

The Electoral (Greater Fairness of Electoral Processes) Amendment Bill 2007

Second Reading Speech

Senator Andrew Murray, 1 March 2007

My Electoral (Greater Fairness of Electoral Processes) Amendment Bill 2007 will amend the *Commonwealth Electoral Act 1918*. The motivation for it lies with the Democrats' unease at the significant level of distrust in Australian politicians; and also at the growing public apathy in the political process in general.

This distrust and apathy are undermining Australian democracy which is, historically, a system to be proud of. It is a system that, among the pantheon of representative democracies, has led the way with its major advances in electoral design.

That was, until the passing of the Electoral and Referendum Amendment (Electoral Integrity and other Measures) Bill 2006 in June 2006, which in no way measured up to its title of 'electoral integrity'.

My Greater Fairness of Electoral Processes Bill reflects the sorts of issues that I raised in my supplementary remarks to the report of the Joint Standing Committee on Electoral Matters on the 2004 federal election.

If passed, it will deliver an enduring and powerful commitment to levels of accountability and transparency that the Australian public deserves. It will significantly enhance political governance and standards.

Not only will my bill provide guidance on how political parties behave and how our electoral system is structured, it will also establish binding mechanisms for ensuring that standards of integrity and honesty befitting our public role are adhered to.

There are four themes the bill addresses. First is the issue of political governance. I and the Australian Democrats are of the strong opinion that this is a vital issue because at present political parties in no way match up to the same standards of accountability rightly demanded from corporations and unions.

Measures in this bill include the requirement for political parties to have a written constitution that meets minimal standards, to be eligible for registration. They also allow for a political party to be scrutinised by the Electoral Commission in the event of a complaint being lodged for non-compliance with material matters in its constitution.

Additionally, measures are provided for the Commission to oversee ballots for the selection of party candidates at the political party's request.

The second theme concerns political advertising matters originally covered in my Charter of Political Honesty Bill 2000, which seeks to restore public faith in parliamentarians and ministers. This part of the bill proposes legislative solutions to prohibit inaccurate or misleading statements of fact in political advertising. Its effect is to require that advertising

material meets similar standards of probity and honesty as commercial advertising must meet under the Trade Practices Act. The bill also places restrictions on government advertising during the caretaker period.

The third theme is one the Democrats have long campaigned for, and that is the establishment of a fully regulated and transparent regime of political donations and disclosure. Despite successive references by the Senate to the JSCEM on this matter, it has never been sufficiently or successfully pursued to its conclusion.

Arguably, this neglect stems from the self-interest of political parties and their party organisations because of their reluctance to hinder the inflow of donor dollars.

The major parties receive hundreds of millions of dollars over the political cycle between them and have always voted down amendments that would curtail this fund flow in any way.

Having said that though, I do acknowledge that across the majors, there are some parliamentarians who do generally support and advocate funding and disclosure reform.

This bill aims to address this deficiency, especially in light of the passing of the abysmal Electoral and Referendum (Electoral Integrity and Other Measures) Bill 2006. We should be gravely disturbed that this bad bill now allows for anonymous and multiple donations of up to \$10,000 to be donated.

The lynchpin to our representative democracy is the holding of free and fair elections. However, there is now more likelihood than ever of them being bank-rolled by those outlaying tens of thousands of dollars to purchase access and policy outcomes that are in their self interest.

Measures in this bill will not only set reduced donation thresholds and ensure the true identities of donors; it will also prohibit strings-attached political donations. They will also prohibit media companies from donating to electoral campaign funds and ban donations from foreign sources, unless they come from Australians living abroad or from non-citizens resident in Australia.

The vexing problem of foreign donations is figuring more prominently every year. It is unacceptable to have overseas interests interfering in and influencing our domestic politics and policy. It also fraught with danger for offshore based foundations, trusts or clubs donating as those behind them are unknown and beyond the reach of Australian law.

Other measures in this part of the bill legislate to put an end to the loophole that allows multiple donations to be written at a value just below the disclosure level for the separate national, State and Territory branches of the same political party.

This means that currently a donor could write nine separate cheques of \$9,999 for a total amount of \$89,991 without having to disclose his or her identity.

Additionally, to minimise or limit the public perception of corruptibility associated with political donations, this bill will set a cap of \$100,000 that any entity or person can donate annually – in cash or kind – to a political party or candidate. The Democrats consider this a generous sum, and are of a view that it should move lower in due course.

The fourth and last theme of this bill addresses electoral enrolment as it relates to prisoners and the early closure of the electoral rolls.

In the first instance, the Democrats consider that to take away a prisoner's right to vote is to add an extra judicial penalty on top of their prison term. It also contravenes the Universal Declaration of Human Rights.

Prisoner disenfranchisement should not occur unless a person is of unsound mind or has been convicted of treason, or, when a person has had their voting right removed by a judge as part of a sentence.

The issue of voter disenfranchisement by closing the electoral rolls on the day the election writs are issued is similarly addressed. The Democrats consider it a spurious argument that early closure fixes the problem of people seeking to manipulate the roll. It is essentially finding fault where there was none before, as revealed by the Australian Electoral Commission in its evidence to the JSCEM.

The section of the bill in this instance proposes to close the rolls 7 days after the writs. This is a just and fair period of grace to allow people to either register to vote or to change their enrolment details.

The bill also reduces the nomination deposits required for candidates seeking selection in the Senate and the House of Representatives from \$1,000 to \$700 and from \$500 to \$350 respectively. They were increased in 2006 last year supposedly to deter frivolous candidates or the not so serious ones, but there is little evidence to back this assertion up.

Measures are also included to prohibit the use of certain commonwealth facilities and services by certain classes of people for political party business.

In sum, if passed, this bill will put in place reform measures desperately required to assist in the restoration of public confidence in political parties and parliamentarians, and the advancement of political governance and standards.