

Submission to Senate Finance and Public Administration Committee's Inquiry into the *Commonwealth Electoral Amendment (Democratic Plebiscites) Bill 2007*

FROM: Professor Brian Costar

22 August 2007

1. I submit that this Bill undermines the independence of the Australian Electoral Commissioner enshrined in the 1983 amendments to the CEA. This comes about by the fact that the reported comments of the Prime Minister and other Ministers that the services of the AEC will be made available for the conduct of plebiscites concerning local government amalgamations in effect means that the AEC will be 'directed' by the Special Minister of State to conduct such plebiscites when and where the Minister so determines. This infringes the status of the Commissioner as an independent statutory officer.
2. While it is true that the AEC conducts elections for 'other organisations' it does so by tender. This is materially different from public reports that the AEC will provide its services to select Councils free of charge.
3. The AEC is currently engaged in the important logistical task of preparing for a federal election—including a major campaign to get young people on the roll. It should not be distracted from that task by being required to conduct plebiscites which have no capacity to alter the recent amendments to Queensland's Local Government Act.
4. It has been stated publicly that any proposed plebiscites may be held in conjunction with the federal election. To do so would constitute a major breach of the intent of S 394 of the CEA which, for good reasons, seeks to keep federal polling day clear from conflicting state or local government elections.
5. For these reasons, I respectfully submit that the Committee should recommend that the Bill not be proceeded with.