Review of the

Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012

Submission

It is often said that justice delayed is justice denied.

While the Parliament has an obligation to review electoral law and the processes of elections and referenda, the scope of some of the changes proposed within the Review of the ***Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012*** which ought cause considerable concern.

1. Time Frame for Submissions

The **Joint Standing Committee on Electoral Matters** has been considering this matter for some months – perhaps more than a year. To then restrict the time for public submissions to a paltry fifteen days – and those days falling almost entirely into the mid-year school holiday period in several states – shows little regard for the electorate.

Allocating just two hours for the presentation of public submissions – and that on the morning of the following business day – seems consistent with that level of regard.

Changes of the moment of those considered deserve a far greater time frame for submissions and far wider prominence in public debate.

2. Nomination Deposits

There is no argument that nomination deposit paid by or on behalf of each candidate ought to be adjusted in line with movements – over time – in the value of the Australian dollar.

In his Second Reading speech to the House of Representatives, Special Minister for State and Minister for Public Service and Integrity, Mr Gary Gray acknowledged – if obliquely – that the nomination fee itself serves to place "some reasonable thresholds" on the capacity of eligible citizens to stand for Parliament.

That there had been no adjustment to the nomination fee since 2006 may be an argument for such adjustment. That such adjustment be a **doubling** of the current fee is both exorbitant and unjust, and offends against democracy itself.

The capacity of citizens to rise at the calling of their fellows is a fundamental of parliamentary democracy. That these citizens may emerge from small parties or as independents serves only to strengthen – rather than to diminish – that expression of democracy.

Whether or not one favours a particular elected representative, or their style, or their political beliefs, it is the electorate, speaking as a whole and in an unfettered electoral process, which entitles that citizen to a seat in the Parliament of Australia.

Parliaments of Australia – the Commonwealth, the States and the Territories – have included representation from independents and minor parties for more than a century. With few exceptions, those Parliaments have not been impeded by the presence of minor players or independents.

Indeed, the Hare-Clark system has produced a series of unique Parliaments in Tasmania: the largest grouping in the Tasmanian Legislative Council (Upper House) is of independents!

3. Numbers of Independent Nominators

As with the doubling of nomination fees, the **doubling** of the number of independent nominators is excessive. Indeed, it can be shown to act to the electorate's disadvantage by denying electoral opportunities to candidates of considerable quality.

As Deputy Registered Officer for the Democratic Labor Party in Victoria, I attended the State office of the Australian Electoral Commission to nominate the DLP Senate team in July 2010. While waiting, an independent candidate sought to nominate, but had only 45 of the required 50 names.

This gentleman had three years previously surrendered his employment in order to develop fully the policies he had created to address the shortcomings of the financial system.

Whether he would have been successful in bringing to fruition the solutions he had by now fleshed out cannot now be known. Clearly, he needed a little more political nous in order to be able to bring his ideas before the Parliament. But even the constraints in place at that time – let alone those envisaged and proposed by this JSCEM – were enough to prevent him from even presenting himself to the electorate at the 21 August 2010 election.

4. Disqualification of citizens from electoral rolls

Amending the bill by removing the reference to those of 'unsound mind' is a timely change.

However, the withdrawal of a citizen's right to vote ought be a last resort, with the greatest care taken in any assessment that results in the loss of so basic a right.

Medial practitioners, psychiatrists and psychologists have detailed means and instruments with which to measure disability. It would be a tragedy if less rigorous means and instruments were invoked to deny someone the vote on the basis of their physical appearance or interaction with their assessor.

Kevin Butler
Federal Treasurer
Democratic Labor Party (DLP) **of Australia**

Victorian State Secretary 2009-2012