



GETUP SUBMISSION TO THE ELECTORAL LEGISLATION AMENDMENT (MISCELLANEOUS MEASURES) BILL 2020 INQUIRY

GetUp welcomes the opportunity to make a submission to this inquiry and we will concern ourselves with two elements of the bill - a missed opportunity and a grave threat to democracy.

Disclosure of Donations

The main purpose of this bill is to rectify the Commonwealth Electoral Act in regards to the sections struck down by the High Court last year. It is disappointing that the Government has not used this opportunity to improve transparency around disclosures. This bill undermines transparency measures that many State and Territory jurisdictions have implemented. We need more transparency, not less.

Under this bill, we will continue to see:

- Property developers, who are forbidden by state legislation, allowed to make donations to the federal political parties
- Political parties being able to 'wash' prohibition donations back and forth between state and federal branches
- Almost a year pass before donations are disclosed for election campaigns

GetUp believes this is a missed opportunity to fix our federal donation disclosure regime. While there is a need for comprehensive reform (which we have long advocated for), including donation caps and expenditure caps, at a bare minimum this bill should be amended to:

- Lower the donation disclosure threshold
- Require more timely disclosures of donations, particularly for election periods
- End the ability for donations to have a simultaneous purpose of having a federal purpose and supporting state and territory elections.

Voter ID by Stealth

The second aspect of this bill that GetUp is concerned with is the changes to the questions asked of voters by voting officials. GetUp believes these changes pose a grave threat to our democracy. The result of these amendments will allow Voter ID laws by stealth and could be used as a form of voter suppression. While the intent to have greater flexibility in these exchanges with voters is to be commended, this amendment will allow poorly trained and/or ill intentioned voter officials the license to ask voters for their identification. GetUp does not think that this would initially be a wide spread problem, and GetUp acknowledges the efforts the Australian Electoral Commission (as well as the State & Territory Electoral Commissions) go to in training a sporadic and largely casual workforce.

Allowing voting officials to ask for identification could see many voters turned away from the polling booth for not having the correct identification. This will disproportionately affect younger voters, elderly voters, voters from migrant communities, recently eligible voters and in particular Aboriginal and Torres Strait Islander communities.

During the 2019 election, GetUp found numerous examples in remote communities across the Northern Territory, Queensland and Western Australia of voters being given false or misleading information when going to vote. This often resulted in confusing and intimidating declaration votes. Our concern is that the new laws will result in many voters being turned away, further exacerbating the disenfranchisement of these communities.

An amendment needs to be added to prohibit the asking for physical identification, while still preserving the flexibility of the questioning.

Conclusion

It is clear that this bill needs further scrutiny and should not be rushed through either the committee process or parliament. This bill, while seeking to modernise and give greater flexibility to the Australian Electoral Commission, has significant consequences for our democracy that should not be minimized.

GetUp is happy to assist the committee further in its inquiries.