

Secretary
Joint Standing Committee on Electoral Matters
(By email: jscem@aph.gov.au)

29 July 2008

Dear Secretary,

**Supplementary submission to JSCEM's Inquiry into 2007 federal election –
Political funding matters**

This submission supplements the one I sent to the Committee on 4 June 2008 and briefly addresses two matters.

Subsequent to the lodgment of my principal submission, I completed a submission to the Victorian Electoral Matters Committee's inquiry into political funding. The latter submission discusses in some detail the question of local government political funding, particularly in Victoria, and may be of assistance to this Committee's inquiry. It is available at

<http://www.parliament.vic.gov.au/emc/Inquiry%20into%20Political%20Donations%20and%20Disclosure/Dr%20Joo-Cheong%20Tham%20-%20EMC.pdf>).

The other matter concerns the process with which changes are to be made to Australia's political funding regime. It is imperative that such a process be *inclusive* and *deliberative*. The former principle implies that the widest possible participation in the process of debate. A deliberative process, on the other hand, requires that key questions be open to debate and adequate time be set aside for discussion. Both principles will shape the extent to which there is democratic deliberation of political funding changes.

In light of these principles, I welcome the federal government's staged approach to the question of political funding reform. By firstly tabling a Green Paper which presumably will be followed by a White Paper, considerable scope is given to inclusive deliberation. There is, however, a threat to democratic deliberation that is

perhaps not so apparent: executive-dominance of the political process. There would, for example, be a democratic deficit if key features of a reform agenda were to be settled through an agreement amongst the Prime Minister, State and Territory Premiers and Chief Ministers, all of whom are from the Australian Labor Party, and then presented as a *fait accompli* to their respective Parliaments. The absence of meaningful parliamentary deliberation will mean that most elected representatives, especially those from the Opposition and minor parties, are deprived of a fair chance to debate these matters. This will mark out such a process as undemocratic.

The role played by this Committee and State and Territory electoral matters committees will be crucial in ensuring that parliaments are central to the process of reform. While the Special Minister of State's intention to have the Green Paper considered by this Committee and 'to work closely with JSCEM' is to be welcomed,¹ further steps need to be taken to involve the various electoral matters committees in a more cohesive and systematic fashion. One option is to convene a forum bringing together members of the various electoral matters committee to publicly debate and discuss the Green Paper once it has been tabled. Such a forum would, in fact, be analogous to the Council of Australian Governments and is likely to enhance the degree of parliamentary involvement in the reform process.

Thank you for reading my submission.

Yours sincerely,

Dr Joo-Cheong Tham, Senior Lecturer, Melbourne Law School

¹ Special Minister of State, Senator John Faulkner, 'Electoral Reform', media release, 28 March 2008 (http://www.smos.gov.au/media/2008/mr_062008.html at 29 July 2008)