

Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012

Introduced into the House of Representatives on 27 June 2012

Portfolio: Special Minister of State

Response received: 13 September 2012

Committee view

1.2 The committee thanks the Special Minister of State for his comprehensive response to the committee's request. Having considered the response in conjunction with the statement of compatibility, the committee is satisfied that this bill does not appear to raise any human rights concerns.

Purpose of the bill

1.3 This bill amends the Commonwealth Electoral Act 1918 (the Electoral Act) and the Referendum (Machinery Provisions) Act 1984 (the Referendum Act) to:

- remove the prescription relating to how postal votes are processed currently set out in the Electoral Act and the Referendum Act. The amendments will also seek to allow for technological developments over time;
- increase the sum to be deposited by or on behalf of a person nominated as a Senator from \$1000 to \$2000;
- increase the sum to be deposited by or on behalf of a person nominated as a Member of the House of Representatives from \$500 to \$1000;
- increase the number of nominators required by a candidate for the Senate or the House of Representatives who has not been nominated by a registered political party from 50 to 100 electors;
- require unendorsed candidates for the Senate who have made a request to be grouped to each be nominated by 100 unique electors; and
- make a number of minor and technical amendments.

Compatibility with human rights

Right to take part in public affairs and elections (Article 25 ICCPR)

1.4 The committee notes that the Special Minister of State has provided a comprehensive response setting out further information with regard to the considerations taken into account in arriving at the conclusion that the nominated thresholds and deposit amounts are reasonable and do not act as a barrier to candidacy.

Any Member or Senator who wishes to draw matters to the attention of the committee under the *Human Rights (Parliamentary Scrutiny) Act 2011* is invited to do so.

1.5 On the question of the compatibility of the proposed increased sum to be deposited by or on behalf of a person who is nominated as a candidate, the Special Minister of State has provided a comparison of the application of monetary deposits in other jurisdictions and has demonstrated the impact of the proposed changes through an analysis of results in the 2010 Senate election in New South Wales. The committee notes that the approach proposed is consistent with that applied in other jurisdictions, that nomination deposits are returned to the candidate in certain circumstances and that the proposed increases are not discriminatory as they are applied equally to all candidates. The committee is satisfied that the proposed increases appear to be reasonable.

1.6 With regard to the proposed increase in the number of nominators required of a candidate who is not endorsed by a registered political party, the Special Minister of State has demonstrated the need for the proposed increase by reference to the results of the 2010 election for the NSW Senate and to the findings of the Joint Standing Committee on Electoral Matters Review of the Electoral and Referendum Amendment (improving Electoral Procedure) Bill 2012. The committee notes that analysis of the hypothetical impact of the new proposed arrangements, had they applied to the 2010 federal election indicates that the number of electors required appears to be reasonable.

1.7 The committee also notes the Special Minister of State's observation that increasing both the monetary deposits and the number of nominators required for candidates will help to ensure the right to vote contained in Article 25 of the ICCPR is upheld by ensuring ballot papers are easy to use and readable.

1.8 Having considered this detailed response, the committee is satisfied that this bill does not appear to raise any human rights concerns.

1.9 The Minister's response can be found in Appendix 1.