



SUBMISSION FROM THE GREENS NSW

TO: THE SENATE FINANCE AND PUBLIC ADMINISTRATION  
LEGISLATION COMMITTEE

ON: THE ELECTORAL AND REFERENDUM AMENDMENT (ELECTORAL  
INTEGRITY AND OTHER MEASURES) BILL 2005

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The Greens NSW oppose each of the proposed amendments referred to below.

#### 1. DONATIONS DISCLOSURE THRESHOLD OF \$10,000

An increase in anonymous donations to political parties is not good for democracy in Australia. If the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill* becomes law it will be easier for supporters to donate to political parties without any public awareness of who is buying access to those who make policy decisions affecting all citizens.

For the big political parties fund raising for election advertising is the key to electoral success. The party that raises the most money increases its chances of winning. So it is not surprising that the Liberal party has come forward with these far-reaching changes that will make it much harder for Australians to ascertain who wields political influence via their funding generosity.

When Special Minister of State Eric Abetz first floated the Coalition's electoral agenda earlier this year, his suggestion was to change the threshold for the declaration of contributions from the current \$1,500 to \$5,000. But the Coalition now has decided to further lift the threshold to ensure that all donations under \$10,000 should remain anonymous.

Why this change was made has never been revealed but what is obvious is that it will suit corporate donors and the Coalition parties.

An examination of donations to the NSW division of the Liberal Party in 2003-04 reveals that if the threshold for declaring contributions is \$10,000, then 65 per cent of the money would have been from unknown donors.

We have also looked at the recently released 2004-05 donations to the NSW Liberal Party and the figures for undisclosed donations are similar to the previous year. You would have to assume that the amount of anonymous donations will increase, if people know beforehand that they will not have to reveal their details.

Certain Coalition members argue that their proposals are about protecting the "legitimate rights" of individuals and companies to privacy. But the real motive is not privacy, but secrecy.

## 2. NO EXTENSION OF THE DEFINITION OF ASSOCIATED ENTITY

While the so-called *Electoral Integrity Bill* makes it easier for the corporate world to give to their favourite political party, unions and some community groups will be heavily regulated under a new definition of 'associated entity'.

If the Bill were passed a number of these groups would become "associated entities" and so be required to follow bureaucratic procedures not relevant to their day-to-day work. Associated entities are required to furnish an annual financial return to the Australian Electoral Commission revealing all significant financial details.

Under the current electoral law associated entities are organisations controlled by, or operating to a significant extent for the benefit of, a registered political party. The groups that would come under the new definition clearly have a much broader function than associated entities. Only a small amount of their work involves election campaigning.

The Liberal Government's push to classify unions and other progressive organisations as associated entities is punitive. There are already clear procedures in place for disclosure to the Australian Electoral Commission. If any groups campaign during elections on certain specific issues or make donations of \$1,500 or more to a political party or candidate, they have to declare the expenditure to the AEC.

## 3. UNDEMOCRATIC EARLY CLOSURE OF THE ROLLS

Following the issue of the writs for a federal election, Australians who are not on the electoral roll currently have seven days in which to enroll. In this seven day period, tens, if not hundreds of thousands of Australians enrol or update their electoral roll details. The period in which people can enrol should be extended if possible rather than be reduced. The proposed amendments to close the roll on the day on which the writs are issued will result in an appalling disenfranchisement of many Australians, particularly young Australians, who would otherwise be able to enrol in the seven day period and vote in the election. It is as if the proposed measures were designed to prevent many young Australians voting. It is interesting to note that publicly available opinion polls indicate that a higher proportion of the young voter demographic, compared to older Australians, do not vote for the Coalition but instead vote for parties such as the Labor Party and The Greens.

The Australian Electoral Commission has coped with a seven day enrolment period in previous elections and there is no good reason to reduce the enrolment period.

## 4. UNFAIR AND DANGEROUS DE-REGISTRATION OF POLITICAL PARTIES

The proposed amendment to automatically de-register dozens of political parties is an extraordinary attack on the democratic rights of many minor parties. Only those parties that have had representation in the federal parliament will be exempted. Political parties re-applying for registration will be required to comply with naming provisions, which it is understood became law after most of these parties became registered. The amendments are clearly designed to keep parties off the register if they have a similar name to any larger party that remains registered. This is likely to

result in the permanent de-registration of at least two currently registered minor parties unless they adopt a new party name to enable registration.

The mass de-registration of political parties without just cause is a very dangerous precedent that is inconsistent with democratic principles.

#### 5. DENYING PRISONERS THE RIGHT TO VOTE

Punishment for some crimes is imprisonment, and it is not appropriate that additional unnecessary punishments be imposed on the prison population. Loss of prisoners' right to vote would be an unnecessary additional punishment for the crime for which the prisoner has been convicted. Voting in the nations prisons has been conducted for many elections and there is no valid reason for curtailing the right to vote. Voting does not interfere with the detention of a prisoner, and is in fact a beneficial way of involving prisoners in broader society.

Many prisoners will return to live in the community during the term of the government to be elected, yet these people would have had no say in determining the government of the day.

The proposed amendment appears to be another attempt to deprive a constituency of the right to vote because it is a constituency that traditionally does not favour the Coalition parties.

#### 6. NO INCREASE IN NOMINATION FEES

If nomination deposits were increased from \$350 to \$500 for a House of Representatives seat and from \$750 to \$1000 for a Senate seat it would be a very significant increase in expense for a small party planning to contest many electorates. To run in all 150 lower house seats and have full Senate tickets of six in each state and two in each territory would cost a party \$115,000 in nomination fees alone. Democracy requires that nomination fees are small, otherwise access to contesting the elections becomes confined to those who are wealthy.

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