



**A Submission from the Australian Democrats to**

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS  
(JSCEM)

Inquiry Into the Electoral and Referendum Amendment  
(Improving Electoral Procedure) Bill 2012

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Thank you for your invitation to make a submission to the Joint Standing Committee on Electoral Matters (JSCEM) “Inquiry Into the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012.”

The Australian Democrats view anything that increases participation in the political process as beneficial to the democratic system. As such, we address the following aspects of the proposed amendments to the *Commonwealth Electoral Act 1918*:

1. The amendments to “remove the prescription relating to how postal votes are processed currently set out in the Electoral Act and the Referendum Act. The amendments will also seek to allow for technological developments over time;”

We find no great issues with the changes to the processing of postal votes. Updating procedures to make postal voting easier is useful. However, while changes are being made to postal voting arrangements, the parliament should consider how to put the following into effect:

- It would be useful to clarify whether electors need to make a postal vote. Allowing for technological developments over time may help here.
- The Australian Democrats are concerned that some big political parties tend to distribute political material, which includes an application for a postal vote. This confuses many electors, especially when the application is requested to be returned to a political party. We submit that postal vote applications should only ever be sent and received by the Australian Electoral Commission (AEC). This would ensure the voter perception of neutrality, which is essential for the AEC; enable faster processing of applications; protect against partisan advantage for big parties; protect voter privacy; and allow for total transparency. It is essential that political parties and other candidates are kept separate from this process.

2. The amendments to “increase the sum to be deposited by or on behalf of a person nominated as a Senator from \$1000 to \$2000; and “increase the sum to be deposited by or on behalf of a person

nominated as a Member of the House of Representatives from \$500 to \$1000:

The Australian Democrats are greatly concerned about these amendments. This represents a massive doubling of the candidate deposit and will significantly increase the cost of politics creating a real barrier to entry. Democracy and elections are a contest of ideas; the idea is to persuade voters to a set of wide ranging ideas, not a battle between well-financed political parties. This is very worrying as the reason given for this amendment is to reduce the number of candidates standing, but in a real democracy it is important that there be as much choice as possible. Indeed, it is a principal of our electoral democracy that we do not have high barriers to entry.

There is no evidence to suggest that the current deposits are not sufficiently high to deter frivolous candidates. Nor are they so high as to deter serious candidates. While there does need to be a balance, the current requirements appear to be realistic and workable.

For minor parties (were the amendments to be passed), the cumulative cost of nomination deposits would be a real barrier to entry. Simply to stand candidates in each of 150 House of Representatives electorates would cost \$150,000; and two Senate candidates in eight states and territories would cost \$32,000. That's \$182,000 even before any electoral advertising.

Yes, this is refunded if a party achieves 4% but there is no way every minor party and groups of independents would get 4% in every electorate. So the 4% rule, in itself, is a deterrent to frivolous candidates.

Doubling is too dramatic. If there must be an increase (and we don't believe there should), a 10% increase would be more acceptable.

3. The amendment to "increase the number of nominators required by a candidate for the Senate or the House of Representatives who has not been nominated by a registered political party from 50 to 100 electors;"

Once again, this is a barrier to entry. It will likely discourage the participation of good independent candidates in the political

process. As stated above, there is already sufficient deterrence of frivolous candidates whilst still encouraging high participation in the political process.

4. And, the amendment to “require unendorsed candidates for the Senate who have made a request to be grouped to each be nominated by 100 unique electors;”

Yet again, a barrier to entry – and also anti-competitive. It is highly problematic and unfair proposal.

This will create a real barrier to like-minded candidates being grouped together. Instead they will now join the “ungrouped” column at the end of the Senate ballot paper where they are treated as second-class citizens with electors being denied the opportunity to vote for them above the line.

The Australian Democrats believe that "above the line" voting should be removed, but while ever there is voting above the line, this should be available to all groups (not just registered parties) and all candidates who want to be listed as individuals. All candidates should to be treated equally, instead of preferential treatment given to candidates from registered parties.

The Australian Democrats thank you for your consideration of our submission.

Yours sincerely,

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12 July 2012

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