

Nick Xenophon

Senator-Elect for South Australia

PO Box 8305

Station Arcade

ADELAIDE SA 5000

Telephone: 8336 8888 Fax: 8336 8714 Email: nickx@xen.net.au

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Mr Daryl Melham MP

Chairman

Joint Standing Committee on Electoral Matters

PO Box 6021

CANBERRA SA 2600

Sent by email: jscem@aph.gov.au

Dear Mr Melham,

RE: Inquiry into the 2007 Federal Election

I refer to the above-mentioned Inquiry and its terms of reference as proposed by the Special Minister of State and agreed by the Senate on 11 March 2008.

I note that I have been granted a short extension of time for this submission.

This submission should not be taken to be an exhaustive statement of my views of the matters before the Inquiry, rather it attempts to highlight some of the issues that are of particular concern to me and also that I have experienced first hand as an Independent Candidate at the 2007 election.

"There are two things that are important in politics. The first is money and I can't remember the second". **Mark Hanna, who ran the successful US Presidential campaign for William McKinley in 1896.**

1. At the outset, I refer to the report entitled: "Political Finance in Australia: a skewed and secret system", prepared by Sally Young and Joo-Cheong Tham for the Democratic Audit of Australia (School of Social Sciences, Australian National University, Report No. 7, 2006 – which I will refer to as 'the 2006 ANU Report'), and the "Democratic Audit's Electoral Reform Agenda", prepared by Norm Kelly, Marian Sawyer and Peter Brent (Australian National University, February 2008 – which I will refer to as 'the 2008 ANU Report').

2. I support in broad terms the recommendations made in the 2 ANU Reports and in particular:

2.1 The recommendations requiring greater transparency and disclosure of donations and gifts;

2.2 A broadening of the definition of 'associated entity';

2.3 The requirement to have an auditor's report verifying the accuracy of returns (including the reasonableness of expenditure), and tying public funding to actual expenditure.

2.4 Linking public funding for campaigns with restrictions on the size of individual donations. Furthermore, this could be modified to require donations to be refunded in part or in full, subject to the level of public funding. (I attach a copy of the agreement that I used for donors during my 2007 campaign, which sets out a formula for refunds.)

2.5 That further to the 2006 ANU Report's recommendations 22 – 25 (on the use of MPs entitlements being used for electioneering purposes), the UK model should be considered, in that it requires MPs staff and advisors not to be paid from the public purse once the writs are issued for an election, in relation to 'electioneering purposes' (which ought to be broadly defined). I attach the Scottish Parliament's 'Guidance on the Use of Parliamentary Resources During a UK Election Campaign' which could provide a useful template here.

2.6 That there should be timely disclosure of campaign donations, gifts and pledges, and in particular be publicly available online with continuous disclosure during election campaigns (see page 3 of the 2008 ANU Report on donations).

3. Whilst this Inquiry is focussed on issues of funding, I note the terms of reference are broad enough to raise the issue of Independent Senate Candidates and their 'above the line' status.

3.1 The current provisions of the Commonwealth Electoral Act (unlike for instance, the SA Electoral Act) prevent an Independent Candidate having any form of identification above the line, apart from the letter of the alphabet allocated to the candidate (or grouped candidates) following the ballot draw.

3.2 The current provisions place an Independent Senate Candidate at a significant disadvantage, in that in my experience, there appeared to be considerable confusion on the part of a number of voters who were unsure, in the absence of my name appearing above the line, whether they were required to mark my name below the line instead. An appreciable part of my election budget and resources were expended solely in educating voters on how to vote formally for me above the line.

3.3 I understand some of the policy considerations in allowing all Independent Candidates to have the right to have a word or words above the line to identify their candidacy (in SA, up to 5 words to describe the candidate group are allowed after the word 'Independent'). I believe those concerns could be largely dealt with by requiring at least 500 nominating signatures (rather than the current 50) which would give the right for a description of the candidate group above the line.

I look forward to hearing from the Committee should it wish me to elaborate on any aspect of this submission.

Yours sincerely

NICK XENOPHON