



ELECTORAL COMMISSION
QUEENSLAND



Fixed Four-Year Terms Referendum

Election Report

Fixed Four-Year Terms Referendum

A Bill for an Act to provide for fixed four-year terms for
the Legislative Assembly in Queensland

19 March 2016

2016 Fixed Four-Year Terms Referendum Evaluation Report and Statistical Return

Electoral Commission of Queensland

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Foreword



The Queensland State referendum on fixed four-year Parliamentary terms was conducted on 19 March 2016. It was held in conjunction with

the local government Quadrennial elections and was the eighth State initiated referendum since the establishment of the Queensland Parliament.

Of the seven previous referendums held in Queensland: Federation, 1899; Religious Instruction, 1910; Abolition of the Legislative Council, 1917; Control or Prohibition of Liquor, 1920; Control or Prohibition of Liquor, 1923; Extension of Parliamentary terms from three to four years, 1991; and Daylight Saving, 1992, only the 1899 and 1910 referendums were resolved in the affirmative.

The referendum of 1991 seeking extension of parliamentary terms from 3 to 4 years had similar objectives to that of the recent referendum however terms of Parliament would have remained unfixed. On that occasion, the NO vote polled 51.21% and the YES vote 48.69%.

On 5 April 2016, the Commission officially declared that the 2016 Queensland State referendum had approved a Bill for an Act to provide for fixed four-year terms for the Legislative Assembly of Queensland. As a consequence, the Bill amends the *Constitution of Queensland 2001* to provide

for fixed terms for the Legislative Assembly. In addition, it also amends the *Constitution Act Amendment Act 1934* and the *Electoral Act 1992* as well as repealing the *Constitution Act Amendment Act 1890*.

At the close of rolls 3,083,593 electors were enrolled and were eligible to vote. By close of polling on 19 March 2016, 82.18% of electors had voted with 97.05% of those recording a formal vote. The proposal was successful with **52.96% of votes in favour of the Bill** and 47.04% opposed.

The Commission appreciates the support it received whilst planning for the State referendum from Members of Parliament, the Departments of Justice and Attorney-General, Premier and Cabinet, and Treasury.

Finally, I wish to acknowledge the dedication and effort of the staff of the Electoral Commission and of the 8,829 Queenslanders who worked for the Commission during the election period.

Walter van der Merwe
Electoral Commissioner

Background

The Queensland State referendum on fixed four-year Parliamentary terms was held in conjunction with the 2016 local government elections on Saturday, 19 March 2016. The last time Queenslanders voted in a referendum was on 22 February 1992 in relation to daylight savings.

Referendums in Queensland are conducted in accordance with the *Referendums Act 1997*, but due to the absence of any Queensland State referendum activity post-1992, voting processes had become inconsistent with the *Electoral Act 1992*. In an effort to modernise referendum voting processes, the *Constitution (Fixed Term Parliament) Referendum Act 2015* was passed by the Legislative Assembly of Queensland on 4 December 2015, amending the Referendums Act to facilitate pre-poll voting, enable greater access to postal voting and provide electronically assisted voting.

To inform electors of upcoming electoral activity a Voter Information Letter (VIL) was posted to every elector on the Queensland roll (at the close of rolls) advising:

- The concurrent conduct of the State referendum with the 2016 local government elections;
- Voting arrangements, including pre-poll centre and polling booth locations;
- The elector's local government area, ward or division and State District;
- The fact that voting is compulsory in Queensland; and
- Contact details for the Commission for more information.

State referendum planning leveraged arrangements made for the 2016 local government elections, which included the timetable, polling places (pre-poll centres and polling booths) and the postal voting process. Electors voting in-person or by postal ballot for their local government area (Council) received a Mayoral, Councillor and State referendum ballot paper.

On Tuesday, 5 April 2016 the Commission officially declared that the 2016 Queensland State referendum had approved a Bill for an Act to provide for fixed four-year Parliamentary terms for the Legislative Assembly of Queensland.

Overseas and interstate pre-polling

From London to Singapore, Alice Springs to Melbourne, the Commission has historically made in-person voting accessible to Queenslanders who are overseas or interstate during the pre-poll period. Continuing its commitment to providing this service, for the 2016 State referendum, the Commission engaged:

- Australian High Commissions in Singapore and Papua New Guinea;
- Trade and Investment Queensland offices in London, Taipei and Hong Kong; and
- Interstate electoral commission offices in Canberra, Sydney, Hobart, Darwin, Alice Springs, Melbourne, Perth and Adelaide.

In total, 482 and 173 votes were taken overseas and interstate, respectively.

Electronic Certified Lists

Following the success of the Electronic Certified List (ECL) pilot at the 2015 Queensland State general election, the Commission implemented electronic mark-off across Queensland. For the first time in Queensland electoral history, no printed certified lists were used.

The ECL software developed for the 2015 Queensland State general election was modified to cater for the concurrent delivery of the 2016 Queensland State referendum and local government elections.

It is estimated that ECLs reduce mark-off processing times, when compared to printed certified lists by up to 30 seconds.

Telephone voting

After consultation with the Commission's Democracy in the Community forum, the Commission committed to the expansion of the successful telephone voting system piloted in 2015. In addition to electors who are blind or have low vision, telephone voting was made available to electors with an impairment, special postal voters and distance voters.

At the close of polling, telephone voting serviced 486 electors across Queensland for the 2016 local government elections and State referendum.

Referendum Timetable

8 February -
21 April 2016

Issue of Writ

Monday, 8 February 2016

Pre-Poll Voting Declaration (In Person)

Starts: 9:00am Monday, 7 March 2016

Ends: 6:00pm Friday, 18 March 2016

Pre-Poll Voting Postal and Electoral Visitor Applications

Ends: 7:00pm Wednesday, 16 March 2016

Pre-Poll Declared Institution

Starts: 9:00am Tuesday, 8 March 2016

Ends: 6:00pm Saturday, 19 March 2016

Cut-Off for Return of Postal Ballot Papers

6:00pm Tuesday, 29 March 2016

Deadline Return of Writ

Monday, 18 April 2016

Close of Roll

5:00pm Friday, 12 February 2016

Pre-Poll Voting Declaration (Postal) Voting

Ends: 6:00pm Saturday, 19 March 2016

Pre-Poll Voting Electoral Visitor Voting

Starts: 9:00am Thursday, 18 February 2016

Ends: 6:00pm Saturday, 19 March 2016

Polling Day

Saturday, 19 March 2016

Actual Return of Writ

Thursday, 14 April 2016

Deadline for Challenge

5:00pm Thursday, 21 April 2016

Total Polling Places

2,112

148

Pre-Poll Centres

Places where electors could cast their vote prior to polling day.

1,404

Static Polling Booths

Places where electors could cast their vote on polling day.

3

Remote Area Mobile Polling Teams

Mobile teams that visit remote communities in the electorate of Cook.

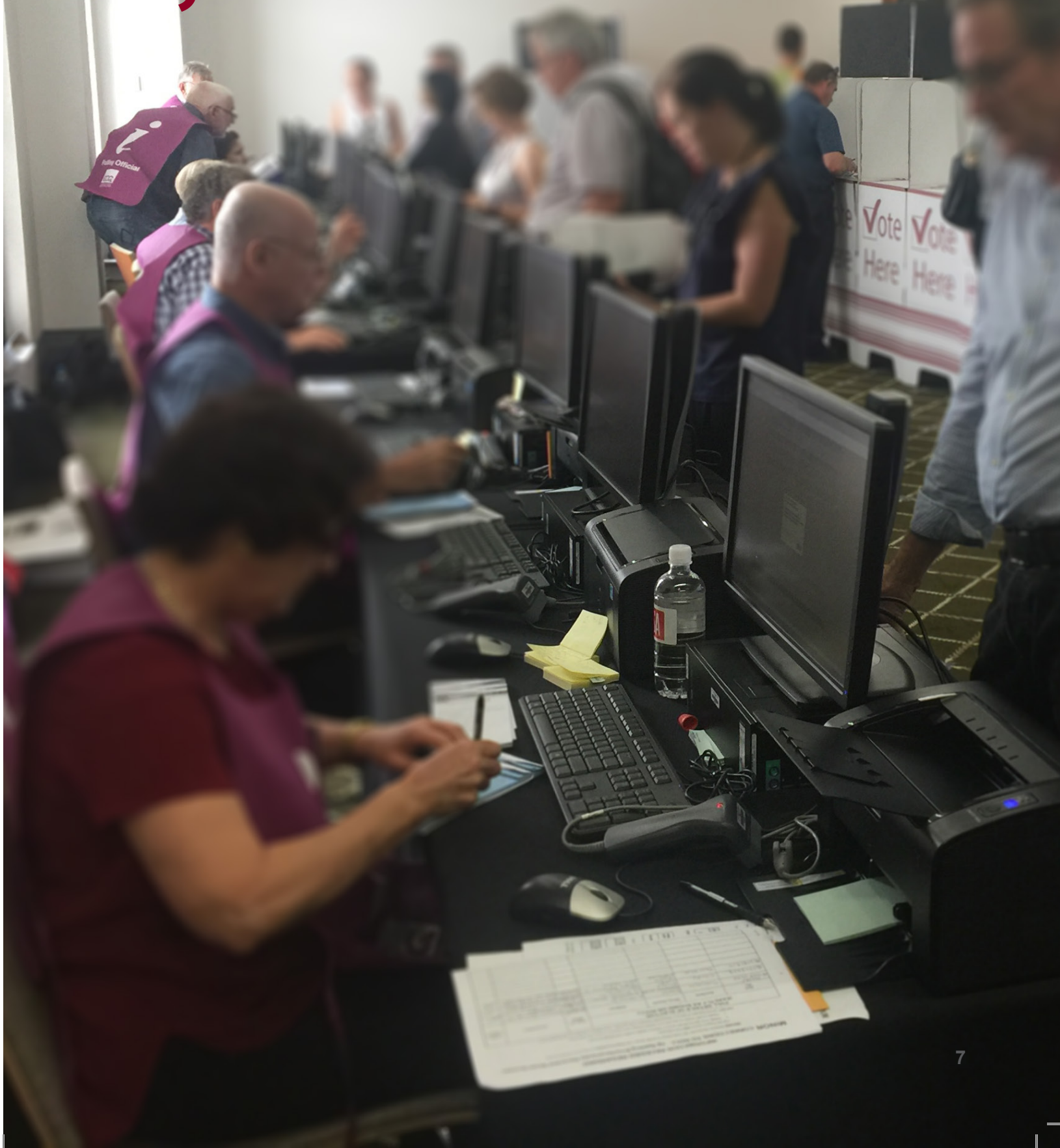
557

Declared Institution Mobile Polling Booths

Polling places that are visited by mobile staff normally prior to polling day such as hospitals and retirement villages.

Election Officials

8,829

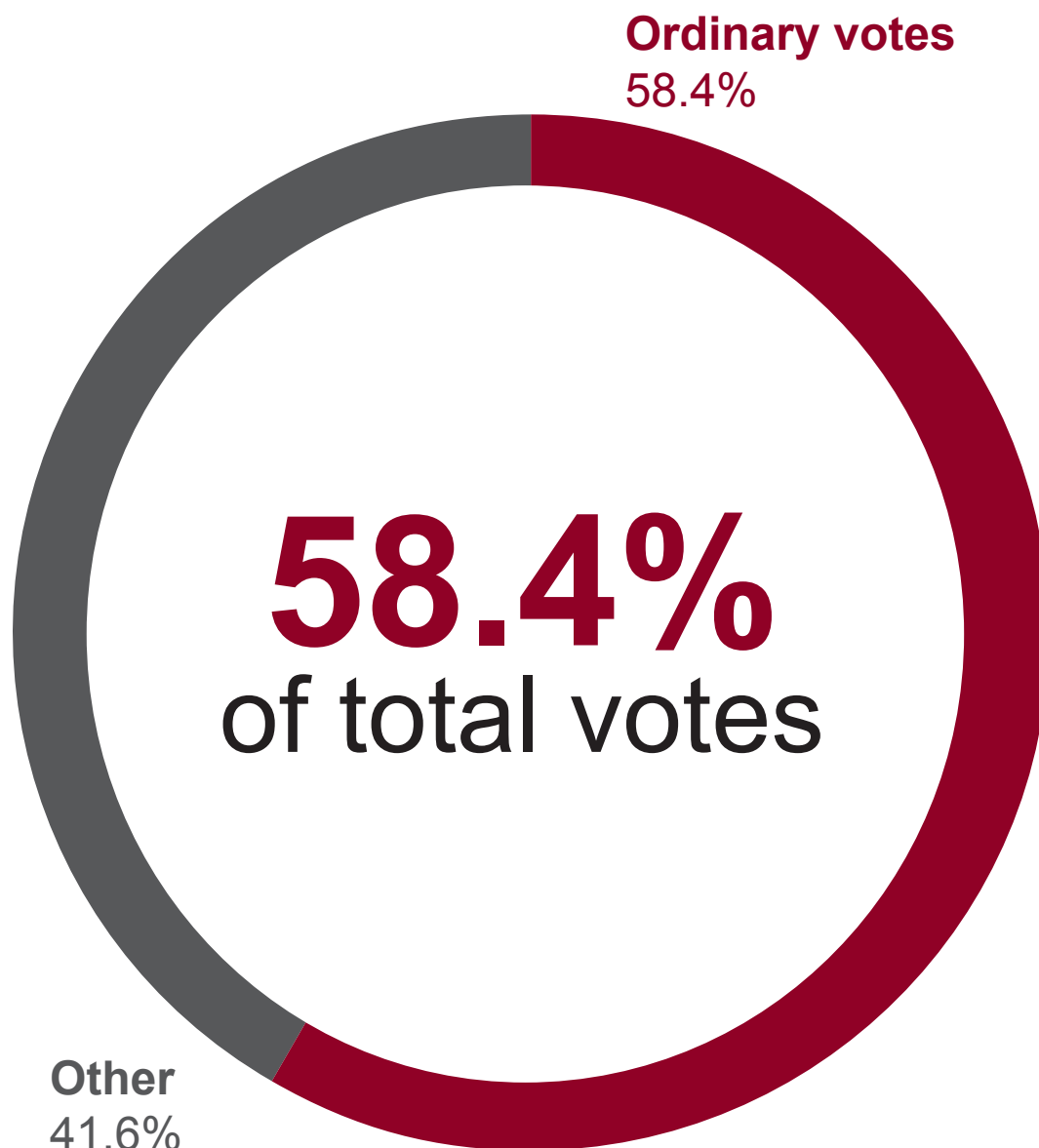


Statistical analysis

Ordinary votes

1,480,025

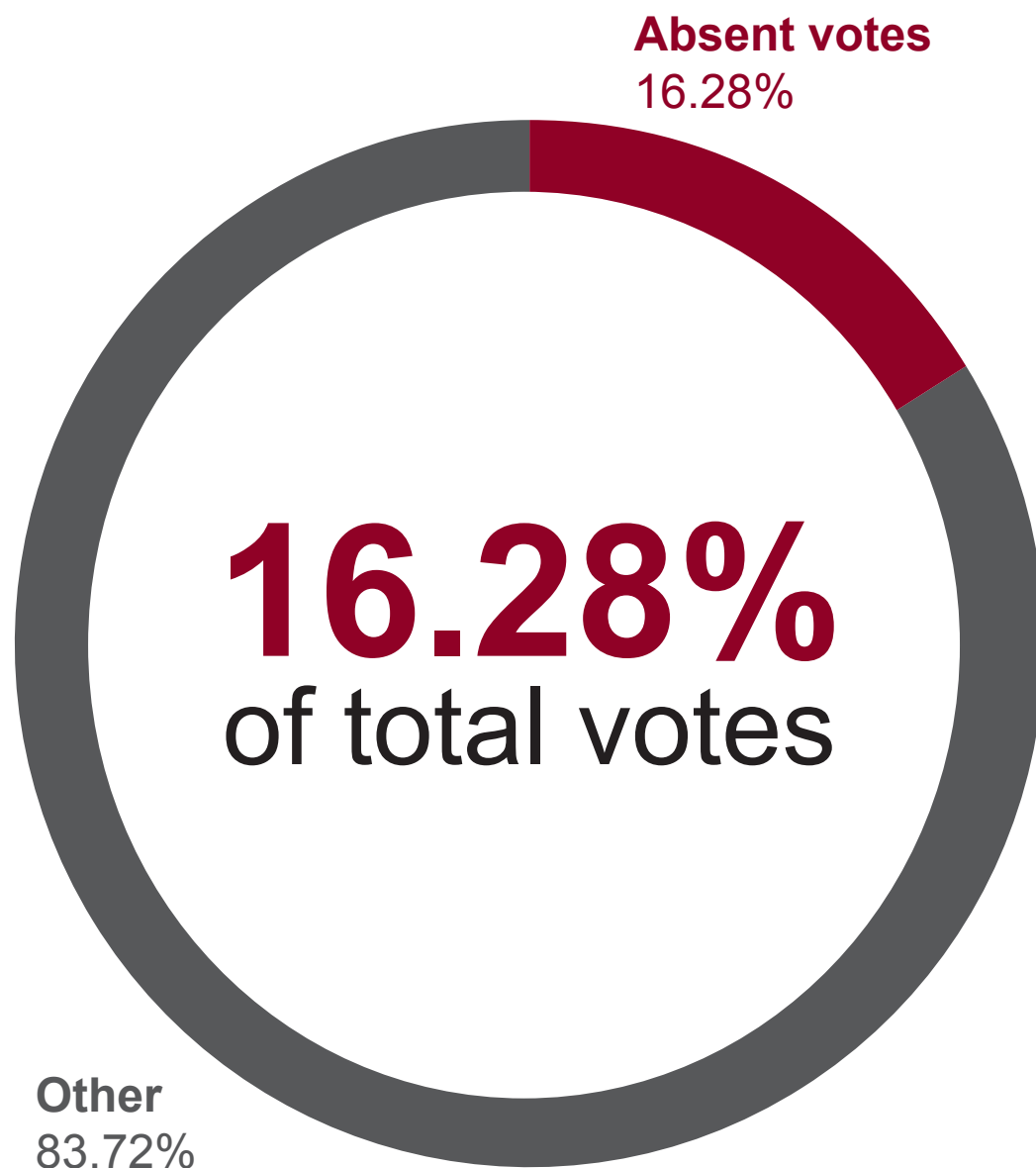
An ordinary vote is a vote cast at a polling booth on polling day (Saturday) by an elector who is on the roll.



Absent votes

412,684

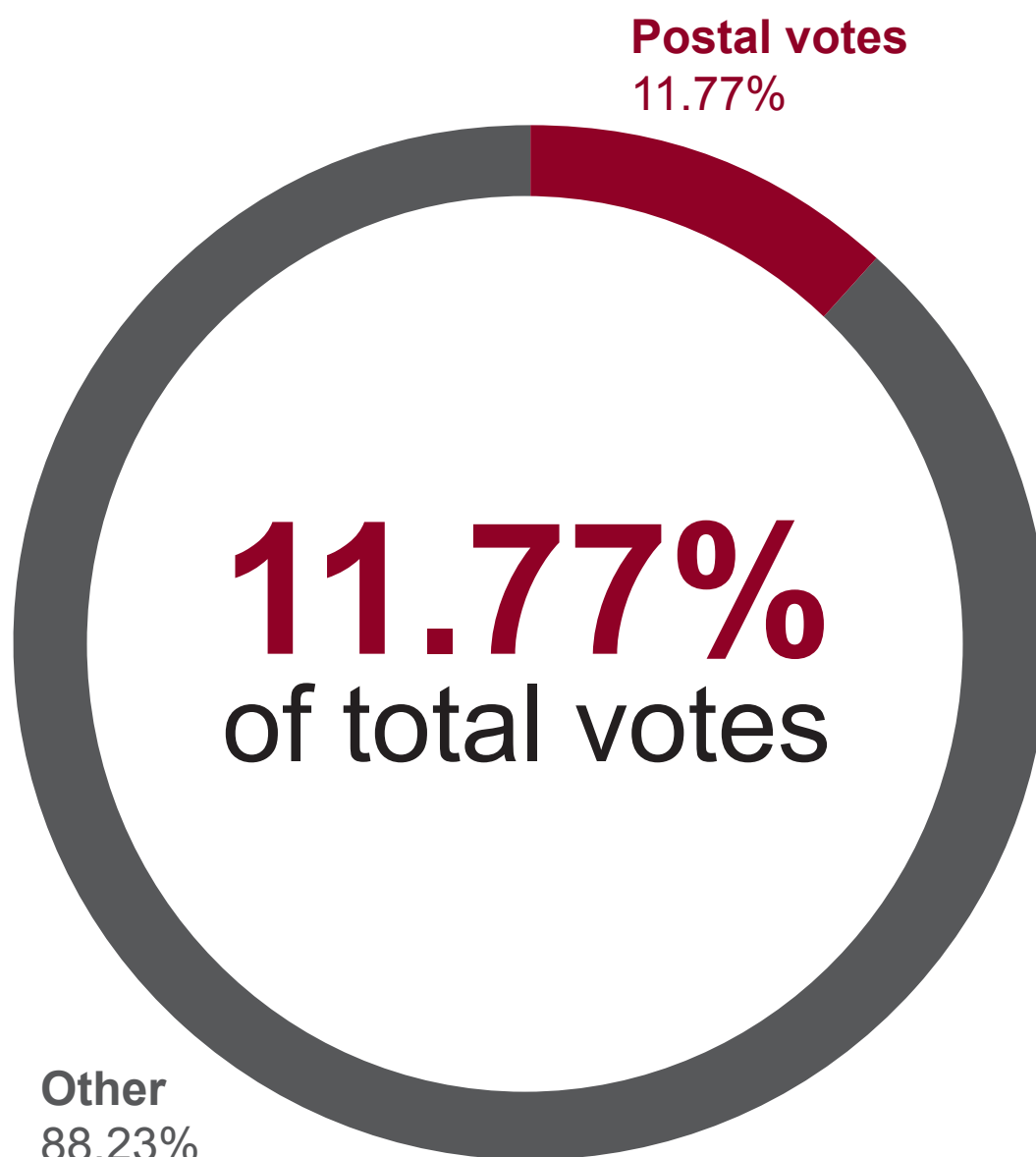
An elector casts an absent vote if they attend a polling booth outside of their own enrolled District.



Postal votes

298,392

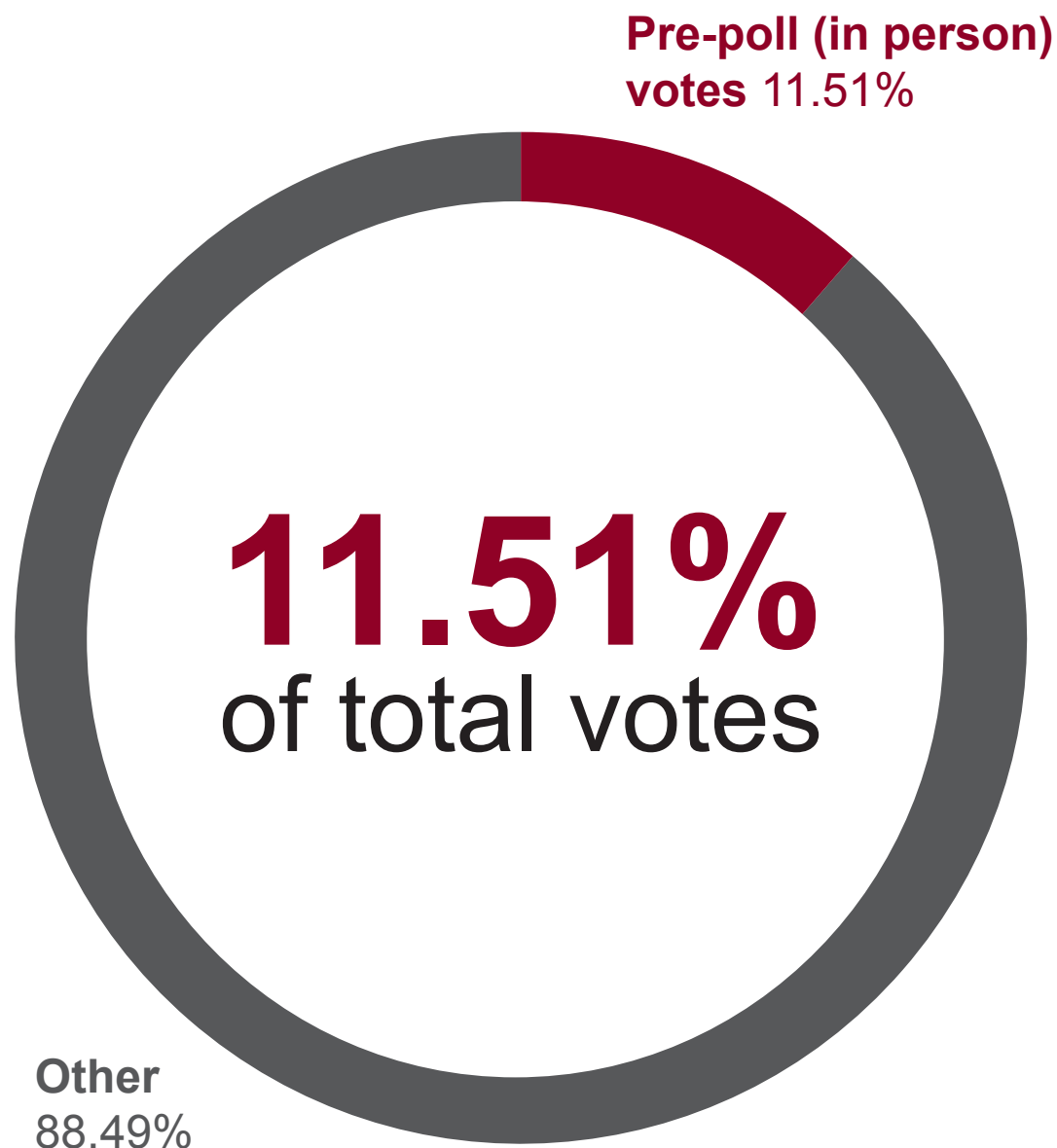
Postal votes refers to electors who apply to receive ballot material via post, are registered as a special postal voter or are classified as unenrolled. Returned ballot material is scrutinised and if successful, is admitted to the count.



Pre-poll (in person) votes

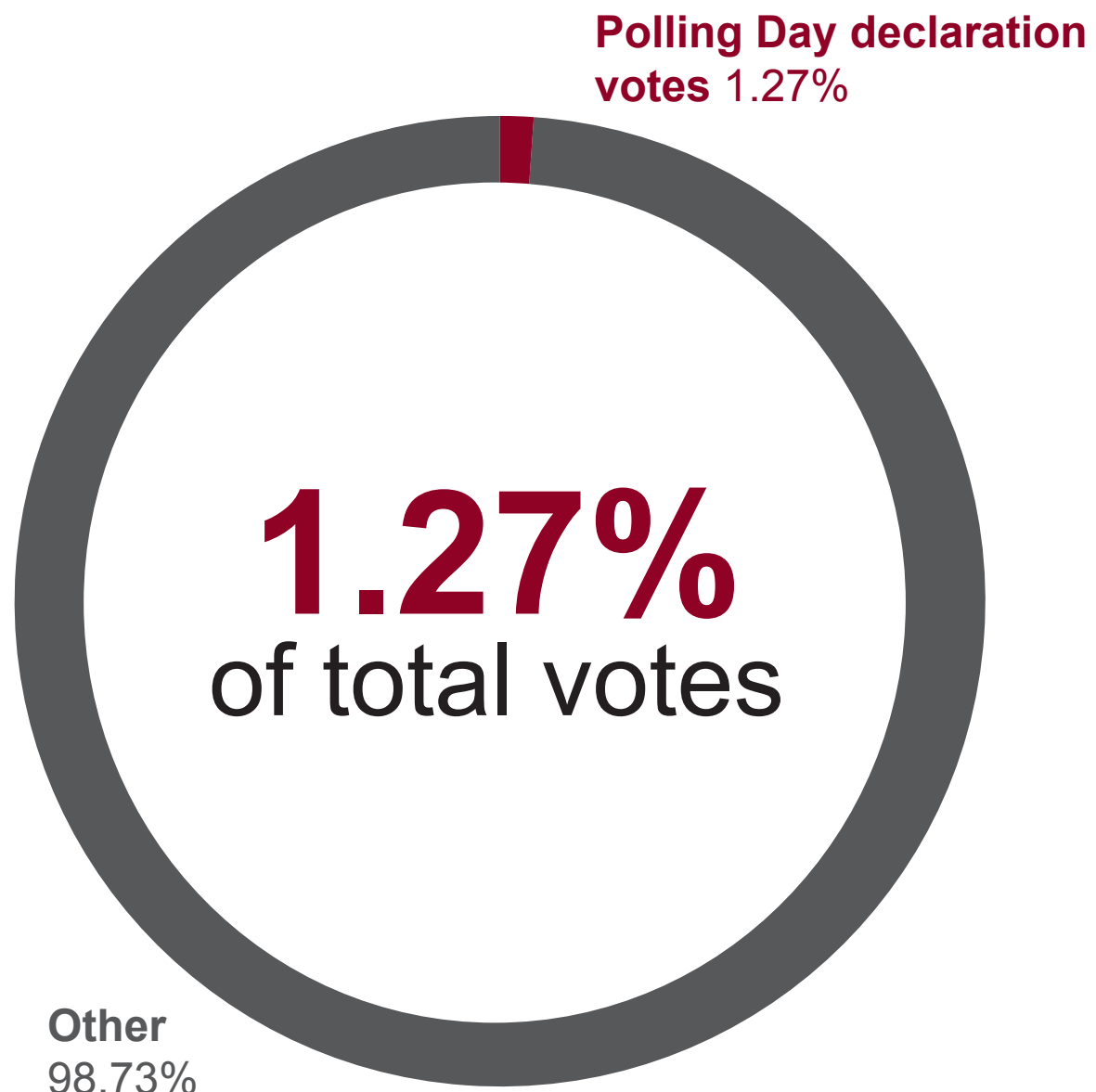
291,561

Votes cast at designated pre-poll centres prior to polling day.



Polling Day declaration votes **32,295**

Votes cast on polling day by electors whose name was added to the roll between close of roll day and the second close of roll on the day before polling day. Declaration votes are scrutinised before being admitted to the count.

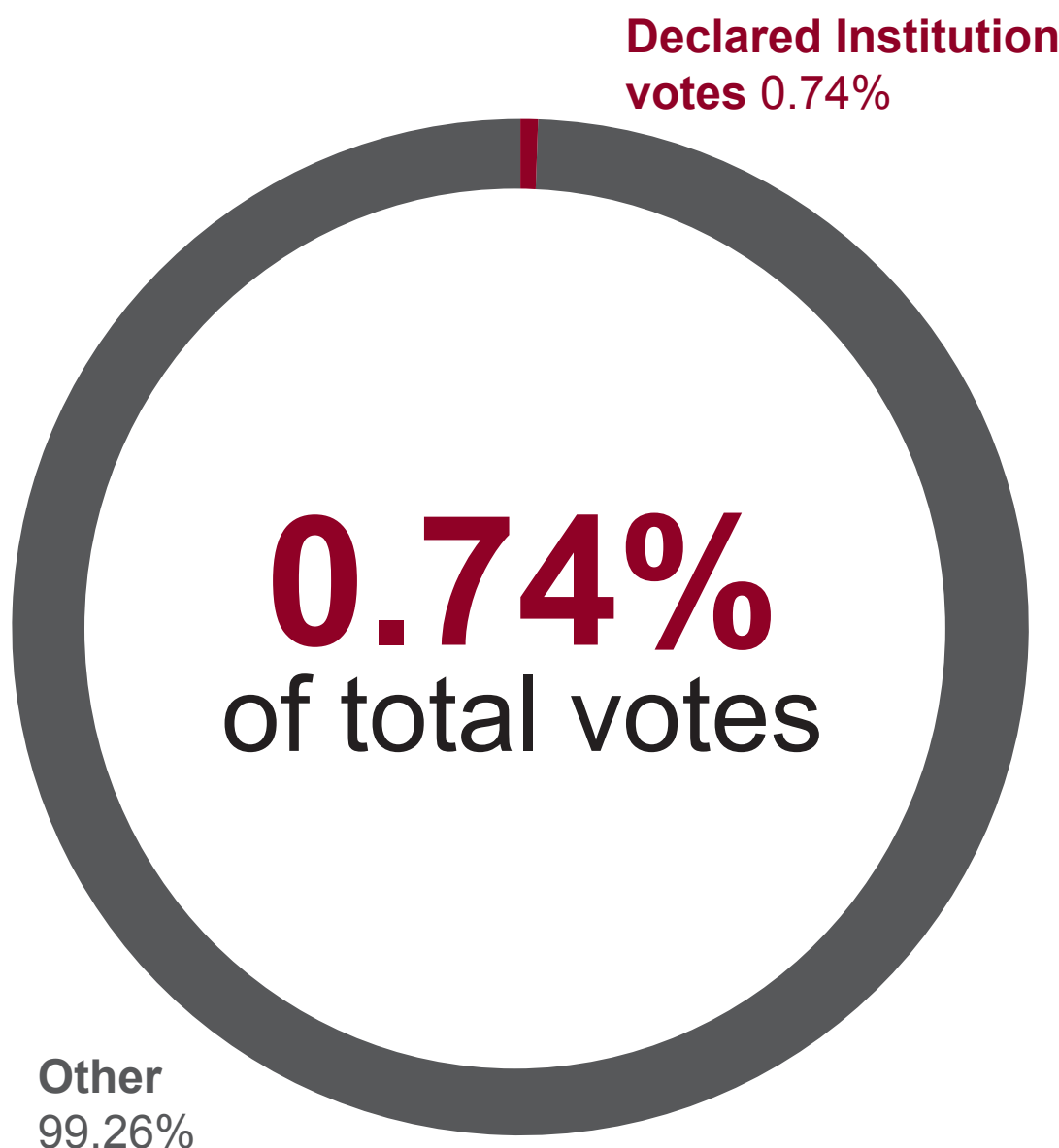


Declared Institution votes

18,635

Votes cast by electors at nominated Declared Institutions.

A Declared Institution is a nursing home, hospital or similar institution that has been registered with the Electoral Commission for election officials to visit, prior to election day, and issue votes to patients and residents.

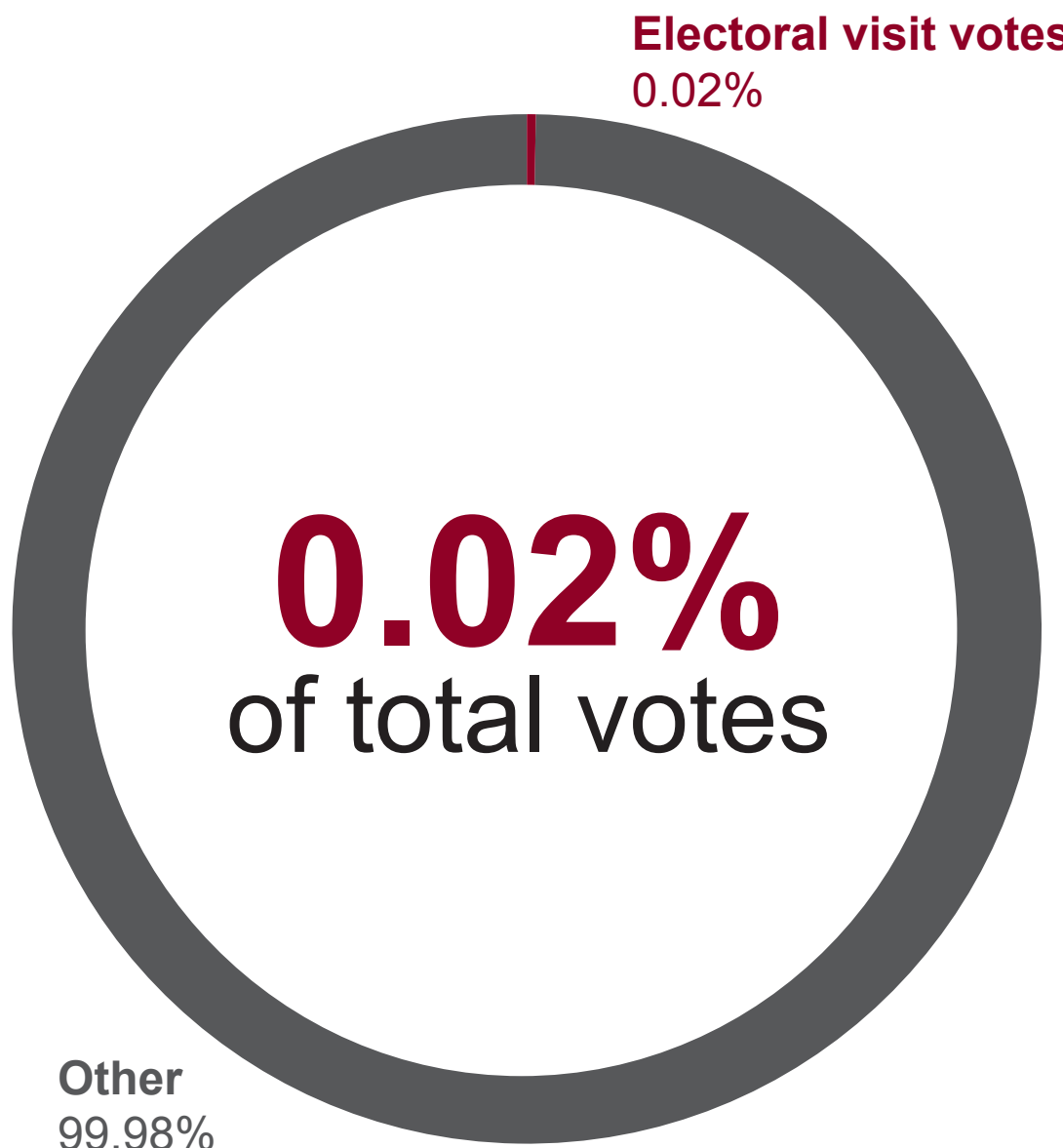


Electoral visit votes

577

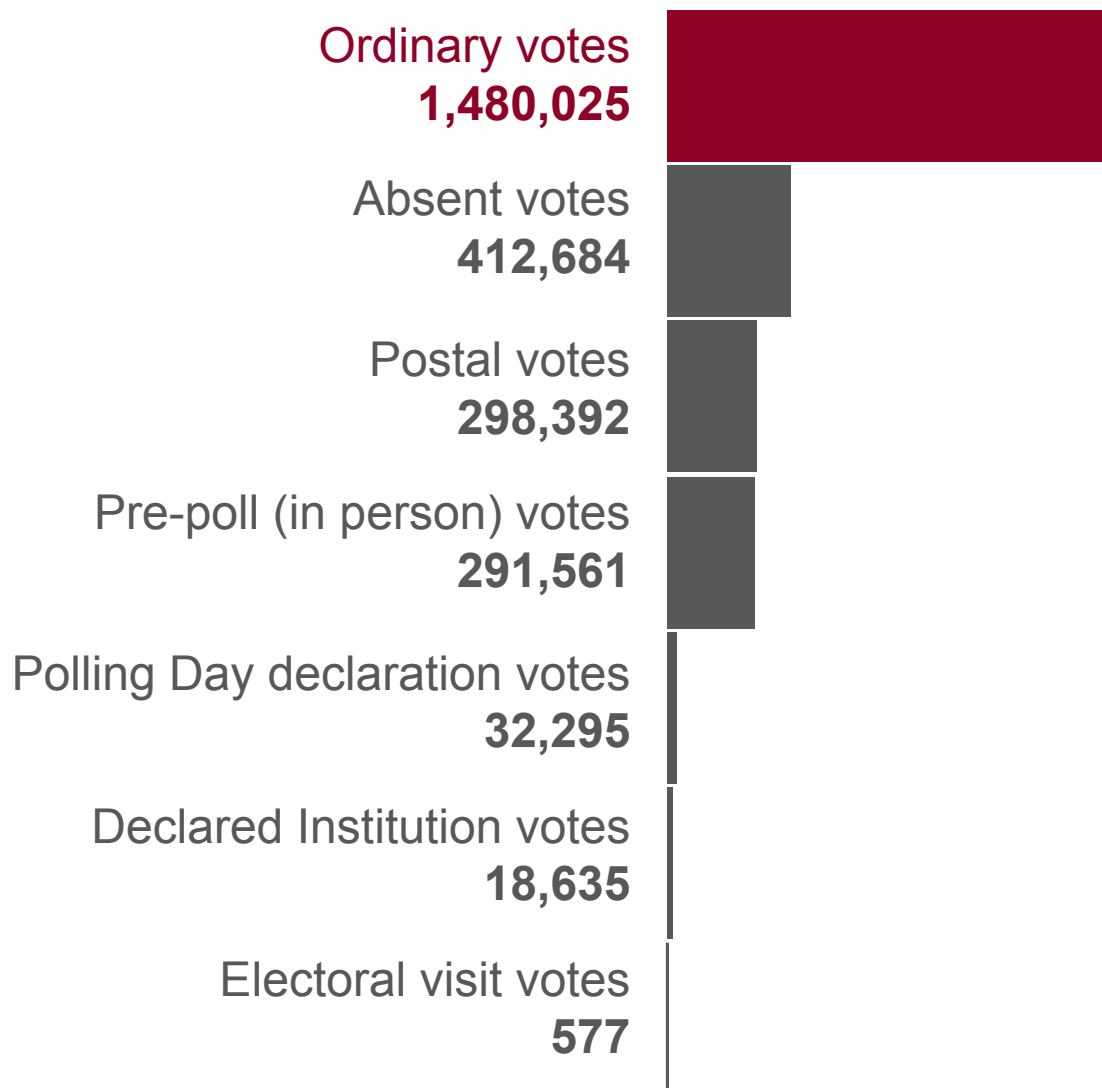
Votes cast by electors who apply for an Electoral Visit vote and receive a visit by polling officials.

An Electoral Visit is when a person/s is unable to attend a pre-poll office or polling booth due them having a serious illness, disability or are in an advanced state of pregnancy, or are caring for a person who is ill, has a disability is in an advanced state of pregnancy.

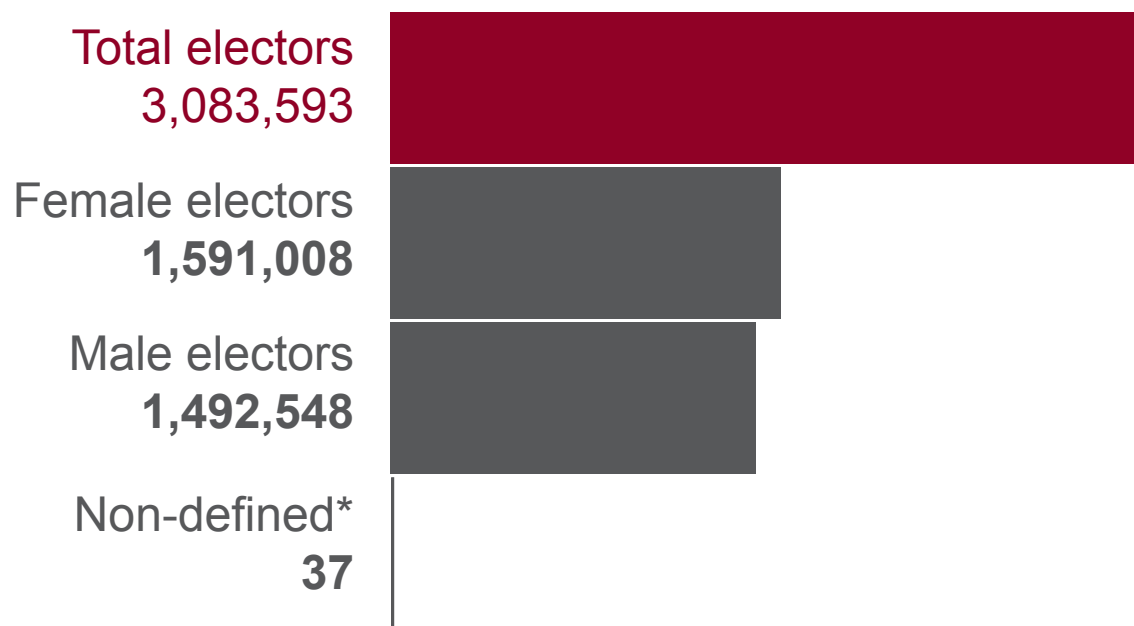


Total votes

2,534,169



Enrolment by gender



**Electors who did not specify a gender when enrolling or updating enrolment.*

Informality Rate

2,459,441 Formal votes

74,728 Informal votes

2,534,169 Total votes

Informal votes
2.95%

Formal votes
97.05%



Result by YES/NO

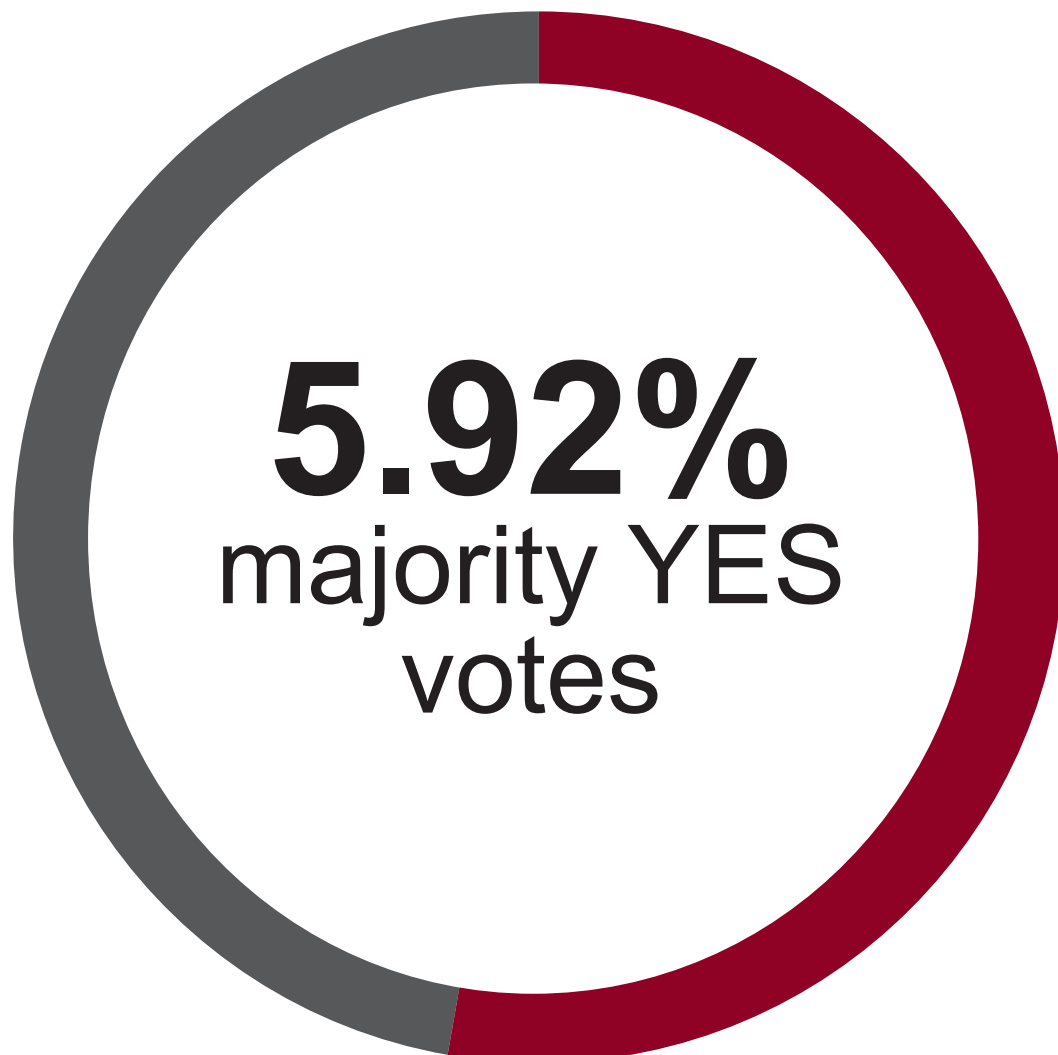
1,302,398 YES votes

1,157,043 NO votes

2,459,441 Total Formal Votes

NO votes
47.04%

YES votes
52.96%



Appendix

Statement of Argument
Sample ballot paper



2016 STATE REFERENDUM

A Bill for an Act to provide for fixed four-year terms for the Legislative Assembly in Queensland

The “YES” Case

Good reasons to vote ‘YES’ for fixed four year terms

To a Bill for an Act to provide for fixed four-year terms for the Legislative Assembly in Queensland

Referendum on Saturday, 19 March 2016

Fixed four year terms: fewer elections, better government.

The Queensland community rightfully expects that its Members of Parliament should govern more and run for election less.

This proposal will provide the certainty Queensland deserves, and take the politics out of calling elections.

Key facts

- Queensland Parliamentary Elections will be reduced from once every three years to once every four years
- A state election will be held on the last Saturday of October every four years, irrespective of the government of the day
- Not only will this reduce the cost of elections, it will give more certainty for businesses, encouraging jobs and investment in the Queensland economy.
- This won't change the term of the current government, as this reform will take effect after the next election
- The date has been selected to avoid school holidays and major sporting events

Broad Support across the Community:

The Yes case is supported by a broad range of community leaders and organisations because it offers benefits to communities right across Queensland.

Workers:

“Queensland workers want more government and less politics.

The stability of fixed terms promotes sound policy development, not political opportunism that gives unfair advantage to the government of the day. Queensland workers want security of working rights, jobs and a plan for the future – not uncertainty, distractions, waste or snap-polls.”

Ros McLennan

Secretary, Queensland Council of Unions.

Business:

“CCIQ believes that a three year term is not sufficient time to allow the State Government to facilitate good economic planning for both the private and public sectors; undertake effective planning of the parliamentary timetable; or to concentrate on policy

Written and authorised by a majority of members of the Queensland Parliament who voted in support of the Bill.

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STATEMENT OF ARGUMENT ELECTORAL COMMISSION OF QUEENSLAND

and program delivery without the distraction of imminent elections.

The ‘stop-start’ growth associated with elections causes job creation and investment to be delayed. Quite simply, by lengthening the parliamentary term we are reducing the disruption to small business.”

Nick Behrens

Chamber of Commerce and Industry Queensland.

Tourism:

“Having a fixed four year term would be a relief to tourism operators and visitors right across Queensland. Everybody wants certainty to be able to plan holidays, events and family gatherings. Queenslanders enjoy getting out and about to enjoy the amazing experiences this state has to offer. We don’t need election uncertainty disrupting family plans.”

Daniel Gschwind

CEO Queensland Tourism industry Council

Local Government:

“Four year terms has served local government and local communities very well. It means proper planning can be done and communities right across Queensland have been better off. The State Parliament should be brought into line for the same reasons.

The Hon. Cr Tony McGrady AM

Mayor, Mount Isa City Council

The added time frame and fixed term certainty would translate into more efficient outcomes between State and Local governments.

Modern Queensland is fast-paced and a four year term is an appropriate time frame to allow government to plan, implement and fully deliver on strategies and commitments.

Mal Forman

Mayor, Bundaberg Regional Council

Seniors:

“Queenslanders who are in their senior years want certainty and security in their lives. They want governments to have a fixed term to carry out their mandate and will work seriously at the task of governing well instead of constantly preparing for elections. After a lifetime of dealing with governments on a wide range of matters, I know that it is not possible to get major projects up and running in three years and under the current system it is usually less. Let’s give the principle of good government a genuine chance to work.”

Everald Compton AM

Seniors Advocate

Good reasons to support the Yes case:

A set date for a general election every 4 years

- o More certainty around timing of State general elections, to be held on the last Saturday in October, every four years.
- o This will prevent summer holidays being interrupted by an election and remove uncertainty for the tourism industry, event organisers and families who like to plan their travel.

Takes the politics out of elections being called:

- o Having a fixed date and fixed term takes the politics out of election timing and prevents the government of the day trying to take advantage of calling a snap election.
- o Policy development would be less driven by short-term political considerations and governments could act with a longer-term view, particularly for planning and delivery of major infrastructure.

Fewer elections means Queenslanders save money

- o The last Queensland general election cost Queenslanders over \$24 million to run.

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- o The average time between each of the last 10 general elections in Queensland has been 2 years and 7 months.
- o A YES vote would result in fewer elections and cost savings for Queenslanders.

Easier for Regional and North Queensland:

- o For Regional and North Queensland, it means the election period is taken out of the wet season, which can prove difficult for regional communities exercising their right to vote.

Most other states and territories have fixed four-year terms

- o The current maximum three-year term for Queensland's Legislative Assembly was introduced in the 1890s.
- o All but one (Tasmania) of the other Australian states and territories have introduced fixed four-year terms for their lower house.

Queensland's local councils also have fixed four-year terms

- o The introduction of fixed four-year terms would bring our Parliament into line with Queensland's local councils, which have had a fixed four-year model since 2000.

The LNP, the ALP and the Independents support fixed four-year terms

- o The introduction of fixed four-year terms for the Legislative Assembly is supported by both major parties and by the two Independent Members.

No change to the term of the current Legislative Assembly

- o Queensland voters elected the current Legislative Assembly for a maximum three-year term.
- o A YES vote will not extend this term or affect when the next State general election will be held.

vote YES to fixed four-year terms

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2016 STATE REFERENDUM

A Bill for an Act to provide for fixed four-year terms for the Legislative Assembly in Queensland

The “NO” Case

The case for voting ‘NO’

To a Bill for an Act to provide for
fixed four-year terms for the
Legislative Assembly in Queensland

Referendum on Saturday, 19 March 2016

To ensure Queensland has a strong and robust Parliament that represents the people, the best protection is to **retain** the current three year term.

The Legislative Assembly in Queensland (commonly known as the Queensland Parliament) is presently elected for a term no longer than three years.

This Bill proposes to change Queensland’s constitutional law so that politicians are elected for an extra year.

The Case for Voting ‘No’

By your vote, you decide whether to re-elect, or remove a government or MP based on their performance.

A good government should not be afraid of being held accountable after three years of service.

Four year terms in Queensland are a bad idea, for a range of reasons:

- × **Less democracy and voter control**
- × **Wrong for a state without an Upper House**
- × **Less responsive and more complacent governments and politicians**
- × **No guarantee there will be better planning and policy**
- × **Increased social cost to Queenslanders**
- × **Puts politicians job security ahead of voters’ rights**

Professor of Law, Graeme Orr, argues that:

It is naive to think that just by changing to four-year terms you are going to improve the culture of executive government.

× **LESS DEMOCRACY and VOTER CONTROL**

Queenslanders will have to wait longer to vote-out a bad government.

Longer parliamentary terms water down democratic standards and reduce accountability of politicians to you, the electors.

Poor government decisions stay in place for an extra year.

Remember the ALP Bligh Government?

In 2012 Queenslanders swept it from office because of its asset sale agenda.

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Remember the LNP Newman Government?

In 2015 Queenslanders swept it from office because it was arrogant.

Four year terms will dilute your right to vote out underperforming politicians.

× WRONG FOR A STATE THAT HAS NO UPPER HOUSE

Queensland is the only State without an Upper House to review laws or question the actions of the government.

Three year terms were entrenched in the Constitution of Queensland to protect your rights in the absence of an Upper House.

Queensland currently has a parliamentary committee system that, to a degree, looks at government legislation and questions government decisions. This is the ONLY safety mechanism in place. It is far from flawless.

The government can ignore parliamentary committee recommendations. The government can remove committee members. And major party MPs rarely show independence from their party leaders.

In any event, any government can remove the parliamentary committee system with a stroke of a legislative pen.

The Parliamentary Committee that recommended a move to four-year terms also recommended that this change be accompanied by a referendum to strengthen the parliamentary committee system.

Yet the Bill you are voting on does not give any protections to the parliamentary committee system. **TRICKY!**

Without an Upper House to review laws or question the government, what the government wants, the government gets.

Unlike the US, UK, Canada, NZ or even Victoria, Queensland has no Bill of Rights either. So the courts can't review bad laws.

Until we reform those problems, regular elections are the only protection we have.

As Michael Cope, President of the Council of Civil Liberties said, in 2016:

Given that Queensland has no upper house, no human rights act and a well-known history of authoritarianism, parliamentary terms should not be increased until democracy and public accountability in this state have been significantly improved.

× INCREASED SOCIAL COST TO QUEENSLANDERS

A bad or unpopular government guaranteed a four-year term is capable of costing the Queensland community far more than the cost of an election.

Planning, policy formulation and productivity

There is no guarantee that the State will benefit from less frequent elections.

Other forces, such as overseas markets, exchange rates, commodity prices and the policies of the Commonwealth and other governments affect government planning, usually without warning.

There is no guarantee that four year terms will increase productivity. In fact governments are equally likely to become less responsive and more complacent.

Longer terms will just give poor governments, like the last couple, an extra year in power.

Remember this! Vote 'No'.

× PUTS POLITICIANS' JOB SECURITY AHEAD OF VOTERS' RIGHTS

Who is pushing for four year terms?

In 1991, Queenslanders like you voted against 4 year terms.

Who is pushing this unnecessary referendum today?

Written and authorised by members of the Queensland Parliament who voted against the Bill.

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STATEMENT OF ARGUMENT ELECTORAL COMMISSION OF QUEENSLAND

1. **The ALP Government.**
2. **The LNP Opposition**
3. **Politicians**

Why?

It gives all politicians more job security.

And it gives government more power, more time and less accountability.

The right for all to vote was won, just over a century ago:

- To ensure we, the people, could recall bad governments and MPs.
- And to ensure that every person had a say in government and policy.

Longer terms **will** mean politicians hear our voices less often. In our silence, powerful lobby groups will have greater say.

Four year terms dilute the power of the people to hold the Queensland government and politicians account.

The ability to vote is the birthright of every citizen. Don't weaken it.

The government of the day dominates Parliament

Longer terms will give the Premier and Government of the day virtually total power.

Who benefits if we vote less often?

Not you.

On March 19 Vote 'No'

CONCLUSIONS and SUMMARY

Queensland must retain three yearly elections so that government performance can be measured frequently by the people the government represents.

Politicians stand to gain more than voters if four year terms are introduced through this premature referendum.

We urge Queenslanders to **vote 'NO'** in this referendum and hold on to the opportunity that affords them their constitutional right to have a timely say in who represents the voice of their electorate, and Queensland.

**For democracy and good government's sake ...
retain your right to hold politicians accountable every three years.**

Vote 'No'.

As one of our Premiers said:

"If you can't get it done in three years you don't deserve a fourth"

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REFERENDUMS ACT 1997

State District of:

BALLOT PAPER

HOW TO VOTE -

IF YOU APPROVE PLACE A TICK [✓] IN THE
SQUARE OPPOSITE THE WORD 'YES'

IF YOU DO NOT APPROVE PLACE A TICK [✓]
IN THE SQUARE OPPOSITE THE WORD 'NO'

A Bill for an Act to provide for
fixed four-year terms for the
Legislative Assembly in
Queensland

☐

YES

☐

NO



Authorised by the Electoral Commission of Queensland



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