

ADDITIONAL COMMENTS BY SENATOR NATASHA STOTT DESPOJA

1.1 I feel compelled to add some additional comments to the Committee's observations regarding the exemption for political acts and practices in the Privacy Act.

1.2 In considering whether there is any justification for this exemption, it is important to examine its practical effect. As the Committee notes, the Government has sought to justify this exemption on the basis that it fosters freedom of political communication and enhances the democratic process. However, the evidence suggests that the opposite is the case.

1.3 This exemption has allowed some political parties to develop extensive databases, containing information about their constituents, the most notable of which are the Coalition's database, *Feedback*, and the Australian Labor Party's database, *Electrac*.

1.4 The practical operation of these databases has been described in detail by Peter Van Onselen and Wayne Errington in their article, "Electoral Databases: Big Brother or Democracy Unbound?"¹:

The design and operation of electoral databases is fairly simple. Access to commercially available information, the Australian Electoral Commissioner (AEC) data and the telephone directory provides the raw material of names and addresses of constituents. That is where the hard work begins. The purpose of these databases is to provide parties with information about the policy and voting preferences of individual voters, and to collate this information in ways useful to political campaigning².

1.5 Van Onselen and Errington go on to explain that the databases are enhanced in two different ways, the first of which involves 'tagging' individual voters according to their voting information, party affiliation, history of donations and ethnic identity. These tags are:

based on information gathered through contact with the electorate office, local newspaper coverage (letters to the editor providing good information about issues of interest to particular voters), door-knocking and telephone canvassing³.

¹ *Australian Journal of Political Science*, Vol. 39, No.2, July 2004, p. 349-366.

² Van Onselen and Errington, p. 353.

³ Van Onselen and Errington, p. 353.

1.6 The second way of adding to the databases is to collect detailed information when constituents contact the office of a parliamentarian or candidate. Office staff are trained to log the details of all telephone conversations, correspondence and face-to-face meetings into the database.

1.7 A particular concern relating to the collection of information by this means is that it blurs the line between members of parliament as holders of public office on the one hand, and as members of a political party on the other. Constituents may well need to seek the assistance of their local member and, in doing so, they may need to disclose detailed information about their personal life, welfare benefits, employment, or involvement in community groups. Questions arise as to whether such information, which has been provided to a public office holder for the purpose of seeking assistance, should then be entered onto a database designed to advance the interests of a political party.

1.8 There are a number of additional concerns relating to the operation of these databases. The first relates to the widespread practice of providing training courses on database operation under the Parliamentary Entitlements Act, which amounts to the use of public resources for party political gain.

1.9 Secondly, the databases foster a preoccupation with swinging voters at the expense of other constituents. While this understandable in an electoral context, it raises questions about the democratic process, more generally. As Van Onselen and Errington note, the primary purpose of these databases is to identify and influence swinging voters. They ask:

Do databases contribute to the marginalisation of large numbers of voters on the basis that they can be identified as strongly supporting a political party? Does the targeting of campaigns towards swinging voters skew public policy towards the wants of a tiny minority of the electorate...? These questions strike at the very heart of representative democracy.⁴

1.10 Finally, constituents have no right to access the information held about them or to correct that information if it is inaccurate. This is particularly concerning given that these databases contain information about the political views of constituents. Some of the means by which information is collected and entered onto the databases raise serious questions about the accuracy of the information. However, the other obvious point to make is that political views are often fluid and can change over time.

1.11 With these concerns in mind, the stated justification for the exemption from the Privacy Act – namely, that it is intended to encourage freedom of political communication and enhance the political process – rings rather hollow.

1.12 On the contrary, the unregulated operation of political databases has the potential to diminish public confidence in the democratic process, discourage

⁴ Van Onselen and Errington, p. 361.

constituents from contacting their local Member of Parliament and distorting the political process by skewing it further in favour of swinging voters.

1.13 While it is true that these databases "would be much less effective were political parties not exempted from the Privacy Act"⁵, it is also clear that they could continue to operate in a more regulated fashion, should the exemption be abolished. Perhaps the most significant difference would be that individual Australians would, for the first time, have a right to access the information held about them by political parties and to correct any information that might be inaccurate.

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⁵ Van Onselen and Errington, p. 349.

