



**ELECTORAL & REFERENDUM AMENDMENT (ELECTORAL
INTEGRITY & OTHER MEASURES) BILL 2006**
Second Reading
10 May 2006

[Ms GRIERSON](#) (Newcastle) (12.47 p.m.)—I rise today to also oppose the [Electoral and Referendum Amendment \(Electoral Integrity and Other Measures\) Bill 2005](#).

This bill is a serious attack on the democratic processes and principles upon which our political system is based. This bill seeks to disenfranchise some of the most disadvantaged in our society and to allow a massive increase in the amount of political donations that can be made without the need for public disclosure. In short, this bill seeks to make it a lot harder to vote but a lot easier to make larger, and secretive, political donations.

Some of the worst changes in this bill are the increase in the disclosure threshold for political donations from \$1,500 to \$10,000; the increase in the level of tax deductible contributions to parties and candidates from \$100 to \$1,500; the closure of the electoral roll on the day the writs are issued for an election, rather than the current seven days after the writs are issued; the further restriction of the voting rights of prisoners; and the introduction of proof of identity requirements for those people enrolling, updating their enrolment or casting a provisional vote.

There are some other changes in this bill that are positive and which we do not oppose. However, the vast majority of provisions in the bill are regressive, undemocratic and unnecessary—for instance, the lifting of the disclosure threshold for political donations. Currently, any individual or organisation making a donation to a political party or candidate of \$1,500 or more must declare that donation. If we pass this legislation it will be possible to donate up to \$10,000 without having to declare that donation. That figure of \$10,000 will be indexed by CPI each year, allowing it to escalate. How wrong are the priorities of this government? It has not even been able to support increases in the minimum wage to the level of CPI over the past 10 years yet the big, secret political donations will just keep on getting bigger each year.

But it gets worse. Because our political parties are set up along federal lines, donations to each of the federal, state and territory divisions count as separate donations. This actually means that a private organisation or individual could donate up to \$90,000 without having to disclose this fact. That is \$90,000 that can be pumped into a political party without anyone ever knowing. Where is the transparency and accountability there? Australia-wide we know that about 80 per cent of the donations received by major political parties in 2005-06 were donations of \$10,000 or less. That means that, if this bill passes, \$25 million in political donations will be hidden from any public scrutiny—that is, 50 per cent of all donations would be secret.

I do not have a problem with political donations per se. I appreciate the donations that I receive from individuals and organisations in my electorate. There are a great many people in my electorate of Newcastle, from pensioners to corporate owners, who understand the political process, value good representation and want to support their local member. There are people who desperately want a Labor government and want to contribute through donations. I remain touched by the generosity of people in my electorate, who are generally of modest means. I appreciate their support and I have no problem with receiving such donations. However, I also believe that those donations must be fully disclosed.

We already have a generous system of publicly funded candidates based on the number of first preference votes that we receive. At the last election, it was about \$1.97 per vote for each candidate or Senate group that received at least four per cent of the primary vote. So the public are also contributing very solidly. After the 2004 election, the public purse paid \$41.9 million to candidates and their political parties. After the last election, the New South Wales branch of the Australian Labor Party received about \$72,000 in public funding based on the number of votes that I received in Newcastle—that is the system.

The public funding of candidates and parties strengthens our democracy. It is provided in a transparent, accountable way and figures are published after each election by the AEC. For private political donations the current \$1,500 disclosure threshold is adequate to ensure transparency and accountability. This bill will effectively kill off any notion of transparency and accountability in the way we fund our political system. How this is supposed to improve our democracy is anyone's guess. Simply increasing the amount of money slushing around in the system does nothing to improve democratic standards. In fact, when you increase the amount of money and reduce the amount of public scrutiny, you are actually taking democratic standards backwards.

Australia has traditionally set the international benchmark for democratising the political process. We were world leaders in the introduction of the secret ballot in Victoria in 1855. We were world leaders in the introduction of women's suffrage in South Australia in 1896. Sadly, if we pass this bill, we will become one of the world leaders in the introduction of secret donations. Do we want to have the Howard government, once again, take us down the path of the United States—the world leader in megabucks politics? Earlier this year we saw a top US lobbyist sentenced to 11 years in jail and forced to repay at least \$25 million for bribing politicians with campaign donations. The lobbyist Jack Abramoff organised contributions to 220 members of Congress and about 20 of those members of Congress are expected to face charges themselves. This is not sponsorship, promotion or payment in kind; it is downright, blatant bribery. It is cold, hard cash being used to buy cold, hard votes. This case has led to calls in the United States for reforms requiring greater disclosure from lobbyists and members of Congress regarding political donations. The US is learning the hard way about what happens when big bucks, lobbyists and political donors are allowed to dominate the political process and therefore corrupt it. The Howard government seems to want to put Australia in the same position. Shouldn't we aim higher? Is this really what we want for Australia?

The Howard government argues that businesses are shy about donating to the political process because they do not want it publicly known who they are supporting. Quite frankly, if someone wants to lurk in the shadows secretly trying to buy influence, they should go somewhere else. We do not do democracy in the shadows in this country. The brown paper bag days should be over and we hope they are over. We put things in the open; we argue our case and we let the people decide. Well, we used to. Yes, the cost of political campaigning has escalated. Yes, we would all love more money to run our campaigns, but do you think the Australian people really want more ads on TV and radio? Do you think they really need more junk mail in their post? Do they want us filling their email inboxes? Do you think every single Australian needs a personal message from John Howard on their answering machine or an SMS from Peter Costello perhaps? I do not think so. I think what we have here is a 10 -year-old government that is so addicted to the unlimited Commonwealth advertising budget that it cannot bear the thought of ever having to go cold turkey when it eventually ends up in opposition.

This is a government that has been spending unprecedented public funds on so-called public information campaigns, public relations consultancies and market research services. In short, it is the million-dollar spin and the billion-dollar fix. In 2003-04, the Howard government spent \$291 million on consultancies. In 2004-05, it was up to \$309 million. Over 10 long years of the Howard government, the total spend on consultancy fees has been \$2.7 billion. Last year we saw \$55 million wasted in advertising and promotion for WorkChoices. Before that we had the 'unchain my heart' GST campaign, the Strengthening Medicare package and, of course, the 'be alert and not alarmed' fridge magnets. So this is the Howard government's recipe for democracy. No thought for good public policy or service to the Australian people, just add money, spend up big on consultancies and try to bluff your way through.

The government also hopes for more money from donations by increasing the level of tax-deductible contributions to political parties and candidates from \$100 to \$1,500 per year. Labor strongly oppose this measure. We do not believe political donations need to be tax deductible. If people are donating to political parties because they believe it will strengthen democracy then that is fine, but let us not have people donating because they will get a tax break. This is just another excuse for the Howard government to bring more money into the system to fund its ever-increasing reliance on public relations, advertising and more virtual reality to keep itself in power.

The two proposals outlined above are all about the government making it easier and more attractive to hide political donations. There are also proposals in this bill that are going to make it much harder for people to vote. Firstly, the Howard government is seeking to effectively close the electoral roll on the day that the writs are issued for an election. This is usually the day after the election is called. The only exceptions will be for people who either become an Australian citizen or turn 18 between the issuing of the writs and election day. These people will have three days after the issue of the writs to enrol. Currently all people have up to seven days after the issue of writs to either enrol to vote or to update their enrolment details with the Australian Electoral Commission. Why make this change to reduce the time available to enrol after the calling of an election? The government argues that having seven days with a lot of enrolments coming in is just too difficult for the Australian Electoral Commission to handle. No-one ever said democracy was easy. Those of us privileged to represent our

communities in this place, we of all people, should know this. All Australians benefit from our political process, so all Australians should be entitled to participate in it, no matter how difficult it might be.

The government argues that, in the seven days between the issuing of writs and the close of rolls, the commission gets overworked and cannot effectively stop electoral fraud. Senator Eric Abetz, the former Special Minister of State, said:

“Incredible pressure is placed on the Australian Electoral Commission’s ability to accurately check and assess the veracity of enrolment claims received.”

Effectively, the government is saying that it believes there is electoral fraud going on during the seven-day grace period between the issuing of writs and the close of the rolls. Does it have any evidence of this? If so, it did not present any to the Joint Sitting Committee on Electoral Matters when it inquired into the conduct of the 2004 election. In fact, according to the AEC:

“It has been concluded by every parliamentary and judicial inquiry into the conduct of federal elections, since ... 1984, that there has been no widespread and organised attempt to defraud the federal electoral system ... and that the level of fraudulent enrolment and voting is not sufficient to have overturned the result in any Division in Australia.”

What is the government up to with this proposal? Put simply, the government wants to disenfranchise people for its own partisan political advantage. If these proposed laws were enforced at the time of the last election, 78,816 Australians who enrolled for the first time during the seven-day period after the election was called may not have been able to vote. In all, between the issuing of the writs and the close of rolls at the 2004 election, there were about 280,000 people who enrolled, re-enrolled, moved to a new electorate, changed their address or otherwise updated their details. In my electorate of Newcastle there were 3,005 enrolment transactions in that period—the fifth highest in New South Wales.

The people who will be most seriously disadvantaged through these changes are first-time voters, young people, people with lower levels of education, Indigenous Australians, people from non-English-speaking backgrounds and people with no fixed address. Even people who simply move house are going to be disadvantaged by these proposals. People today are more mobile than ever. They are following work; they are travelling. This is a lifestyle trend that should not be punished by this legislation.

I also note that this proposal will make it even harder for Liberal shadow Treasurers in the Victorian parliament to be correctly enrolled to vote. Dr Robert Dean was unable to contest the 2002 Victorian state election because he did not update his details after moving house—and this is when we had seven days after the issuing of writs to do it. I often imagine how many Liberal candidates could be caught up in a system like this. Actually, it would not be many. They will all no doubt get a tip-off from the Prime Minister as to when the election will be called and a reminder to update their affairs.

In this inclusive nation, the country of a fair go, we do need to be encouraging democratic participation among disadvantaged groups of people—indeed all groups of people—not making it harder. The Electoral Commission knows this proposed change is antidemocratic. In its submission to the Joint Standing Committee on Electoral Matters, the AEC said:

“It would be a backward step to repeal the provision which guarantees electors this seven day period in which to correct their enrolment.”

Of course, we should be encouraging people who have turned 18 and those who have moved house to enrol or change their enrolment details as soon as possible. However, the fact remains that only 40 per cent of people advise the AEC of such a change within the specified time frame of one month and 21 days.

Census projections are that in my electorate of Newcastle there are about 2,000 18-year-olds. If only 40 per cent of them advise the AEC that they are now eligible to vote, and the rest of them do not get the seven-day grace period after an election is called, that is about 1,200 young people in my electorate alone who would not get the chance to cast a vote. Enrolling to vote simply is not the first thing that young people think to do when they turn 18. They are finishing their HSC, they are beginning employment, they are starting training, starting at university, they are planning 18th birthday parties, going on working holidays and some of them are travelling overseas.

There are many great activist young people who are interested in politics and want to be involved. In Newcastle we try to encourage that sort of participation, but the reality is that many young people either do not know that they need to enrol or put it off until an election is called. If this bill is passed, putting it off until an election is called will mean missing out on a vote altogether. The government should look at the reality and try to assist people to have their democratic say. It should not just throw up its hands, say it is all too hard for the AEC and disenfranchise thousands of young first-time voters.

There is another antidemocratic provision in this legislation, and that is the provision that people serving any sort of custodial sentence will not be allowed to vote. Currently, those serving sentences of less than three years are entitled to vote. I would have thought that was enough punishment. There is no need to further disenfranchise an additional 9,000 people. While prisoners are obviously being punished for their crimes with a loss of liberty, should we really be punishing them by removing their democratic rights completely? Even if you are in prison, you are still part of our society; you are part of the system. Indeed, you are in the system big time—doing time. Basic principles of human rights would suggest that you should be able to help determine how that system is run. Under the International Covenant on Civil and Political Rights:

“Every citizen shall have the right and opportunity...to vote...at genuine periodic elections.”

Rehabilitation should always be the goal of imprisonment. We do not take away the citizenship of people when we imprison them. We should not be taking away their right to vote. Once again, the Howard government is taking us down the American

route, where the laws on prisoner-voting are so extreme that in eight states convicted prisoners are not even allowed to vote after their release. It is no surprise to find that a large proportion of people in these circumstances are African-American, low-income earners and young people.

In Australia, the Bureau of Statistics tells us that, as of 30 June 2005, seven per cent of all prisoners, 1,734 people, were female and 22 per cent, 5,656 people, were Indigenous. The median age of all prisoners was 32 years. The majority—60 per cent—of prisoners in custody at 30 June 2005 had served a sentence in an adult prison prior to the current episode. This paints a picture of people who are already disadvantaged, who have lost their liberty through imprisonment, who will now be further disenfranchised by the Howard government's electoral changes.

We should be including, not excluding, as many people as we can in the democratic process. But just to make it that little bit harder to vote, the government proposes greater identity requirements for enrolment, including for provisional voters. As I mentioned, the government is supposedly worried about the administrative burden on the AEC during that seven-day period between the issue of writs and the close of rolls. Its answer to that: close the rolls earlier and introduce a new requirement that the AEC check people's drivers licences when they enrol. I am not sure how that will ease the administrative burden on the AEC. It will not; it will make it even more burdensome.

This is a ridiculous reaction from the government to a problem that does not exist. There is no history of significant fraudulent enrolment in this country. As there is no evidence that these changes are needed, only one conclusion can be drawn. Obviously, the coalition wants to keep people who do not vote for it off the electoral roll and it wants to make it easier for the people who donate to it to make those donations bigger and much more secretive. In the name of democracy and probity, I absolutely join my colleagues in the opposition in opposing this legislation.