific information, but from an analysis that we do of each election at the local government level, the nominations are for 561 positions, which is the total number of mayors and councillors across the 77 councils, and the last time there were 1,531 candidates, which is 2.73 candidates per position. That ratio, give or take a few percentage points, has been the case since 2000. In fact, it is higher. In 2000

it was 2.1 candidates. At the last election it was 2.73. I might add that local government, in all jurisdictions in Australia, operate on four-year terms. I could make some additional points if you wished.

**CHAIR:** Thank you, we might leave those questions. Thank you very much for that.

**Mr Pink:** Firstly, we would like to thank the committee for inviting the Greens along to comment on this important bill. We would also like to thank Ian Walker who took the time and effort to write the fixed-term bill to be considered by this committee. The Greens have taken a slightly contrary position to the LNP and the Local Government Association. We are all in agreement on fixed-term elections that has been Queensland Greens policy for many years and we would definitely support that. It is a good measure to restrain executive government from allowing them to call elections at unusual times, or politically advantageous times.

As far as term lengths go, we are not in support of extending the current terms beyond three years. Mostly, the reason for this is that we are a unicameral system here in Queensland. The executive and the legislative branches of our government act in unison on virtually every piece of legislation that the government wishes to push through. That is quite a lot of power that we are investing in one group and we would not necessarily want that power to be extended out for another year without at least some level of scrutiny being applied.

As far as election timing goes, we are fine with virtually any decisions that you would like to make, but we do agree with the Local Government Association that we would like it to be somewhat separated from local government elections, mostly because of the confusion and difficulties associated with that. I think that pretty much summarises our position.

**CHAIR:** Thank you very much for that. I will start with the questions. I have quite a practical question, which I would like to ask you, Greg, which is around the timing of the referendum, if we were to go to a referendum. There are two parts to it. One of the suggestions that has been made is that, if we were going to a referendum, we could conduct it at the same time as the local government elections in March 2016. There has been some discussion from some submitters that, in fact, on the one hand if you did it separately you would have enormous cost involved but on the other hand if you had the referendum at the same time as the local government elections that it would cloud the issues. People might think, 'I already have enough to think about with the local government elections. I'm just going to vote this one down now,' or neither decision—that is who to vote for and how to vote on the referendum—would be taken as seriously, because they were being conducted together. Do you have a view on that?

**Mr Hoffman:** Yes, Madam Chair. We would be opposed to that. We have the experience of the referendum held at the time of the local government elections in—

**CHAIR:** Was it 1991? Was that held on this particular question?

**Mr Hoffman:** I am struggling for the actual date, but my recollection was that we not only had a local government election but a discussion on four-year terms and a daylight saving poll as well.

**CHAIR:** 1991.

**Mr Hoffman:** We were opposed to that occurring prior to the poll and subsequently we believe that the issues got quite confused and it was unfair and unreasonable to ask the electors to comment on three separate issues when the debate is primarily focused on a referendum at a state level and an election at a local government level. So whilst acknowledging the cost savings and efficiencies of holding them together, it is our experience that it does not do the issues of the election nor of the referendum justice to have them debated or voted on at the same time.

**CHAIR:** Thank you. I appreciate that it will be anecdotal, but what exact impact do you think it did have on the local government elections? Can you describe that for us?

**Mr Hoffman:** I think it had more of an impact on the issues of the referendum than necessarily at the local government election. There are a lot of dynamics at play in terms of issues that are relevant at a local level. Whilst some voters expressing their views or considering their views from a political perspective may have impacted the local government votes, I think we need to recognise that there is only one local government in Queensland in which the political parties endorse candidates. We believe and strongly support the fact that local government should be independent of the political process. The combining of a referendum on such issues does cloud the issues, although I cannot say to the extent that it would have necessarily impacted on the council election outcomes.

**CHAIR:** Thank you.

**Mr CRANDON:** I have just a supplementary question on that, if I may. It is my memory as well that it was the daylight saving and the four-year term together.

**Mr Hoffman:** Yes.

**Mr CRANDON:** Do you think that added complexity to the issue? If it was just a one-off four-year-term question, as opposed to, 'You have got to think about this, then you have to think about this and then you have to think about voting who you want into council,' do you have any thoughts on that?

**Mr Hoffman:** I guess the more issues at the one time the more confusion, but our position was, whether it had been one, or two, or more, we would have been opposed to it for the simple reason that it conflicts with the debate in terms of the candidature at a local government level and the issues that are relevant there. That can get overshadowed.

**Mr CRANDON:** Thank you. That was just a supplementary. My substantive question is around that 12 months either side of the election. The Clerk put a proposal forward today, and others have as well, of September being an ideal time for a state election. In your proposal, if that were to be considered, it would cut two years out of the potential dates. If it were a September date, it would cut out the current year and it would, of course, cut out the previous year. So that reduces things down. You have only two years in which you could do it if you had a fixed four-year term in September. My question is this: was your view of having it 12 months away from the local government election more to do with the proposal that we are looking at in the bill—that it is a March election? Therefore, would you be more comfortable if it were, say, a September fixed term, given that it would be well and truly before, or after that local government election cycle?

**Mr Hoffman:** The local government election date in March on the four-yearly cycle is a long-established date. There is certainly some debate within local government ranks as to the appropriateness of March and some suggestion that it be in October, the issue being that newly elected councils elected in March have immediately to deal with the budget preparation and they have to conclude that by the end of July each year. Putting the council elections to October could, in fact, enable a newly elected council to have an opportunity to properly understand and prepare a budget. So the debate has been currently March or with some support for October.

Our position basically would necessarily be to perhaps support the continuation of March but if the next state election is due on or about early 2018, if there is a council election on 19 March, as is scheduled in 2016, if there is to be a referendum it could potentially be held in 2017, 12 months away from council elections for a state election then in January 2018 based on the decision of whether it is changed to four or continues at three. If it were to continue at four, or if it were to be changed to four, the next local government elections would be 2020 and then state elections on a four-year cycle would be 2022. So you could have a referendum in 2017 for a change if approved, then an election at 2018 would be on the basis of a four-year term and then that separation that we were seeking could be achieved on a two-year cycle and the state election could be in March.

**Mr CRANDON:** I hear what you are saying but, of course, some of the aspects of the proposal before the committee are for the potential for early elections to be called and what have you, which would throw the cycle out. So we are talking about something that would be entrenched for the long term, not just the next 2018, 2020, 2022, or what have you.

**Mr Hoffman:** Sure.

**Mr CRANDON:** So coming back to my original question, was the view of your committee based on the fact that there is a proposal being put forward in the bill that it be a March election and if, as a result of our deliberations, we were to go to the House and recommend September and if then the House accepted September and all agreed that, yes, September was going to be the date and then if we went to the people and the people voted for yes, four-year fixed terms, September is the day and so forth, would your view change? In other words, regardless then of what year it was, it is six months away from the council elections. So, therefore, that would be okay. Would your view change in that regard?

**Mr Hoffman:** I can but reflect on the decision of our policy executive two weeks back where it very strongly was unanimously of the view that we would want the 12-month separation either side of the local government elections to avoid the issues, one, the voters themselves having to return to the polls as well as the potential issues. But the maximum amount of separation, in our view, the better for those reasons. So I cannot add—

**Mr CRANDON:** Yes, sure. It just makes it problematic. The reason I am pushing that, Greg, is that it makes it problematic. If we went down that road, then we are cutting out the previous year. If it were a September date, we are cutting out September in the previous year and September in the

current year. So in a four-year cycle, we only have two other years that it could possibly be and if one of those triggers were pulled, then it would make it very problematic for when the next state election were called.

**CHAIR:** I think we probably have your answer on that—it is that matter of a buffer.

**Miss BARTON:** Similarly around the timing of the referendum, but more to both the Greens and the LNP—

**CHAIR:** That is if we go to a referendum. We do not want to presuppose any decisions here, if I could just clarify that.

**Miss BARTON:** If we were to go to a referendum, obviously, both the Greens and the LNP alongside the Labor Party contest Brisbane City Council elections with endorsed candidates. Given that it is a well-oiled machine, so to speak, in terms of the running of the campaigns do you have a view on whether a concurrent referendum would have an impact on your ability to run a campaign in terms of the mayoralty and associated councillors alongside a possible referendum?

**Mr Pink:** Would the LNP like to go first?

**Mr Williams:** I suppose, slightly at odds with the Local Government Association, we do not necessarily think it would be a distraction. It is a discrete, easily understood referendum if it goes to a referendum. We think the voting public has enough intellectual capacity to distinguish between separate processes going on. I do not think it would be a particularly great issue as far as we are concerned.

**Mr Pink:** As far as we are concerned, we could, indeed, run those sorts of elections parallel to each other, but it would certainly tax our resources internally to mount cases for both of those things. We are a small political party, we have limited resources, it is difficult. That said, we would make do, because we always do.

**Mr PEGG:** Greg, just picking up on your issues with the separation, obviously there is talk about keeping the years separate and also the months separate because of the potential of them running into each other. Just looking at a couple of the practical examples that we have in other jurisdictions, as I understand it, in New South Wales it is a March state election and it is a September council election. In Victoria it is a November state election and an October council election. They are all set to hit different years as well as different months. Have you had any dialogue with any of your colleagues interstate about how that works and whether or not they think that is advantageous?

**Mr Hoffman:** No, not at all, but your question prompts me to revisit a point that I made earlier. The 2012 state election was in January. The council elections were in March that year. The turnover of mayors and councillors at the March 2012 election was at unprecedented high levels.

**Miss BARTON:** Sorry, Greg, I think you mean the state election was March and the council elections were deferred to April.

**Mr Hoffman:** Pardon me, correct, yes. I was confused.

**CHAIR:** And your election this year.

**Mr Hoffman:** Yes. The proximity of the election is the issue that I am raising. The turnover in the April 2012 elections was at unprecedented levels—a turnover of 60 per cent of the mayors and 50 per cent of the councillors. The normal turnover rate is around about 40 per cent for both. It is our assessment that the circumstances of the state election and the mood of the electorate was revisited at the local government elections. So that is an issue—an implication of the proximity of the elections and one reason we are keen to see a separation and we believe that 12 months is what we would want. We are talking about the issue of the referendum and its timing, if there is to be one. Our experience in the 1990s is what we draw on and we will have no reason to want to change that view as to the complications that it brings to all of the issues—the election issues as well as the referendum issue.

**Mr PEGG:** The other question I had that came through in some of the public forums that we had where we had quite a few councillors and former councillors come and give their views. There was a bit of a discussion about how initially, when the council made the changeover from the council elections from three years to the four years, there was a bit of public anxiety about it, there were a few questions, but over time that appears to have dissipated. I am just wondering what your views are on that particular issue.

**Mr Hoffman:** It is inevitable that a change of this nature around the sensitivity associated with elections will generate that discussion. The LGAQ annual conference in 1999 at the time of the debate about the change to four-year terms resolved to change its position, where we had in our policy

supported three years and the vote in support of the four-year policy position change was very strong. That reflected, if you like, the polling that we had done in advance of that that showed that 57 per cent of Queenslanders supported the change.

I can give you just a little bit more. In rural areas, that was a 52 per cent support. So it was the lowest there. There was 56 per cent support in the provincial areas, which is predominantly the coastal cities and, in the Brisbane metropolitan area, it was 60 per cent support for the change to the four-year term. So the concerns that you were hearing may have been revisiting, if you like, those concerns, but that poll was a representative sample across the state and that is the result that we achieved at that time. It changed our policy position at an annual conference and that has been the case since.

**Mr CRAWFORD:** My question is for the LNP and the Greens. Just from a campaigning perspective, no doubt everyone is aware of what happens with a snap election where all of a sudden every printer between Melbourne and Darwin is engaged and you cannot buy a corflute this side of San Francisco. Would a fixed-term election, whether it is three, or four, or whatever the time frame, make it easier for political parties to campaign, to organise people, or would it have the potential to somehow make it difficult where one party, or a couple of parties, might tie up all of the advertising space because you can plan and see what is happening? Can you just give us some comments?

**Mr Williams:** I think from our point of view we would find that it would be more efficient with a fixed date, because it allows you to plan. It allows you to schedule things. I was thinking on the way over here when I was mentally working out what the cost of additional elections are and it struck me that there must be a huge cost penalty. Your point about not getting a corflute, all of those suppliers, immediately when demand exceeds supply, stick their price up dramatically and there must be a huge cost penalty around that.

The other cost I was also thinking about is the personal cost for people who plan things—to have a wedding or a reception or do something, or have an overseas holiday and then suddenly an election date pops out of the ether. It does not necessarily disrupt their plans entirely, but it can impact their plans, whereas people personally can schedule their lives a bit better to know that there is a date when they have to do something, or they have to be around or available, excepting prepostal and voting and all the rest of it. It does not work for everybody. Interestingly, from the figures that Greg had there, I suspect there will be fairly widespread support for the whole concept out in the land of the public.

**Mr Pink:** We tend to agree, actually. It is much easier to plan when you have an exact date when these things are going to run. It is easier to go to volunteers and ask them for their time on particular days to do these things. It is easier for us to plan for printing and to organise advertising. It is much more efficient as far as we are concerned. We would be more than happy to go to fixed terms on just that basis alone.

**Mr WEIR:** The Greens made the comment about no upper house in Queensland. We have the committee system here and if you were sitting in on a previous hearing would have heard that discussed at length. So there are things that we can do to entrench that in legislation to ensure that the committee system survives. If we had an upper house and you had one level of government that had control of both houses, surely the committee system competes with that fairly strongly? You identified that as one of the reasons that you are against the four-year terms.

**Mr Pink:** Yes, we did indeed identify that. We like the idea of an upper house. We would accept that. We would also accept a number of other suggestions, including suggestions that the Clerk has made, as well as Professor Orr, especially in the previous Legal Affairs that I believe was investigating that. We were in that hearing, as well. We mostly agree with their positions on that. As far as the committees are concerned, we would probably accept that as a reasonably good thing to entrench the idea that committees should consider legislation into our current system. I will take advice as far as actually coming up with a method for that.

We are not sure if you would be too worried about having conflicts between committee systems and upper houses. In federal parliament, most of the committees are run out of the Senate, there are not too many lower house committees. But I think you will probably find you can make any system work for you. As far as oversight concerns with committees, we would love to see that committees have more power, but we do not think that is actually enough to ensure proper oversight in Queensland. We would like to see more changes to how our parliament is actually made. We have suggested upper houses, which is a good method. We would also suggest something like mixed member proportional, which is the similar system to New Zealand that we were talking about earlier. However, we do realise that it is politically hard for parties at the moment, as it does require quite a leap of faith as far as actually being able to form government in Queensland.

**Mr WEIR:** Richard, do you have any comment on that?

**Mr Williams:** The LNP organisation supports the concept of an upper house, but politically, realistically, it has to be a bipartisan process to make it happen. We would always be keen to pursue the idea. We all know that Queensland, at one stage, back in 1921 or 1923, had an upper house, so it is not as though it is unknown in our history. I think our reflection is that upper houses work quite well as a house of review.

**Mr Hoffman:** I will just read to you an extract from a speech by the then local government minister to the 1999 Local Government Association conference, at which those policy positions of the association were changed by the then minister, the Hon. Terry Mackenroth. I quote from his speech—

We were very foolish, I think, in that we put that referendum to the people at the time of the local government elections and many councils were not happy with that because it confused their election campaigns. And we also had the issue of daylight saving and many people in North Queensland said to me that they voted against four year terms because they didn't like daylight saving...

Admittedly, we are not revisiting the daylight saving issue in this discussion, but I think it is a demonstration of how voters react to expectations that at one point they are voting for candidates for an election and in another ballot paper at the same time they are voting on another issue that does not necessarily relate to the first election. That is a demonstration of that confusion.

I might add, also, that there is a question of costs. If a referendum was to be held at the same time as the local government elections, we would be insistent that there was a very clear delineation between election related costs and the referendum related costs, given that the Electoral Commission of Queensland conducts those elections and local government pays for that service.

**CHAIR:** We have the Electoral Commission of Queensland here after this. Yes Richard, very briefly, if you do not mind?

**Mr Williams:** I have a quick comment: I think there is a natural synergy between a four-year referendum and a local government election, because they actually go hand in hand. You are talking about a political process that is four years and you are talking about whether you want to apply that same political process at a state level. I think that is good education and there is a good link between the two processes.

**CHAIR:** Thank you. We have exceeded the time for the inquiry. I thank all of you. We have a couple of quite regular visitors to our committee. We appreciate the time you have taken and the thought you have put into your submissions. We may wish to come back to you before we make our final report. I hope you do not mind helping us with any questions we might have. Thank you.

**BROUGH, Mr Carrick, Acting Assistant Director, Funding Disclosure and Regulation, Electoral Commission of Queensland**

**TIERNAN, Mr Dermot, Assistant Electoral Commissioner, Electoral Commission of Queensland**

**CHAIR:** Good morning, ladies and gentlemen. I am Di Farmer, the chair of the committee and the member for Bulimba. The other members of the committee are Mr Michael Crandon, our deputy chair and member for Coomera; Miss Verity Barton, member for Broadwater; Mr Duncan Pegg, the member for Stretton; Mr Craig Crawford, the member for Barron River; and Mr Pat Weir, the member for Condamine.

The committee has been referred two separate inquiries, which we are considering as a single process. Firstly, the parliament has asked us to conduct a general inquiry into the introduction of four-year terms for the Queensland parliament. Under the terms of reference for this inquiry, we have been asked to consider a number of aspects, including a comparison with other jurisdictions, the advantages and disadvantages of four-year terms, and determining when and how a referendum question might be put to the Queensland people.

The second aspect to this inquiry is consideration of two private member's bills that were introduced by Mr Ian Walker, the member for Mansfield, which are related in their intent to the general inquiry I just mentioned. The Constitution (Fixed Term Parliament) Amendment Bill 2015 seeks to establish fixed four-year terms, with a general election to be held on the second Saturday in March every four years. The Constitution (Fixed Term Parliament) Referendum Bill 2015 seeks to facilitate the necessary referendum to introduce four-years terms if approved by parliament. The purpose of this hearing is to receive additional information to assist the committee with its inquiry.

This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence. I welcome you here today and I apologise for the delay in having you before us. We thank you very much for your attendance and for your help.

Hansard will record the proceedings and you will be provided with the transcript. This hearing will also be broadcast. I remind you to speak into the microphones and to state your names before speaking. I remind all of those in attendance today that these proceedings are similar to parliament to the extent that the public cannot participate in proceedings. In this regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee. I also request that mobile phones be switched off or turned to silent mode. I remind you that no calls are to be taken in the hearing room. Mr Tiernan, would you like to make any opening comments before we go through to questions?

**Mr Tiernan:** First of all, I thank the committee for the opportunity to speak with you today. On behalf of the Electoral Commission of Queensland, I will be providing information from an electoral administrative standpoint and commenting on the functionality of the Referendums Act in its current form. The role of the ECQ is to conduct elections, but it is most critical that we do so with integrity, transparency and independence to ensure that the confidence of Queensland's 2,996,973 electors is maintained. Before I start, I thank the staff of the commission for helping me prepare for today, particularly Yvette Zischke, the director of Funding Disclosure and Regulation, and to my right, Carrick Brough, the assistant director in that same area.

With regard to fixed terms, the commission is charged under the Electoral Act and the Local Government Electoral Act to conduct electoral events for the Queensland Legislative Assembly and Queensland local governments respectively. Presently, for a state general election, the Electoral Act states that the commission must conduct an election of the Legislative Assembly if the Governor issues a writ to the commission. The writ must be issued to the commission not later than four days after the day on which the Legislative Assembly is dissolved or expires by the passage of time. As you are aware, this means an election of the Queensland Legislative Assembly can be called at any time during the tenure of the current government.

As a result, the commission operates in a state of being ever-election ready. This means that, at any given point in time, we have the essential components of an election prepared, briefed and ready to be deployed. This will include our returning officers, ballot material and contracts with key suppliers. A fixed election date would provide an even greater level of planning and certainty to deliver these large and intricate logistical events, where precision and integrity in the outcome is paramount.

In regard to four-year versus three-year terms, the commission does not hold a firm view of the advantages of a four-year parliamentary term as compared to a three-year parliamentary term. A longer period between elections will deliver cost savings in the long run, simply due to the elections being further apart. The commission has no issue with the Constitution (Fixed Term Parliament) Amendment Bill 2015 in its current form, but we do propose that, should a fixed election date be set, that date not coincide with the wet season. Queensland is a subtropical state. Cyclones, floods and storms are not uncommon in the months of January through March and even April. Each of these restricts access to polling booths, cuts off roads, airports, ports and mail services. If we had a set date for elections, we could greatly reduce the risk to persons and to the event of natural disasters if that set date was later in the year.

In addition to the electoral acts, the commission is also charged with responsibility under the Referendums Act 1997 with the conduct of state referendums. In its current form, the Referendums Act 1997 has notable anomalies when compared with the more modern electoral acts. Under the Electoral Act and the Local Government Electoral Act, Queensland voters can access progressive voting arrangements, including unrestricted postal voting, unrestricted pre-poll voting, enrol and vote and electronically assisted voting. These are absent in various levels of detail from the Referendums Act 1997.

The commission holds concerns that the public expectation is that these forms of voting will be readily available at a referendum. It is the strong recommendation of the commission that, as a minimum, these key anomalies be addressed through legislative change so that the referendums act reflects the modern electoral services as depicted under the Electoral Act.

With regard to the date of a referendum, the commission concedes that there may be a *prima facie* case to support conducting a referendum on the same date as the local government election, but this would pose some administrative issues. Firstly, it would involve the holding of essentially three elections on the same day—that being for councillors, mayors and the referendum. This could be confusing to some.

Secondly, while local government polls are about local councils, referendums are gubernatorial business. That is an issue that we need to communicate to electors. Thirdly, the electoral events would have to be conducted under different electoral jurisdictions—local government according to the Local Government Electoral Act and the referendum under the state arrangements. This means 89 of our 102 local government returning officers would have to act as state returning officers and carry out those functions according to different boundaries.

Fourthly, the difference between local government elections and state events go beyond different electoral boundaries. Local government elections use different voting systems depending on whether the council is divided or undivided. There are mayoral and councillor ballot papers and some areas conduct their elections partially or fully by postal vote. Whereas the cost of the state election and a referendum is born by the state, the cost of a local government election is recovered from council.

Fifthly, there is the issue of turnout. I would assume the committee would expect or want to maximise turnout for a referendum. State government election turnout averages about 92 per cent of those on the roll, but it is significantly lower for local government electoral events. Finally, there are potential areas for elector confusion. The Local Government Electoral Act requires that electors must cast an ordinary vote within their local government area. The worst case scenario is that electors would have to make two trips to the polling booth if they were participating in pre-poll voting.

In closing, from a practical perspective the commission would prefer a set date later in the year. With regard to a referendum on the day of the local government quadrennial elections, whatever the arrangements the commission can deliver and will deliver results which withstand scrutiny and ensure electoral integrity. I look forward to participating in this inquiry today.

**CHAIR:** Thank you very much. You have raised a number of issues that we have not been exposed to at all. That is a very good opening. I am sure committee members will have a number of questions arising from that. Can I go to the issue of cost? I think we have probably, it is a fair to say, come to Parliament House today thinking we were going to ask you how much it costs to run an election and then just think we could subtract one from the total. It is very clear that that is actually not the way it works.

Can you give us an indicative idea of the cost differentiations? If you need to come back to us, that is fine. Clearly, you have described a number of administrative complications around running a referendum on the same day as local government elections, if we were to go to a referendum, which would have some costs. Can you approximate what those costs would be and also tell us how much

it costs if you were running a referendum on its own? How much would it cost to run a local government election on its own? How much would it cost to run a referendum on the same day as a local government election?

**Mr Tiernan:** For the local government event next year we are budgeting statewide to deliver 300-odd electoral results. There are 77 mayors and 502 councillors all up.

**CHAIR:** I think the LGAQ actually gave us that number before.

**Mr Tiernan:** We are budgeting \$16.6 million to conduct those elections.

**CHAIR:** Is that different to a state election?

**Mr Tiernan:** It is a fair bit cheaper. January's state election ran to about \$24 million. The reason for that difference is that we have about 20 councils opting to go full postal which is cheaper mainly because you do not have to hire the staff, you do not have to hire the halls, you do not have to do the assessments. We rent accommodation for the returning officers. Although, I have to say, most of the councils have been really good in working in partnership on this. A lot of the councils are providing us returning officer accommodation gratis. That brings the cost down too.

We and our local government partners take advantage of differences between the Electoral Act and the Local Government Electoral Act to shave off as much cost as we possibly can without impacting on the integrity of the result. There are some areas in local government that are more expensive—for example, where you have a first-past-the-post undivided council. The labour cost for counting is significantly higher. For example, Toowoomba has 107,000 people on the roll and they have 10 councillors. You essentially have to count 107,000 votes 10 times. The labour cost of that is huge. We are working with councils on some modern technology to streamline that a bit, get a result quicker and get a result more economically for the council.

In the past we have had to print and distribute certified lists around the state. I think we printed 16,000 in 2012 for the various local government areas. That does not sound like much, but it is paper. You put paper in a folder, you put it on a truck and you have to drive it all around the state.

**CHAIR:** These are electoral rolls which are available electronically now, though?

**Mr Tiernan:** No, these are the certified lists for when you go up to vote. Then you have to place security on those all the time and then you have to ship them back. What we are doing this time is we are having an electronic look-up and mark-off device. It will save a lot on logistics. A lot of the investment we put into the electronic certified list development for the state government election we will use again. For the local government elections we are budgeting about \$16.6 million.

**CHAIR:** Would we assume that a referendum would cost the same as a state election? Is that what you are saying?

**Mr Tiernan:** It would be in the ballpark. The voting is similar. There is no OPV. Yes, it would be in the ballpark. Part of that is the expectation of the electors. We had very good feedback about the electronic certified list that we used in 29 electorates around Queensland and in the old district centres, but they were expensive to do. I guess the short answer to your question is, yes. If we were to run them together it would be roughly about a \$33 million or \$34 million exercise. I have a high level breakdown that I can share with the committee, if you would like?

**CHAIR:** That would be excellent.

**Mr CRANDON:** I have a follow-up issue in relation to what you have just been talking about—the electronic distribution. Do you have a paper backup? It is March, and if we do have a cyclone come through do you have a paper backup go out to the various places? There is a lady smiling over in the corner.

**Mr Tiernan:** At the state election, we did not. We had paper in those areas. For the local government elections we will have paper lists where the local government wants them. It is not standard. The ELMOs are designed so that they automatically backup. The data is stored on the hard drive and then either at the end of the day or during the day we can download it at any time.

**Mr CRANDON:** My substantive question relates to what appears to be a concern in relation to having both on the same day and the problems around that. I hear them loud and clear. Just throwing something into the centre of this—and I know the AEC runs its own elections—we have a federal election coming next year. If we were to get to the referendum stage—if the committee were to recommend that and the parliament voted for that—and we selected a day for the referendum and lo and behold there is an election called federally around the same time, what would you do? What impact would that have?

**Mr Brough:** There is a provision in the Commonwealth Electoral Act which prohibits the holding of a state poll on the same day as a Commonwealth election so it could not actually be on that same day.

**Mr CRANDON:** I am thinking about the overlap. We have it scheduled for 1 September, if that is a Saturday—does it have to be a Saturday, I suppose it does?—and a federal election is called and it is the middle of September. I am talking about the complexity around the clash of the two, the overlap of those two.

**Mr Tiernan:** We do share equipment with other commissions. The electronic mark-off device is a tablet and we share those with other commissions. The main issue there would be confusion in the electorate and confusion in the places that we are booking. For example, the AEC might book my local state school, but we may not. So people will, with the best intentions, go to a place that is locked up. I guess there is a bit of first mover advantage there.

If we had to do a referendum we would market it quite aggressively. We would have to. Under the act we have to advertise it statewide anyway. I think we would have a similar advertising and PR campaign in size to what we had for the state election, simply to ensure we got the turnout. The key risk in your example I think is voter dissatisfaction and annoyance. That will impact most on the commission that goes second, I believe.

**Miss BARTON:** I have two questions in terms of cost savings if we were to go down the path of fixed terms. The first is with respect to the cost of pre-poll voting. Correct me if I am wrong, but my understanding is that when you are unaware of a potential date you would make leasing arrangements for a longer period of time on the basis that something could happen whenever. You might have a six-month lease as opposed to a two-month lease for your returning officer. I wondered if you could comment around potential savings on that, first? Whilst asking that question I forget what the second part of my question was. While you are answering that I will remember what the other part of my question was.

**Mr Tiernan:** We spent a little over \$2 million on returning officer accommodation for the 31 January state election. You are correct, they were mostly six-month leases. We do get a good price because we pay in advance up-front. Most of the time, we get a good price; we do not always get a good price.

If it were set, the incentive to save money would be in our court. We would have to negotiate hard because, from a landlord's point of view when they can see it coming, it might be two or three months worth of jam. There are other elements that would impact on that. In the middle of last year we spent a significant amount of money training our returning officers. We did a follow-up training exercise in November. That was a significant investment. Back to accommodation, with the local government election next year—and forgive me if I am wrong—from memory, I think we are only renting accommodation for 18 local councils because the councils have been good in finding accommodation among their own assets, if you like.

**Miss BARTON:** I did remember the other part of my question. In terms of the advertising that you do, obviously you have advertising around when the rolls are closing and when people have to be on the rolls. I imagine that having to organise that advertising in print, television, radio and electronic media can be quite expensive at the last minute. I appreciate that you might not have the answers necessarily today, but have you given any consideration of what those cost savings might be in terms of your ability to advertise the upcoming election and having things booked in advance for the closing of rolls and things like that?

**Mr Brough:** You raise a good point in relation to the advertising. What we do is we prepare our campaign well in advance and have it on the shelf, and we pop the dates in once we know them at the last minute. So we have everything planned out with our advertising service provider in advance, but you are quite right in that at the last minute there may not be sufficient spots available for the type of campaign that we want to run. We do actually pick up some extra availability of spots when the government blackout on advertising comes in. So we pick up from other departments who cannot advertise during that period. But, using the example of this year's state election, we did have some ads that we just could not get enough out. We planned to do 20 spots and we could only do 15, for example, or something like that. I do not have any figures on the actual cost, whether there would be any cost savings, but there is some impact, as I have spoken about.

**Mr PEGG:** Mr Tiernan, the member for Broadwater talked about the pre-poll issue, particularly in relation to cost, which is obviously an important consideration. The other important consideration in my view is also the location in terms of accessibility for voters, particularly in a context where we

have pre-polling becoming more and more prevalent. I know that in my electorate the actual location chosen was less than ideal and speaking to some of my parliamentary colleagues they have shared that view.

**Mr CRANDON:** Absolutely.

**Mr PEGG:** In terms of what you said about being ever election ready yet a fixed term would allow you to do more planning, for instance, would a fixed term allow the commission to choose more appropriately located pre-poll venues?

**Mr Tiernan:** Perhaps. Most of the pre-poll venues are ROs' offices. We are a bit restricted there because we need basically a commercial space. We need a room roughly the size of this one, because you have to be able to sort and segregate a lot of paper and organise people. I understand that people perhaps found the returning officers' office locations impractical from the pre-polling point of view. That is something we will take on board and consider.

In terms of cost savings though, at the commission, Walter van der Merwe—Walter is the Electoral Commissioner—I and all the senior management team have a real focus on making it easy for people to participate. We want our turnout average to go north, not south. Will four-year terms make it cheaper? I cannot say because we need to make those offices as readily accessible to people as possible. You are quite right about pre-polling.

**Mr PEGG:** That was my question I guess, because I thought you answered the cost question quite well. Will it allow a more detailed consideration of the locations by the commission or not? That is my question.

**Mr Tiernan:** I think it will be the short answer, simply because it allows greater planning. We did have returning officers' accommodation in industrial areas and commercial areas. Logically some people might think it would be better to have them in the shopping centre. The shopping centres are very expensive, I have to say. That goes back to my point that we have to balance all of that—accessibility for people, parking, access for people with a disability. All of those matters are considered. At the end of the day, we do not know when the election is going to be, so we sometimes have to knuckle down and book what we can. I think your question is good and with more certainty you get better planning.

**Mr CRAWFORD:** There are two parts to my question. The first one probably has a very simple answer. Is it true that we cannot hold the referendum at the federal election?

**Mr Tiernan:** On the same day?

**Mr CRAWFORD:** Yes.

**Mr Tiernan:** Yes, it is.

**Mr CRAWFORD:** The second part is that a number of people when we were out and about in Queensland commented to us, 'Why are we not able to do electronic voting? Why are we not able to vote another way?' I am sure you have had this conversation many times. What can we tell Queenslanders in that space? I do not want to put you on the spot.

**Mr Tiernan:** No. It is a good question. Under the Electoral Act there is allowance for electronic voting. We have had regulations made to stipulate what that means. At the state government election we piloted something called telephone voting. We actually called it BLV, blind and low vision. It was targeting that portion of the community who are either blind or have low vision. It allowed them to vote independently via telephone. We had it audited beforehand and afterwards. We will be offering that service again, but we will be expanding those who can participate in it.

I have to be honest. It is not going to be a very efficient process because when you have a council election it is not like a state government election. You do not have three or four candidates; you might have 14. So it can be a long conversation. But it allows people to ring up and register. They get a pin number. That happens as soon as the writ or the ad is placed. Then after pre-poll commences they can ring up any time and cast a secure vote. We are heading down that path. Next year we are expanding that to people with a disability and distance voters if they want to participate. It also allows us to cover off for natural disasters. So if you cannot get to a polling booth you may be able to call up, register and then unfortunately call again and vote. But it is about maximising the turnout.

In terms of internet voting, we have been heavily engaged with New South Wales in their iVote strategy. They have been using that for several years now. They do not expand it to everybody. It is restricted to certain portions of the electorate—so the blind and low vision area, the disabled, distance voters and voters who are overseas. I personally am very attracted to that last quadrant, because we

had I think it was eight overseas polling booths in January. London worked okay, but we had one in Dallas, for example, and just getting the ballots back is really hard work and really, really expensive, whereas if we had internet voting that problem would be solved.

What are we doing about it? In this year's budget the government was kind enough to grant us some money over the next couple of years to invest in a new IT system. We currently use something called the Strategic Elections Management System, which is a bespoke computer system we designed and built with CITEC 10 years ago to run state elections. It has been changed over time to now manage local government elections as well and by-elections. Does it work? Yes. Is it costly? Very costly. Because it is bespoke, every time we try something new our development costs go up.

We have been given money to invest in a commercial off-the-shelf product to replace SEMS. That project has kicked off and we are hoping to go to the market for an expression of interest and an RFT process in the very near future. We have set ourselves a very ambitious timetable for investing, testing and running that new system. That will allow us to, as time goes on, if you like, buy off-the-shelf commercial products and plug them on, rather than redesign everything from the ground up every time. Are we going as fast as some members of the community would like us to? Perhaps not. But are we going as fast as we can? We definitely are.

**Mr WEIR:** You said that there are a certain number of local government areas that have postal plebiscites. Can you run a referendum in conjunction with a postal plebiscite or do they have to go to a booth?

**Mr Tiernan:** Under the Referendums Act as it is currently drafted, the answer is no, because we have restricted access to postal votes. With the Referendums Act, when you read it, the thinking is as the electoral legislation thinking was in 1992. If you want to do a postal vote, you have to give your reasons—you are sick, you are going interstate or you are going overseas, that sort of thing. If we modernised the Referendums Act, I think we could do it. The question would only be turnout.

One thing I did not say in my opening remarks is that a challenge facing all electoral commissions is what is going on with Australia Post. Australia Post have basically intimated that they are exiting the field of residential post. They are upping the price. They are lowering the service. For postal votes that is really concerning. It means basically next year we are looking at every postal vote being \$2 minimum, and that is just to get the ballot paper out there and get it back. But Australia Post do not take any responsibility for ensuring the ballot is delivered and then delivered back to us.

These two questions coming together are really timely because postal votes are probably only going to be with us for a handful of elections going forward, and we cannot rely on them to get 90-plus per cent turnout. In short, if those changes I spoke about to the Referendums Act are made, yes, we could do it. The risk would be voter turnout and how many of the votes are actually returned to us.

**Mr WEIR:** The other question I had was in relation to campaign funding for the yes/no case. If you have bipartisan agreement, does that affect the funding for both sides? How does that work?

**Mr Brough:** There is a provision in the Referendums Act which says if parliament asks us we have to mail out the case to the electors. If there is bipartisan support, it is just one case. If you have two sides and certain criteria are met, then we are obliged to mail out two cases. We are also obliged to advertise the cases in a newspaper circulating generally in the state. I think from memory the Referendums Act requires us to do the advertising regardless. But a potential saving could be realised by not sending out that letter to the electors. In answer to your question, if there is bipartisan support, then there is just going to be one letter and even that is optional, but there is always going to be an ad in the paper, as you would expect.

On your previous question in relation to the Referendums Act and the postal ballot situation, there was actually legislation in front of parliament last year called the Justice and Other Legislation Amendment Bill 2014. That has since lapsed but a lot of the modernisation issues were covered off in that. My point is that the drafting has already occurred to bring the Referendums Act up to speed. It just needs to be dusted off, I guess.

**CHAIR:** We have gone over time, but it is very useful to have you here. Is the committee in agreement that we take a little more time to ask any outstanding questions? You referred earlier to if there was a referendum wanting to be extremely thorough about it, and we are all well versed in that issue of how complicated it is to put a referendum question, and it is more likely to go down than not. Can you comment on what you think you would have to do and what preparations would need to be made in order to run a thoroughly informative referendum campaign? Can you comment on the difference between one that has bipartisan support and one that does not? Carrick, you obviously referred briefly to that before. Can you comment on the education and awareness campaign?

**Mr Tiernan:** The key thing is that you have to keep it simple. The question that appears on the ballot paper is not a matter for us. But in terms of the message that goes out that (a) there is a referendum and (b) it is on this date and this is what it is about, we would work with our service provider about getting to the nub. We live in an age when people want instant gratification. So you have to feed the beast, I guess. That is why we do not do our advertising strategies ourselves internally. We hire experts to help us.

The good thing about a referendum I have to say though is that it actually gives a particular point of interest that ourselves and our service providers can bite at. Much of our advertising for the 31 January election was about the proof-of-identity issue. So all the ads were about people remembering their voter information letter. That was a real point. Whether you agreed with it or not, it did not matter. It made the election advertising carry a subliminal message almost that 'There is an election on and I need to remember to bring this piece of paper.' With the referendum, we would have a similar campaign to that. Would it be cheap? No. But, again, if there is plenty of notice and we know it is coming—and I understand it has to be two months according to the bill—we would have to scramble. That would be an interesting campaign to run, I think.

**Mr CRANDON:** Just coming back to the conversation around people with disabilities, assuming we get down the road and there is a referendum next year, unless something happens federally this year, it gives us the potential for three elections that people have to deal with. From your perspective, what is your disability policy? I note that you were talking about making it accessible electronically, if you like. What is the policy around access to all voting stations for people with disabilities—and I am talking, of course, about people in wheelchairs and so forth as well as others? What is your policy there and how are you looking to update that?

**Mr Tiernan:** We have a preference for polling booths that have full disability access. However, we do not own the polling booths. We rent them mainly from schools and community organisations, and we rely on those schools and those community organisations to get the disability access certifications. We do not do that for them, because it is a standard function of them operating their business, whatever their primary business is. Do we have instances where we are accused of discrimination after electoral events? Yes, we do. The short answer to your question is that we are trying to make it better all the time but, because we do not own all of those locations, we cannot demand that X school makes sure that it is completely accessible to people who might have a disability.

**Mr CRANDON:** What about pre-poll booths?

**Mr Tiernan:** We are pretty good about pre-poll booths. I went down to the one at Burleigh. To be honest, I was a bit worried about that one, but it was accessible completely. It was not ideal. There was a ramp, but you had to go up a hill to get to the ramp. What we do is we get our polling booth supervisors to make sure that all their staff know that people do not have to get out of their car. They can cast their vote in the car. We will take the material down to them and we take a ballot box down to them. I witnessed that on a few occasions. Is it ideal? No. Do we have a plan to get to 100 per cent access for 100 per cent of the people? We have a disability access policy, which is mandated by government. The short answer to your question is that it is not ideal but we are trying to get there.

**Mr WEIR:** Your preference by the sound of it would be a stand-alone referendum held on a stand-alone date.

**Mr Tiernan:** Our preference?

**Mr WEIR:** Yes.

**Mr Tiernan:** To be honest, our preference would be to know whether or not we have to do a referendum. I am not joking. We will make it work whatever the date is, whether it is with local government or without. I really appreciate the committee having this inquiry because it has allowed us to have those conversations in-house. It has allowed us to look at the act. It has allowed us to do some planning, to do some costing. Potentially it might be easier for us to do it on a separate date, but that also means we need to rehire all the returning officers. We need to run another expression of interest for up to 10,000 employees. So it is a big exercise one way or the other.

**Mr WEIR:** How does the percentage of voters compare with a referendum that is held on its own and not in conjunction with an election?

**Mr Tiernan:** Do you mean turnout?

**Mr WEIR:** Yes.

**Mr Tiernan:** It is hard to say. I have some examples. As I say, on average for a state event we have about a 92 per cent turnout, which is pretty good. It is not as good as some of the other states, but we are competitive. Earlier this year we were just under 90 per cent, and there were reasons for that. It was the end of the holidays and perhaps it caught people by surprise. However, in local government it does average around 75 per cent. In 2012, for example, Burke shire only got a 66 per cent turnout; Brisbane, only 81 per cent; Cherbourg, 73 per cent; and Cassowary Coast, 80 per cent. I am not quite sure what the reason for that variation is, but that is probably something to consider when thinking about a date.

**Mr CRAWFORD:** Obviously I understand the issues of running them both on the same day, and you mentioned having to rehire everybody and everything like that if they were held on separate dates. What if you were to run the referendum two weeks after the local government election? Would that make it easier? Would that save costs by having the same people in place but running it on two separate dates?

**Mr Tiernan:** It would really depend on what the results in the local government areas were like. If they were close, they are going to go for the 10 days after the election, so the returning officer is going to be distracted anyway. If they are really decisive election results on 19 March next year, then, yes, two weeks after that might be worthwhile. But that is something I cannot predict.

**CHAIR:** Just on that issue though, if we went for a separate referendum, we would be looking at three elections next year.

**Mr Tiernan:** We would.

**CHAIR:** If they were to happen separately, what are your comments on how much voters would be completely over elections, and it may, in fact, affect voter turnout and the choices that they make by the time you get to the second and third elections,?

**Mr Tiernan:** Excuse, Madam Chair, but I think I would be speculating. I can only really speak for myself as an elector and I quite like going to vote.

**CHAIR:** I think you are in the minority. It was probably unfair of me to ask your view on that. In your professional experience and I would say in most of our experience, whichever was the third election—

**Mr Tiernan:** Would suffer.

**CHAIR:** Certainly, for instance, if the third election in the year were to be for our federal colleagues, my view is that they would not like us very much. That is fair enough. There being no further questions, thank you very much for your really detailed responses. As I said earlier, it was information that we had not foreseen coming to us, so we really appreciate that. If we have any further questions, I hope you will not mind if we come back to you before we deliver our final report. I declare this hearing closed.

**Committee adjourned at 12.38 pm**