

The Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600

The Chairmen,

Submission regarding the 2007 Federal Election

I refer to the committees' calling for public submissions regarding the 2007 Federal Election. I wish to make a submission.

I have always had an interest in civic issues and am particularly interested in freedom of speech, of political rights and public discourse and have been a member of Amnesty International and on the committee of a Council of Civil Liberties. A number of issues have arisen in the context of the recent 2007 election and also the general political climate which are not conducive to a properly functioning democracy. I have commented on each of them below.

Political slogans

Wearing of political slogans needs to be covered by electoral legislation, whereas it appears to currently only apply to party advertising. The recent Federal Election saw many instances of Kevin 07 t-shirts, or your rights at work t-shirts been worn and allowed to be worn in polling booth and worn by party workers. Clearly there is something defective with the legislation when such clearly political material is permitted into polling booths, when the rules on other material are abundantly clear.

The test should revolve around the purpose the person has in wearing the 'political slogan'. If the person is intending to convey a political message by wearing the political message - then it is a political message, whether it is party produced/supported or not. It is clearly contrary to the intent of the legislation, and if the current legislation is unclear then the legislation should be amended appropriately to ensure that the public is not bombarded in polling booths with more political paraphernalia than currently the case.

I have provided a copy of an article which appeared in the Canberra Times (24 February 2008) which demonstrates the absurdity of the current interpretation and which occurs in the patch the committee occupies. Whilst it is not electoral legislation specific it demonstrates that the suffers of Parkinsons Disease are treated abominably by comparison with government staffers who are sporting Kevin 07 t-shirts in Parliament House. If the committee or the government cannot see the absurdity of the differential treatment perhaps they might like to explain that in person to the suffers of Parkinsons Disease for one.

Reviews on political material

In the electronic age increasingly electoral material is distributed electronically and is difficult to police. The media blackout which has existed for many years is designed to give a respite to electors and to prevent material been distributed which may affect electors but which cannot be responded to adequately. Increasingly there are issues that arise at election time in printed form, brochures and letters, on radio, television and increasingly on the internet. These materials are not necessarily produced by political parties but often by related entices and the 2007 Election Campaign was unusual for the volume of campaign material and efforts put into the public domain by the trade union movement. Having read material from the Australian Nursing Federation (ANF) many of its claims could be interpreted to be at best highly misleading. This example is used to illustrate a point rather than a specific criticism of the ANF.

Whilst any group is quite able to participate in the political process false and misleading or erroneous material should be strictly policed by the AEC in particular. Whilst commercial television has a review mechanism it covers part of the field and in the case of the internet, there appear to be no rules at all. During and before election campaigns there must be a speedy and simple mechanism to review electoral and political material. This could deal with authorisations, factual issues, and the AEC should devote the appropriate resources to this area, and if existing resources are insufficient then sufficient appropriation should be made for it to occur. The increasing use of the internet allows for greater abuse of the ability to distribute material and influence electors. The AEC must be resourced adequately for this specific activity, which is a growth area in terms of potential political abuse.

Permanent postal voting

Many elderly and sick voters go through a process of applying for postal votes at election times. There is a facility for such votes to be placed on a permanent register and not have to be put through the drama of having to applying for postal votes and sometimes missing out due to confusion and delays. Many of these people are unaware of the availability of this facility. The AEC could readily follow up with voters who are users of postal votes, and those of advanced years as a pre-emptive measure to identify those who are frail and those with debilitating illnesses such as motor neurone disease, and place them on this register. This would be one action that would enormously helpful to these electors and which the AEC could readily implement administratively.

Variations in political systems

I understand that there is supposed to be a tendency to cooperative federalism in the land. There is comparatively little evidence of this in electoral systems. I live in a jurisdiction with Hare-Clark, which has comparatively restrictive limitations on material at polling booths, like Tasmania. The biggest differences relate to voting procedures and the use of compulsory preferential voting and optional preferential voting which largely affects Queensland and New South Wales. This difference impacts on formality in a substantial way and many electors are not particularly interested in the minutiae of political processes and the information on ballot papers is of little assistance, it is surprising the number of ballots marked only with a one, tick or a cross. Now whilst it may not affect the overall result of any election it effectively disenfranchises electors.

I am inclined to argue for optional preferential voting at a federal level, this would minimise the difference between the voting systems of the country for about 55% of the electors (NSW, Queensland). It would be more consistent with the systems of the ACT and Tasmania (a further 5% of electors). Whilst in South Australia there is a form of ticket voting to turn defective votes into formal votes. Such a change to optional preferential voting would bring the voting formality for the Senate and House of Representatives into great synch also.

Public funding and public disclosure

In the public mind the two issues tend to be linked, although they are quite different and exist for quite different reasons. In recent times fundraising scandals have arisen in New South Wales in particular with the Wollongong Council and also the observation of the level of donations from developers to state governments who control planning laws and have the ability to approve particular projects.

The sudden conversion by the Premier of NSW (Mr Iemma) recently to the side of scrapping/capping to donations political parties is not anomalous at all, as his party is in asset terms and income from those assets very well placed to operate in a quasi or pure public funding environment. His party's competitors so not enjoy the same level of party asset or asset derived income. If the ban that Mr Iemma advocates were to become law, Australia would cease to be a functioning democracy. As Stephen Mayne of Crikey has pointed out the net worth of the ALP and its associated union movement may have a tax deduction and tax exempt funded asset base of \$1billion.

A ban or severe limitation on donations would effectively leave the ALP in an utterly dominant position financially. Even the imposition of a limitation on union support for the ALP would only partly address the problem, as the ALP would still be the largest party asset or asset derived income party, but not by as dominant a margin as with union funds. It is the practice of most democracies to prohibit the affiliation of political parties and unions for the very reason of the corruption of the political process.

Whilst it is not ideal at least allowing donations enables other parties in addition to public funds to viably campaign. It is unlikely that at anytime in the future the ALP will be outspent in an election by a major opposition party. The ALP will enjoy similar amounts of public funds, and will have a greater income generated from its assets to contest any election, unless there is a an avalanche of donations to the opposition party. This seems unlikely.

Should the ban or limitation on donations be successful, Australia would become a one and a half party state, caught in the twilight of being a quasi democracy and a one party state, with one party so dominant financially that it can virtually buy elections.

Yours sincerely,

Martin Gordon
10 April 2008

Attachment A. Article from Canberra Times 28 February 2008