



Mr Stephen Boyd
Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
PARLIAMENT HOUSE
CANBERRA ACT 2600

Dear Mr Boyd,

The Australian Democrats national president, Julia Melland has asked me to respond to your letter of 2 September 2009 on behalf of the Australian Democrats.

Thank you for asking our opinion re: the Joint Standing Committee on Electoral Matters *Report on the conduct of the 2007 federal election and matters related thereto* and to comment on the "events in the division of Lindsay which occurred on 20 November 2007."

As the Committee is aware, the Australian Democrats (through then Senator, Andrew Murray) have already put in a substantial and lengthy public submission to the Committee reporting on the 2007 election.

The Australian Democrats do not intend to make specific recommendations re s38 of the Commonwealth Electoral Act.

In general however the Australian Democrats would think it might be better for s38 penalties not to be examined in isolation of the intent and efficacy of deterrence or punishment regimes in the Commonwealth Electoral Act as a whole.

There can of course be serious electoral consequences in the practice of distributing misleading and/or unauthorised material, especially if it isn't picked up until after the election and the fines or other penalties should act as a sufficient deterrent. As the Committee is aware, it is good legislative practice to periodically review the effectiveness and nature of criminal and civil sanctions in law.

The Australian Democrats have no particular concerns with respect to current penalty levels and types, and can therefore offer no particular recommendations, but we would be interested to see any advice from the Attorney General on a modernised penalty regime for electoral offences.

Yours sincerely,

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