



# *Democratic Labor Party*

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## SUPPLEMENTARY SUBMISSION TO THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS INQUIRY INTO THE CONDUCT OF THE 2004 FEDERAL ELECTION

This submission is made supplementary to an earlier written submission from the Democratic Labor Party and oral responses from me, as secretary, to questions from the committee at the JSCEM public hearing in Melbourne on 25 July 2005.

The submission is made to reiterate the three central and related concerns of the DLP that arise from the “500 rule” and the “no overlap rule” upon which the registration of political parties is based under the *Commonwealth Electoral Act 1918*.

The submission is made also to point out that assumptions underlying the thrust of questions put by the JSCEM to the DLP do not allow for the central concerns to be addressed.

Democratic Labor Party members have apprehensions that the registration rules requiring electors to be identified with their political allegiances for public purposes on an Electoral Commission list will serve to undermine the principle of the secret ballot, intrude on the privacy of the electors’ political beliefs and put barriers in the way of freedom of association.

The main thrust of questions put to the DLP at the JSCEM hearing related to whether or not the 500 rule was too onerous and perhaps amenable to some alteration. A lowered threshold for registration was put as a possible option, or a differential threshold for new parties wanting legitimacy and established parties which have had their *bona fides* tested already in the market of the electoral process. No questions related to the no-overlap rule except in so far as abuse of the system was raised in passing.

The concern of the Democratic Labor Party is that the need for the ordinary members of selected political parties, or of any party, to be identified with their political allegiances, in effect for public scrutiny is an affront to what we have come to regard as our democratic system.

Under United Kingdom electoral legislation political parties are eligible to register and to qualify for electoral funding upon indicating their intention to stand at least one candidate at the next subsequent election. Rank and file

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members of these parties do not need to be identified. Understandably, the identities and other relevant particulars of key office-bearers is required to be entered in the register. There is no membership threshold.

Federal electoral legislation in the United States is similarly concerned with key office-holders such as the members of finance and campaign committees and the like who will be accountable in relation to public funds received by their political parties, but not the ordinary rank and file members. I have been unable to find anything in the electoral legislation I have examined that relates to a membership threshold for the registration of parties.

In responding to some questions on the “threshold” issue put to me at the Melbourne hearing of the JSCEM I indicated that the preferred position of the DLP, were a threshold necessary, was to count electors willing to support the registration of parties rather than party members. Albeit, the DLP maintains its view, supported by experience in the UK and US electoral systems which shows that a membership requirement for registration is really not needed.

By way of a final observation, the registration of political parties confers an unwarranted “legitimacy” on parties that become registered and can render other parties “illegitimate” in the eyes of electors. Serious questions need to be asked about the need for registered parties. The *registered party* with its protected, quasi-perpetual status, as distinct from the party that registers (or simply nominates a candidate) to contest an election, as happens in the UK, will enhance bureaucracy - it is happening apace in the Australian Electoral Commission - but the gains for democracy will certainly be less than clear.

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